



**Public Service Commission**  
State of North Dakota

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3 January 2013

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
2911 North 14th Street – Suite 303  
Bismarck, ND 58503

Re: North Dakota Manufactured Housing Association  
vs. Montana Dakota Utilities Co.  
Complaint  
PU-12-807

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. The hearing on the complaint is scheduled to begin on 19 February 2013 at 9:00 a.m. CST in the Commission Hearing Room, State Capitol, 12<sup>th</sup> Floor, Bismarck, North Dakota. A copy of the Notice of Hearing is enclosed.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona Jeffcoat-Sacco  
General Counsel

enclosure  
c: w/encl. Todd Kranda  
Dan Kuntz

7 PU-12-807 Filed: 1/4/2013 Pages: 3  
Request for Administrative Law Judge

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**North Dakota Manufactured Housing  
Association  
vs. Montana Dakota Utilities Co.  
Complaint**

**Case No. PU-12-807**

**NOTICE OF HEARING**

**December 12, 2012**

On December 10, 2012, North Dakota manufactured Housing Association (NDMHA) filed a Complaint against Montana-Dakota Utilities Co. asking the Commission to require MDU to notify lessors and landlords with advance notice of any intent to disconnect service to a customer lessee if MDU has a waiver from the customer lessee.

The Complainant also asked the Commission for an emergency hearing upon shortened notice. The Commission concludes this matter does not constitute an emergency justifying a shortened notice period.

On December 12, 2012, the North Dakota Public Service Commission found the Complaint states a *prima facie* case.

A public hearing on this matter will be held February 19, 2013, beginning at 9:00 a.m. in the Commission Hearing Room, State Capitol, 12<sup>th</sup> Floor, Bismarck, North Dakota 58505.

The issues to be considered in this matter are:

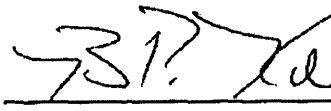
1. Whether the Commission has authority to require MDU to implement the requested procedure;
2. Whether implementation of the requested procedure would constitute a just and reasonable rule or regulation of MDU under North Dakota Century Code Section 49-04-17.

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, at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Brian P. Kalk  
Chairman**



**Bonny M. Fetch  
Commissioner**

2013-0005



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission  
North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the North Dakota Manufactured Housing Association vs. Montana Dakota Utilities Co.

Complaint, PU-12-807

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
Issues to be considered in this matter are whether the Commission has authority to require MDU to implement the requested procedure & whether implementation of the requested procedure would constitute a just and reasonable rule or regulation.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
The hearing on the complaint is scheduled to begin on 19 February 2013 at 9:00 a.m. CST in the Commission Hearing Room  
State Capitol, 12th Floor, Bismarck, North Dakota.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 1/3/2013
Signature of Requesting Person x <i>Illona A. Jeffcoat-Sacco</i>	Telephone Number (701) 328-2407

Attachment  
 Request for ALJ  
 3 January 2013

North Dakota Manufactured Housing Association  
 vs. Montana Dakota Utilities Co.  
 Complaint  
 PU-12-807

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Illona A. Jeffcoat-Sacco General Counsel	<b>Address</b> 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	<b>Telephone Number</b> 701-328-2407
<b>PARTY</b> North Dakota Manufactured Housing Association (NDMHA)	<b>Address</b> PO Box 2681 Bismarck, ND 58502-2681	<b>Telephone Number</b> 701-223-6671
<b>Representation</b> Todd Kranda, Attorney	<b>Address</b> Kelsch Kelsch Ruff & Kranda PO Box 1266 Mandan, ND 58554-7266	<b>Telephone Number</b> 701-663-9818
<b>PARTY</b> Montana-Dakota Utilities Co.	<b>Address</b> 400 N. 4 <sup>th</sup> St. Bismarck, ND 58501	<b>Telephone Number</b> 701-222-7900
<b>Representation</b> Dan Kuntz, Associate General Counsel	<b>Address</b> P.O. Box 5650 1200 West Century Avenue Bismarck, ND 58506-5650	<b>Telephone Number</b> 701-530-1016
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>