

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-11-701

NOTICE OF HEARING

April 25, 2012

On December 12, 2011 North Central Electric Cooperative, Inc. (North Central or Complainant) filed a Complaint alleging, among other things, that (1) Otter Tail Power Company (Otter Tail or Respondent) has begun construction of an extension of its public utility plant and system and of its transmission and distribution lines to provide electric service to the Sky Dancer Hotel and Casino in the SW ¼ of Section 34, T 162N, R 71W in North Central's service area without first obtaining from the Commission a certificate that public convenience and necessity require or will require such construction and service in violation of N.D.C.C. 49-03-01 through 49-03-01.5. (2) such service will unreasonably interfere or threatens to unreasonably interfere with the service and system of Complainant and is a wasteful duplication of facilities. North Central requests relief in the form of an Order from the Commission that Otter Tail cease and desist from construction activities and remove its service extension facilities.

On January 17, 2012 Otter Tail filed its Answer to Complaint along with a Notice of appearance, Notice of Motion to Dismiss, Motion to Dismiss, and Brief in Support of Motion. Otter Tail admits it has begun construction of an electric service extension, but denies that a certificate from the Commission is required. Otter Tail asserts the Commission does not have regulatory authority over the Tribes determination of who will provide electric service to the Turtle Mountain Band of Chippewa Indians' Tribally-owned facility located on Tribal Trust land on the Turtle Mountain Reservation.

On January 16, 2012 North Central filed a letter stating that Otter Tail's Brief in support of its motion includes references to matters outside the pleadings so its Motion to Dismiss must be treated as a Motion for Summary Judgment under Rule 56.

On February 2, 2012 North Central filed its Brief responding to Otter Tail's Motion to Dismiss. Otter Tail filed a Reply Brief in Support of its Motion to Dismiss on February 13, 2012. North Central filed a brief responding to Otter Tail's Reply Brief on February 14, 2012.

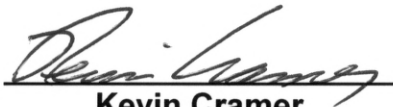
On February 17, 2012 the Commission received a letter from the Turtle Mountain Band of Chippewa Indians confirming that the Tribe is exercising its inherent sovereignty to determine which utility will provide electric service to the Sky Dancer Casino.

A **public hearing** on this matter will be held **May 7, 2012 beginning at 10 a.m.** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. Issues to be considered in this matter are:

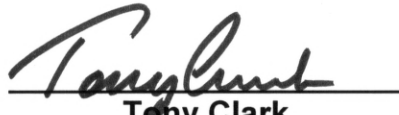
1. Whether the Public Service Commission has jurisdiction to award the relief requested by the Complainant.
2. Whether Respondent's motion to dismiss should be granted.
3. Whether Respondent should be restrained and enjoined from constructing or extending its lines, plant, or system to the Sky Dancer Campus without first obtaining a Certificate of Public Convenience and Necessity from the Commission.
4. Whether Respondent should be required to remove its service extension facilities already constructed.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

PUBLIC SERVICE COMMISSION



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Commissioner



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Commissioner