



**OFFICE OF ADMINISTRATIVE HEARINGS**

STATE OF NORTH DAKOTA  
2911 North 14th Street - Suite 303  
Bismarck, North Dakota 58503

May 10, 2012

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**RECEIVED**

MAY 11 2012

**PUBLIC SERVICE COMMISSION**

M s. Illona Jeffcoat-Sacco  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: North Central Electric Cooperative, Inc. v. Otter Tail Power Company  
Case No. PU-11-701, OAH File No. 20120087 - Order Striking Brief

Dear Ms. Jeffcoat -Sacco:

This letter will serve as the Hearing Officer's response to "Otter Tail Power Company's Response to Tribe's Special Appearance and North Central's Objection" received by me on May 10, 2012. As you know, on May 9, 2012, I issued an Order Striking Brief. I did not email that order to the Commission or the parties. As I said in the order, I did not expect a response from Otter Tail; perhaps I should have.

However, Otter Tail's response does not require me to change my order at all except that portion which states I did not get a response from Otter Tail (and I had not when I issued the order). This letter will reflect that the Hearing Officer received Otter Tail's response, reviewed it, and considered whether the response should in any way change my order.

As Otter Tail notes in its response, "[t]he Tribe's position is consistent with the position asserted in OTP's Motion to Dismiss." And, as I noted in my order, the Tribe and the other parties gave oral argument at the hearing. The Tribe's oral argument was consistent with Otter Tail's position.

For the reasons set forth in the Order Striking Brief, notwithstanding Otter Tail's response, I still believe it is appropriate to strike the Tribe's "Special Appearance Objecting to Jurisdiction" (Brief) and I will not be changing the order.

Sincerely,

Allen C. Hoberg  
Administrative Law Judge, Procedural Hearing Officer

Cc: Debra Hoffarth  
Mark Gruman  
Rjay Brunkow  
Paul Sanderson  
Bruce Gerardson  
Tracy Vigness Kolb

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Response to Otter Tail's response to Tribe's Special Appearance and North Central's objection