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JEROME C. KETTLESON
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November 19, 2008

RECEIVED

11/20/2008

PUBLIC SERVICE COMMISSION

HAND-DELIVERED

Ms. Debra Simenson
Clerk of Court
Burleigh County Courthouse
P.O. Box 1055
Bismarck, ND 58502-1055

Re: RES Americas Inc., et al v. Public Service Commission, et al
Civil No. 08-08-1709

Dear Ms. Simenson:

Enclosed for filing please find Stipulation for Extension of Scheduled Briefing, together with proposed Order.

Thank you for your attention to this matter.

Sincerely,

PEARCE & DURICK

By 

Jerome C. Kettleison
Phone: (701) 333-0104

JCK/ef
Enclosure

cc. (w/encl.) Hon. Bruce B. Haskell – Hand-Delivered
(w/encl.) Thomas D. Kelsch – Regular Mail
(w/encl.) Wayne Stenehjem – Regular Mail
✓ (w/encl.) Illona Jeffcoat-Sacco – Regular Mail
(w/encl.) Annette Bendish – Regular Mail

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated,

Civil No. 08-08-C-1709

Appellants,

STIPULATION FOR EXTENSION OF SCHEDULED BRIEFING

vs.

Public Service Commission and Minnkota Power Cooperative, Inc.,

Appellees.

STIPULATION

The parties to this stipulation are Appellees, Public Service Commission and Minnkota Power Cooperative, Inc., by and through their attorneys Illona Jeffcoat-Sacco, Annette Bendish, and Jerome C. Kettleison, and the Appellants, RES Americas Inc., PEAK Wind Development LLC, and Burchill Farms Incorporated, by and through their attorney, Thomas D. Kelsch.

WHEREAS, the time for submitting Appellees' briefs in the above matter is now scheduled for December 1, 2008;

AND WHEREAS, the attorney for the Appellee Minnkota Power Cooperative, Inc. has asked that other parties consider agreeing to additional time to file its appellee brief;


AND WHEREAS, the Appellee and Appellants have through their respective attorneys reached an agreement regarding granting of an extension for the filing and service of Appellees' briefs;

NOW THEREFORE, IT IS STIPULATED AND AGREED BY AND BETWEEN THE PARTIES THROUGH THEIR ATTORNEYS, AS FOLLOWS:

1. That Appellee Minnkota Power Cooperative, Inc. and appellee Public Service Commission, may file their appellee briefs fourteen (14) days after the entry of an order on the motion to dismiss pending before the Honorable Bruce B. Haskell. The motion to dismiss is scheduled for oral argument on December 11, 2008 before the Honorable Bruce B. Haskell, and the briefing by all parties has been completed.

2. That any party may submit this signed Stipulation to the Court without further notice to the other parties for the entry of the following Order granting such extension.

Dated: 11/17/08


JEROME C. KETTLESON (ID 03095)
Attorney for Minnkota Power Cooperative,
Inc., Appellee

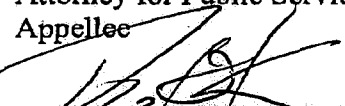
Dated: _____

ILLONA JEFFCOAT-SACCO (ID 03315)
Attorney for Public Service Commission,
Appellee

Dated: _____

ANNETTE BENDISH (ID 05790)
Attorney for Public Service Commission,
Appellee

Dated: 11/19/08


THOMAS D. KELSCH (ID 03918)
Attorney for RES Americas Inc., PEAK
Wind Development LLC and Burchill
Farms Incorporated, Appellants

NOW THEREFORE, IT IS STIPULATED AND AGREED BY AND BETWEEN THE PARTIES THROUGH THEIR ATTORNEYS, AS FOLLOWS:

- 1. That Appellee Minnkota Power Cooperative, Inc. and appellee Public Service Commission, may file their appellee briefs fourteen (14) days after the entry of an order on the motion to dismiss pending before the Honorable Bruce B. Haskell. The motion to dismiss is scheduled for oral argument on December 11, 2008 before the Honorable Bruce B. Haskell, and the briefing by all parties has been completed.
- 2. That any party may submit this signed Stipulation to the Court without further notice to the other parties for the entry of the following Order granting such extension.

Dated: _____

JEROME C. KETTLESON (ID 03095)
Attorney for Minnkota Power Cooperative,
Inc., Appellee

Dated: 11-14-08

ILLONA JEFFCOAT-SACCO (ID 03315)
Attorney for Public Service Commission,
Appellee

Dated: 11-14-08

ANNETTE BENDISH (ID 05790)
Attorney for Public Service Commission,
Appellee

Dated: _____

THOMAS D. KEISCH (ID 03918)
Attorney for RES Americas Inc., PEAK
Wind Development LLC and Burchill
Farms Incorporated, Appellants

ORDER

The Court having reviewed the Stipulation for Extension of Scheduled Briefing in this matter, and finds the Appellees and Appellants have agreed that the appellee briefs by Minnkota Power Cooperative, Inc. and the Public Service Commission may be filed fourteen (14) days following the entry of this Court's Order on the pending motion to dismiss, which motion is scheduled for oral argument before this Court on December 11, 2008.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Appellees may file and serve their appellee briefs on or before the fourteenth day following the entry of an Order on the motion to dismiss, which is scheduled for oral argument on December 11, 2008 before this Court. The reply brief by the Appellants will be scheduled for a time ten (10) days following the filing of the Appellees' briefs.

Dated this ____ day of November, 2008.

BY THE COURT:

Bruce B. Haskell
Judge of the District Court