



Public Service Commission  
State of North Dakota

COMMISSIONERS

Susan E. Wefald, President  
Kevin Cramer  
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Executive Director  
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7 August 2008

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Montana-Dakota Utilities Co.  
Ryan Edwardson, Kidder County, ND  
Public Convenience & Necessity  
Case No. PU-08-345

Montana-Dakota Utilities Co.  
Corey Fanta, Kidder County, ND  
Public Convenience & Necessity  
Case No. PU-08-346

Montana-Dakota Utilities Co.  
Mike Mittleider, Kidder County, ND  
Public Convenience & Necessity  
Case No. PU-08-347

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the above captioned cases. The Hearing is scheduled Tuesday, September 16, 2008, at 9:00 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

The Notice of Hearing has been issued, a copy of which is attached. The Administrative Law Judge will serve as a procedural law judge and the hearing will be tape recorded. Any party may request to have a court reporter present. The party requesting the court reporter is responsible for making the arrangements for the court reporter and paying the costs of the court reporter.

13 **PU-08-345** Filed: 8/7/2008 Pages: 5  
Request for Administrative Law Judge

13 **PU-08-346** Filed: 8/7/2008 Pages: 5  
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Public Service Commission


Public Service Commission

13 **PU-08-347** Filed: 8/7/2008 Pages: 5  
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Public Service Commission

If you have any questions, please contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Illona A. Jeffcoat-Sacco". The signature is fluid and cursive, with a large initial "I" and "A".

Illona A. Jeffcoat-Sacco  
General Counsel

**Enclosures**

c: Thomas B. Bair  
Bair, Bair & Garrity, LLP

Donald R. Ball  
Montana-Dakota Utilities Co.

Dennis Svanes  
KEM Electric Cooperative, Inc.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co.**  
**Ryan Edwardson, Kidder County, North**  
**Dakota**  
**Public Convenience & Necessity**

**Case No. PU-08-345**

**Montana-Dakota Utilities Co.**  
**Corey Fanta, Kidder County, North Dakota**  
**Public Convenience & Necessity**

**Case No. PU-08-346**

**Montana-Dakota Utilities Co.**  
**Mike Mittleider, Kidder County, North**  
**Dakota**  
**Public Convenience & Necessity**

**Case No. PU-08-347**

**NOTICE OF HEARING**

**July 16, 2008**

On July 2, 2008, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., submitted applications to extend electric service to the following customers:

Ryan Edwardson of Steele, North Dakota, at a location in the SW ¼ of NW ¼, Section 17, Township 139N, Range 17W, Lot 2, Kidder County, North Dakota; and

Corey Fanta of Steele, North Dakota, at a location in the SE ¼ of NW ¼, Section 17, Township 139N, Range 17W, Lot 6, Kidder County, North Dakota; and

Mike Mittleider of Steele, North Dakota, at a location in the SW ¼ of NW ¼, Section 17, Township 139N, Range 17W, Lot 1, Kidder County, North Dakota.

On July 7, 2008, protests and requests for hearing were received from KEM Electric Cooperative, Inc., Linton, North Dakota.

Please take notice that a public hearing on these matters will be held Tuesday, September 16, 2008, at 9:00 a.m. CDT, in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.

10 **PU-08-347** Filed: 7/16/2008 Pages: 2  
Notice of Hearing for Sept. 16, 2008, 9:00 a.m.

Public Service Commission

10 **PU-08-346** Filed: 7/16/2008 Pages: 2  
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Public Service Commission

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Notice of Hearing for Sept. 16, 2008, 9:00 a.m.


Public Service Commission


The issues to be considered in these matters are as follows:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Gloria Geiger, Interim Secretary, at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

  
**Tony Clark**  
Commissioner

  
**Susan E. Wefald**  
President

  
**Kevin Cramer**  
Commissioner



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
**NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Case No's. PU-08-345, PU-08-346, PU-08-347 Public Convenience & Necessity

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 \_\_\_\_\_

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY Donald R. Ball, Montana-Dakota Utilities Co.	Address 400 N. 4th St., Bismarck, ND 58501	Telephone Number
Representation	Address	Telephone Number
PARTY KEM Electric Cooperative, Inc	Address PO Box 790, Linton, ND 58552-0790	Telephone Number
Representation Thomas B. Bair - Bair Bair & Garrity LLP	Address P.O. Box 100, Mandan, ND 58554	Telephone Number

Additional Comments  
 The Hearing is scheduled Tuesday, Sept. 16, 2008, at 9:00 a.m. in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, ND.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Ilona A. Jeffcoat-Sacco - General Counsel	Date August 7, 2008
Signature of Requesting Person <i>x Ilona A. Jeffcoat-Sacco</i>	Telephone Number 701-328-2400