

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON

ATTORNEYS LICENSED IN
NORTH DAKOTA
MINNESOTA
MONTANA



LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702-1000
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@srt.com

OF COUNSEL
HERBERT L. MESCHKE
RETIRED
THOMAS A. WENTZ
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)
MARK F. PURDY
(1927-2011)

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November 8, 2011

DARRELL NITSCHKE
ND PUBLIC SERVICE COMMISSION
600 EAST BOULEVARD – DEPT 408
BISMARCK, ND 58505-0408

**OTTER TAIL POWER COMPANY v NODAK ELECTRIC COOPERATIVE INC.
CASE NO. PU-11-654 and PU-11-542**

On November 3, 2011, we received Otter Tail's Rule 12(b) Motion to Dismiss the Complaint in Case No. PU-11-654, dated November 1, 2011.

We note Otter Tail's brief in support of its motion includes references to matters outside the pleadings. As a result, the motion to dismiss must be treated as a motion for summary judgment under Rule 56. See Rule 12(d).

Considering Otter Tail's reference to matters in case PU-11-542 in its motion, we request you send us certified copies of Otter Tail's Application and Notice of Withdrawal in case PU-11-542 (docket items 1 and 6), and that copies of these documents be included in the PU-11-654 docket.

Under Rule 56(c), a summary judgment hearing must be held after 34 days have expired from service of the motion, and Nodak has at least 30 days from service of the motion to file a responsive brief. We expect to file Nodak's reply brief on December 1, 2011.

Yours truly,

Carol K. Larson
lat

cc: Gerad C. Paul
Illona Jeffcoat-Sacco, Public Service Commission
Bruce Gerhardson, Associate General Counsel, Otter Tail Power Company