

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, November 22, 2011 10:34 AM
To: Hamre, John G.
Subject: FW: Appellee's Brief (N.D. PSC) - Dakota Resource Council v. ND Public Service Commission, et al., Supreme Court No. 20110226

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Date: November 17, 2011 3:12:36 PM CST
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Subject: Appellee's Brief (N.D. PSC) - Dakota Resource Council v. ND Public Service Commission, et al., Supreme Court No. 20110226

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VIA E-MAIL ONLY

November 17, 2011

Mark E. Gruman
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North Dakota Public Service Commission
600 East Blvd, Dept 408
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RE: Dakota Resource Council v. ND Public Service Commission, et al.
Supreme Court No. 20110226
Burleigh Co. No. 10-C-02329

This will acknowledge receipt of the original and seven copies of the Appellee's Brief (North Dakota Public Service Commission) in the above matter. These were filed November 16, 2011.

I am unable to accept your electronic copy of the Appellee's brief as it is not formatted in WordPerfect, Microsoft Word, ASCII, or other compatible electronic language as is required by Rule 31(b)(2), N.D.R.App.P. I request that you provide a diskette in one of the above formats by November 21, 2011. If you are unable to do so, please file a certificate stating the reasons for noncompliance.

I note an Affidavit of Service on opposing counsel was not received. Rule 25(d), N.D.R.App.P., requires that papers presented for filing must contain an acknowledgment of service by the

person served or proof of service in the form of an affidavit by the person who made service. **An Affidavit of Service must be received in this office within five days.**

The time for filing an Appellee's brief expires November 21, 2011. If a party does not file a brief, they will not receive any further notice from this Court. If they would like to receive the opinion, please contact our office as soon as possible to express that intent.

Sincerely yours,

Heather Keller
Deputy Clerk
North Dakota Supreme Court

pc: Brian R. Bjella
Ladd R. Erickson, State's Attorney
Zachary B. Smith, Assistant Attorney General
Derrick L. Braaten

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