

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Nodak Electric Cooperative, Inc.
vs. Otter Tail Power Company
Complaint**

Case No. PU-11-654

ORDER OF DISMISSAL

February 15, 2012

On October 10, 2011, Nodak Electric Cooperative, Inc. (Nodak) filed a complaint with the North Dakota Public Service Commission (Commission) against Otter Tail Power Company (Otter Tail). Nodak's complaint alleges that Otter Tail was about to construct an extension of its public utility plant and system to provide electric service to the North Dakota State Water Commission's Devils Lake East End Outlet project, a location located in Nodak's service area, without first obtaining from the Commission a certificate of public convenience and necessity. Nodak alleges that Otter Tail's conduct is in violation of N.D.C.C. sections 49-03-01 through 49-03-01.5.

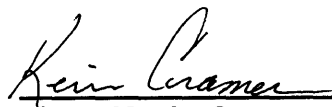
On February 1, 2012, Nodak and Otter Tail filed a Stipulation of Dismissal of Nodak's Complaint agreeing to the full and final resolution and dismissal of all matters in dispute, and agreeing and stipulating to the dismissal of the complaint in this proceeding.

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



**Kevin Cramer
Commissioner**



**Tony Clark
Chairman**



**Brian P. Kalk
Commissioner**