

**RECEIVED**

February 1, 2012

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**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-11-654

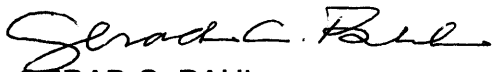
Dear Secretary:

Enclosed for filing and consideration in the above-mentioned matter is an original and seven (7) copies of the following:

1. Stipulation for Dismissal; and
2. Proposed Order (also included on disc)

As stated in the stipulation, the parties have agreed to the full and final resolution and dismissal of all matters in dispute pertaining to electric service to the North Dakota State Water Commission's Devils Lake East End Outlet project. Nodak Electric Cooperative and Otter Tail Power Company join in requesting that the Commission consider entering its order of dismissal of Case No. PU-11-654 at its next regular meeting.

Respectfully submitted,

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

Enc.

cc. Ms. Illona A. Jeffcoat-Sacco, Esq. (via e-mail)  
Mr. Bruce Gerhardson, Esq. Otter Tail Power Company (via e-mail)

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Nodak Electric Cooperative, Inc.	)	
	)	
Complainant	)	<b>STIPULATION FOR DISMISSAL</b>
vs.	)	
	)	
Otter Tail Power Company,	)	
	)	
Respondent.	)	<b>Case No. PU-11-654</b>

Nodak Electric Cooperative Inc. ("Nodak") and Otter Tail Power Company ("Otter Tail") have agreed to the full and final resolution and dismissal of all matters in dispute pertaining to electric service to the North Dakota State Water Commission ("SWC") Devils Lake East End Outlet in the NW¼ of Section 8, Township 151 North, Range 62 West, Benson County, North Dakota ("Project"), including the Complaint before the North Dakota Public Service Commission (PU 11-654) and including any further action upon the public convenience and necessity docket (PU-11-542). The Parties hereby agree and stipulate to the dismissal of the Complaint in PSC Docket No. PU-11-654 and present to the Commission the attached proposed order of dismissal.


Dated this 24<sup>th</sup> day of January, 2012.

PRINGLE & HERIGSTAD, P.C.

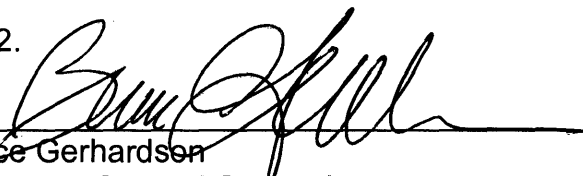
By: Carol K. Larson

Carol K. Larson - #04406  
Attorneys for Nodak Electric Cooperative, Inc.  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
PO Box 1000  
Minot, ND 58702-1000  
Phone: (701) 852-0381

Dated this 26<sup>th</sup> day of January, 2012.

By:   
Gerard C. Paul  
Attorney for Nodak Electric Cooperative, Inc.  
Senior Attorney – Assistant General Counsel  
Minnkota Power Cooperative, Inc.  
1822 Mill Road  
PO Box 13200  
Grand Forks, ND 58208-3200  
Phone: (701) 795-4000

Dated this 27<sup>th</sup> day of January, 2012.

By:   
Bruce Gerhardson  
Associate General Counsel  
Otter Tail Power Company  
215 South Cascade Street  
Fergus Falls, MN 56538-0496  
Phone: (218) 739-8475

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Nodak Electric Cooperative, Inc.	)	
	)	
Complainant	)	
vs.	)	<b>PROPOSED</b>
	)	<b>ORDER OF DISMISSAL</b>
	)	
Otter Tail Power Company,	)	
	)	<b>Case No. PU-11-654</b>
Respondent.	)	

**PRELIMINARY STATEMENT**

On July 29, 2011, Otter Tail Power Company (“Otter Tail”) filed an application under Chapter 49-03 of the North Dakota Century Code seeking the North Dakota Public Service Commission’s (“Commission”) authority to extend service to the North Dakota State Water Commission (“SWC”) Devils Lake East End Outlet in the NW¼ of Section 8, Township 151 North, Range 62 West, Benson County, North Dakota (“Project”) in PSC Case No. PU-11-542.

On August 24, 2011, the Commission issued a Notice of Opportunity for Hearing in Case No. PU-11-542

On September 16, 2011, Otter Tail filed a “Notice of Withdrawal” of its application in Case No. PU-11-542 and alternatively asserted that the Commission lacks jurisdiction over the extension of service by Otter Tail to the State Water Commission.

On September 19, 2011, Nodak Electric Cooperative Inc. (“Nodak”) requested a hearing on Otter Tail’s application in Case No. PU-11-542.

On October 10, 2011, Nodak filed a complaint alleging Otter Tail’s conduct was in violation of sections N.D.C.C. 49-03-01 through 49-03-01.5.

On October 14, 2011, Otter Tail filed an answer to Nodak's complaint denying such allegations.

On October 26, 2011, the Commission acknowledged the withdrawal by Otter Tail of its application for a certificate of public convenience and necessity to extend electric service to the Project in Case No. PU-11-542.

On October 26, 2011, the Commission found the October 10, 2011, complaint filed by Nodak in Case No. PU-11-654 stated a prima face case and moved to serve the complaint on Otter Tail.

On November 1, 2011, the Commission served Nodak's complaint in Case No. PU-11-654 on Otter Tail.

On November 1, 2011, Otter Tail filed a motion to dismiss the complaint in Case No. PU-11-654 and a brief in support of the motion.

On November 30, 2011, Nodak responded to Otter Tail's motion.

On December 12, 2011, Otter Tail filed an additional response.

On February \_\_, 2012, Nodak and Otter Tail filed a Stipulation of Dismissal of Nodak's Complaint in Case No. PU-11-654.

Having considered this matter, the Commission makes its:

### **ORDER**

The Commission Orders:

1. Nodak Electric Cooperative's complaint in Case No. PU-11-654 is dismissed under the parties' stipulation for dismissal.
2. Otter Tail Power Company's motion to dismiss the complaint in Case No PU-

11-654 is moot under the parties' stipulation for dismissal and the Commission's order of dismissal.

**PUBLIC SERVICE COMMISSION**

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Kevin Cramer,  
Commissioner

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Tony Clark,  
Chairman

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Brian P. Kalk,  
Commissioner