

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)

**RECEIVED**

JAN 26 2012

**PUBLIC SERVICE COMMISSION**

January 25, 2012

Darrell Nitschke  
ND Public Service Commission  
600 East Boulevard Avenue, Dept 108  
Bismarck ND 58505-0408

**Re: North Central Electric Cooperative, Inc. v. Otter Tail Power Company**  
**Case Number PU-11-701**

Dear Mr. Nitschke:

On January 16, 2012, we received Otter Tail Power Company's Rule 12(b) Motion to Dismiss the Complaint in regards to Case No. PU-11-701 dated December 12, 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).

Under Rule 56(c), a summary judgment hearing must be held after 34 days have expired from service of the motion, and North Central Electric Cooperative has at least 30 days from service of the motion to file a responsive brief. We expect to file North Central's reply brief on February 15, 2012.

Sincerely,

Debra L. Hoffarth  
DLH/jcs

cc Wayne Martin, North Central Electric Cooperative, Inc.  
Illona Jeffcoat-Sacco, Public Service Commission  
Paul Sanderson, Attorney for Ottertail Power Company  
Bruce Gerhadson, Associate General Counsel for Otter Tail Power Company

6 **PU-11-701** Filed: 1/26/2012 Pages: 1  
**Letter re Motion to Dismiss, response and filing dates**