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May 8, 2012

Mark Gruman
ND Public Service Commission
600 East Boulevard Avenue, Dept 108
Bismarck ND 58505-0408

Via Electronic Mail and US Mail
ndpsc@nd.gov

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

Dear Mr. Gruman:

Enclosed for filing in the above-named matter, please find an original and seven copies of North Central Electric Cooperative, Inc.'s, Objection to Special Appearance Objecting to Jurisdiction Filed by Turtle Mountain Band of Chippewa Indians on May 7, 2012, in regards to the above-named matter.

I am also including one additional copy and kindly ask that you stamp as received and return to our office in the envelope provided.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Debra L. Hoffarth
DLH/jcs

cc Paul R. Sanderson - via electronic mail only
Bruce Gerhardson - via electronic mail only
Judge Alan Hoberg- via electronic mail only
Tracy Kolb - via electronic mail only
Larry Baer - via electronic mail only
Turtle Mountain Tribe, Rjay Brunkow - via electronic mail only
Wayne Martian, North Central Electric Cooperative, Inc. - via US Mail

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

North Central Electric Cooperative, Inc.,)
)
 Complainant,)
)
 vs.)
)
 Otter Tail Power Company,)
)
 Respondent,)
)
 Turtle Mountain Band of Chippewa Indians,)
)
 Intervener,)

**Case No. PU-11-701
OAH File No. 2012087**

**OBJECTION TO SPECIAL APPEARANCE OBJECTING TO
JURISDICTION FILED BY TURTLE MOUNTAIN BAND OF
CHIPPEWA INDIANS ON MAY 7, 2012**

The Turtle Mountain Band of Chippewa Indians (“Tribe”), by and through Attorney Larry Baer, filed a “Special Appearance Objecting to Jurisdiction” and served it upon North Central Electric Cooperative, Inc. (“North Central”) at 11:00a.m., during the hearing scheduled on this matter wherein the Tribe was represented by Attorney Rjay Brunkow. The Tribe asserts that the Public Service Commission “lacks subject matter regulatory and adjudicatory jurisdiction in such instance. The same result would be reached in instances of utility services to Tribal members; businesses owned by Tribal members; and service to the Tribe and its political subdivisions.” The Tribe’s brief is untimely and contains several conclusory, evidentiary statements, without support and in contravention of the Prehearing Conference Summary and Stipulations issued by Administrative Law Judge Hoberg on April 23, 2012.

Judge Hoberg ordered that requests for evidentiary hearing were to be made by 5:00p.m. on May 4, 2012. The Tribe never requested an evidentiary hearing. Judge

Hoberg sustained North Central's objection during the May 7th Hearing of this matter when the Tribe attempted to provide evidence during its oral arguments.

Rule 12 of the North Dakota Rules of Civil Procedure allows pleadings to be stricken for "any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." N.D.R.CIV.PRO 12(f). The Tribe's Brief attempts to make several conclusory and evidentiary statements. The Brief is not within permissible filings agreed to in the Judge's Pre-Hearing Order should be stricken from the record.

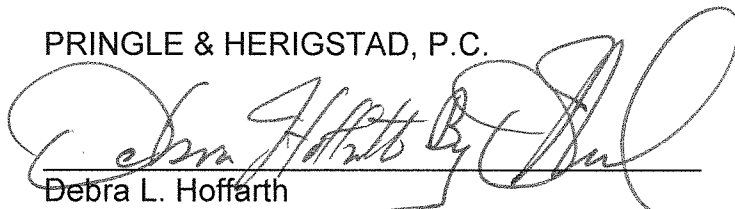
There is no provision for post-hearing or additional briefing in this matter. The April 23, 2012, Prehearing Conference Order and Stipulations set for the protocol for this matter, filing briefs during the May 7th oral arguments was not part of the Order. The only Order is for North Central and Otter Tail to file proposed findings by May 17, 2012.

CONCLUSION

Since the Tribe's Brief is untimely, includes evidentiary statements, and not within the April 23, 2012 Order, the Brief should be stricken from the record.

Dated this 8th day of May, 2012.

PRINGLE & HERIGSTAD, P.C.

A handwritten signature in black ink, appearing to read "Debra L. Hoffarth", is written over a horizontal line. The signature is stylized and cursive.

Debra L. Hoffarth
Attorneys for North Central Electric Cooperative, Inc.
P.O. Box 1000
Minot, ND 58702
701-852-0381

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

North Central Electric Cooperative, Inc.,)
)
Complainant,)
)
vs.)
)
Otter Tail Power Company,)
)
Respondent,)
)
Turtle Mountain Band of Chippewa Indians,)
)
Intervener.)

**Case No. PU-11-701
OAH File No. 2012087**

STATE OF NORTH DAKOTA)
) ss
COUNTY OF WARD)

The undersigned, being duly sworn, deposes and says that: I am a United States citizen, over 18 years of age, and on May 8, 2012, I served a copy of the attached:

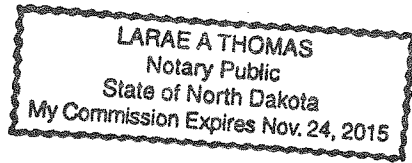
**OBJECTION TO SPECIAL APPEARANCE OBJECTING
TO JURISDICTION FILED BY TURTLE MOUNTAIN BAND
OF CHIPPEWA INDIANS ON MAY 7, 2012**

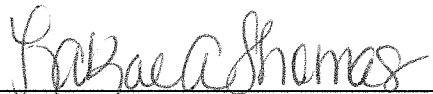
by electronic mail upon counsel at the below e-mail addresses:

Paul R. Sanderson psanderson@zkslaw.com
Bruce Gerhardson bgerhardson@otpc.com
ALJ Alan Hoberg ahoberg@nd.gov
Rjay Brunkow rjaybru@hotmail.com
Tracy Kolb tkolb@zkslaw.com
Larry Baer lmbaer@baerlodge.com


Jill Stanislawski

Subscribed and sworn to before me this 8th day of May, 2012.





Notary Public, State of North Dakota