



Public Service Commission
State of North Dakota

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Executive Secretary
Darrell Nitschke

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January 5, 2012

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PUBLIC SERVICE COMMISSION

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

Re: Montana-Dakota Utilities Company
Advance Determination of Prudence - Big Stone Air
Application
PSC Case No. PU-11-163

Otter Tail Power Company
Advance Determination of Prudence - Big Stone Air
Application
PSC Case No. PU-11-165

Dear Mr. Nitschke:

Enclosed is a Motion for Official Notice executed by the Attorneys for Montana-Dakota Utilities Company and Otter Tail Power Company and the PSC Advocacy and Advisory Staff.

Best regards,

Mark Gruman
Legal Counsel
PSC Advocacy Staff

- 86 PU-11-165 Filed 01/05/2012 Pages: 4
Letter to Darrell Nitschke enclosing executed Motion for Official Notice
Public Service Commission
Mark Gruman
- 87 PU-11-163 Filed 01/05/2012 Pages: 4
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a
Division of MDU Resources Group,
Inc., Application for Advance
Determination of Prudence Big Stone
Air Quality Control System Project,

Case No. PU-11-163

Otter Tail Power Company,
Application for Advance
Determination of Prudence Big Stone
Air Quality Control System Project

Case No. PU-11-165

MOTION FOR OFFICIAL NOTICE

Applicants Montana-Dakota Utilities Co., Otter Tail Power Company and Advocacy Staff (collectively "Movants") jointly request the North Dakota Public Service Commission ("Commission") take official notice of the U.S. Environmental Protection Agency's ("U.S. EPA's") publication of its intent to approve and promulgate the South Dakota Regional Haze State Implementation Plan ("Regional Haze SIP"), which was published in the Federal Register on December 8, 2011. The comment period closes on February 6, 2012. A copy of the publication is attached to this motion.

The South Dakota Regional Haze SIP was submitted to the U.S. EPA by the South Dakota Department of Environmental Resources on January 21, 2011, and amended on

September 19, 2011. The South Dakota Regional Haze SIP was admitted as Exhibit 111 in the evidentiary hearing held on November 29, 2011.

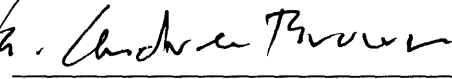
Movants respectfully request the Commission take official notice of the U.S. EPA's publication of intent in the Federal Register pursuant to the North Dakota Administrative Code, which permits the Commission to take official notice of "any fact judicially noticed by the courts of [North Dakota]." *See* N.D. Admin. Code 69-02-05-08 (2011). The North Dakota Rules of Evidence permit courts to take notice of adjudicative facts that are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." N.D. R. Evid. 201(b). The U.S. EPA's publication of its intent to approve the Regional Haze SIP in the Federal Register is a fact that is "capable of accurate and ready determination" and Movants therefore request the Commission take official notice of this publication.

[SIGNATURES NEXT PAGE]

Dated: January 4, 2012

Respectfully submitted,

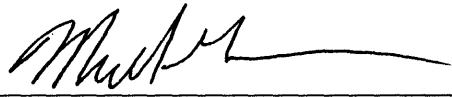
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