



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian P. Kalk
Kevin Cramer
Bonny M. Fetch

Executive Secretary
Darrell Nitschke

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Bismarck, North Dakota 58505-0480
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August 21, 2012

Ms. Debra Simenson, Clerk
Burleigh County District Court
P. O. Box 1055
Bismarck, ND 58502-1055

**Re: North Central Electric Cooperative, Inc.
vs. North Dakota Public Service Commission, et al.
PSC Case No. PU-11-701**

Dear Ms. Simenson:

Enclosed for filing in the captioned cases please find:

1. Certificate of Record on Appeal
2. A CD containing an electronic copy of Record on Appeal
2. Printed copy of the electronic Docket Card
4. Notice to Appellants of Actual Costs
5. Affidavit of Mailing

I am also enclosing an Acknowledgment of Filing.

If you have any questions, please call. Thank you.

Sincerely,

Mark Gruman
Special Assistant Attorney General
State Bar ID No. 06019
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-2421
(701) 328-2410 fax
Attorney for North Dakota Public Service Commission

c:w/enclosures:
Debra Hoffarth, Bruce Gerhardson, RJ Brunkow

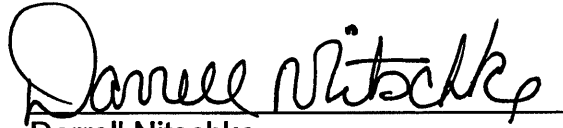
58 PU-11-701 Filed: 8/21/2012 Pages: 13
APPEAL - Letter enclosing filing - Certificate of
Record on Appeal

Public Service Commission

Mark Gruman

IN WITNESS WHEREOF I have set my hand and affixed the seal of the Public Service Commission of the State of North Dakota.

Dated at Bismarck, North Dakota, August 21, 2012.



Darrell Nitschke
Director of Administration
Public Service Commission
State of North Dakota
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-4098

SEAL

PU-11-701 **North Central Electric Cooperative, Incorporated** Status:Open
 Description: **vs. Otter Tail Power Company**
 Case Type: Complaint Portfolio: BPK
 Date Filed: 12/12/2011 Advisory Staff: Jerry R. Lein
 Category: Electric Docket Count: 57

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
1	12/12/2011	Complaint - extension of utility system By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	20		<input checked="" type="radio"/> Yes <input type="radio"/> No
2	12/21/2011	Commission Motion finding complaint a prima facie case and serving the complaint on the Respondent By: Public Service Commission			<input checked="" type="radio"/> Yes <input type="radio"/> No
3	12/23/2011	Affidavit of Service cert. mail - Formal Complaint and Motion dated Dec. 21, 2011 By: Public Service Commission			<input checked="" type="radio"/> Yes <input type="radio"/> No
4	1/17/2012	Answer to Complaint By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
5	1/17/2012	Notice of Appearance, Notice of Motion to Dismiss, Motion to Dismiss, Brief in Support of Motion By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith			<input checked="" type="radio"/> Yes <input type="radio"/> No
6	1/26/2012	Letter re Motion to Dismiss, response and filing dates By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
7	2/2/2012	Brief of North Central Electric responding to Otter Tail's Motion to Dismiss including exhibits By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle and Herigstad	60		<input checked="" type="radio"/> Yes <input type="radio"/> No
8	2/6/2012	Right of way plats By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	10		<input checked="" type="radio"/> Yes <input type="radio"/> No
9	2/13/2012	Reply Brief in Support of Otter Tail Power Company's Motion to Dismiss By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	8		<input checked="" type="radio"/> Yes <input type="radio"/> No
10	2/14/2012	Letter request for Administrative Law Judge By: Public Service Commission	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
11	2/14/2012	North Central Electric Cooperative, Inc. Brief Responding to Otter Tail's Reply Brief on Motion to Dismiss By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C			<input checked="" type="radio"/> Yes <input type="radio"/> No
12	2/21/2012	Letter designating Administrative Law Judge By: Allen Hoberg - Office of Administrative Hearings	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
13	2/17/2012	Letter comments By: Turtle Mountain Band of Chippewa Indians by Merle St. Claire, Chairman	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
14	3/23/2012	Letter regarding Court Reporter By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
15	4/24/2012	Prehearing Conference Summary and Stipulations By: Allen Hoberg, ALJ - Office of Administrative Hearings	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
16	4/25/2012	Commission Motion issuing Notice of Hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
17	4/25/2012	Notice of Hearing By: Public Service Commission	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
18	4/26/2012	Petition to Intervene for Special Appearance to Object to Jurisdiction By: Turtle Mountain Band of Chippewa Indians by Merle St. Claire, Chairman	4		<input checked="" type="radio"/> Yes <input type="radio"/> No


Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
19	4/27/2012	Email re request for waivers of 45 day rule By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
20	4/27/2012	Email re waiver of 45 day rule By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
21	4/27/2012	Notice of Appearance of Counsel By: Turtle Mountain Band of Chippewa Indians by Rjay J. Brunkow, Tribal Attorney	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
22	4/27/2012	Email re waiver of 45 day rule By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
23	4/30/2012	Objection to Petition to Intervene for Special Appearance to Object to Jurisdiction By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
24	5/1/2012	Email re no objection to Petition to Intervene for Special Appearance to Object to Jurisdiction By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
25	5/1/2012	Petition to Intervene for Special Appearance to Object to Jurisdiction By: Turtle Mountain Band of Chippewa Indians by Clara J. Holloway, Zuger Kirmis & Smith	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
26	5/2/2012	Notice of Appearance By: Turtle Mountain Band of Chippewa Indians by Clara J. Holloway, Zuger Kirmis & Smith	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
27	5/2/2012	Email re Petition to Intervene for Special Appearance to Object to Jurisdiction 1 By: Al Hoberg, ALJ - Office of Administrative Hearings	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
28	5/2/2012	Order on Petition to Intervene for Special Appearance to Object to Jurisdiction 3 By: Allen Hoberg, ALJ - Office of Administrative Hearings	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
29	5/2/2012	Email re No objection to Petition to Intervene for Special Appearance to Object to Jurisdiction By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
30	5/2/2012	Objection to Intervention by Turtle Mountain Band of Chippewa Indians By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	7		<input checked="" type="radio"/> Yes <input type="radio"/> No
31	5/4/2012	Order Granting Intervention By: Allen Hoberg, ALJ - Office of Administrative Hearings	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
32	5/4/2012	Copy of email to ALJ with attached Stipulation By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	7		<input checked="" type="radio"/> Yes <input type="radio"/> No
33	5/4/2012	Motion for Admission Pro Hac Vice of Rjay J. Brunkow and Affidavit By: Otter Tail Power Company by Tracy Vigness Kolb, Zuger Kirmis&Smith	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
34	5/7/2012	Special Appearance Objecting to Jurisdiction By: Larry Baer and RJ Brunkow for Turtle Mountain Band of Chippewa Indians	25		<input checked="" type="radio"/> Yes <input type="radio"/> No
35	5/8/2012	Order Granting Admission Pro Hac Vice By: Allen Hoberg, ALJ - Office of Administrative Hearings	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
36	5/8/2012	Letter closing OAH file By: Allen Hoberg, ALJ - Office of Administrative Hearings	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
37	5/9/2012	Special Appearance Objecting to Jurisdiction By: Larry Baer and RJ Brunkow for Turtle Mountain Band of Chippewa Indians	24		<input checked="" type="radio"/> Yes <input type="radio"/> No
38	4/23/2012	Electronic record of pre-hearing conference By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
39	5/7/2012	Electronic record of formal hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
40	5/8/2012	Objection to Special Appearance Objecting to Jurisdiction By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
41	5/10/2012	Order Striking Brief By: Allen Hoberg, ALJ - Office of Administrative Hearings	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
42	5/10/2012	Response to Tribe's Special Appearance and North Central's Objection By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
43	5/11/2012	Response to Otter Tail's response to Tribe's Special Appearance and North Central's objection By: Allen Hoberg, ALJ - Office of Administrative Hearings	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
44	5/11/2012	Response to Objection to the Special Appearance Objecting to Jurisdiction by the Turtle Mountain Band of Chippewa Indians By: Larry Baer and RJ Brunkow for Turtle Mountain Band of Chippewa Indians			<input checked="" type="radio"/> Yes <input type="radio"/> No
45	5/14/2012	Special Appearance Objecting to Jurisdiction By: Larry Baer and RJ Brunkow for Turtle Mountain Band of Chippewa Indians	24		<input checked="" type="radio"/> Yes <input type="radio"/> No
46	5/17/2012	Letter - Order Striking Brief further response By: Allen Hoberg, ALJ - Office of Administrative Hearings	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
47	5/17/2012	Proposed Findings of Fact, Conclusions of Law, and Order By: Otter Tail Power Company by Bruce Gerhardson	6		<input checked="" type="radio"/> Yes <input type="radio"/> No
48	5/17/2012	Proposed Findings of Facts, Conclusions of Law and Order By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	18		<input checked="" type="radio"/> Yes <input type="radio"/> No
49	5/22/2012	Transcript of Hearing By: Emineth & Associates Court Reporters	120		<input checked="" type="radio"/> Yes <input type="radio"/> No
50	6/4/2012	Electronic record of work session By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
51	6/14/2012	Commission Motion adopting Order granting Motion for Dismissal of Formal Compliant By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
52	6/14/2012	Findings of Fact, Conclusions of Law, and Order By: Public Service Commission	12		<input checked="" type="radio"/> Yes <input type="radio"/> No
53	6/20/2012	Affidavit of Service Cert. Mail- Order By: Public Service Commission	13		<input checked="" type="radio"/> Yes <input type="radio"/> No
54	6/28/2012	Request for Reconsideration By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C	10		<input checked="" type="radio"/> Yes <input type="radio"/> No
55	7/9/2012	Response of Otter Tail Power Company to Request for Reconsideration By: Otter Tail Power Company by Paul Sanderson, Zuger Kirmis and Smith	10		<input checked="" type="radio"/> Yes <input type="radio"/> No
56	7/13/2012	Reply to Otter Tail Power Company's Response to Request for Reconsideration By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C			<input checked="" type="radio"/> Yes <input type="radio"/> No
57	8/6/2012	APPEAL - Notice of Appeal and Specifications of Error, Undertaking on Appeal to District Court By: North Central Electric Cooperative, Incorporated by Debra Hoffarth, Pringle & Herigstad, P.C			<input checked="" type="radio"/> Yes <input type="radio"/> No

assessing costs for preparing and filing the record in the captioned matter.

Dated this **21st** day of **August 2012**.

Respectfully Submitted,
North Dakota Public Service Commission

By:  _____

Mark Gruman
Special Assistant Attorney General
State Bar ID No. 06019
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-2421
(701) 328-2410 fax

Attorney for North Dakota Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____)
)
 North Central Electric Cooperative, Inc.)
)
 Appellant,)
)
 vs.)
)
 North Dakota Public Service Commission,)
 Otter Tail Power Comany, and)
 Turtle Mountain Band of Chippewa Indians,)
)
 Appellees.)
)
 _____)
)
 PSC Case No.)
 PU-11-701)
 _____)

**AFFIDAVIT OF SERVICE
BY REGULAR MAIL**

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF BURLEIGH)

John Hamre, deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **21st** day of **August 2012**, he deposited in the United States Mail, Bismarck, North Dakota, **4** envelopes with first-class postage fully prepaid, securely sealed and each containing:

1. **A CD contains an electronic copy of Record on Appeal**
2. **Photocopy of Certificate of Record on Appeal with attached printed copy of the electronic Docket Card**
3. **Photocopy of Notice to Appellants of Actual Costs**
4. **Photocopy of Affidavit of Mailing**

The envelopes were addressed as follows:

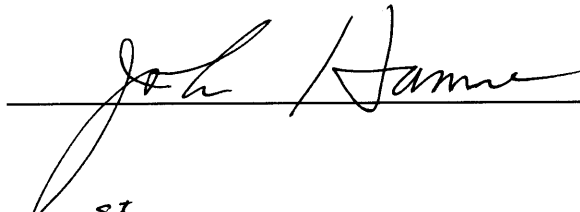
Debra Hoffarth
Pringle & Herigstad, P.C.
PO Box 1000
Minot, ND 58702

Bruce Gerhardson
Otter Tail Power Company
215 S. Cascade St.
Fergus Falls, MN 56538

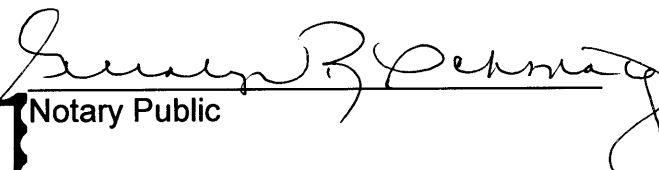
RJ Brunkow
PO Box 900
Highway 5 West
Belcourt, ND 58316

Ms. Debra Simenson, Clerk
Burleigh County District Court
P. O. Box 1055
Bismarck, ND 58502-1055

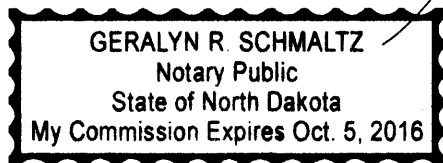
Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me this 21st day of **August 2012**.



SEAL



Notary Public

ACKNOWLEDGMENT OF FILING

Receipt of the foregoing described electronic record of documents on file in the Public Service Commission in **PSC Case No. PU-11-701** and accompanying filings is hereby acknowledged at Bismarck, North Dakota this _____, day of _____, **2012**.

**Clerk of District Court
Burleigh County**

SEAL

Please Read Before Using the CD

A CD drive is required to read the contents.

If you are running Windows 7 and you see a Windows Compatibility warning screen, select that it loaded correctly.

If the CD does not auto play after insertion, double click on the drive.

The first item on the CD is "Read Me Documents Index" which is the electronic form of the Public Service Commission docket card for Public Service Commission Case No. PU-11-701. A paper copy of this docket card is also included.

A hyperlink list of files will also appear which matches the Public Service Commission docket card. (For example: Docket Item No.1 on the docket sheet may have four files associated with it – each file will be identified as Docket No. 1 on the hyperlink page.)

Items that are included in the record certified to court are marked "Yes" on the docket sheet.

Click on the blue hyperlink to view each document. **To return to the list after viewing the document, you must use the "Back Button."** If you close the document without using the "Back Button":

Open My Computer
Double Click on the CD Drive

If you have any additional questions, please contact the Public Service Commission at 328-2400. Thank you.