



MONTANA-DAKOTA

UTILITIES CO.

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June 18, 2010

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Re: Montana-Dakota Utilities Co. Application and Notice of Change in General Electric Rates
NDPSC Case No: PU-10-124

Dear Mr. Nitschke:

The following is a response to the letter and accompanying comments dated June 10, 2010, submitted by Attorney Jacob C. Hendricks on behalf of Enbridge Energy regarding procedural matters in the above-referenced proceeding.

Montana-Dakota Utilities Co. filed its Application and Notice of Change in General Electric Rates on April 19, 2010. Despite its concerns that the hearing and discovery schedules may not allow adequate time for proper case development, Enbridge acknowledges that it has not intervened in this proceeding and may never do so. Unless Enbridge becomes a party to this proceeding, there is no basis for its concern nor does it have standing to request changes to either the hearing or discovery schedules.

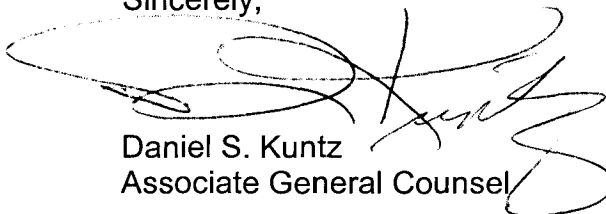
Specifically, regarding its request to extend the period of suspension of Montana-Dakota's rate filing, Enbridge misconstrues the effect of the Commission's suspension authority under NDCC § 49-05-06. NDCC § 49-05-06 limits the period for which the Commission can suspend proposed rates to not more than six months beyond the time when the rates would otherwise go into effect (typically 30 days after filing). The statute does not limit the length of the Commission's investigation of the proposed rates; nor does the statute require that an order on the proposed rates be issued prior to the expiration of the suspension. Rather, if an order is not issued prior to the end of the suspension period, the suspension period ends and the rates become effective subject to the right of the Commission to alter or modify the rates prospectively.

O'Connor v. Northern States Power Company, 308 N.W.2d 365 (N.D. 1981);
Application of Montana-Dakota Utilities Co., 102 N.W.2d 329 (N.D. 1960).

Accordingly, if a modification of the procedural schedule is necessary to accommodate hearing preparation, it would not require extension of the suspension period. Enbridge's proposed extension of the suspension period for its convenience comes without an offer by Enbridge to hold Montana-Dakota harmless from the loss of any revenue to which it would otherwise be entitled. Accordingly, Montana-Dakota does not agree to an extension of the suspension period.

Montana-Dakota also disagrees with Enbridge's proposal to shorten the time for discovery responses. The period for responding to discovery requests is prescribed by statute and the Rules of Civil Procedure. NDCC § 28-32-33; N.D.R. Civ.P. 33(b). Montana-Dakota does not intend to unnecessarily delay its responses to discovery requests in this proceeding. The time necessary to respond to discovery, however, is directly related to the number and nature of the discovery requests. Too often, discovery requests are designed more to impose a burden on the answering party than to seek focused information relevant to the issues in a proceeding. A large number of unfocused and overly broad discovery requests require considerable resources to gather responsive materials and information. Montana-Dakota commits to responding in a timely fashion to focused and relevant discovery requests, but does not agree to waive the time allowed by statute for responding to discovery.

Sincerely,



Daniel S. Kuntz
Associate General Counsel

DSK/arp

cc: Annette Bendish
Illona Jeffcoast-Sacco
Jacob C. Hendricks