

# EBELTOFT SICKLER

KOLLING . GROSZ . BOURAY . PLLC

LAWYERS

December 2, 2010

RECEIVED

DEC 03 2010

PUBLIC SERVICE COMMISSION

Executive Secretary  
North Dakota Public Service Commission  
State Capitol, Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

**RE: Case No. PU-10-615**  
**Application for Permanent Authority to Serve Whiting Oil & Gas Corporation near Belfield, North Dakota**

To Whom it may concern:

Roughrider Electric Cooperative, Inc., herewith files and original and one copy of its Objection and Request for Hearing and Affidavit of Service by UPS Next Day Air and Regular Mail in the above referenced case.

Please acknowledge receipt by stamping or initialing the duplicate copy of the Objection and Request for Hearing and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

Paul F. Ebeltoft, Lawyer

PFE:cls  
Enclosures

cc: Tami Aberle – Montana Dakota Utilities Company  
Bert Bloom – Whiting Petroleum Corporation  
Daniel S. Kuntz – MDU Resources Group, Inc.

5 PU-10-615 Filed: 12/3/2010 Pages: 7  
Objection and Request for Hearing

Roughrider Electric Cooperative, Inc.

Paul F. Ebeltoft, Ebeltoft-Sickler PLLC

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STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co.  
Whiting Oil & Gas Corporation – Stark County  
Public Convenience & Necessity

Case No. PU-10-615

**AFFIDAVIT OF SERVICE BY UPS NEXT DAY AIR AND REGULAR MAIL**

STATE OF NORTH DAKOTA        )  
  ):ss  
COUNTY OF STARK            )

Cora Seiler, deposes and says that she is over the age of 18 and not a party to this action and:

On the 2<sup>nd</sup> day of December, 2010 she deposited with United Parcel Service at Dickinson, North Dakota, an envelope for overnight delivery and delivery confirmation fully prepaid, securely sealed and containing an original and one photocopy of:

**OBJECTION AND REQUEST FOR HEARING**

The envelope was addressed as follows:

Executive Secretary  
North Dakota Public Service Commission  
State Capitol, Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

UPS Tracking # 1Z 922 9RX 01 9128 7706

On the 2<sup>nd</sup> day of December, 2010 she deposited with United Parcel Service at Dickinson, North Dakota, an envelope for overnight delivery and delivery confirmation fully prepaid, securely sealed and containing one photocopy of the same to:

Ms. Tamie Aberle  
Montana Dakota Utilities Co.  
400 North Fourth Street  
Bismarck, ND 58501

UPS Tracking # 1Z 922 9RX 01 9023 1311

On the 2<sup>nd</sup> day of December, 2010 she deposited in the United States Mail, Dickinson, North Dakota, three envelopes by regular mail with postage fully prepaid, securely sealed and containing one photocopy of the same to:

Mr. Daniel S. Kuntz, Associate General Counsel  
MDU Resources Group, Inc.  
PO Box 5650  
Bismarck, ND 58506-5650

Mr. Bert Bloom  
Whiting Petroleum Corporation  
1700 Broadway, Suite 2300  
Denver, CO 80290-2300

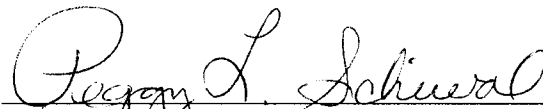
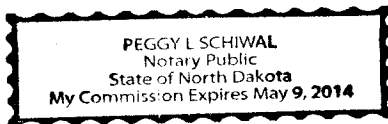
ND Association of RECs  
PO Box 727  
Mandan, ND 58554-0727

Dated this 2<sup>nd</sup> of December, 2010.



Cora Seiler

Subscribed and sworn to before me this 2<sup>nd</sup> day of December, 2010.



Peggy L. Schiwal, Notary Public

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

In the Matter of the Application of )  
MONTANA-DAKOTA UTILITIES, CO., a )  
Division of MDU Resources Group, Inc., )  
for an Order and Certificate to Extend ) Case No. PU-10-615  
Service to Whiting Oil & Gas )  
Corporation near Belfield, North Dakota )

**OBJECTION AND REQUEST FOR HEARING**

Roughrider Electric Cooperative, Inc., a North Dakota corporation and rural electric cooperative of Hazen, North Dakota, objects to the application by Montana Dakota Utilities Company for a Certificate of Public Convenience and Necessity and an Order for Permanent Authority to provide electric service.

Roughrider Electric Cooperative, Inc. requests a hearing on all issues relevant to this application including, but not limited, whether public convenience and necessity require the construction and operation of this service within the service territory of Roughrider Electric Cooperative, Inc. and not within the corporate limits of any municipality.

Reserving the right to state further reasons for its Objection and to offer evidence upon the listed reasons and others at any hearing set upon this matter, Roughrider Electric Cooperative, Inc. affirmatively asserts that:

I.

Whiting Oil & Gas Corporation has been a member of Roughrider Electric Cooperative, Inc., or its predecessor entity, West Plains Electric Cooperative, Inc. since January 15, 2000 and is now and has been receiving electrical power from Roughrider Electric Cooperative, Inc.

II.

The service point identified by Montana Dakota Utilities Company in paragraph III of its application is a "rural area" as defined by Section 10-13-04 of the North Dakota Century Code and is not within a service franchise of the City of Belfield.

III.

The extension of service by Montana Dakota Utilities Company to the service point identified in paragraph III of its application is or would require an unreasonable duplication of investment in capital-intensive facilities and services that Roughrider Electric Cooperative, Inc. has in place or will have in place in the area.

IV.

Chapter 49-03 of the North Dakota Century Code prohibits the relief request by this application. Granting the application would injuriously affect Roughrider Electric Cooperative, Inc.

V.

Roughrider Electric Cooperative, Inc. is ready, willing and able to furnish Whiting Oil & Gas Corporation electric service meeting all of its requirements at the service point identified by Montana Dakota Utilities Company in paragraph III of its application.

VI.

The concept of "economic service area" asserted by Montana Dakota Utilities Company in paragraph IV of its application is without support in law or public policy or, if so supported, is without relevance to this application.

VII.

Public convenience and necessity do not require Montana Dakota Utilities Company to extend service to the service point identified by it in paragraph III of its application. For the following reasons, service by Roughrider Electric Cooperative, Inc. would best promote orderly and economic development of electric infrastructure and service; would provide service that is more reliable to Whiting Oil & Gas Corporation and the public at large, and would provide more cost-effective delivery of electric power to the consuming public than that proposed by Montana Dakota Utilities Company in paragraph IV of its application:

A. Roughrider Electric Cooperative, Inc. will provide primary delivery to the service point from the Western Area Power Administration's Belfield Transmission Substation located approximately three south and five miles east of the service point, not 25 miles distant, as proposed in Montana Dakota Utilities Company's application.

B. Roughrider Electric Cooperative, Inc. will provide secondary delivery of to the service point from an existing 115 kV transmission line located approximately 19 miles north of the service point. Upon information and belief, Montana Dakota Utilities Company does not plan secondary delivery.

C. The secondary delivery 115 kV transmission line will provide primary delivery to the approximately 300 oil wells currently planned by Whiting Oil & Gas Corporation and others adjacent to the service point. Upon information and belief, Montana Dakota Utilities Company can provide no similar benefit to the public at large by extending the service proposed in its application.

D. The plan for delivery of service by Roughrider Electric Cooperative, Inc. will enable it to withdraw a portion of its load it now serves from the Montana Dakota Utilities Company 41.6 kV line and will increase reliability of service to the public.

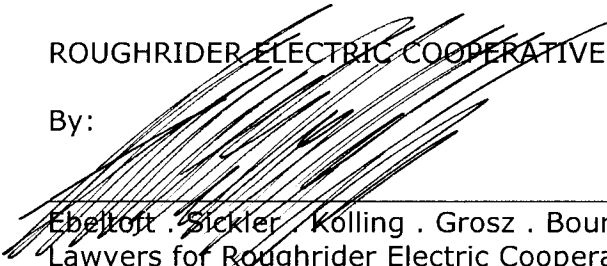
VIII.

In support of and in further explanation of the foregoing, Roughrider Electric Cooperative, Inc. attaches a drawing as Exhibit A and incorporates the same by reference.

Dated this 2<sup>nd</sup> day of December, 2010.

~~ROUGH RIDER ELECTRIC COOPERATIVE, INC.~~

By:

  
\_\_\_\_\_  
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Dickinson, North Dakota 58601  
701.225.LAWS (5297)  
701.225.9650 fax  
[pebeltoft@eskgb.com](mailto:pebeltoft@eskgb.com)

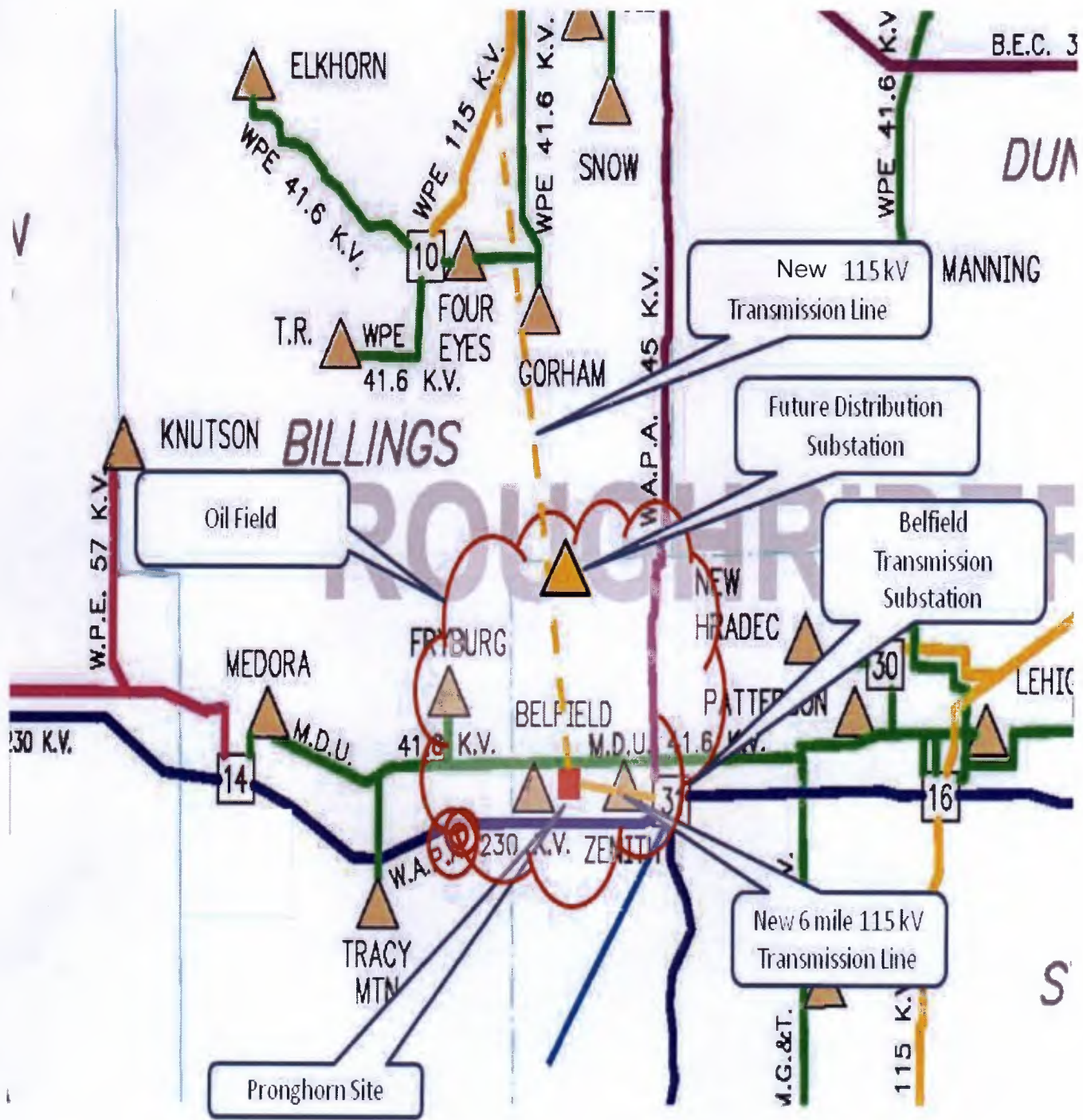


EXHIBIT A