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October 14, 2011

RECEIVED

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PUBLIC SERVICE COMMISSION

Mr. Darrell Nitschke
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0408

**RE: In the Matter of Nodak Electric Cooperative vs Otter Tail Power Company
NDPSC Case No. PU-11-654**

Dear Mr. Nitschke:

Enclosed for filing in the above-referenced matter is the Answer of Otter Tail Power Company. As identified in the Answer, Otter Tail Power Company requests that the Complaint be dismissed.

The original and eight copies will be sent by overnight mail.

Sincerely,

/s/ Bruce Gerhardson

Bruce Gerhardson
Associate General Counsel

dm
Enclosures

c: Gerad C. Paul, Minnkota Power Cooperative

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

Nodak Electric Cooperative, Inc.,)	
)	
Complainant,)	ANSWER OF OTTER TAIL
)	POWER COMPANY
vs.)	
)	
Otter Tail Power Company,)	
)	Case No. PU-11-654
Respondent.)	

Otter Tail Power Company (“OTP”) states the following as its answer to Nodak Electric Cooperative, Inc.’s (“Nodak”) Complaint.

I.

Except as otherwise admitted, qualified, or explained, OTP denies each and every allegation of the Complaint.

II.

With respect to the allegations contained in paragraph 1 of the Complaint, OTP admits Nodak is a rural electric cooperative.

III.

OTP admits the allegations contained in paragraph 2 of the Complaint, except OTP’s zip code is 56538-0496.

IV.

With respect to the allegations contained in paragraph 3 of the Complaint, OTP specifically denies that a Certificate of Public Convenience and Necessity is required to supply electric service pursuant to a request from the North Dakota State Water Commission to provide service to its East Devils Lake Outlet Pumping Station. OTP’s position is supported by the North Dakota Supreme

Court's opinion in City of Grafton v. Ottcrtail Power Company, 86 N.W.2d 197 (N.D. 1957), in which the Court determined the Public Service Commission had no authority to control the production, transmission and use of electric power by the sovereign State of North Dakota and its agencies.

V.

OTP admits the allegations contained in paragraphs 4 and 5 of the Complaint.

VI.

With respect to the allegations contained in paragraph 6 of the Complaint, OTP admits the allegations contained in paragraphs 6a through 6f, but specifically denies the remaining allegations contained in this paragraph, including the assertion that a Certificate of Public Convenience and Necessity is required to supply electric service pursuant to a request from the North Dakota State Water Commission to provide service to its East Devils Lake Outlet Pumping Station.

VII.

OTP denies the allegations contained in paragraph 7 of the Complaint.

VIII.

With respect to the allegations contained in paragraph 8 of the Complaint, OTP is without sufficient knowledge or information to form a belief as to the truth of these allegations. To the extent this paragraph requires a response, it is denied and Nodak is put to its burden of proof with respect to these allegations.

IX.

With respect to the paragraph of the Complaint which appears as a "Therefore" clause, OTP denies such allegations and asserts the relief requested in such paragraph is inappropriate in this case.

