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PUBLIC SERVICE COMMISSION

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January 17, 2012

Mr. Darrell Nitschke
Executive Secretary and Director of Administration
North Dakota Public Service Commission
State Capitol
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0408

**Re: North Central Electric Cooperative, Inc. v. Otter Tail Power Company
Case No. PU-11-701**

Enclosed for filing in the above-referenced matter is Otter Tail Power Company's Answer. The original and seven copies will be hand-delivered.

If you have any questions, please contact me at 701-223-2711 or at psanderson@zkslaw.com.

Sincerely,



Paul Sanderson

Enclosure
By electronic filing and hand-delivery

c: Debra L. Hoffarth (e-mail only)

denies that a certificate of public convenience and necessity is required to supply electric service to the Tribe's facility located on Tribal Trust land on the Turtle Mountain Reservation. OTP's position is supported by Devils Lake Sioux Indian Tribe v. North Dakota Public Service Comm'n, 896 F.Supp. 955 (D.N.D. 1995), which held that the North Dakota Public Service Commission had no regulatory authority over a federally recognized Indian Tribe's right to determine who supplies electric service to Tribal-owned facilities located on the reservation.

V.

OTP admits the allegations contained in paragraphs 4 and 6 of the Complaint.

VI.

OTP denies the allegations contained in paragraphs 5, 7, 8, 9, and 10 of the Complaint.

VII.

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.

VIII.

OTP affirmatively asserts the Complaint fails to state a claim against it upon which relief can be granted.

XI.

OTP affirmatively asserts the Public Service Commission does not have regulatory authority over the Tribe's determination of who will provide electric service to a Tribally-

owned facility located on Tribal land on the Turtle Mountain Reservation pursuant to the legal precedent set forth in Devils Lake Sioux Indian Tribe v. North Dakota Public Service Comm'n, 896 F.Supp. 955 (D.N.D. 1995).

WHEREFORE, Otter Tail Power Company respectfully requests that the Complaint be dismissed.

Dated this 16th day of January, 2012.

By: /s/ Bruce Gerhadson
Bruce Gerhadson
Associate General Counsel
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BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

North Central Electric Cooperative, Inc.,)

Complainant,)

vs.)

Otter Tail Power Company,)

Respondent.)

AFFIDAVIT OF ELECTRONIC SERVICE

Case No. PU – 11 - 701

STATE OF NORTH DAKOTA)

: ss.

COUNTY OF BURLEIGH)

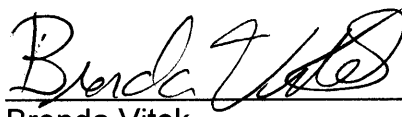
The undersigned, being duly sworn, deposes and says that: I am a United States citizen, over 18 years of age, and on January 17, 2012, I served a copy of the attached:

Answer of Otter Tail Power Company

by electronic mail upon counsel at the below e-mail addresses:

Debra L. Hoffarth

dhoffarth@srt.com



Brenda Vitek

Subscribed and sworn to before me, today, January 17, 2012.



Notary Public, State of North Dakota

