

RECEIVED

October 10, 2011

OCT 11 2011

VIA NEXT-DAY DELIVERY and E-MAIL

PUBLIC SERVICE COMMISSION

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

RE: Docket Number PU-11-542

*In the Matter of the Application of Otter Tail Power Company
for an Order and Certificate to Extend Service to the East
Devils Lake Outlet Project of the North Dakota State Water Commission*

Dear Secretary:

Enclosed for filing in the above captioned matter are an original and seven (7) copies of my affidavit along with a Certificate of Service. I would ask that this Affidavit be included as part of Nodak Electric Cooperative's Reply Brief for Rejection of Petitioner's Notice of Withdrawal and Alternative Request for Dismissal that was filed separately on October 7, 2011, by Carol Larson of the Pringle firm on behalf of Nodak Electric Cooperative.

Respectfully submitted,



GERAD C. PAUL
Senior Attorney
Assistant General Counsel
Attorney for Nodak Electric Cooperative, Inc.

Enc.

pc: Service List (via U.S. Mail)

11 PU-11-542 Filed: 10/11/2011 Pages: 6
Affidavit of Gerold C. Paul

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No.: PU-11-542

In the Matter of the Application of Otter Tail Power Company
for an Order and Certificate to Extend Service to the East
Devils Lake Outlet Project of the North Dakota State Water Commission

AFFIDAVIT OF GERAD C. PAUL

STATE OF NORTH DAKOTA)
)
COUNTY OF GRAND FORKS) ss

Your affiant, Gerad C. Paul, after first being duly sworn, testifies and states as follows:

1. That I am Senior Attorney for Minnkota Power Cooperative, Inc. ("Minnkota") and serve as legal counsel to Nodak Electric Cooperative, Inc ("Nodak Electric").
2. That at some time before the week of September 4, 2011, I had phone communication with Bruce Gerhardson, Associate General Counsel for Otter Tail Power Company. During such call, it was communicated to me that Otter Tail Power Company had encountered unanticipated difficulties in procuring right of way and/or getting necessary environmental clearance for the route that was initially proposed in its original application of August 2, 2011. It was stated that Otter Tail would have chosen a different route for its application knowing what it knew at that time. Mr. Gerhardson


further indicated that the line mileage for Otter Tail's proposed extension could increase and that an amended application would soon be filed with the Commission and a copy e-mailed to my attention during the week of September 5, 2011.

3. Not having received anything from Mr. Gerhardson as to this supplemented application by Otter Tail Power Company and desiring to know how Otter Tail's supposed amendment might impact Nodak Electric's intentions and filing, I communicated with him by e-mail on the morning of Tuesday, September 13, 2011, a week after their amended application was expected. I inquired as follows: "Any updates as to your alternative route and any supplements to the application?" Mr. Gerhardson replied that morning that "I am meeting with the business leads on this tomorrow [Wednesday]. I will contact you immediately thereafter to give you the latest info [emphasis supplied]." See attached hereto as Exhibit 1 a copy of this e-mail correspondence.

4. Not having heard from Mr. Gerhardson yet again, on Friday, September 16, 2011, I sent an e-mail to him as follows: "Good morning, You were meeting with your business leads Wednesday. Any info/updates?" Mr. Gerhardson then responded by e-mail and left phone message and we spoke later that morning when Otter Tail's intention to withdraw its application was communicated along with Mr. Gerhardson's assurance that the filing would be e-mailed to my attention by mid-afternoon. See attached hereto as Exhibit 1 a copy of this e-mail correspondence. The e-mail never arrived although I later determined that Otter Tail Power Company e-mailed its request to withdraw to the Commission that afternoon. On behalf of Nodak Electric, I prepared

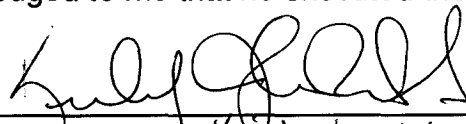
and hand delivered Nodak Electric's Objection and Request for Hearing with the Commission on Monday, September 19, 2011.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


GERAD C. PAUL

On this 7th day of October 2011, before me a Notary Public, personally appeared undersigned Gerad C. Paul, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

KIMBERLY JOHNSON RUSTAD
(SEAL) Notary Public
State of North Dakota
My Commission Expires Sept. 22, 2012


Notary Public Kimberly Johnson Rustad
County of Grand Forks
State of North Dakota
My Commission Expires 9/22/2012

RE: PU-11-542
bgerhardson
to:
gpaul
09/16/2011 10:01 AM
Show Details

I also left you a voice message. Give me a call. Office (218-739-8475) or Cell (218-205-6851).

Bruce

From: Gerad Paul [mailto:gpaul@minnkota.com]
Sent: Friday, September 16, 2011 8:51 AM
To: Gerhardson, Bruce
Subject: RE: PU-11-542

Good morning,

You were meeting with your business leads Wednesday. Any info/updates?

Gerad C. Paul
Senior Attorney - Assistant General Counsel
Minnkota Power Cooperative, Inc.
1822 Mill Road - P.O. Box 13200
Grand Forks, ND 58208-3200
Phone: (701) 795-4000
Fax: (701) 795-4214
gpaul@minnkota.com

From: <bgerhardson@otpc.com>
To: <gpaul@minnkota.com>
Date: 09/13/2011 08:31 AM
Subject: RE: PU-11-542

I am meeting with the business leads on this tomorrow. I will contact you immediately thereafter to give you the latest info.

Bruce

From: Gerad Paul [mailto:gpaul@minnkota.com]
Sent: Tuesday, September 13, 2011 8:15 AM
To: Gerhardson, Bruce
Subject: RE: PU-11-542

Bruce,

Any updates as to your alternative route and any supplements to the application?



CERTIFICATE OF SERVICE

I, Gerad C. Paul, hereby certify that I have this day, served a true and correct copy of the attached Affidavit to the persons at the addresses indicated below electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at Grand Forks, North Dakota.

Via E-mail and Next-day Delivery

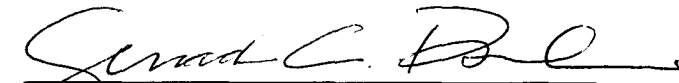
Executive Secretary
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600 East Boulevard Avenue, Dept 408
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Docket Number PU-11-542

Via E-mail and U.S. Mail

Mr. Bruce Gerhardson
Associate General Counsel
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537

Dated this 10th day of October, 2011


GERAD C. PAUL