

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:22 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Certificate
Filing Desc: Certificate of Record
The following are service contacts on this filing:
Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.

Appellant,

vs.

North Dakota Public Service Commission,
and Montana-Dakota Utilities Co., a
Division of MDU Resources Group, Inc.,

Appellees

PSC Case No. PU-13-871

CIVIL NO. 08-2014-CV-02349

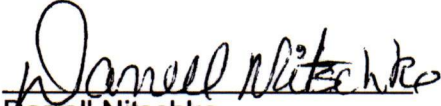
CERTIFICATION

TO: Michele Bring
Clerk of District Court
Burleigh County District Court
P.O. Box 1055
Bismarck, ND 58502-1055

I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the following 43 documents filed by the Public Service Commission through the Odyssey Electronic Service and File System, are true and correct electronic copies in portable document format of the same documents filed and docketed with the Public Service commission in **Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Menard Inc., Burleigh County, ND Public Convenience & Necessity, Public Service Commission Case No. PU-13-871**, each of which appears of record

and is on file in the office of the Public Service Commission of the State of North Dakota. I further certify that the 43 documents to be filed in portable document format, together with an electronic copy on compact disk of the electronic transcript of the hearing and the electronic copy of the oral argument, to be filed manually, constitute the record on file with the Public Service Commission. Documents and files to be filed as the Certified Record are identified with the notation "yes" on the final document to be filed, identified as CR Exhibit 44, which is a copy of the Public Service Commission's docket card for the case through November 14, 2014.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Public Service Commission in the city of Bismarck, North Dakota, this 17 day of December, 2014.


Darrell Nitschke
Executive Secretary
Public Service Commission
State of North Dakota
600 E. Boulevard Avenue, Dept 408
Bismarck, ND 58505
(701) 328-2400

(S E A L)

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Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 1 Application for CPCN
The following are service contacts on this filing:
North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

November 25, 2013

Executive Secretary
North Dakota Public Service Commission
State Capitol – Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Case No. PU-13-____
Application for Permanent Authority to
Menard Inc., near McKenzie, North
Dakota

Montana-Dakota Utilities Co. (Montana Dakota), a Division of MDU Resources Group, Inc., herewith respectfully submits an original and one copy of an Application for Permanent Authority to extend electric service to Menard Inc. at a location in NW Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

Tamie A. Aberle
Director of Regulatory Affairs

Enclosures
cc/enc.

Ordean Nygren – Capital Electric Cooperative
Craig Lohstreter – Bismarck Office

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

In the Matter of the Application)
of MONTANA-DAKOTA UTILITIES CO.,)
a Division of MDU Resources Group,)
Inc., for an Order and Certificate to)
Extend Service to Menard, Inc.)
near McKenzie, North Dakota)

Case No. PU-13-____

APPLICATION FOR PERMANENT AUTHORITY

MONTANA-DAKOTA UTILITIES CO., for its Application to the Public Service Commission of North Dakota, respectfully alleges:

I.

The full name of Applicant is Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., and the post office address of its principal office is 400 North Fourth Street, Bismarck, North Dakota 58501. Applicant is a public utility subject to the jurisdiction of and regulation by the Public Service Commission of North Dakota, under Title 49, N.D.C.C., as amended. MDU Resources Group, Inc.'s Certificate of Incorporation is incorporated herein by reference, and the Commission is requested to take official notice of the same.

II.

This Application is made pursuant to the provisions of Chapter 49-03, N.D.C.C., as amended, and the Rules of Practice and Procedure promulgated by the Commission.

III.

Application has been requested by Menard Inc., hereinafter referred to as

"Customer," to provide electric service to it at a point located in the NE Section 33, Township 139N, Range 77W, Burleigh County, North Dakota as shown on the map attached hereto, marked Exhibit A, and made a part hereof by reference. Correspondence to the Customer should be directed to:

Jesse Cain
5101 Menard Dr.
Eau Claire, WI 54703

IV.

The service required by Customer at said location is three phase service, and the length of the three phase line extension to the customer's property line will be approximately 2,700 feet, as shown by Exhibit A. Capital Electric Cooperative (Capital Electric) is an electric supplier also providing electric service within the general area of this Customer. Montana-Dakota's extension of its three phase underground service will cross under Capital's single phase overhead line currently feeding a rural residence. The line crossing is shown in yellow on Exhibit A. Capital Electric was notified of the Company's request for a Certificate of Public Convenience and Necessity by copy of this Application. The location of the proposed service is within the economic service area of Applicant and service will be extended under the provisions of the rules and regulations applicable thereto. It is Applicant's public utility obligation to furnish the requested service, and the public convenience and necessity requires, and will be served by, Applicant furnishing the requested service to this Customer at said location.

V.


Submitted as Exhibit B with this Application is an Appearance by Customer herein,

in which Customer states to the Commission that it desires electric service from Applicant as a public utility subject to the jurisdiction of, and regulation by, this Commission. In said Appearance, Customer also waives Notice of Opportunity for Hearing and Notice of Hearing upon this Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service.

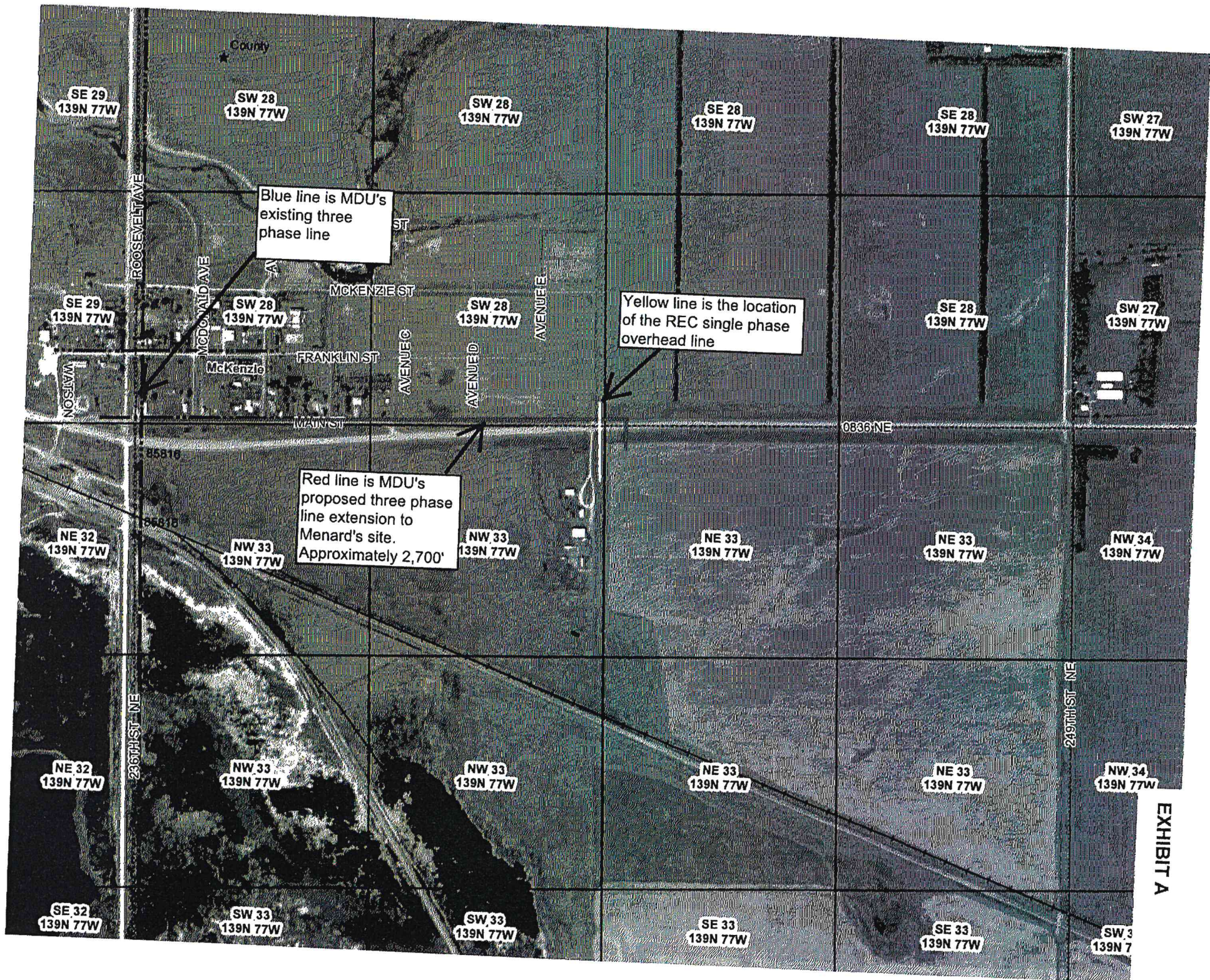
VI.

WHEREFORE, Applicant requests the entry of an Order and Certificate of Public Convenience and Necessity authorizing Applicant to extend the requested and needed service to Customer.

MONTANA-DAKOTA UTILITIES CO.
a Division of MDU Resources Group, Inc.

By: 

Tamie A. Aberle
Director – Regulatory Affairs



Blue line is MDU's existing three phase line

Yellow line is the location of the REC single phase overhead line

Red line is MDU's proposed three phase line extension to Menard's site. Approximately 2,700'

EXHIBIT A

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of
Montana-Dakota Utilities Co.,
a Division of MDU Resources Group, Inc.

Case No. _____

APPEARANCE BY CUSTOMER

Maarud
Monards, Inc.

hereinafter referred to as "Customer", hereby makes a voluntary appearance in this matter and states the following to the Public Service Commission ("Commission"):

That Customer desires electric service from Montana-Dakota Utilities Co. as a public utility subject to the jurisdiction of, and regulation by, the Commission, and has requested said public utility to provide Customer with electric service at the following location(s):

- In the NE ¼; Section 33; Township 139N; Range 77W; Burleigh County, North Dakota.

That Customer is in need of electric service at said locations for the purpose of construction and operation of a manufacturing and distribution facility.

That Customer waives notice of opportunity for hearing and notice of hearing upon said Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed electric service, and that provisions be made therein authorizing extension of electric service.


That all the allegations of the Application herein are true and correct.

WHEREFORE, the undersigned, being the Customer involved herein, prays for the entry of an Order and Certificate of Public Convenience and Necessity by the Commission,

authorizing the Applicant to extend the requested and needed electric service to Customer at said location, subject to such appropriate and proper conditions to be appended to and made a part of such Certificate as the Commission may determine, and for such other and further relief as may be proper in the premises.

Customer:

Menards, Inc.

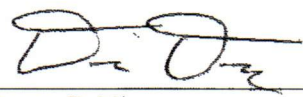
By: 
~~Jesse Cain, Project Manager~~
Troy Anderson

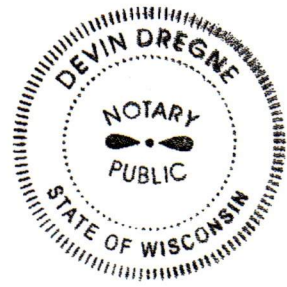
Dated: 9/16/13

STATE OF Wisconsin)

County of Eau Claire)

On this 16th day of September, in the year 2013, before me personally appeared Troy Anderson, known to be to be the General manager of Starz Planning/Design/Construct of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.


Notary Public
my commission is permanent



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Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 2 Notice of Opportunity for Hearing
The following are service contacts on this filing:
North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity**

Case No. PU-13-871

NOTICE OF OPPORTUNITY FOR HEARING

December 18, 2013

On November 25, 2013, Montana-Dakota Utilities Co., an electric public utility, filed an application under Chapter 49-03, N.D.C.C. to extend service to Menard Inc. at a location in Burleigh County, North Dakota.

Submitted with the application was a statement by Menard, Inc. that the customer desires electric service to be provided by the applicant. Service is to be provided at points located in:

NW Section 33, Twp. 139N, R 77W, Burleigh County, North Dakota.

Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Any interested party has the right to file written objection, based on the issue of public convenience and necessity, with the Commission by **January 17, 2014**, and the matter will then be set for hearing. If no objections are received by that date, the application may be granted as requested.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

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Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 3 Service Document for Notice

The following are service contacts on this filing:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity

Case No. PU-13-871

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Jen Lein deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 20th day of **December, 2013**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Notice of Opportunity for Hearing

The envelopes were addressed as follows:

Tamie Aberle
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck ND 58501

Ordean Lars Nygren
Capital Electric Cooperative, Inc.
4111 State St.
PO Box 730
Bismarck ND 58502-0730

Cert. No. 7013 2630 0001 2317 0101

Cert. No. 7013 2630 0001 2317 0095

Jen Lein further deposes and says that on the 20th day of **December, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelope was addressed as follows:

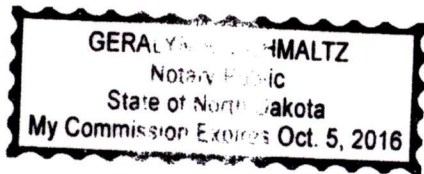
ND Association of RECs
PO Box 727
Mandan ND 58554-0727


Affidavit of Service
Page 2
December 20, 2013

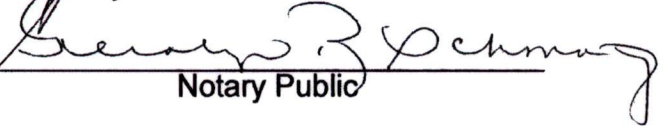
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 20th day of December, 2013.

SEAL







Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity**

Case No. PU-13-871

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Dakota.**


Montana-Dakota Utilities Co. has made a prima facie showing that it should serve the customer.

Any interested party has the right to file written objection, based on the issue of public convenience and necessity, with the Commission by **January 17, 2014**, and the matter will then be set for hearing. If no objections are received by that date, the application may be granted as requested.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner

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Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 4 Protest and Request for Hearing

The following are service contacts on this filing:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Kelsey Krapp (kkrapp@esattorneys.com)

Paul Sanderson (psanderson@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

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JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON
STEVEN A. LAUTT

ATTORNEYS LICENSED IN
NORTH DAKOTA
MINNESOTA
MONTANA



LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

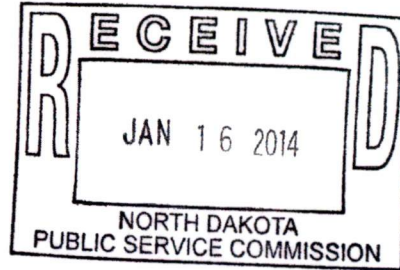
2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702-1000
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@srt.com

GRAND FORKS OFFICE
202 NORTH 3RD STREET, SUITE 200
GRAND FORKS, NORTH DAKOTA 58203
(701) 775-9000

OF COUNSEL
HERBERT L. MESCHKE
DONALD A. NEGAARD
RETIRED
THOMAS A. WENTZ
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)
MARK F. PURDY
(1927-2011)

January 15, 2014



EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
NORTH DAKOTA STATE CAPITAL
600 EAST BOULEVARD – DEPT 408
BISMARCK, ND 58505-0480

**MONTANA-DAKOTA UTILITIES CO.
MENARD INC. – BURLEIGH COUNTY, ND
PUBLIC CONVENIENCE & NECESSITY**

Please find enclosed for filing in the above named matter a Protest. I have included one original and eight copies (seven copies for the PSC and a courtesy copy). Once said Protest is filed, please provide to our office a file stamped copy.

Thank you and if you have any questions, please do not hesitate to contact me.

Yours truly,

Carol K. Larson

lat

Enclosures

cc: Ordean "Lars" Nygren – Capital Electric Cooperative, Inc.
Tamie Aberle – Montana-Dakota Utilities Co.
ND Association of RECs

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity

Case No. PU-13-871

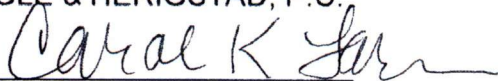
PROTEST

January 15, 2014

Capital Electric Cooperative, Inc., hereby protests the application of Montana-Dakota Utilities Co. for a Certificate of Public Convenience and Necessity to extend electric service to Menard, Inc. for a commercial site near McKenzie, North Dakota; which application was filed on November 25, 2013. Capital Electric Cooperative, Inc., further requests the PSC to hold a hearing and authorize discovery in this matter pending a hearing.

Dated this 15th day of January, 2015.

PRINGLE & HERIGSTAD, P.C.

By: 

Carol K. Larson - #04406

Matthew H. Olson - #06182

Attorneys for Capital Electric Cooperative, Inc.

Pringle & Herigstad, P.C.

2525 Elk Drive

PO Box 1000

Minot, ND 58702-1000

(701) 852-0381

That the above provisions were duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure.

LaRae A. Thomas
LaRae A. Thomas

SUBSCRIBED AND SWORN to before me this 15th day of January, 2014.

RUTH HEADRICK
Notary Public
State of North Dakota
My Commission Expires Oct. 25, 2017

Ruth Headrick
Notary Public
For the State of North Dakota

Jeffcoat-Sacco, Illona

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Filing Code: Exhibit

Filing Desc: CR Exhibit 5 Notice of Hearing

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Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Daniel Kuntz (dan.kuntz@mduresources.com)

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

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Matthew Olson (molson@pringlend.com)

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co.
Menard, Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

**NOTICE OF HEARING
February 26, 2014**

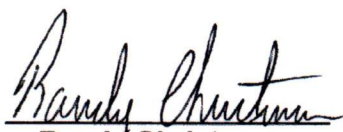
On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., filed an application to extend electric service to Menard, Inc. at a location in Section 33, T 139N, R 77W, Burleigh County, North Dakota. On January 16, 2014, a Protest and request for hearing was received from Capital Electric Cooperative, Inc.

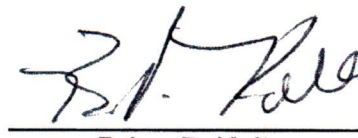
Please take notice that a **public hearing** on these matters will be held **Friday, May 2, 2014, at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505.** The issues to be considered are:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

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 Gloria Geiger, Interim Secretary, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:24 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 6 Service Documents Notice

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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<http://northdakota.tylerhost.net/ViewServiceDocuments.aspx?SID=a9c7a65a-306d-4a2b-9790-c6839296d329&RID=0e505db7-7667-4ca6-9e35-db62e1fd3189>

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity**

Case No. PU-13-871

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

**STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH**

Cara DeSaye deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 4th day of **March, 2014**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Notice of Hearing

The envelopes were addressed as follows:

**Tamie Aberle
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck ND 58501**

**Ordean Lars Nygren
Capital Electric Cooperative, Inc.
4111 State St.
PO Box 730
Bismarck ND 58502-0730**

Cert. No. 7013 2630 0001 2317 0682

Cert. No. 7013 2630 0001 2317 0699

Cara DeSaye further deposes and says that on the 4th day of **March, 2014**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelope was addressed as follows:

**ND Association of RECs
PO Box 727
Mandan ND 58554-0727**

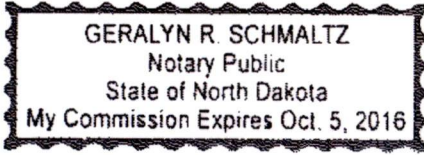
Affidavit of Service
Page 2
March 4, 2014

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

Subscribed and sworn to before me
this 4th day of March, 2014.

Cara DeJoy
Gerald R. Schultz
Notary Public

SEAL



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co.
Menard, Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

**NOTICE OF HEARING
February 26, 2014**

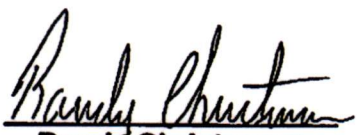
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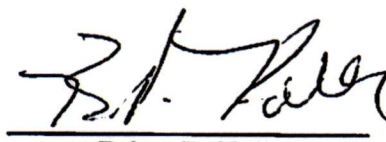
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For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Gloria Geiger, Interim Secretary, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:24 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 7 Return Receipt Notice

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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<http://northdakota.tylerhost.net/ViewServiceDocuments.aspx?SID=446c92c1-eb5d-4056-8ac2-1a3220195ab3&RID=98f37cde-1d95-4a54-9362-d84e8f1dbfef>

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CR Exhibit 7 Return Receipt Notice

12 PU-13-871 Filed 03/07/2014 Pages: 2
Return receipt - Notice of Hearing
USPS

2013-871
COMPLETE THIS SECTION ON DELIVERY

Signature *[Handwritten Signature]* Agent
 Addressee

so that we can return the card to you.
■ Attach this card to the back of the mailpiece,

B. Received by (Printed Name) *Shaur* C. Date of Delivery *3/6*

Address different from item 1? Yes
or delivery address below: No

ORDEAN LARS NYGREN
CAPITAL ELECTRIC COOPERATIVE, INC.
4111 STATE ST.
PO BOX 730
BISMARCK ND 58502-0730

3. Service type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7013 2630 0001 2317 0699

PS Form 3811, July 2013

Domestic Return Receipt

DU-13-871

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 J. Davis 3-6-14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

1. Article Address
 TAMIE ABERLE
 MONTANA-DAKOTA UTILITIES CO.
 400 NORTH FOURTH STREET
 BISMARCK ND 58501

Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7013 2630 0001 2317 0682

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:25 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 8 Affidavit of Publication

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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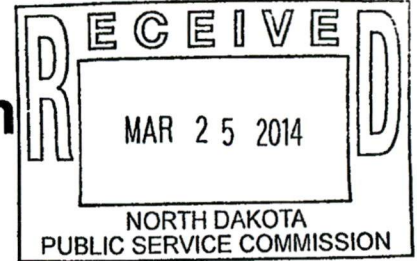
If the link above is not accessible, copy this URL into your browser's address bar to view the document:

<http://northdakota.tylerhost.net/ViewServiceDocuments.aspx?SID=e234e410-d25f-4421-ab4c-7a25f357185c&RID=b9d1d4aa-4e4f-4153-af4c-931d8fa0e1ff>

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Affidavit of Publication



Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **Public Service Commission – MDU, Menard; Case No. PU-13-871; 1** time(s) as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

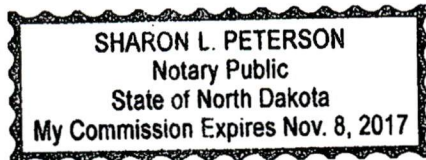
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 19 day of March, 2014.

Sharon L. Peterson



in gen.'s assault case

By MICHAEL BIESECKER
Associated Press

FORT BRAGG, N.C. — An Army captain at the center of a sexual assault case that has scandalized the U.S. military testified Friday that a general twice forced her to perform oral sex on him during their three-year, illicit affair.

Taking the stand on the first day of Brig. Gen. Jeffrey A. Sinclair's court-martial, the woman said the assaults took place in Afghanistan in 2011 as she grew increasingly despondent over their idyllic relationship.

Both times, she said, they got into arguments that ended with Sinclair unbuttoning his pants and forcing her head into his lap as she cried.

Sinclair, the 51-year-old former deputy commander of the storied 82nd Airborne Division, is believed to be the highest-ranking U.S. military officer ever court-martialed on sexual assault charges. He could get life in prison if found guilty.

The trial is unfolding with the Pentagon under heavy pressure to confront what it has called an epidemic of rape and other sexual misconduct in the ranks. On Thursday, the Senate reject-

ed a bill that would have stripped commanders of authority to decide whether to prosecute serious crimes.

Sinclair's accuser testified that the first assault took place in her office in Kandahar when she told him how she hated her life, hated working for him and believed the general was just using her for sex.

"He grabbed me by the back of the neck and pushed me down. I tried to pull back, and he put his other hand on my shoulder," she said. "It felt disgusting. I felt like I had no control over my body."

She said the second assault took place in his office days later after she asked him to move her to another job. She said that after that episode, they never had sex again.

WILKINSON — Ebony Wilkerson, who was charged with attempted murder Friday, said "everyone was OK" and Wilkerson left the van with her children inside, an affidavit said. The bystanders and beach safety officers, paying no mind to her urgings, pulled the two girls and a boy, ages 3, 9 and 10, through the windows Tuesday on Daytona Beach.

Later, Wilkerson denied trying to hurt her children, telling investigators she was driving too close to the water, and the waves pulled her in, "according to the charging affidavit."

Her children told investigators another story. Wilkerson left the van with her children inside, an affidavit said. The bystanders and beach safety officers, paying no mind to her urgings, pulled the two girls and a boy, ages 3, 9 and 10, through the windows Tuesday on Daytona Beach.

In this image made from video, lifeguards and bystanders rescue children from a minivan that their mother, 31-year-old Ebony Wilkerson, drove into the Atlantic on Tuesday in Daytona Beach, Fla.

"Mom tried to kill us," they told detectives, according to the document. "Mom is crazy."

Volusia County Sheriff Ben Johnson said Wilkerson, 32, of North Charleston, has been charged with three counts each of first-degree attempted murder and child abuse. She was in the custody of the sheriff's office after being hospitalized for a mental evaluation since dunking the van into the surf.

The children told authorities they had come to Florida from South Carolina ear-

lier in the week to escape their father. They described a history of violence between their parents, and they said their mother had been "acting crazy and speaking to Jesus" since they had come to stay with Wilkerson's sister in Daytona Beach.

The sister, Jessica Harrell, didn't return a phone call from The Associated Press, but she expressed her concerns about Wilkerson's mental health to a 911 dispatcher only hours before the minivan ended up in the ocean. The children said that

while driving south on the beach, their mother pointed at the ocean, locked the doors, rolled up the electric windows and then jerked the steering wheel, sending the minivan into the waves.

One of the children asked her what she was doing, and she said: "I am keeping us all safe," according to the affidavit. The boy tried to wrestle the steering wheel away from Wilkerson.

"She told them to close their eyes and go to sleep. She was trying to take them to a better place," Johnson said at a news conference.

Special Plants are here!
White Supplies
ROBERTS' Plants & Gifts
210 N. 8th St. Bismarck ND 58501
Let us brighten your day!

ANNUAL TOWNSHIP MEETING
NDCC 58-04-01
The Citizens of the Township of Naughton in the County of Burleigh & State of North Dakota, who are qualified to vote at General Elections, are hereby notified that the Annual Township Meeting for said Township will be held at Naughton School in said Township, on Tuesday, the 18th day of March, 2014 from 7:00 to 8:00 P.M. for the following purpose: To elect such Township Officers as is required by law and to do any other business proper to be done at said meeting when convened.
Linda Buchman, Township Clerk
308 S 15 - 20710168

Annual Township Meeting
McKenzie Township Annual Meeting and Election will be held March 18, 2014 at 7:00 to 9:00 a.m. at the Senior Center. To elect such Township Officers as is required by law.
L. Supercior - 3 Year Term
B. Supercior - 3 Year Term
Reminders: A photo ID will be required to vote.
Barb Knutson - Clerk
318 - 20710160

PUBLIC NOTICE

least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric service within the two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to the reliability of service?
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9. It is probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?
For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-1400; 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 Gloria Geiger, Interim Secretary, at least 24 hours in advance.
PUBLIC SERVICE COMMISSION
Randy Peterson, Commissioner
Brian P. Kalk, Chairman
Wile Fedorchak, Commissioner
318 - 7079992

serviced by Vericrest Financial, Inc. and given to secure the payment of \$164,300.00, and interest according to the conditions of a certain promissory note, is in default.
5. Vericrest Financial, Inc. may have previously sent you a letter advising you of possible alternatives to foreclosure, along with the documents for you to complete and return to Vericrest Financial, Inc. to be evaluated for these alternatives. If you did not receive or no longer have the documents, or have not returned all of the documents, please contact Vericrest Financial, Inc. at (858) 999-1200. Even if you have previously indicated that you are not interested in saving your home you can still be considered for alternatives to foreclosure.
6. The following is a statement of the sum due for principal, interest, taxes, insurance, maintenance, etc., as of January 1, 2014:
Principal \$164,300.00
Escrow 1,734.96
January 1, 2014 51,439.08
Property Inspection 10.75
Property Preservations 880.61
Prior Service Fees 880.61
(Taxes and Insurance) 2,162.71
TOTAL \$224,227.93
7. That as of January 1, 2014, the amount due to cure any default, or to be due under the terms of the mortgage, exists in the following respects:
Accumulated Payments Owng. - \$6,795.26
43 months @ \$1,320.82 = \$56,795.26
Escrow 8,846.39
43 months @ \$205.73 = \$8,846.39
Prior Service Fees 2,162.71
Property Inspection 10.75
Property Preservations 880.61
TOTAL 68,675.72

Marlin's FAMILY RESTAURANT
CUSTOMER APPRECIATION MONTH
AMAZING FUN... GREAT FOOD
3205 E. Divide Ave. Bismarck • 222-1508
marlinsfamilyrestaurant.com

ADVERTISEMENT FOR BIDS
The Board of City Commissioners of the City of Bismarck will receive sealed bids for the construction of storm sewer and related items in Five Hundred Forty-two District. The Five Hundred Forty-two District. All bids will be submitted to the City Administrator by 3:00 p.m., Monday, March 24, 2014. Such work to be completed according to the plans and specifications on file in the Office of the City Administrator. Bids will be opened at 4:00 p.m., Monday, March 24, 2014, in the Office of the City Administrator. The proposal must be mailed to or deposited with the City Administrator and shall be sealed and endorsed "Project #218 Construction of Storm Sewer and Related Items in Sewer Improvement District Number Five Hundred Forty-two (542)". The contractor shall include a copy of his license or renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 49-07-12 of the North Dakota Century Code and a copy of the Complete digital project bidding documents are available at www.bismarck.org or www.ncdps.com. You may download the digital plan documents for \$40.00 by inputting Quest project #2180426 on the website's Project Search page. Contact quest@ncdps.com at 932-233-1632 or info@questdps.com for assistance in free membership registration, downloading, and working with this digital project information. An optional paper set of project documents is also available for a non-refundable price of \$80.00 per set which includes applicable sales tax and shipping. Please make your check for a paper set payable to the City of Bismarck and send it to the City of Bismarck Engineering Department, P.O. Box 5503, Bismarck, North Dakota 58506-5503, naming the project number and if you want to pick it up or to be mailed. Please contact us at 701-355-1505 if you have any questions.

NOTICE OF LOCAL BOARDS OF EQUALIZATION MEETINGS
All Township Boards of Equalization will meet according to the second Monday of April, being the 14th. All City Boards of Equalization will meet the second Tuesday of April, being the 8th. The County Board of Equalization will meet June 2nd and according to Section 37-02-51 and 57-02-52 of the ND Century Code. Each taxpayer has the right to appear before the board to dispute the validity of the foregoing debt or any portion thereof within thirty days after receipt of this letter, we will assume the debt to be valid. On the other hand, if the debt or any portion thereof is disputed, we will obtain verification of the debt and will mail you a copy of such verification. You are advised that upon your request within the thirty day period, we will provide subsequent payments of late charges which are due and any further expenses for protection of the property which may be advanced. PLEASE CONTACT THE UNDERSIGNED FOR THE EXACT AMOUNT DUE THROUGH A CERTAIN DATE.

GRAND 22
More Than Just a Theater—An Event!
A Touch of H.L.A., Popcorn and Gypsit (Right here in Bismarck)
THE ULTIMATE in Motion Picture Entertainment

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION
Notice is hereby given by the United Tribes Technical College that they will be requesting proposals for the UTTC-Deh'NaD Workforce office, building 11, 3315 University Drive, Bismarck, ND 58504. Proposals will be received prior to 5:00 PM April 24, 2014 at the UTTC Deh'NaD Workforce office, Building 11, 3315 University Drive, Bismarck, ND 58504. Proposals will be opened and reviewed by the Project Director. Copies of the Specifications and proposal forms may be obtained from UTTC Deh'NaD Workforce office, UTTC Campus, Building 11, 3315 University Drive, Bismarck, ND 58504. Telephone number (701) 253-3285 ext. 1491. Email rp@uttc.edu. 3/7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 4/1, 2, 3, 4 & 5 - 20797973

NOTICE BEFORE FORECLOSURE
I, **MARK THOMSEN**, 2665 Shamrock Dr., Apt D Bismarck, ND 58503-6443, Clerk L. Thomsen, 2665 Shamrock Dr., Apt D Bismarck, ND 58503-6443, Occupant: 2665 Shamrock Dr., Apt D Bismarck, ND 58503-6443. Being the name property conveyed to Mark Thomsen by deed from Jerry T. Seel and Patricia J. Seel, husband and wife, recorded as Instrument No. 659183, in the Register of Deeds Office of Burleigh County, North Dakota, aka 2665 Shamrock Drive, Bismarck, North Dakota 58503.
4. Notice is hereby given that certain mortgage upon the above-described property, Mark Thomsen and Cheryl L. Thomsen, Mortgages, executed and delivered to Mortgage Electronic Registration Systems, Inc. solely as nominee for Calika Investments, LLC, Mortgagee, dated August 1, 2006, and filed for record in the Register of Deeds of the County of Burleigh and State of North Dakota, on the 15th day of August, 2006 at 1:02 o'clock P.M., as Document No. 659183, which mortgage was assigned to HSBC Mortgage Services, Inc., by that Assignment of Mortgage recorded August 17, 2006 at Doc. No. 768986, which mortgage was assigned to VOLT Asset Holdings Trust XVI, by an Assignment of Mortgage recorded September 24, 2013 at 1:02 o'clock P.M., as Document No. 795241, which mortgage is being

GRAND 22 THEATRES • 94 & HWY 83 N. • 222-1607

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION
Notice is hereby given by the United Tribes Technical College that they will be requesting proposals for the UTTC-Deh'NaD Workforce office, building 11, 3315 University Drive, Bismarck, ND 58504. Proposals will be received prior to 5:00 PM April 24, 2014 at the UTTC Deh'NaD Workforce office, Building 11, 3315 University Drive, Bismarck, ND 58504. Proposals will be opened and reviewed by the Project Director. Copies of the Specifications and proposal forms may be obtained from UTTC Deh'NaD Workforce office, UTTC Campus, Building 11, 3315 University Drive, Bismarck, ND 58504. Telephone number (701) 253-3285 ext. 1491. Email rp@uttc.edu. 3/7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 4/1, 2, 3, 4 & 5 - 20797973

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3/8 Bismarck

701-483-7590 or 1-800-279-9150

OPEN HOUSES

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 SUNDAY, MARCH 9TH
 2:00-3:30PM @ 2610 COUNTRY OAK DRIVE
 Brand New quality Raised Ranch style home. 2 bed, 2 bath, ready for new owners! \$279,900
 Host: Tim Sailer 26011876, 4830100
the real estate co. 235 5th St. Dickinson, ND
 www.therealestateco.com

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 849 S. Main Ave. Dickinson

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 Brought to you courtesy of The Dickinson Press and The Advertiser

Project #19 (selective grading, turn lanes, curbs, hot bituminous pavement, guard-rail, recovery aprons, and bridges in Hettinger and Slope Counties). If you would be interested in quoting this project, please fax queries to 701-453-4343 or email to gschick@nd.gov. Please submit your quote to our office according to the time schedule in the DBE Special Provision. If you have any questions, please call our office at 701-453-4343. We offer assistance in interpreting plans, preparing proposals, and providing advice on project scheduling and bid and contract awarding and bonding and insurance. We are an equal opportunity employer.
 (Published March 6, 7 & 8, 2014)



STATE OF NORTH DAKOTA
 PUBLIC SERVICE COMMISSION
 Montana-Dakota Utilities Co.
 Menard, Inc. - Burleigh County
 Public Convenience & Necessity
 Case No. PU-13-871
NOTICE OF HEARING
 February 28, 2014

On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., filed an application to extend electric service to Menard, Inc. at a location in Section 33, T. 139N, R. 77W, Burleigh County, North Dakota. On January 18, 2014, a Protest and request for hearing was received from Capital Electric Cooperative, Inc.
 Please take notice that a public hearing on these matters will be held Friday, May 2, 2014, at 8:30 a.m. CDT, in the Commission Hearing Room, 120 Floor, State Capitol, Bismarck, North Dakota 58505. The issues to be considered are:
 1. From whom do the customers prefer electric service?
 2. What electric suppliers are operating in the general area?
 3. What electric supply exist within at least a two-mile radius of the location to be served, and when were they constructed?
 4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
 5. What are the costs, if any, between the electric suppliers available to serve the area with respect to reliability of service?
 6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
 7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
 8. Would approval of the applications result in wasteful duplication of investment or service?
 9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
 10. Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?
 For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-368-8888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Gloria Geiger, Intern Secretary, at least 24 hours in advance.
 PUBLIC SERVICE COMMISSION
 Randy Christman, Commissioner
 Brian P. Kalk, Chairman
 Julie Fiedorak, Commissioner
 (Published March 8, 2014)

Concepts Sudoku By Dave Croteau

2	5		1		9	4
		5	3			
7					3	
6					2	
1		3				8
4					7	
2					4	
4	8		2	7		

 Difficulty Level: ****

Answer for Yesterday's Puzzle

114	238	6	9	7	5
3	7	5	1	9	2
9	6	7	4	5	3
2	1	8	4	5	7
7	3	9	8	6	2
6	5	4	9	2	3
4	2	7	6	1	8
8	1	9	3	2	7
9	6	1	5	3	4

 Sudoku is a number-placement puzzle based on a 9x9 grid with several given numbers. The object is to place the numbers 1 to 9 in the empty squares so that each 9-cell row, each 9-cell column and each 3x3 box contains each number only once. The difficulty level of the Concepts Sudoku increases from Monday to Sunday.

OPEN HOUSES

AUCTION	CONDUCTED BY
03-08 Antiques-Roy-Coins	Big D & E Auction
03-08 Make A Wish Auction - Eagles	Schock Auction
03-08 Patty Helser-Household	Big D & E Auction
03-09 Gerald & Sharon Reach-Vehicle-Shop-Yard-Antique-Mandan	G & G Auction Service
03-15 Underwood Lumber Yard Liquidation Auction	Wulf Auctioneers
03-16 Emerson/LaCrosse-Est-Porton-Vehicle-Trailer-Guns	G & G Auction Service
03-16 Multiple Estates-Gold-Silver-Coin-Mandan	Binstock Big-E Auction
03-22 Ram Gold & Silver Coin Auction - Minot	Schock Auction
03-23 Elaine Karst-Est-Household-Furniture-Taylor	Binstock Big-E Auction
03-23 Household-Antiques-Coin-Taylor	Binstock Big-E Auction
03-28 Donald Dunn Country Land Auction 800 +/- Acres	Doris Hoff Home & Land
03-28 Patrick & Nancy Kuntz Land Auction 420 +/- Acres	Doris Hoff Home & Land
03-29 Consignment Gun-Saddle-Sport Auction	Schock Auction
03-29 Tools-Coin-Household	Big D & E Auction
03-29 Tramp Ranch & Trucking Auction	Wulf Auctioneers
03-30 12th Annual Schickel Spring Consignment Auction	Pier's Auction
04-02 Land Auction - Bowman	Pier's Auction
04-02 Land Auction 240 +/- acres - Austy	Pier's Auction
04-05 G & R Berper-Large Shop-Tools	Binstock Big-E Auction
04-05 Janet Boesche-Real Estate-Antiques-Household-Glen Ullin	G & G Auction Service
04-07 Gun & Tool Auction	Big D & E Auction
04-12 Bonifacia/Luona Knopik Retirement Farm Equipment	Schock Auction
04-12 Construction & Machinery Consignment Auction	Pier's Auction
04-12 Shop-Tool-Household-Antique-Glassware	Big D & E Auction
04-13 Albert Dohrt-Household-Shop-Wood Items-Regent	Binstock Big-E Auction
04-26 ND State KC Foundation	Big D & E Auction
05-01 Louie & Doris Pavlock-Farm & Ranch Equipment	C-B Auction Service
05-17 Consignment Auction - Bowman Fairgrounds	G & G Auction Service
05-17 Roger & Faith Fink-Real Est. Vehicles-Trailers-Guns	G & G Auction Service
05-21 Frank Wehner-Vehicle-Household-Antiques-Shop	G & G Auction Service
06-07 Jerry Graf Est. Real Est. Farm Equip-Vehicles-Gun	G & G Auction Service

CHECK THE DICKINSON PRESS AND THE ADVERTIZER FOR SALE LISTINGS

OPEN HOUSES
 SUNDAY, MARCH 9TH • 1:00-2:30PM

<p>747 24TH ST. W. \$264,900</p> <p>Come out and see this beautiful home. The 4 bedroom 2.5 bath comes with lots of space, a big fenced in back yard and some of parking. Updated kitchen with new counter tops. Great family room with fireplace and so much more. Don't miss this wonderful house. Serving schools until they run out. M318 13-171</p> <p>Hostess: Matty Ryan 701-300-1243</p>	<p>681 HILLSIDE DR. \$227,000</p> <p>Be prepared to fall in love at first sight. Quiet Area - large pool and convenient area. Private Deck, New windows, New siding, New custom cabinets, unique New gas fireplace, New Walkout Tub. New contemporary upscale window treatments. New appliances and more. M309 13-629</p> <p>Hostess: Phyllis Christensen 781-298-6061</p>	<p>2657 PRAIRIE OAK DR. \$339,900</p> <p>Landscape, lawn, trees, sprinklers. Check out this lovely Star Home. NEW ELEMENTARY SCHOOL AREA. 3 Bedrooms, 2 Baths on main, stainless steel appliances, Triple Garage, Bay Window, Master Bedroom - over 3300 sq. ft. PC16 13-1622</p> <p>Host: Leo Christensen 781-225-2118</p>	<p>2645 POST DR. \$399,800</p> <p>Beautiful home overlooking the eagle brook. Looking for granite counter tops and wood floor? Home being constructed near the new Elementary School on 2645 Post Dr. 3 bed bedrooms on the main with view office. Open Concept and contemporary appeal. Over 3000 sq. ft. with Great Quality Ceramic Cabinets. Nancy Bedow/Homer Buh. PC16 13-1768</p> <p>Host: Jim Goetz 781-290-1855</p>	<p>319 WAHL ST. \$319,900</p> <p>Looking for that modern bedroom suite with granite rub, walk-in shower, double sinks? This home has 4 bedrooms on the same level. Spacious yard - walk-out patio. 3 Bedrooms, Fireplace, Triple Garage. PC16 13-1359</p> <p>Hostess: Karla Schoeler 701-290-3580</p>
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flat bed, 3 axle, no be ver tall, hide away ramps, nice. Tires are 85% falls are not too old. Paint is good. Fir #5500 352-677-4153.

At Bidder may withdraw their bid within 30 days after the actual date of the opening thereof. The Bid Bond of the three lowest Bidders for each contract will be retained until the contract has been awarded and executed, but no longer than thirty (30) days after the date of the award.
 All Bidders shall hold a valid North Dakota Contractor's license of the proper class for the full amount of the bid as required by North Dakota Law Sections 43-07-05 and 43-07-12, and shall enclose a copy of the license or Certificate of Renewal of the license in the same envelope as the Bidder's Bond. The Contractor shall be the holder of a license at least ten days prior to the date set for receiving Bids to be a qualified Bidder.
 No bid will be read or considered which does not fully comply with the above requirements as to bond and license, and any deficient bid submitted must be resealed and returned to the bidder immediately.
 Bids shall be in accordance with and submitted on the Bid form supplied within the Bid Documents. Failure to do so may result in disqualification of the Bidder to receive the right to elect any and all bids and to waive any formalities therein, and hold the project until a satisfactory bid is received.
 The successful Bidder will be required at the time the contract is executed to provide a certificate from and by the office of the State Tax Commissioner showing that all taxes due and owing to the State of North Dakota have been paid. Workers' Compensation Insurance Certificate, Certificate of Insurance to include North Dakota Stop Gap coverage, "Builder's Risk coverage", Company Safety Manual, North Dakota Utility System Performance and Payment Bond and Waiver of Subrogation.
 A Pre-Bid Conference will be held at the project site, 2702 6th St. SW, Washburn, ND on Tuesday, March 11, 2014, at 1:00 PM local time.
 By: Kevin Matheson
 Asst Director of Ag Facilities
 February 27, 2014
 (Published March 1, 8 & 15, 2014)

SOUTH HEART PUBLIC SCHOOL DISTRICT #9
NOTICE OF ANNUAL ELECTION AND DEADLINE FOR FILING
 NOTICE IS HEREBY GIVEN that on Tuesday, June 10th, 2014, the annual election of the South Heart School District #9 will be held for the purpose of electing two at-large school board members each for a term of 3 years. It will be held in conjunction with the Stark and Dunn County Elections. The polls will be open from 8:00 am to 7:00 pm at the following polling places: Stark County: Dickinson National Guard Armory, Dickinson; Belknap County: Center, Richardson American Legion, and Belknap Memorial Hall, Dunn County: Manning Courthouse, New Hradec Catholic Workmen's Hall.
 Any person who is a qualified elector of this school district is qualified to be a member of the school board. Candidates must file a Statement of Candidacy and a Statement of Interest with the business manager's office prior to 4:00 pm on April 7, 2014. These forms are available to be picked up at the Superintendent's Office. By order of the School Board
 South Heart Public School District #9
 South Heart, ND 58555
 Kristine Melver, Business Manager
 (Published March 8, 2014)

SCHOOL BOARD ELECTION FILING DEADLINE
 The deadline to file for the school board for the Dickinson Public School District election is Monday, April 7, 2014, at 4:00 p.m. Candidate filing forms (Statement of Candidacy and Statement of Interests) are available from the Central Administration Office, 444 4th Street West in Dickinson. For more information contact Twila Petersen at 701-456-0002.

PRODUCTION SALES

03-08 1:00 PM CST	Fest-Dohmann Production Sale	Kist Livestock
03-12 1:00 PM MST	Heart River Ranch Open A Angus	Medora
03-25 10:00 PM MST	Sohmidt Angus Ranch	Stockmen's
04-05 1:00 PM MST	Brooke Chalky Butte Angus	Bowman
04-23 1:00 PM MDT	OPP Angus 38th Angus Sale	Stockmen's
04-28 1:00 PM MDT	ND Angus Bull Test Sale	Stockmen's

Please check The Dickinson Press & Advertiser for future listings.

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FIND GIRLFRIEND...

Three sentenced here on felony charges

Three people were sentenced on felony charges recently in Southeast District Court in Jamestown.

James Patrick Clinton, 30, Minot, N.D., pleaded guilty to aggravated assault, a Class C felony.

Clinton was accused of causing bodily injury to another person on Jan. 25.

Judge Jay Schmitz sentenced Clinton to complete a domestic violence class by Nov. 1 and complete recommended treatment. He was placed on supervised probation for two years with a deferred imposition of sentence for the same period.

Clinton was ordered to pay a \$400 criminal administration fee, \$100 defense fee/facility administration fee and \$25 victim-witness fee.

A Class C felony is punishable by five years in prison and a \$10,000 fine.

Larry Elton, II, 36, 1115 12th St. NE, Apt. 4, pleaded guilty to possession of a controlled substance with intent to deliver, methamphetamine, a Class A felony, and possession of drug paraphernalia, a Class C felony. Elton was accused of possessing methamphetamine with intent to deliver on or about April 24, 2013. He was also accused of possessing items used with drugs other than marijuana on the same date.

Judge John Greenwood sentenced Elton to 30 months in the North Dakota Department of Corrections and Rehabilitation on both charges. The terms are to be served concurrently.

Greenwood delayed imposition of the sentence until the medical department of the Department of Corrections and Rehabilitation can confirm its ability to treat

Elton's medical issues.

A Class A felony is punishable by 20 years imprisonment and a \$20,000 fine.

Duane D. Stangland, 32, Napoleon, pleaded guilty to issuing a check without sufficient funds, a Class C felony. Stangland was accused of issuing a check for \$1,144 to a local retail business when he didn't have sufficient funds in or credit with the account with the bank.

Judge Thomas Merrick sentenced Stangland to two years supervised probation and to not own or possess firearms for two years.

Merrick also ordered Stangland to pay a \$400 criminal administration fee, \$100 defense/facility administration fee, \$35 indigent defense application fee, \$286 NSF costs state, \$1,144 restitution and \$25 victim-witness fee.

IN THE RECORD

Danielle Yvonne Hall, 39, 905 12th Ave. SE #25, \$200 fines/fees, 10 days suspended.

DROVE WHILE LICENSE WAS REVOKED

Brian James Hemphill, 34, 816 4th Ave. NW, \$30 general administrative fees, \$225 fines/fees, \$25 victim-witness fee, 30 days, 10 suspended, electronic home monitoring with work release.

Julie Ann Molgard, 51, 1511 Gardenette Drive #2, 15 days, electronic home monitoring.

DUI (SECOND OFFENSE IN SEVEN YEARS)

Travis Andrew Michel, 36, 112 Sunnyside Traller Court, \$1,500 fines/fees, 30 days, one day credit for time served, electronic home monitoring with work release.

FAILED TO INOCULATE DOG OR CAT AGAINST RABIES

Kayla Jo Allen, 24, 520 3rd Ave. NW, \$150 fines/fees.

DEPOSIT WASTE OR LITTER ON PUBLIC OR PRIVATE PROPERTY

Clark Douglas Baker, 38, Devils Lake, N.D., \$100 fines/fees.

SIMPLE ASSAULT (DOMESTIC)

Tim R. Greenland, 52, 1726 4th Ave. NE, \$350 fines/fees, 10 days, one day credit for time served, electronic home

monitoring with work release.

URINATING IN PUBLIC Beau Austin Eriksson, 21, 6306 College Lane, \$150 fines/fees.

SOUTHEAST DISTRICT COURT

The Judges of the Southeast District Court in Jamestown include:

- John E. Greenwood, Jamestown, presiding judge; Bradley Cruft, Valley City; Richard W. Gross, Wahpeton; James D. Hovey, New Rockford; Thomas E. Merrick, Jamestown; Dan Narum, Ellendale; John T. Paulson, Valley City; Jay Schmitz, Valley City

OF ALCOHOL/DRUGS AND/OR DROVE WITH BAC IN EXCESS OF 0.08 PERCENT

Devin I. Vohland, 23, Crookston, Minn., \$125 criminal administration fee, \$100 defense/facility administration fee, \$500 fine/state, \$25 victim-witness fee, one day, one day credit for time served, chemical dependency evaluation, not possess or own firearms for one year (Merrick).

Public Notice

SECTION 00 1113 - ADVERTISEMENT FOR BIDS

NDSU EXTENSION SERVICE NORTH DAKOTA 4H CAMP WASH-BURN, NORTH DAKOTA Owner: North Dakota State Board of Education

Sealed proposals for General Construction for the North Dakota 4H Camp will be received by the Owner to the attention of Mr. Kevin Matheson, Asst. Director of Ag Facilities

The information to Bidders, Form of Bid, Form of Contract, Form of Performance-Payment Bond, Drawings, Specifications, addenda, and other contract documents as prepared by JIG Architects may be examined at the following places: the office of JIG Architects, Fargo, North Dakota; the Builders Exchanges in Fargo, Grand Forks, Bismarck-Mandan, Minot, Williston, Devils Lake, and Dickinson, North Dakota; Minneapolis, St. Cloud, St. Marys, and the Builders Exchanges in Minnesota; Aberdeen, and Sioux Falls, South Dakota; Reed Construction Data; and McGraw Hill/FWDodge/Plans/www.mghins.com

Interested bidders may obtain copies at the office of JIG Architects, located at 214 Broadway, Fargo, ND upon payment of \$200.00 for each set. Any unsuccessful bidder, upon returning such in good condition within 15 days after the bid opening, will be refunded their deposit.

Each bid must be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five percent of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be executed by the bidder as principal and by a surety, conditioned that if the principal bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of the award, shall execute a contract in accordance with the terms of the bid. The bid bond and any conditions of the governing body. Bids shall comply with North Dakota Century Code Chapter 34-01.2 as amended. If a successful bidder does not execute a contract within the time allowed, the bidder's bond shall be forfeited to the governing body and the project awarded to the next lowest responsible bidder.

No bidder may withdraw their bid within 30 days after the actual date of the opening thereof. The Bid Bond of the three lowest Bidders for each contract will be returned to the bidder only if the bid is awarded and executed, but no longer than thirty (30) days after the date of the Bid.

All Bidders shall hold a valid North Dakota Contractor's license of the appropriate class for the full amount of the bid. Bidders must have a current license of the appropriate class for the full amount of the bid. License numbers are 543-07-05 and 543-07-12 and shall enclose a copy of the license or Certificate of Renewal of the license in the proposal envelope as the Bidder's Bond. A Contractor shall be the holder of a license at least ten days prior to the date set for receiving bids to be a qualified Bidder. No bid will be read or considered which does not fully comply with the above requirements as to bond and licenses, and any deficient bid submitted must be resubmitted and returned to the bidder immediately. Bids shall be in accordance with and submitted on the Bid Form supplied within the Bid Documents. Failure to do so may result in rejection of the bid. The Owner reserves the right to reject any and all bids and to waive any formalities therein, and bid the project into a satisfactory bid is received. The successful Bidder will be required at the time the contract is executed to provide a certificate from and by the office of the State Tax Commissioner showing that all taxes due and owing to the State of North Dakota have been paid. Workers' Compensation Insurance Certificate, Certificate of Insurance to include North Dakota Stop Gap coverage, Builders Risk coverage, Company Safety Manual, North Dakota University System Performance and Payment

Bond and Waiver of Subrogation. A Pre-Bid Conference will be held at the project site, 2702 8th St. SW, Washburn, ND on Tuesday, March 11, 2014, at 1:00 PM local time. BY Mr. Kevin Matheson, Asst Director of Ag Facilities February 27, 2014 March 1, 8, 15, 2014

NOTICE OF FILING DEADLINE FOR CITY ELECTION

NOTICE IS HEREBY GIVEN, that APRIL 7, 2014, by 4:00 PM, is the filing deadline to have a candidate's name printed on the ballot for the CITY OF JAMESTOWN, North Dakota, City Election, to be held on Tuesday, the 10th day of June, 2014. The following city offices are up for election: Mayor - One (1) Member - at large (4 year term) Council Member - One (1) Member - at large (4 year term) Municipal Judge - One (1) Member - at large (4 year term) Park Board Commissioners - Three (3) Members - at large (4 year term) A candidate for a city office must turn in a completed SFN02704 Petition/Certificate of Nomination and completed SFN10172 Statement of Interests to the City Auditor by the above deadline and time. All forms are available from either the City Auditor or can be obtained on-line at http://www.nd.gov/sos/elections/forms.html

Jeff Fuchs, City Administrator MARCH 8, 2014

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Montana-Dakota Utilities Co. Menard, Inc. - Burleigh County Public Service Commission Case No. PU-13-871

NOTICE OF HEARING February 26, 2014

On November 26, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., filed an application to extend electric service to Menard, Inc. at a location in Section 33, T139N, R77W, Burleigh County, North Dakota. On January 16, 2014, a Protest and request for hearing was received from Capital Electric Cooperative, Inc. Please take notice that a public hearing on these matters will be held on Friday, May 2, 2014, at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505. The issues to be considered are:

- 1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within or adjacent to the proposed location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Where applicable, what electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the application result in wasteful application of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-368-8888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Gloria Geiger, Interim Secretary, at least 24 hours in advance. PUBLIC SERVICE COMMISSION Randy Christman, Commissioner Brian P. Kalk, Chairman Julie Fedorchak, Commissioner March 8, 2014

PUBLIC NOTICE

Montpelier Public School District

Montpelier, ND 58472

NOTICE OF CANDIDATE FILING DEADLINE

Filing Deadline - April 7th, 2014 Montpelier Public School District #14 will hold its annual election on Tuesday, June 10th, 2014 for the purpose of electing two at-large members of the school board three-year terms and one at-large member for a one year term. Notice is hereby given that any person who desires to have his or her name placed on the ballot in any of these positions must declare his/her intention to the District Manager and file a notarized statement of interests, before 4:00 p.m., April 7th, 2014. Call 489-3324 for more information. Amy Maurer Business Manager March 8, 2014

Notice of Filing Deadline

Notice is hereby given that the deadline for filing to have a candidate's name printed on the ballot for the City of Split Lake is April 7, 2014 by 4:00 PM. The following city offices are up for election: Mayor (4 year term) City Council Member (2 positions (4 year terms) A candidate for a city office must turn in a completed SFN 27C Petition/Certificate of Nomination and completed SFN 1017 Statement of Interests to the City Auditor by the above deadline and time. All forms are available from either your City Auditor or can be obtained on-line at http://www.nd.gov/sos/elections/forms.html. March 8, 2014

IN DISTRICT COURT, COUNTY OF STUTSMAN, STATE OF NORTH DAKOTA

In the Matter of the Estate of Reed Robert Carow, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate and the undersigned address is set forth below. Persons having claims against the said deceased are required to present their claims within the months after the date of the first publication or mailing of this notice, which date is indicated below, or the claims will be forever barred. Claims must either be presented to Charlotte Carow, personal representative of the estate, at 408 8th Ave., Edgelywood, ND or the Court. The address of the Court is: Clerk of District Court, Probate, Division, 511 Second Avenue SE, Jamestown, ND 58401. Dated this 22nd day of January, 2014.

Charlotte Carow, Personal Representative 408 8th Avenue Edgelywood, ND 58413

Jonathan L. Gyr, ND Bar ID 0465, Graduated Law Firm, 522 Dakota Avenue Suite 1 Wahpeton, ND 58075 Attorney for the Personal Representative. First publication on the 1st day of March 2014. March 1, 8, 15, 2014

PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public Notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.

North Dakota Newspapers also post public notices that are printed in newspapers on www.ndpublicnotices.com at no additional charge to units of government

COURT PROCEEDINGS INFORMATION

The Jamestown Sun prints the criminal court proceedings from Jamestown Municipal Court and Southeast District Court in Jamestown. The Sun will not honor requests to withhold names from the reports.

JAMESTOWN MUNICIPAL COURT

The presiding judge in Jamestown Municipal Court is Timothy Otnar.

DROVE IN VIOLATION OF RESTRICTIONS

William Jay Biloff, 52, no street address provided, \$300 fines/fees.

Travis Andrew Michel, 36, 112 Sunnyside Traller Court, \$200 fines/fees.

DROVE WHILE OPERATOR'S LICENSE WAS SUSPENDED

Danielle Yvonne Hall, 39, 905 12th Ave. SE #25, \$300 fines/fees, 10 days suspended.

DISPLAY REGISTRATION PLATE KNOWING IT IS

ALIVE & WELL! The Jamestown Sun Verifiable, independent, permanent. www.jamestownsun.com • 252-3120

NOTICE OF HEARING TO AMEND ORDINANCE NO. 329 BY AMENDING THE DISTRICT MAP 18TH ST NE

PROPOSED ZONE CHANGE BUFFALO WALL

NOTICE OF HEARING TO AMEND ORDINANCE NO. 329 BY AMENDING THE DISTRICT MAP

PUBLIC NOTICES

4/11/14 8/16

Burlington Township Notice 2014. All allocation amounts in the 2014 Action Plan are estimates based on the 2013 final allocation amounts. The estimates will be proportionally increased or decreased to match the actual allocation amounts when released by HUD.

March 9-15-16, 2014. The Action Plan will be available on the Division of Community Services website. www.communityservices.nd.gov

March 18, 2014 7:00 PM. Driftbusters Club, 1/2 mile east of highway 63 on 68th Ave NE. Election of Supervisor. Supervisor, Clerk/Treasurer, Excess levy, Mowing/Snow removal levy.

IN THE DISTRICT COURT OF WARD COUNTY STATE OF NORTH DAKOTA. In the Matter of the Estate of Myron F. Kerzmen, Deceased Probate No. 51-2014-PR-00022

NOTICE TO CREDITORS. NOTICE IS HEREBY GIVEN that the undersigned has been appointed as personal representative of the above estate. All persons having claims against the said decedent are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred.

March 11, 2014. The annual meeting of Maryland Township will be held Tuesday, March 18, 2014 at 8:00 pm at the home of Troy Urbán. There will be an election of officers, an excess levy for mowing and snow removal.

MAYLAND TOWNSHIP NOTICE. The annual meeting and election of officers will be held on Tuesday, March 18, 2014 at the Carpio Fire Hall from 7:00 p.m. to 9:00 p.m. (March 8-9-10, 2014)

Ketler Paving & Landscaping, Inc. will be receiving quotes on the March 14, 2014 NDDOT bid opening at our office in Minot, ND for job 18, 37th Ave SE in Minot. Please contact us at (701) 852-5030. Please be advised that it is your responsibility to contact us regarding quotes.

LEGAL NOTICE. The North Dakota Department of Commerce, Division of Community Services, is announcing the availability of the state's 2014 Annual Action Plan for public review and comment.

2. Notice is hereby given that certain mortgage upon the above-described property, Christian M. Walker, Mortgagee, associated and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for Kirkwood Bank & Trust Co., Mortgagee, dated July 24, 2012, and filed for record in the office of the Registrar of Deeds of the County of Ward, and

State of North Dakota, on the 25th day of July, 2012 at 11:32 o'clock A.M., as Document No. 2943959, which mortgage will be assigned to Franklin American Mortgage Company by an Assignment of Mortgage, and which mortgage is being served by Central, and given to secure the payment of \$218,915.00, and interest according to the conditions of a certain promissory note, is in

3. PURSUANT to the provisions of the Federal Fair Debt Collection Practices Act, you are advised that unless you dispute the validity of the foregoing debt or any portion thereof within thirty days after receipt of this letter, we will assume the debt to be valid. On the other hand, if the debt or any portion thereof is disputed, we will obtain verification of the debt and will provide you with a copy of such verification.

4. At this time, no attorney with this firm has personally reviewed the circumstances of your account. However, if you fail to contact our office, our client may consider additional remedies to recover the balance due.

6. The following is a statement of the sum due for principal, interest, taxes, and maintenance, etc., as of January 1, 2014: Principal \$214,819.83 Escrow: 687.89 Accrued Interest to January 1, 2014 2,487.56 Late Charges 234.40 Recording Fees 10.00 Pro Rata MIP/PMI 652.58 Property Inspection 100.00 TOTAL \$219,992.34

7. That as of January 1, 2014 the amount due to cure any default, or to be paid under the terms of the mortgage, exists in the following respect: Principal and Interest: 5 M @ 952.73 = 4,763.65 Escrow: 687.89 MORTGAGE @ 512.12 = 2,560.65 \$7,242.50

NOTICE OF ELECTION. The annual meeting of the Carpio Rural Fire Protection District will be held at the Carpio Fire Hall on Thursday, March 20, 2014 beginning at 7:00 p.m. (March 8-9-10, 2014)

NOTICE OF CANDIDACY APPLICATIONS. Applications may be obtained through the secretary's office at Sawyer Public School during the hours of 8 a.m. and 4 p.m. The deadline to submit applications is April 7, 2014 at 4 p.m.

8. You have the right, in accordance with the terms of the mortgage, to cure the default on the mortgage. You also have the right to assert in the foreclosure action that no default exists or any other defense you may have to said action.

9. Notice is further given that if the total sums in default, together with interest accrued hereon at the time of such payment, accrued payments then due and expenses advanced, are not paid within thirty (30) days from the date of mailing of service of this Notice, the Mort-

gages will deem the whole sum secured by the mortgage to be due and payable in full without further notice. Furthermore, proceedings will be commenced to foreclose such mortgage, and in the event of Sheriff's sale as provided by the laws of the State of North Dakota, the time for redemption shall be as provided by law, but not less than sixty (60) days after the Sheriff's Sale.

DATED December 12th, 2013. MCKOFF KELLOGO LAW Attorneys for the Plaintiff Office and Post Office Address: 38 Second Avenue East Dickinson, North Dakota 58601 Tel: (701) 227-1841 Fax: (701) 225-6878

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION. Montana-Dakota Utilities Co. Menard, Inc. - Burleigh County. Zimney Foster P.C. Case No. PU-13-871

NOTICE OF HEARING. February 26, 2014. On November 25, 2013, Montana-Dakota Utilities Co., a Division of Public Service Group, Inc., filed an application to extend electric service to Menard, Inc. at a location in Section 3, T. 146 N., R. 77W., Burleigh County, North Dakota.

NOTICE OF ANNUAL MEETING. The annual meeting of the Carpio Rural Fire Protection District will be held at the Carpio Fire Hall on Thursday, March 20, 2014 beginning at 7:00 p.m. (March 8-9-10, 2014)

NOTICE OF ELECTION. Notice is hereby given that on Tuesday, the Tenth day of June 2014, the election will be held at the Sewer City Hall for the purpose of electing two members to the Sewer City Board. The poll will open at 7 a.m. and close at 7 p.m. Central Daylight Savings time on that date.

PUBLIC NOTICE. Riley Bros. Construction, Inc. P.O. Box 535, Morris, MN 56267 is requesting DBE and non-DBE subcontractor and material quotes for Project #1217-18 for the March 11, 2014 NDDOT Bid Opening.

STATE OF NORTH DAKOTA COUNTY OF WARD IN DISTRICT COURT. NORTH CENTRAL JUDICIAL DISTRICT. Huyno Group, LP, Plaintiff, vs. Roers Development, Inc.; First Western Bank & Trust a/k/a First Western Bank and Trust; Larry S. Nygard; and all persons unknown, claiming any estate or interest in, or lien or encumbrance upon, the estate described in the Complaint and Summons.

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

1. YOU ARE HEREBY SUMMONED AND REQUIRED TO appear, and defend against the complaint in this action, which is herewith served upon you or is to be filed with the clerk of this court, by serving upon the undersigned an answer or other proper response within twenty (21) days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Dated this 3rd day of February, 2014.

Allen J. Flaten, ND ID #03865 WARREN J. ROEHL, ND ID #05805 allenflaten@northdakotalaw.net warrenroehl@northdakotalaw.net Zimney Foster P.C. Bremer Financial Center, Suite 200 3100 S. Columbia Rd. PO Box 13417 Grand Forks, ND 58208-3417 Phone: (701) 772-8111 Fax: (701) 772-7328 Attorneys for Plaintiff

TO THE ABOVE-NAMED DEFENDANTS:

1. YOU ARE FURTHER NOTIFIED that the object of said action includes but is not limited to, quieting title to the Subject Real Estate; canceling, voiding and/or removing from the title records on the title to the Subject Real Estate; partitioning of the Subject Real Estate; and such other and further objects as are set forth in the Complaint in this matter and in any amendments thereto. The real property affected, involved and brought into question by said action is located in the County of Ward, City of Minot, State of North Dakota, as follows: "Subject Real Estate" Lots 1, 3 and 4, Prairie Wind Addition to the City of Minot, Ward County, North Dakota as more fully identifiable in the "Prairie Wind Addition" plat filed with the Recorder's Office for Ward County, North Dakota as document number 2921297 on March 22, 2011.

And which real property is also describable as follows: Lots 1 & 2, Block 1; Lot 1, Block 2; Lots 1 & 2, Block 3; and Lots 1 thru and including 13, Block 4 of the Prairie Wind Fourth Addition, City of Minot, Ward County, North Dakota all as more fully identifiable in the "Prairie Wind Addition" plat filed with the Recorder's Office for Ward County, North Dakota as document number 2965575 on November 8, 2013; and All Lots 1 thru and including 22D of Block 1; all Lots 1 thru and including 11 of Block 2; all Lots 1 thru and including 14 of Block 3; and all Lots 1 thru and including 11 of Block 4, Prairie Wyr. #1 Addition, City of Minot, Ward County, North Dakota all as more fully identifiable in the "Prairie Wind Addition" plat filed with the Recorder's Office for Ward County, North Dakota as document number 2965575 on November 10, 2013;

Hereafter collectively the real estate will be referred to as "Subject Real Estate."

Dated this 3rd day of February, 2014. Allen J. Flaten ND ID #03865 WARREN J. ROEHL ND ID #05805 FOR: Zimney Foster P.C. 3100 S. Columbia Rd. Ste. 200 P.O. Box 13417 Grand Forks, ND 58208-3417 Telephone No. (701) 772-8111 Fax (701) 772-7328 allenflaten@northdakotalaw.net warrenroehl@northdakotalaw.net Attorneys for: Plaintiffs (February 22, March 1-8, 2014)

The Lund Township Annual meeting will be held on Tuesday, March 18, 2014 at 7:00 pm. at the home of Barb Dyke. Barb Dyke-Clerk (March 8, 2014)

(March 10, 2014)

SECTION 00100
ADVERTISEMENT FOR BIDS

WATERMAIN DISTRICT NO. 96
CITY OF VALLEY CITY
VALLEY CITY, NORTH DAKOTA

Sealed bids will be received by the City of Valley City, at the office of the City Auditor, 254 2nd Ave NE, Valley City, ND, until 2:00 PM CT, Monday, March 17, 2014, at which time they will be publicly opened and read aloud for the furnishing of materials, labor, equipment and still required for the construction of watermain improvements and incidental items in and for said Watermain District No. 96 in the City of Valley City, as is more fully described and set forth in the plans and specifications therefor which are now on file in the office of the City Auditor.

Bids shall be upon cash payment on the following estimated quantities and types of work:

- Base Bid 1 - Open Cut Contract Bond, 1 L S; Removal of Trees 10IN, 9 EA; Rk # of Trees 18IN, 3 EA; Removal of Trees 20IN, 1 EA; Removal of Investment, 1,650 TON; Aggregate Base CL5, 3,417 TON; Hot Bituminous Pavement CL27, 1,178 TON; Mobil 1 L S; Traffic Control, 1 L S; Paving, 853 SY; Storm Sewer Lead Repair, 7 EA; Sanitary Sewer Lead Repair, 36 EA; Fittings - Ductile Iron, 6,689 LBS; Gate Valve & Box 4IN, 1 EA; Gate Valve & Box 6IN, 11 EA; Gate Valve & Box 8IN, 11 EA; Hydrant - Install 6IN, 9 EA; Remove Hydrant, 7 EA; Sleeve 4IN, 4 EA; Sleeve 6IN, 3 EA; Sleeve 8IN, 7 EA; Sleeve 12IN, 4 EA; Water Service Line 1IN, 894 LF; Watermain 2IN PVC, 245 LF; Watermain 4IN PVC, 41 LF; Watermain 6IN PVC, 668 LF; Watermain 8IN PVC, 4,550 LF; Watermain 12IN PVC, 10 LF; Water Service Connection 1IN, 63 EA; Water Service Connection 2IN, 2 EA; Remove Gate Valve Box, 17 EA; Polystyrene Insulation Board, 2,016 BDF; Curb & Gutter, 435 LF; Sidewalk Concrete, 4IN, 7 SY; Driveway Concrete, 430 SY; Fence Remove & Reset - All, 30 LF; Tree Replacement, 13 EA

- Base Bid 2 - Pipe Bursting Contract Bond, 1 L S; Mobilization, 9 L S; Traffic Control, 1 L S; Fittings - Ductile Iron, 6,689 LBS; Gate Valve & Box 4IN, 1 EA; Gate Valve & Box 6IN, 11 EA; Gate Valve & Box 8IN, 11 EA; Hydrant - Install 6IN, 9 EA; Remove Hydrant, 7 EA; Sleeve 4IN, 4 EA; Sleeve 6IN, 3 EA; Sleeve 8IN, 7 EA; Sleeve 12IN, 4 EA; Water Service Line 1IN, 894 LF; Watermain 2IN PVC, 245 LF; Watermain 4IN PVC, 41 LF; Watermain 6IN PVC, 668 LF; Watermain 8IN PVC, 4,550 LF; Watermain 12IN PVC, 10 LF; Water Service Connection 1IN, 63 EA; Water Service Connection 2IN, 2 EA; Remove Gate Valve Box, 17 EA; Polystyrene Insulation Board, 2,016 BDF; Restoration 1 L S

The contract documents are on file and may be examined at the following:

Office of City Auditor
254 2nd Avenue NE
Valley City, North Dakota 58072

K.L.J., Valley City, North Dakota

Complete digital project bidding documents are available at www.kjlong.com "Projects for Bids" or www.question.com. You may download the digital plan documents for \$24 by inputting Quest project #3120317 on the website's Project Search page. Please contact QuestCDN at (952) 233-1632 or Info@quest.com for assistance in free membership registration, downloading, and working with this digital project information. An optional paper set of project documents is also available for a non-refundable price of \$80 per set at K.L.J., 1010 4th Ave SW, PO Box 937, Valley City, ND 58072. Please contact us at 701-845-4980 if you have any questions.

All bids are to be submitted on the basis of cash payment for the work

and materials, and each bid shall be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five per cent (5%) of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten (10) days after notice of award, will execute and effect a contract in accordance with the terms of his bid and the bid bond as required by the laws of the State of North Dakota and the regulations and determinations of the governing body. If a successful bidder does not execute a contract within ten (10) days allowed, the bidder's bond must be forfeited to the governing body and the project awarded to the next lowest responsible bidder.

All bidders must be licensed for the full amount of the bid as required by Section 43-07-05 and 43-07-12 of the North Dakota Century Code.

The successful Bidder will be required to furnish Contract Performance and Payment Bonds in the full amount of the contract.

Contracts shall be awarded on the basis of the low bid submitted by responsible and responsive bidder for the aggregate sum of all bid items. A single contract will be awarded for the work.

All bids will be contained in a sealed envelope, as above provided; plainly marked showing that such envelope contains a bid for the above project. In addition, the bidder shall place upon the exterior of such envelope the following information:

- 1. The work covered by the bidder
- 2. The name of the bidder
- 3. Separate envelope containing bid bond and a copy of North Dakota Contractor's License or certificate of renewal.
- 4. Acknowledgement of the Addenda.

No bid will be read or considered which does not fully comply with the above provisions as to Bond and Licenses and any deficient bid submitted will be ressealed and returned to the Bidder immediately.

The work on the improvement will be completed by September 15, 2014.

The Owner reserves the right to reject any and all bids, to waive any informality in any bid, to hold all bids for a period not to exceed 30 days from the date of opening bids, and to accept the bid deemed most favorable to the interest of the Owner.

Should the Contractor fail to complete the work within the time required herein or within such extra time as may have been granted by formal extension of time approved by the Owner, there will be deducted from any amount due the Contractor the sum of \$1,500 per day and every day that the completion of the work is delayed. The Contractor and his surety will be liable for any excess. Such payment will be as and for liquidated damages.

Dated this 24th day of February, 2014

Avis Richter
Valley City, NORTH DAKOTA

of Avis Richter
City Auditor

(February 24, March 03 & 10, 2014)

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Excess Mill Levy
NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that on 3-18-2014 at the polling place of the Mike Abraham Farm in the Township of Minnie Lake, County of Barnes, an election will be held in which the following question shall be submitted to the electors of Minnie Lake Township.

able valuation which increase would have produced \$14,363.00 in addition income at 2013 valuations.

BE IT FURTHER KNOWN that said election will be open at 7 o'clock p.m. and will continue open until 8 o'clock p.m. of said 3-18-2014.

SPECIAL ELECTION
Minnie Lake Township

INSTRUCTION TO VOTER: Mark a cross (x) of other mark in the square opposite the word "yes" if you are in favor of this levy. Mark a cross (x) or other mark in the square opposite the word "no" if you are not in favor of this levy.

Shall Minnie Lake Township levy taxes for a five year period commencing in 2015, which shall exceed the legal limit by 14,363.00 so that the tax levied, instead of being \$ 14,363.00 which is the limit authorized by law, shall be \$28,726.00?

By order of the Board of Supervisors of Minnie Lake Township.
Dated at Barnes County, North Dakota, this 14th day of January, 2014.

Jerry Garrahy
Clerk

(March 03&10, 2014)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION
Montana-Dakota Utilities Co.,
Manard, Inc. - Burlington County
Public Convenience & Necessity
Case No. PU-13-871

NOTICE OF HEARING

February 26, 2014
On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., filed an application to extend electric service to Manard, Inc., at a location in Section 33, T 139N, R 77W, Burlington County, North Dakota. On January 18, 2014, a protest and request for hearing was received from Capital Electric Cooperative, Inc.

Please take notice that a public hearing on these matters will be held Friday, May 2, 2014, at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505. The issues to be considered are:

- 1. From whom do the customers prefer electric service?
- 2. What electric suppliers are operating in the general area?
- 3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
- 4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
- 5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
- 6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
- 7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
- 8. Would approval of the applications result in wasteful duplication of investment or service?
- 9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
- 10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

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 Gloria Gelger, Interim Secretary, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION
Randy Christmann, Commissioner
Brian P. Kalk, Chairman
Julie Fedorchak, Commissioner

(March 10, 2014)

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LEGAL NOTICE

Shall Minnie Lake Township levy taxes for a five year period commencing in 2015, which shall exceed the legal limit by \$ 14,363.00, so that

website, HYPERLINK
http://www.communityservices.nd.gov/communitydevelopment/Resources/ConsolidatedPlan/ beginning March 7, 2014. Written comments must be received by the close of business April 11, 2014.

Alternate formats of the Action Plan are available upon request at 701-328-5300 or via Relay North Dakota: TTY 1-800-366-6888, Voice 1-800-366-6889, or Spanish 1-800-435-8590. Should anyone need additional information, please contact Paul Govig at 701-328-5300.

Written comments should be sent to:
North Dakota Department of Commerce
Division of Community Services
PO Box 2057
Bismarck, ND 58502-2057
or Email: HYPERLINK
mailto:hdccs@nd.gov; dcs@nd.gov

(March 10, 2014)

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UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT
NOTICE OF HEARING

The Maple-Steele Joint Water Resource District (the "Maple-Steele District") and the Barnes County Water Resource District ("Barnes County Water Resource District") have jointly determined it is necessary for the Maple-Steele District to construct a floodwater detention facility in Carpenter Township, Steele County, North Dakota, a project that would provide flood damage reduction benefits in portions of Carpenter Township in Steele County; Elsburg Township in Barnes County; and Rochester, Lake, Cornel, and Tower Townships in Cass County.

The Project will include the construction of a floodwater detention facility in Carpenter Township in Steele County, North Dakota, to detain floodwaters from the Maple River, and to limit the damages to downstream properties and infrastructure that frequently experience flooding along the Maple River. The Project will include the construction of an earth embankment dam with concrete primary and secondary spillways; installation of riprap for erosion control; construction of a road raise; construction of a tie-back levee; breaching an existing earthen dam; purchasing right-of-way to accommodate construction, operation, and maintenance of the Project; wetland mitigation; and other related improvements. The dam embankment will be 35 feet in height and 4,500 feet in length. The Project will provide approximately 5,000 acre-feet of floodwater storage at the secondary spillway elevation and 10,000 acre-feet of storage at top-of-dam elevation. The floodwater pool behind the dam will inundate approximately 600 acres at the secondary spillway elevation and 900 acres at top-of-dam elevation. The Project will provide flood damage reduction benefits for portions of Carpenter Township in Steele County; Elsburg Township in Barnes County; and Rochester, Lake, Cornel, and Tower Townships in Cass County.

The Maple-Steele District and Barnes have determined what benefits the Project would provide to individual properties and assessors. However, the Maple-Steele District and Barnes will only conduct an assessment hearing if the assessment vote is successful, the meeting described in this NOTICE is an initial hearing, solely to discuss the Project and the potential creation of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district, and not to discuss assessments.

Please note that each landowner's vote will help determine whether or not the Maple-Steele District should proceed with construction of the Project, and whether or not the Maple-Steele District and Barnes should create the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district to finance construction, operation, and maintenance of the Project. If the vote is successful, the Maple-Steele District and Barnes will hold a separate hearing in accordance with North Dakota law at a later date at which property owners will have the opportunity to discuss the proposed assessments. At that hearing, the Maple-Steele District and Barnes may revise the proposed assessment list. If the parties conclude any revisions are necessary, and appropriate, the Maple-Steele District and Barnes will only conduct an assessment hearing if the assessment vote is successful, the meeting described in this NOTICE is an initial hearing, solely to discuss the Project and the potential creation of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district, and not to discuss assessments.

Attached with this NOTICE is a copy of a RESOLUTION adopted by the Maple-Steele District and Barnes on February 14, 2014, in which the parties determined what property will benefit from the Project, setting the proposed assessments regarding the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district, and setting a date for the initial hearing.

The estimated costs of the project are as follows:
Total Construction \$4,250,000.00
Previous Watershed Studies (Local Share) \$21,700.00
Preliminary Site Development (Local Share) \$71,350.00
Permitting (Local Share) \$51,700.00
Project Development \$40,000.00
Design & Construction Engineering \$650,000.00
Contingencies \$865,250.00
Legal & Administration \$50,000.00
Right-of-Way \$1,750,000.00
Right-of-Way Administration \$50,000.00
Logistical Descriptions & ROW Monumenting \$50,000.00
Material Testing \$100,000.00
Operations/Maintenance Plans & Misc. \$40,000.00
Fiscal \$10,000.00
Total Estimated Project Cost \$8,000,000.00
Less Estimated ND SWC Funding \$3,822,000.00
Less Estimated RLJWRD Funding \$2,821,812.50
Estimated Project Cost to Assess \$1,556,387.50

Take notice that, in accordance with North Dakota law, the Maple-Steele District and Barnes will conduct a public hearing regarding the Project and the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district on April 2, 2014, at 10 a.m., at the Page Auditorium, in Page, North Dakota. All landowners within the proposed UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district and other affected landowners will have 30 days after the date of the hearing to file written votes in favor of or in opposition to the creation of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district. Landowners must file their votes within 30 days of the hearing at the office of the Secretary-Treasurer of the Maple-Steele Joint Water Resource District at 1201 Main Avenue West, West Fargo, North Dakota 58078-1301. Prior to the hearing, the Maple-Steele Joint Water Resource District will mail a hearing regarding the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district. Landowners will file their votes with the County Auditors in Barnes, Cass, and Steele Counties; the list will show the percentage assessments against each tract of land that will benefit from the proposed Project and the approximate assessments for benefitting properties.

BE IT FURTHER RESOLVED that the District and Barnes WRD hereby jointly adopt and approve the preliminary list of benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

BE IT FURTHER RESOLVED that the District and Barnes WRD will levy a maintenance levy against the benefitting properties within the assessment district from time to time as necessary in accordance with N.D. Cent. Code Section 61-16-145 for purposes of operating, repairing, maintaining, and improving the Project.

based on need, and cannot simply assess maintenance levies continuously without using those dollars for operation and maintenance purposes.

The estimated costs of the project are as follows:

- Total Construction \$4,250,000.00
- Previous Watershed Studies (Local Share) \$21,700.00
- Preliminary Site Development (Local Share) \$71,350.00
- Permitting (Local Share) \$51,700.00
- Project Development \$40,000.00
- Design & Construction Engineering \$650,000.00
- Contingencies \$865,250.00
- Legal & Administration \$50,000.00
- Right-of-Way \$1,750,000.00
- Right-of-Way Administration \$50,000.00
- Logistical Descriptions & ROW Monumenting \$50,000.00
- Material Testing \$100,000.00
- Operations/Maintenance Plans & Misc. \$40,000.00
- Fiscal \$10,000.00
- Total Estimated Project Cost \$8,000,000.00

Less Estimated ND SWC Funding \$3,822,000.00
Less Estimated RLJWRD Funding \$2,821,812.50
Estimated Project Cost to Assess \$1,556,387.50

Take notice that, in accordance with North Dakota law, the Maple-Steele District and Barnes will conduct a public hearing regarding the Project and the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district on April 2, 2014, at 10 a.m., at the Page Auditorium, in Page, North Dakota. All landowners within the proposed UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district and other affected landowners will have 30 days after the date of the hearing to file written votes in favor of or in opposition to the creation of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district. Landowners must file their votes within 30 days of the hearing at the office of the Secretary-Treasurer of the Maple-Steele Joint Water Resource District at 1201 Main Avenue West, West Fargo, North Dakota 58078-1301. Prior to the hearing, the Maple-Steele Joint Water Resource District will mail a hearing regarding the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district. Landowners will file their votes with the County Auditors in Barnes, Cass, and Steele Counties; the list will show the percentage assessments against each tract of land that will benefit from the proposed Project and the approximate assessments for benefitting properties.

Please note that each landowner's vote will help determine whether or not the Maple-Steele District should proceed with construction of the Project, and whether or not the Maple-Steele District and Barnes should create the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district to finance construction, operation, and maintenance of the Project. If the vote is successful, the Maple-Steele District and Barnes will hold a separate hearing in accordance with North Dakota law at a later date at which property owners will have the opportunity to discuss the proposed assessments. At that hearing, the Maple-Steele District and Barnes may revise the proposed assessment list. If the parties conclude any revisions are necessary, and appropriate, the Maple-Steele District and Barnes will only conduct an assessment hearing if the assessment vote is successful, the meeting described in this NOTICE is an initial hearing, solely to discuss the Project and the potential creation of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district, and not to discuss assessments.

Attached with this NOTICE is a copy of a RESOLUTION adopted by the Maple-Steele District and Barnes on February 14, 2014, in which the parties determined what property will benefit from the Project, setting the proposed assessments regarding the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT assessment district, and setting a date for the initial hearing.

BE IT FURTHER RESOLVED that the District and Barnes WRD will mail a preliminary list of the benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

BE IT FURTHER RESOLVED that the District and Barnes WRD will levy a maintenance levy against the benefitting properties within the assessment district from time to time as necessary in accordance with N.D. Cent. Code Section 61-16-145 for purposes of operating, repairing, maintaining, and improving the Project.

BE IT FURTHER RESOLVED that the District and Barnes WRD will mail a preliminary list of the benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

BE IT FURTHER RESOLVED that the District and Barnes WRD will levy a maintenance levy against the benefitting properties within the assessment district from time to time as necessary in accordance with N.D. Cent. Code Section 61-16-145 for purposes of operating, repairing, maintaining, and improving the Project.

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BE IT FURTHER RESOLVED that the District and Barnes WRD will levy a maintenance levy against the benefitting properties within the assessment district from time to time as necessary in accordance with N.D. Cent. Code Section 61-16-145 for purposes of operating, repairing, maintaining, and improving the Project.

REGARDING UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT AND SETTING HEARING

WHEREAS, the Maple-Steele Joint Water Resource District (the "District") and the Barnes County Water Resource District ("Barnes WRD") have jointly concluded it is necessary to develop plans and specifications regarding the design of the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 PROJECT (the "Project"); to acquire right of way as necessary to accommodate the Project; to create the UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1 assessment district; and to ultimately construct, operate, manage, and maintain the Project, in accordance with Chapter 61-16.1 of the North Dakota Century Code.

WHEREAS, the District, Barnes WRD, and their agents have inspected any and all lots, pieces, or parcels of land which would benefit from the Project and may be subject to assessments for construction of the Project, including properties in Carpenter Township in Steele County; Elsburg Township in Barnes County; and Rochester, Lake, Cornel, and Tower Townships in Cass County.

NOW THEREFORE, BE IT RESOLVED that the District and Barnes WRD have determined the particular lots, pieces, and parcels of land that will benefit from the construction of the Project, and the parties have adopted a preliminary list of the benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

BE IT FURTHER RESOLVED that the District and Barnes WRD hereby jointly adopt and approve the preliminary list of benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

BE IT FURTHER RESOLVED that the District and Barnes WRD will levy a maintenance levy against the benefitting properties within the assessment district from time to time as necessary in accordance with N.D. Cent. Code Section 61-16-145 for purposes of operating, repairing, maintaining, and improving the Project.

BE IT FURTHER RESOLVED that the District and Barnes WRD will mail a preliminary list of the benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

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BE IT FURTHER RESOLVED that the District and Barnes WRD will mail a preliminary list of the benefits and assessments regarding the Project and regarding UPPER MAPLE FLOOD PROTECTION DISTRICT NO. 1; the preliminary list is on file with the District Secretary-Treasurer.

(March 10&17, 2014)

(March 2, 9, 2014)

RESOLUTION NO. 14-014

Resolution 14-014 introduced the following Resolution and moved its adoption:
RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN STREET LIGHT IMPROVEMENT DISTRICT 14-3.
RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:
That the Board of City Commissioners has received the Engineer's Report for the Street Light Improvement District 14-3 and determines that it is necessary to make the following improvements:
a. The relocation of street lights west of the Frontage Rd to the east of Frontage Rd in Block 1 and Block 4 of the Airport First Addition.
b. The new construction of street lights along 24th Street West of Block 1 and Block 2 of the Prairie Green Estates Subdivision.
c. Said Street Light Improvement District 14-3 shall contain and involve the following described real property situated in the City of Williston, North Dakota, described as follows:
d. The relocation of the street lights from the west side to the east side of the 2nd Avenue West Frontage Road between 19th and 20th Streets.
e. The new construction of street lights along 24th Street West going east from 1st Avenue West.
City Auditor is hereby authorized and directed to cause the Resolution Declaring Necessity of an Improvement in Street Light Improvement District 14-3 to be published once each week for two (2) consecutive weeks in the official newspaper of the City.
Members of property within said improvement district be afforded an opportunity to be written protests with the City Auditor at any time within 30 days of the first publication of the Resolution. The Board of City Commissioners shall meet to hear and to determine the sufficiency of any protests filed with the City Auditor prior to April 8th, 2014 at 8:00 p.m., at City Hall, in the Commission Room.
On or after the adoption of the foregoing Resolution was duly seconded by Commissioner Cymbalski, and upon vote being taken thereon, the following members voted "AYE": Broersen, Bekkedahl, Klug, Cymbalski and Koeser
Following voted "NAY": None
And not voting: None. Whereupon said motion was declared duly passed and adopted the 25th day of February, 2014.

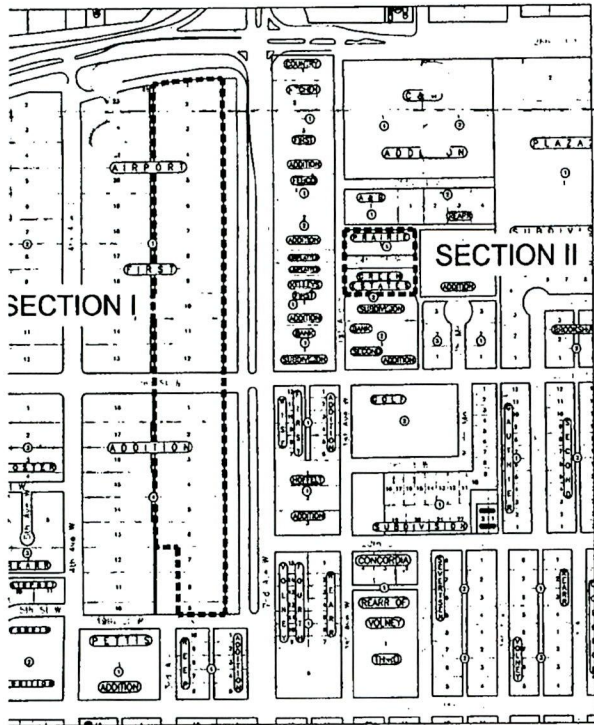
KAUTZMAN
Utzman, City Auditor

E. WARD KOESER
Board of City Commissioners
E. Ward Koeser, President

(March 2, 9, 2014)

D14-3 STREET LIGHT IMPROVEMENTS

TRACT BOUNDARY



DISTRICT DESCRIPTION

SECTION I: Lot 1 through Lot 12 of Block 1, Lot 1 through Lot 6 of Block 4, and Lot 7 through Lot 9 less the west 100 feet of Block 4, of the Airport First Addition.

SECTION II: Block 1 and the north half of Block 2 of the Prairie Green Estates Subdivision

ADVERTISEMENT FOR BIDS
FOR
STREET LIGHT IMPROVEMENT DISTRICT 14-3
Williston, North Dakota

It is hereby given that sealed bids for the completed STREET LIGHT IMPROVEMENT DISTRICT 14-3 for the City of Williston, North Dakota, will be received at the Office of the City Auditor, in the Williston City Hall, P.O. Box 1306, until 3:00 P.M., Central Time, April 3rd, 2014. At that time, the bid is to be opened in the City Commission Hearing Room at the Williston City Hall, 22 East Broadway, Williston, North Dakota, and read aloud.
Object consists of the following approximate principal quantities:
Section I: Includes the removal of 9 street lights and their concrete foundations, the installation of 9 street lights and approximately 2,300 feet of underground electric circuitry.
Section II: The installation of 2 street lights and approximately 360 feet of new underground electric circuitry.
A work shall be completed by October 3rd, 2014.

DOERS are required to view the proposed project site area in order to familiarize themselves with the details of the area prior to submitting a bid.
Project Plans and Specifications may be viewed at the City Engineer's Office. Project Plans, Specifications, Bid Forms and Contract Documents are available from the City Engineer's Office located at 800 5th Street East, Williston, ND or at P.O. Box 2437, Williston, ND 58802-2437 for payment refundable \$25.00 fee. For further project information contact the City Engineer's Office at 701-577-6298.

copies of the Project Plans, Specifications, Bid Forms and Contract Documents are also available at www.auditor.nd.gov for a fee of \$20.00. Documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number 3143718 on the "Documents" page. For assistance and free membership registration, contact QuestCDN at (852) 233-1832 or info@questcdn.com.
Each bid is to be submitted on the basis of cash payment for the work and is to be enclosed in a sealed envelope addressed to the City Auditor. Each bid is to be accompanied by a Bidder's Bond in a sum equal to 5% of the full amount of the bid, executed by the BIDDER as principal and by a surety if authorized to do business in this State, conditioned that if the principal bid is accepted and the contract is awarded to him, he within 10 days after Notice of Award, will execute and effect a contract in accordance with the terms of his bid and provide a Performance and Payment Bond amount of 100% of the Contract Price with a corporate surety approved by the Owner.

Each Bidder and Contractor's License Renewal Certificate shall be submitted in a separate sealed envelope attached to the outside of the Bid Envelope. Bids must be received for the highest amount of their bid.
Bids shall be marked on the outside of the envelope, the date of the proposal, the name of the Bidder, and acknowledgment of any Addendums are received. The right is reserved to reject any or all bids, and to waive any informality in any bid and to hold bids for a period not to exceed 30 days from said date of opening of bids, until the 25th day of February, 2014.

OF WILLISTON, NORTH DAKOTA

JHN KAUTZMAN
City Auditor
of the Board of City Commissioners,
Williston, North Dakota

(March 2, March 9, 2014)

QuestCDN.com (Quest Project Number 3143718)

E. Ward Koeser, President

Williston Herald,
Attn: Waade Olot
P.O. Box 1447, Williston, ND 58802
or wolo@willistonherald.com

Write Your Own Check
or call 701-577-6298

IN THE CLASSIFIEDS in the Classifieds

999. Public Notices

ADVERTISEMENT FOR BIDS
RECLAMATION OF
ABANDONED MINE LANDS

2014 Baskin/Zap Phase 15 AML Project
The Abandoned Mine Lands Division of the North Dakota Public Service Commission is accepting sealed bids for a reclamation project near Baskin, North Dakota. This project entails approximately 10,000 feet of rotary drilling and the injection of 5,000 cubic yards of grout into abandoned underground mines. Pre-qualification is required in order to bid on this project and pre-qualification forms must be received by March 27, 2014. A mandatory on-site conference will be held at 9:00 am CDT, April 10, 2014 at the project site. Sealed bids must be received by the Procurement Office by 11:00 am, CDT, April 22, 2014. Project details can be accessed free of charge from the State Procurement website, www.nd.gov/spo. For questions about this solicitation, contact Bill Dodd at the North Dakota Public Service Commission, 800 East Boulevard Ave., Dept. 408, Bismarck, ND 58505-0480, 701-328-4101.

ADVERTISEMENT FOR BIDS
RECLAMATION OF
ABANDONED MINE LANDS

2014 Soranov/Bowman Phase 2 AML Project
The Abandoned Mine Lands Division of the North Dakota Public Service Commission is accepting sealed bids for a reclamation project near the cities of Soranov, Bowman and Pezzer, North Dakota. This project entails approximately 8,500 feet of rotary drilling and the injection of 5,000 cubic yards of grout into abandoned underground mines. Pre-qualification is required in order to bid on this project and pre-qualification forms must be received by March 27, 2014. A mandatory on-site conference will be held at 1:30 pm CDT, April 10, 2014 at the project site. Sealed bids must be received by the Procurement Office by 11:00 am, CDT, April 22, 2014. Project details can be accessed free of charge from the State Procurement website, www.nd.gov/spo. For questions about this solicitation, contact Bill Dodd at the North Dakota Public Service Commission, 800 East Boulevard Ave., Dept. 408, Bismarck, ND 58505-0480, 701-328-4101.

ADVERTISEMENT FOR BIDS
RECLAMATION OF
ABANDONED MINE LANDS

2014 Exploratory Drilling AML Project
The Abandoned Mine Lands Division of the North Dakota Public Service Commission is accepting sealed bids to perform exploratory drilling, casing and other associated work at Abandoned Mine Lands (AML) sites in North Dakota. This project entails approximately 25,000 feet of rotary drilling to locate underground mine voids and installing about 7,500 feet of casing. Sealed bids must be received by the Procurement Office by 11:00 am, CDT, April 22, 2014. Project details can be accessed free of charge from the State Procurement website, www.nd.gov/spo. For questions about this solicitation, contact Bill Dodd at the North Dakota Public Service Commission, 800 East Boulevard Ave., Dept. 408, Bismarck, ND 58505-0480, 701-328-4101.

(March 9, 18, 2014)

CALL FOR BIDS
CITY OF WILLISTON, NORTH DAKOTA
PUBLIC WORKS DEPARTMENT

NOTICE IS HEREBY GIVEN, that the Board of City Commissioners of the City of Williston, North Dakota will receive bids to furnish the City with the following:
Diesel Powered, Articulated Front Compactor (Lansford)
Bids will be received until 3:00 PM CST, March 20th, 2014, at the Office of the City Auditor, City Hall, Williston, North Dakota, at which time and place all bids will be publicly opened and read aloud.
The City reserves the right to reject any or all bids and to hold bids for thirty (30) days before awarding, and to waive irregularities and to accept any bid whenever it is in the best interest of the City of Williston.
Specifications and any other information may be obtained from the Department of Public Works, 800 5th Street East, Williston, ND 701-577-6298.
Bids for each item must be submitted in a separate envelope with the item for which the bid is submitted clearly identified on the exterior of the envelope.
All bids must be accompanied by a Bidder's Bond or Certified Check equal to 5% of the bid or a copy of their Dealer Bond as pursuant to NDCC 39-22-06.2. The Bidder's Bond, Certified Check or Dealer Bond copy shall be submitted in a separate envelope and the item to which the bond applies shall be clearly identified on the exterior of the envelope.
By Order of the Board of City Commission of the City of Williston dated this 25th day of February, 2014.

By: JOHN KAUTZMAN
John Kautzman, City Auditor
(March 2, 9, 2014)

999. Public Notices

CALL FOR BIDS
CITY OF WILLISTON, NORTH DAKOTA
PUBLIC WORKS DEPARTMENT

NOTICE IS HEREBY GIVEN, that the Board of City Commissioners of the City of Williston, North Dakota will receive bids to furnish the City with the following:
Utility Vehicle (WVTP)
Bids will be received until 3:00 PM CST, March 20th, 2014, at the Office of the City Auditor, City Hall, Williston, North Dakota, at which time and place all bids will be publicly opened and read aloud.
The City reserves the right to reject any or all bids and to hold bids for thirty (30) days before awarding, and to waive irregularities and to accept any bid whenever it is in the best interest of the City of Williston.
Specifications and any other information may be obtained from the Department of Public Works, 800 5th Street East, Williston, ND 701-577-6298.
Bids for each item must be submitted in a separate envelope with the item for which the bid is submitted clearly identified on the exterior of the envelope.

All bids must be accompanied by a Bidder's Bond or Certified Check equal to 5% of the bid or a copy of their Dealer Bond as pursuant to NDCC 39-22-06.2. The Bidder's Bond, Certified Check or Dealer Bond copy shall be submitted in a separate envelope and the item to which the bond applies shall be clearly identified on the exterior of the envelope.
By Order of the Board of City Commission of the City of Williston dated this 28th day of January, 2014.

By: JOHN KAUTZMAN
John Kautzman, City Auditor
(March 2, 9, 2014)

CALL FOR BIDS
For a Sport Utility Vehicle

For Williston Convention and Visitor Bureau
The Williston Convention and Visitor Bureau will accept bids for a Sport Utility Vehicle for use of the Convention and Visitor Bureau. Detailed Specifications are available from CVB Director Amy Krueger, 212 Airport Rd, Williston, ND 58801, (701)774-0041. Bids must be submitted in writing to the office of the Convention and Visitor Bureau at or before 2:00 P.M. on Wednesday, March 17, 2014, which is the time of the bid opening. The sealed envelope containing the bid shall be accompanied by a detailed description of the vehicle proposed to be furnished, and a copy of the bidder's dealer bond or certified check in the amount of 5% of the bid price. The Convention and Visitor Bureau reserves the right to accept and reject any and all bids and to accept the bid deemed by the Convention and Visitors Board of Directors to be in the best interest of the Bureau. The Convention and Visitors Bureau also reserves the right to hold the bids up to thirty (30) days and to waive any irregularity in any bid. Further information may be obtained from the office of the Convention and Visitor Bureau, 212 Airport Rd, Williston, ND 58801.
(March 5, 9, 12, 2014)

NON-DISCRIMINATION STATEMENT

Missouri Valley Communications, Inc. (MVC), a Division of Federal Financial Institutions from the U.S. Department of Agriculture (USDA). The USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-4110, or call toll free (866) 632-6992 (voice) or (800) 877-8339 (TDD) or (866)777-8642 (relay voice users). USDA is an equal opportunity provider and employer.

(March 9, 2014)

NOTICE OF HEARING PETITION
FOR FORMAL PROBATE
OF WILL AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

Probate No. 53-2014-PR-81
STATE OF NORTH DAKOTA
IN DISTRICT COURT
COUNTY OF WILLIAMS
NORTHWEST JUDICIAL DISTRICT
In the Matter of the Estate of
David M. Rowlands, Deceased.
NOTICE IS HEREBY GIVEN that Lynn R. Rowlands has filed herein a petition for formal probate of adjudication of intestacy and appointment of personal representative. Hearing has been set upon said petition on the 1st day of April, 2014, at 4:30 o'clock p.m. at the Courtrooms of the above-named Court in the City of Williston, County of Williams, State of North Dakota.
Dated this 19th day of February, 2014.

MACKOFF KELLOGG LAW FIRM

999. Public Notices

By: CHARLES J. PETERSON
Charles J. Peterson, Attorney #04008
36 Second Avenue East
Dickinson, North Dakota 58601
Email: cpeter@netnet.com
Attorneys for: Personal Representative
(Febuary 23, March 2, 9, 2014)

REGULAR MEETING
CITY OF SPRINGBROOK
TUESDAY, MARCH 11, 2014
7:00 PM @ CITY HALL
(March 2, 9, 2014)

NOTICE
OF BASIC TELEPHONE SERVICE
AVAILABLE FROM MISSOURI VALLEY
COMMUNICATIONS, INC., DBA NEMONT.

Missouri Valley Communications, Inc., dba Nemont, is designated as an Eligible Telecommunications Carrier by meeting the guidelines of the Federal Communications Commission and the North Dakota Public Service Commission. Nemont offers quality, reliable telephone service and realizes that basic service is a fundamental aspect of every city life.

Basic service from Nemont includes:
Single party service.
Touch tone.
Voice grade access to the public switched network.
24-hour emergency services including basic 911 or Enhanced 911.
Access to operator services, inter-exchange, and directory assistance.

Nemont is proud to offer basic service to all customers in its territory. The rate for Nemont residential service is \$18.12 a month. The list rate for business service is \$25.20 a month.

Low-income individuals may be eligible for Lifeline North Dakota telephone assistance programs which provide discounts from these basic rates. The discount applies only to the main line telephone line billed in the name of a qualified customer. Also available to Lifeline North Dakota customers is toll blocking which lets customers block outgoing long distance calls free of charge.

If you have questions, or would like to become a customer of Nemont, please contact us at 1-800-636-6880, or visit our business office at 421 Main, Williston, ND. We may also be reached by e-mail at nemont@mvco.com.

(March 9, 2014)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Merand, Inc. - Burlington County
Public Convenience & Necessity

HEARING NO. PU-13-471

February 26, 2014

On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., filed an application to extend electric service to Merand, Inc. at a location in Section 35, T 138N, R 77W, Burlington County, North Dakota. On January 15, 2014, a Petition and request for hearing was received from Capital Electric Cooperative, Inc. Please take notice that a public hearing on these matters will be held Friday, May 2, 2014, at 8:30 a.m. CDT, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota 58505. The issues to be considered are:

- 1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and will earn an adequate rate of return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the reasonable future?
10. Will service be provided by either of the electric suppliers in the area reasonably interfere with the service or system of the other?
For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-368-6886 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Clerk's Office, Interim Secretary, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION

Randy Christensen, Commissioner
Brian P. Kalk, Chairman
Julie Fedorchak, Commissioner
(March 9, 2014)

3/9 Williston

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:25 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 9 Hrg Exhibit MDU 1

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

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Daniel Kuntz (dan.kuntz@mduresources.com)

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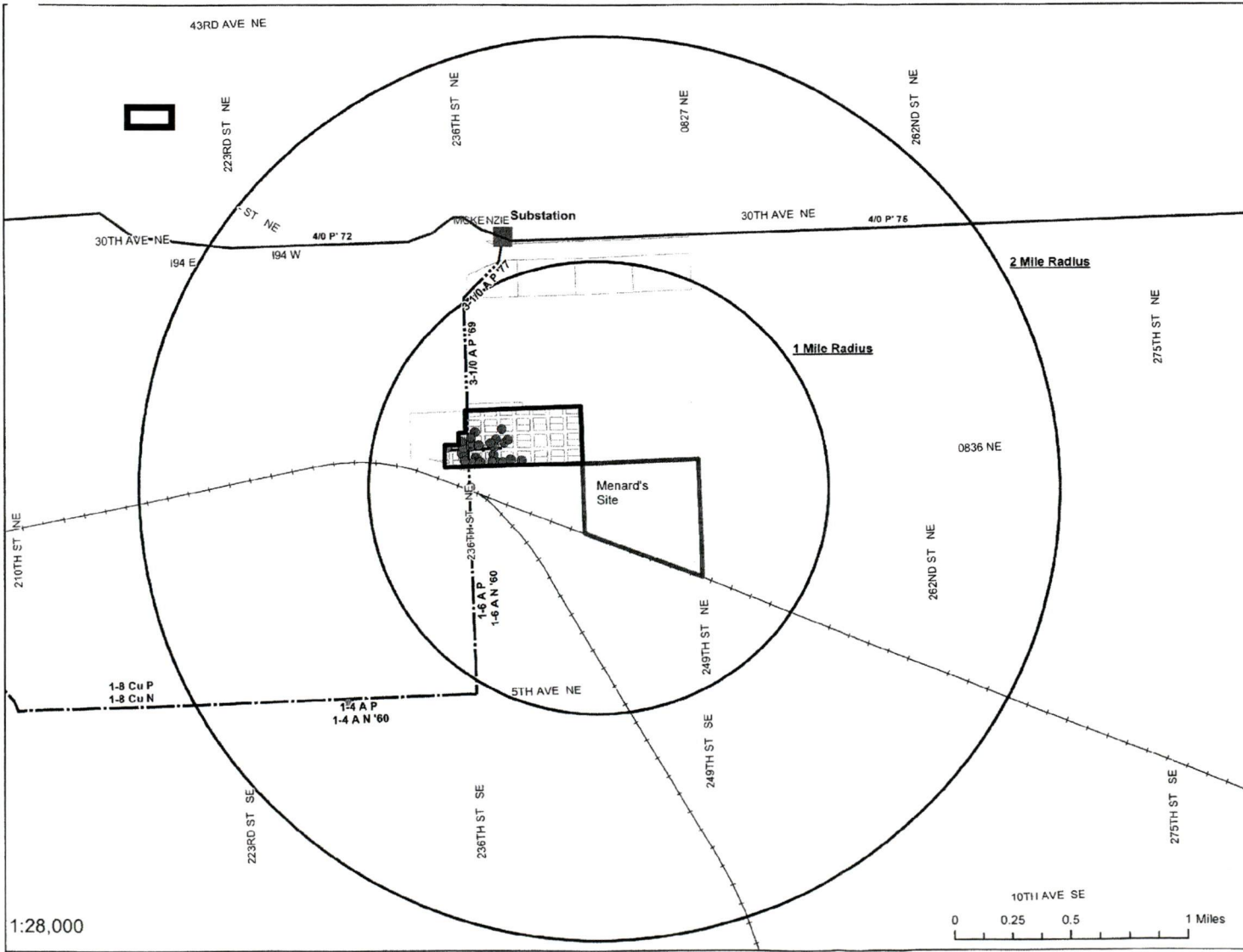
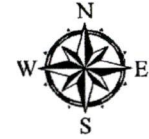
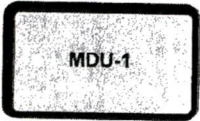
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McKenzie 2 Mile Radius Electric Assets



Assets

- McKenzie Limits
- Menard's Site
- Substation
- 1 Mile Radius
- 2 Mile Radius

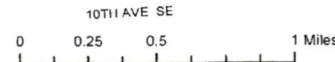
Overhead Transmission

- 46 KV

Primary Overhead Electric Line

- Single Phase Primary Overhead
- Two Phase Primary Overhead
- Three Phase Primary Overhead
- Single Meter Service Point

1:28,000



Jeffcoat-Sacco, Illona

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Date Submitted: 12/17/2014 4:18:36 PM

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North Dakota Public Service Commission:

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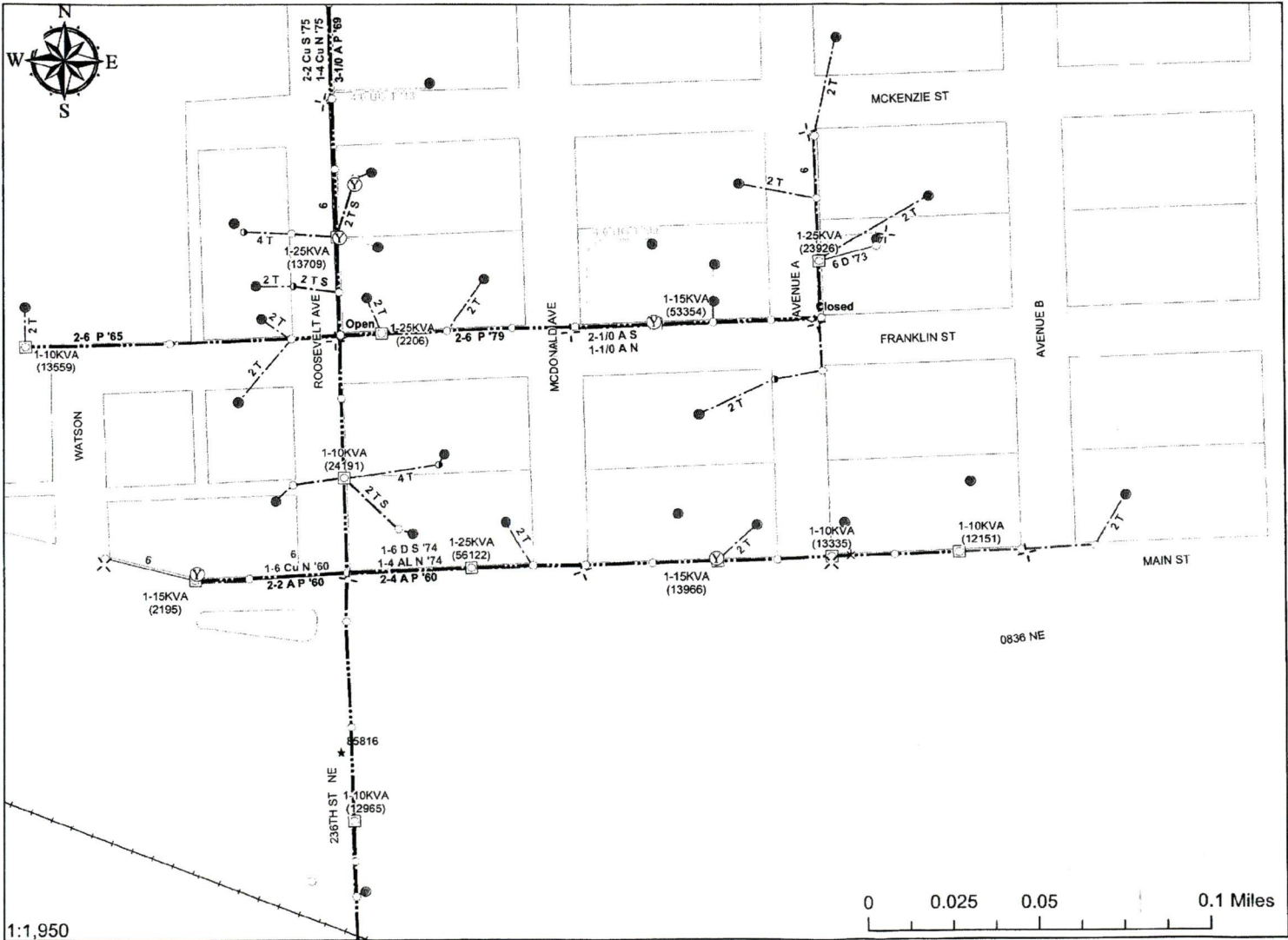
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McKenzie Electric Points

MDU-2



Electrical Assets

Electric Service Point

- Single Meter Service Point
29 Customers served within 2 mile radius

Primary Overhead Electric Line

- Neutral Only
- Single Phase Primary Overhead
- Two Phase Primary Overhead
- Three Phase Primary Overhead

Secondary Overhead Electric Line

- Single Phase Secondary Overhead
- Three Phase Secondary Overhead
- Single Phase Service Overhead
- Three Phase Service Overhead
- Overhead Streetlight Line
- OH Yard/Flood Light Line

1:1,950

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:26 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

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Date Submitted: 12/17/2014 4:18:36 PM

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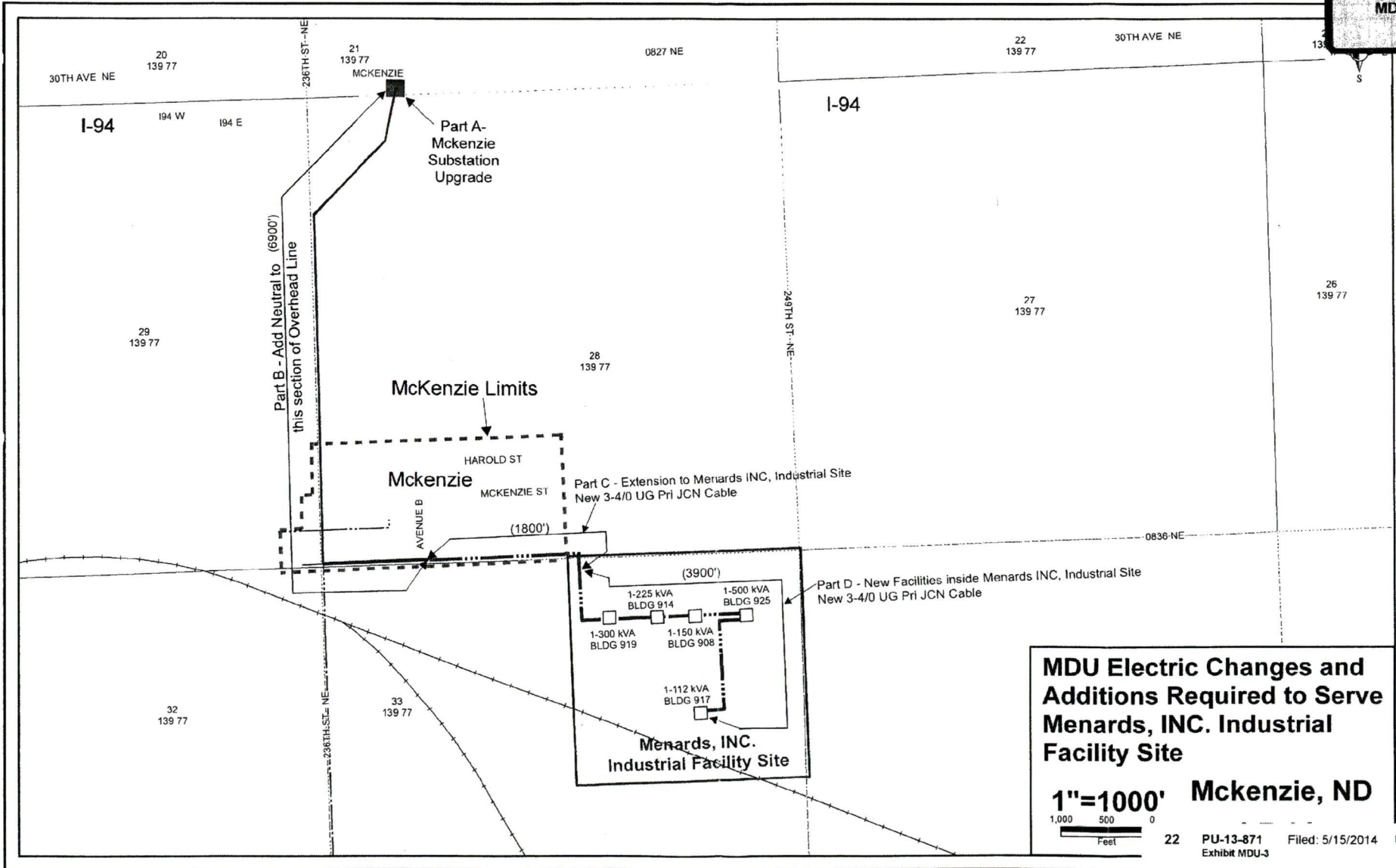
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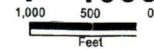
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MDU-3



MDU Electric Changes and Additions Required to Serve Menards, INC. Industrial Facility Site

1"=1000' McKenzie, ND



22 PU-13-871 Filed: 5/15/2014 Pages: 1
Exhibit MDU-3

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.

Jeffcoat-Sacco, Illona

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Date Submitted: 12/17/2014 4:18:36 PM

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Filing Desc: CR Exhibit 12 Hrg Exhibit MDU 4

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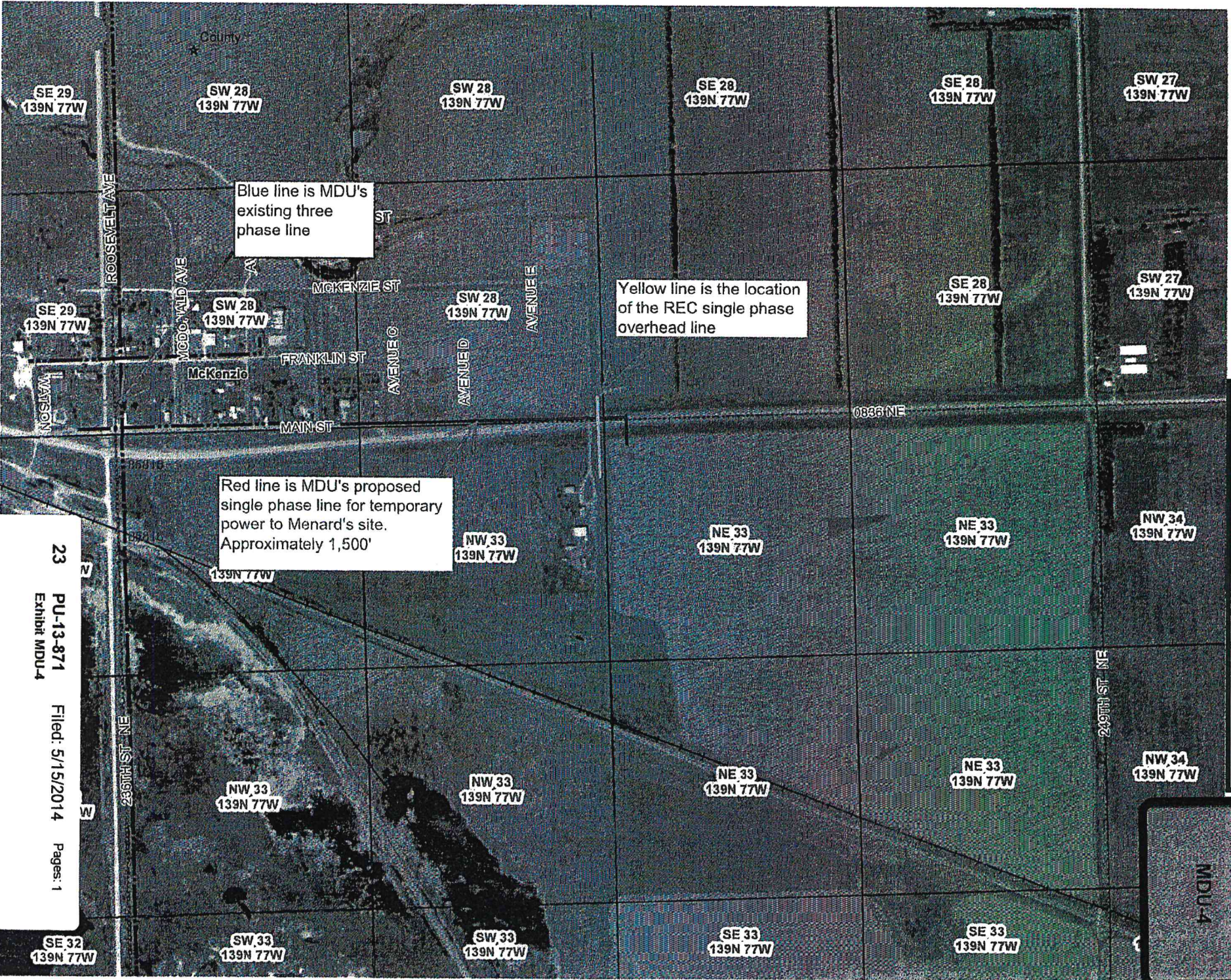
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Blue line is MDU's existing three phase line

Yellow line is the location of the REC single phase overhead line

Red line is MDU's proposed single phase line for temporary power to Menard's site. Approximately 1,500'

CR Exhibit 12 Hrg Exhibit MDU +

MDU-4

23 PU-13-871 Filed: 5/15/2014 Pages: 1
 Exhibit MDU-4

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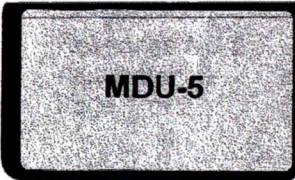
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COST ESTIMATE Part C

Project: Costs to Extend Electric Service to Menards INC Industrial Facility Site

<i>CONSTRUCTION</i>	<u>Item</u>	<u>Cost each</u>	<u>Feet or Quantity</u>	<u>Amount</u>
1) Material	Stores Material			\$13,936
			Material Total=	<u>\$13,936</u>
2) Direct Labor			Unloaded	
		<u>Units</u>	<u>Quantity</u>	<u>Rate/Hour</u>
	Line Crew	Hours	80	\$38.00
	Engineering	Hours	12	\$48.00
	Engineering Asst.	Hours	0	\$38.00
	Construction Supv.	Hours	0	\$31.00
	Drafting	Hours	0	\$15.00
		Hours	0	\$0
			Total Labor=	<u>\$3,616</u>
2a) Labor Loading			Payroll Loading	<u>\$1,700</u>
			Total Labor w/Loading	<u>\$5,316</u>
3) Contract Charge		<u>Quantity</u>	<u>Cost Each</u>	
	Trenching	1600	\$3.00	\$4,800
	Boring	200	\$14.00	\$2,800
			TOTAL =	<u>\$7,600</u>
4) Transportation & Equipment		<u>Units</u>	<u>Quantity</u>	<u>\$Rate/Unit</u>
	Line Truck	Hours	20	35.00
	Crew Pickup	Miles	125	1.65
	Engineering Car	Miles	40	0.50
	R/W CAR	Miles	0	0.60
	SPV. PICK.	Miles	0	0.70
	Man Lift Truck	Hours	20	23.00
			TOTAL =	<u>\$1,386</u>
			SUB TOTAL =	\$28,237
	15.52		% OVERHEAD =	<u>\$4,382</u>
			CONSTRUCTION TOTAL =	<u>\$32,619</u>
<i>RETIREMENT</i>				
1) Salvage				\$0
2) Cost of Removal		<u>Man-hours</u>	<u>Rate/Hr(\$)</u>	
	CREW MAN-HRS =	0	28.50	\$0
	LINE TRK HRS =	0	32.00	\$0
	CREW PU. MIS =	0	1.65	\$0
	HRS =	0	10.00	\$0
			TOTAL =	<u>\$0</u>
			RETIRE TOTAL =	<u>\$0</u>
			PROJECT TOTAL =	<u>\$32,619</u>

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:27 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

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Date Submitted: 12/17/2014 4:18:36 PM
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The following are service contacts on this filing:
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Illona Jeffcoat-Sacco (ijs@nd.gov)

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Daniel Kuntz (dan.kuntz@mduresources.com)

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COST ESTIMATE Part D

Project:

Costs of new Electric Service inside Menards INC Industrial Facility Site

<i>CONSTRUCTION</i>		<u>Item</u>	<u>Cost each</u>	<u>Feet or Quantity</u>	<u>Amount</u>
1)	Material	Stores Material			\$30,894
					Material Total=
					<u>\$30,894</u>
Unloaded					
2)	Direct Labor		<u>Units</u>	<u>Quantity</u>	<u>Rate/Hour</u>
		Line Crew	Hours	176	\$38.00
		Engineering	Hours	28	\$48.00
		Engineering Asst.	Hours	0	\$38.00
		Construction Supv.	Hours	0	\$31.00
		Drafting	Hours	0	\$15.00
			Hours	0	\$0
					Total Labor=
					<u>\$8,032</u>
2a)	Labor Loading				Payroll Loading
					<u>\$3,775</u>
					Total Labor w>Loading
					<u>\$11,807</u>
3)	Contract Charge		<u>Quantity</u>	<u>Cost Each</u>	
		Trenching	3800	\$3.00	\$11,400
					TOTAL =
					<u>\$11,400</u>
4)	Transportation & Equipment		<u>Units</u>	<u>Quantity</u>	<u>\$Rate/Unit</u>
		Line Truck	Hours	44	35.00
		Crew Pickup	Miles	275	1.65
		Engineering Car	Miles	120	0.50
		RW CAR	Miles	0	0.60
		SPV. PICK.	Miles	0	0.70
		Man Lift Truck	Hours	44	23.00
					TOTAL =
					<u>\$3,066</u>
					SUB TOTAL =
					<u>\$57,167</u>
					15.52 % OVERHEAD =
					<u>\$8,872</u>
					CONSTRUCTION TOTAL =
					<u>\$66,039</u>
<i>RETIREMENT</i>					
1)	Salvage				\$0
2)	Cost of Removal		<u>Man-hours</u>	<u>Rate/Hr(\$)</u>	
		CREW MAN-HRS =	0	28.50	\$0
		LINE TRK HRS =	0	32.00	\$0
		CREW PU. MIS =	0	1.65	\$0
		HRS =	0	10.00	\$0
					TOTAL =
					<u>\$0</u>
					RETIRE TOTAL =
					<u>\$0</u>
					PROJECT TOTAL =
					<u>\$66,039</u>

Jeffcoat-Sacco, Illona

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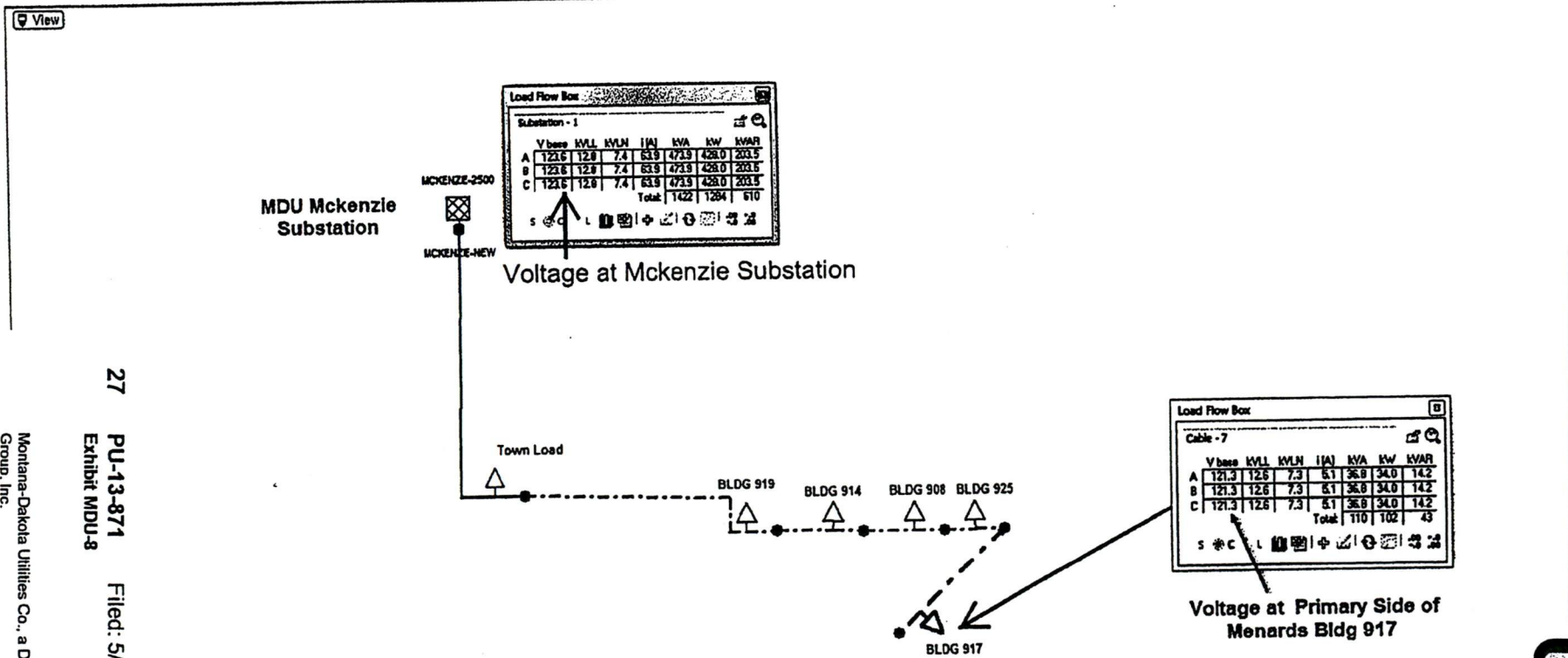
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VOLTAGE DROP CALCULATION



CR Exhibit 16 Hrg Exhibit MDU 8

MDU-8

Jeffcoat-Sacco, Illona

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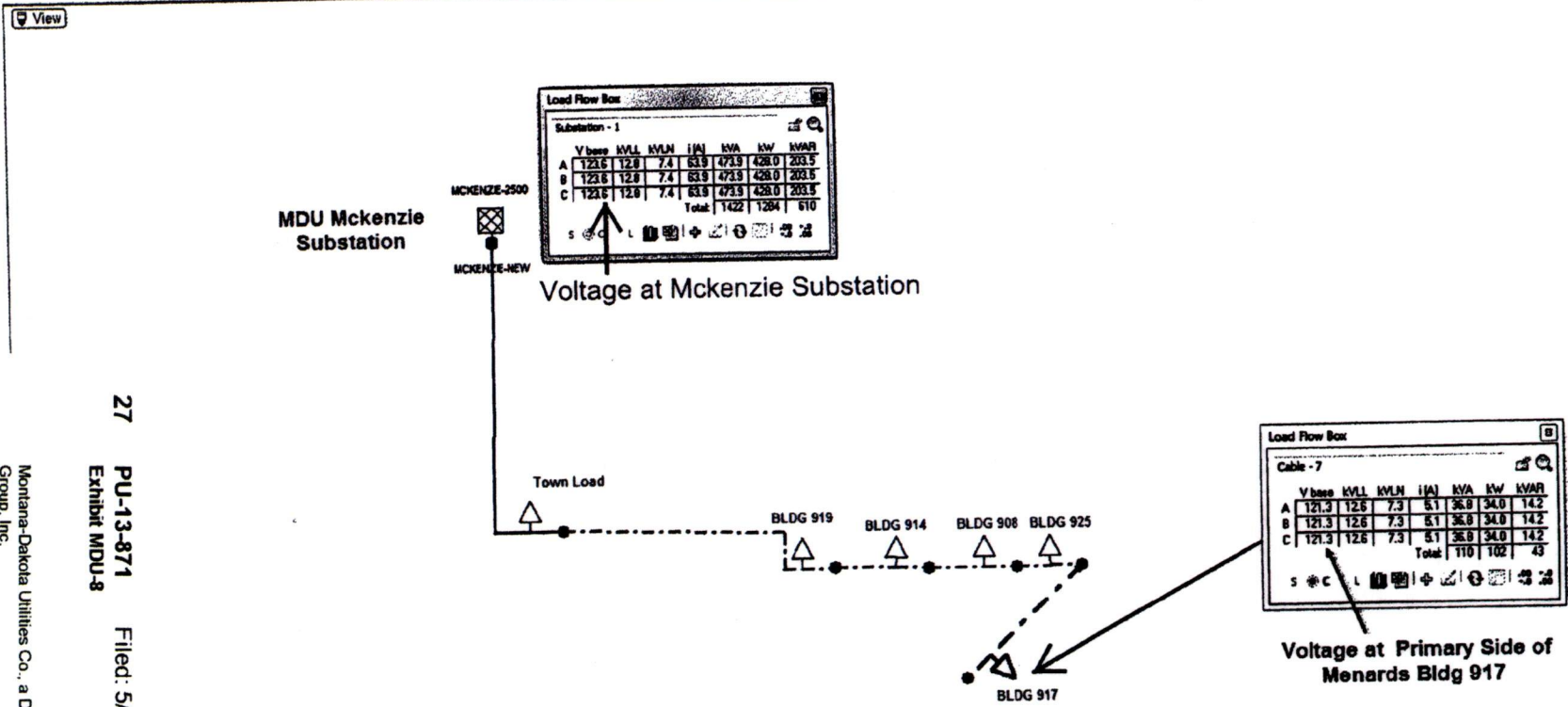
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VOLTAGE DROP CALCULATION



CR Exhibit 16 Hrg Exhibit MDU 8

MDU-8

27 PU-13-871 Filed: 5/15/2014 Pages: 1
Exhibit MDU-8

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
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McKenzie Outage History

<u>Year</u>	<u>Number of Outages</u>	<u>Report Numbers</u>	<u>Notes</u>
2014	0		
2013	0		
2012	0		
2011	1	157	Ryberg Farm
2010	0		
2009	0		
2008	1	122	
2007	0		
2006	0		
2005	0		
2004	0		
2003	0		
2002	2	0.1, 30	Ryberg Farm
2001	0		
2000	1	65	Ryberg Farm

MONTANA-DAKOTA UTILITIES CO. DISTRIBUTION OUTAGES

Delete Rec

MAIN MENU

Year:	Report ID:	District	Problem Date/time	Partial Restore D/T	Fully Restore D/T
2011	157	327	10/6/2011 11:00:00 PM	10/7/2011 12:30:00 AM	10/7/2011 12:30:00 AM

<input type="checkbox"/> Inside City Limits <input type="checkbox"/> Outside City Limits					
Zone:	Town	Section #	Farm Line #	FL Section	Quarter Section:
O	488				

Circuit				
Substation	Recloser /Fuse #	Brk Opers	Lockout (L)	Counter Reading
488DS01	MCKENZIE-21F01	0		

Location of Problem		
Equip # 1	Equip # 2	Address:
		R. Ryberg Farm

Sectionalizing device that cleared the fault

Phase	Fault Device	Device #	Fuse Size	Fuse Type	Device Work?
2	Overhead, Fused	33F01	25	K	1

What and Why about failure			KVA	Customers
Failed Item	99	Momentary Partial Restored Fully Restored		
Reason	1			
Fault Indic	2		20	2
FI Replaced	2			

Summary:

Employee	
Call Outs	WH, JE
On Call	S. Obritsch
Filing Report	S. Obritsch

No power at Ronny Ryberg farm. Found fuse blown- patrolled. Refused to restore power. Fuse blown due to lightning.

NEXT

TOP

MONTANA-DAKOTA UTILITIES CO. DISTRIBUTION OUTAGES

Delete Rec

MAIN MENU

Year: 2008 Report ID: 122 District: 327 Problem Date/time: 12/31/2008 1:51:00 AM Partial Restore D/T: Fully Restore D/T: 12/31/2008 4:24:00 AM

Zone: O Town: 488 Inside City Limits Outside City Limits
 Section # Farm Line # FL Section Quarter Section:

Circuit

Substation: 488DS01 Recloser /Fuse #: FUSE Brk Opers: Lockout (L): Counter Reading:

Location of Problem

Equip # 1 Equip # 2 Address:
 In Mckenzie, North Side RR Tracks

Sectionalizing device that cleared the fault

Phase	Fault Device	Device #	Fuse Size	Fuse Type	Device Work?
6	Overhead, Fused				

What and Why about failure			KVA	Customers
Failed Item	5	Momentary		
Reason	5	Partial Restored		
Fault Indic	3	Fully Restored	20	2
FI Replaced				

Employee

Call Outs: Tony Schantz & Jon Schwartz
 On Call: Craig Lohstreter
 Filing Report: Ken Paul

Summary:
 On north side of railroad tracks the east phase splice let loose. #4 and #6 ACSR spliced together in a #4 sleeve.

NEXT

TOP

MONTANA-DAKOTA UTILITIES CO. DISTRIBUTION OUTAGES

Delete Rec

MAIN MENU

Year: 2002 Report ID: 0.1 District: 327 Problem Date/time: 7/11/2002 5:30:00 AM Partial Restore D/T: Fully Restore D/T: 7/11/2002 7:00:00 AM

Zone: O Town: 488 Inside City Limits Outside City Limits Section #: Farm Line #: FL Section: Quarter Section: Circuit:

Substation: 488DS01 Recloser /Fuse #: FUSE Brk Opers: Lockout (L): Counter Reading:

Location of Problem Equip # 1: Equip # 2: Address: Farm line:

Sectionalizing device that cleared the fault

Phase	Fault Device	Device #	Fuse Size	Fuse Type	Device Work?
8	Overhead, Fused				

What and Why about failure		Momentary	KVA	Customers
Failed Item	Reason			
99	6			
		Partial Restored		
		Fully Restored	10	1

Employee: Call Outs: pj On Call: Filing Report: dcw

Summary:
no power at Ryberg farm. Sent Paul J to check. Found fuse open. Patrolled and found nothing. Refused and it held.

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MONTANA-DAKOTA UTILITIES CO.

DISTRIBUTION OUTAGES

Delete Rec

MAIN MENU

Year: 2002 Report ID: 30 District: 327 Problem Date/time: 6/18/2002 1:00:00 AM Partial Restore D/T: Fully Restore D/T: 6/18/2002 2:20:00 AM

Zone: O Town: 488 Inside City Limits Outside City Limits
 Section #: 33 Farm Line #: FL Section: Quarter Section:

Circuit

Substation: 488DS01 Recloser /Fuse #: FUSE Brk Opers: 0 Lockout (L): Counter Reading: 0

Location of Problem

Equip # 1: 33F01 Equip # 2: 33F01 Address: S. of Hwy #10 and N. of R.R.

Sectionalizing device that cleared the fault

Phase	Fault Device	Device #	Fuse Size	Fuse Type	Device Work?
6	Overhead, Fused	33F01	25	K	1

What and Why about failure

Failed Item	12
Reason	1
Fault Indic	3
FI Replaced	

	KVA	Customers
Momentary		
Partial Restored		
Fully Restored	30	3

Employee:

Call Outs: J.P, S.O

On Call: Allen Pedersen

Filing Report: Allen Pedersen

Summary:
 Found East cutout blown. Patrolled most of the line, refused cutout and restored power. There is transformer on this pole also and one of its fuse was blown also. Refused and restored power.

NEXT
TOP

MONTANA-DAKOTA UTILITIES CO. DISTRIBUTION OUTAGES

Delete Rec

MAIN MENU

Year: 2000 Report ID: 65 District: 327 Problem Date/time: 8/28/2000 7:20:00 AM Partial Restore D/T: Fully Restore D/T: 8/28/2000 8:35:00 AM

Zone: O Town: 488 Inside City Limits Outside City Limits Section #: Farm Line #: 209 FL Section: 36 Quarter Section:

Circuit

Substation: 488DS01 Recloser /Fuse #: FUSE Brk Opers: Lockout (L): Counter Reading:

Location of Problem

Equip # 1: Equip # 2: Address: Ron Ryberg farm

Sectionalizing device that cleared the fault

Phase	Fault Device	Device #	Fuse Size	Fuse Type	Device Work?
2	Recloser				

What and Why about failure			KVA	Customers
Failed Item	99		Momentary	
Reason	6	Partial Restored		
Fault Indic	3	Fully Restored	10	1
FI Replaced	2			

Employee:

Call Outs: T. Schantz

On Call: R. Hager

Filing Report: R. Hager

Summary:
Dispatcher received a no power call from Ron Ryberg. T. Schantz checked into the problem, and found nothing wrong. He then restored power.

NEXT

TOP

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:28 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 18 Hrg Exhibit MDU 10

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Rate Comparison**

<u>Montana-Dakota Rate 30 Secondary</u>		<u>Capital Electric</u>		<u>Annual Difference</u>
Basic Service Charge	\$45.00	Base Rate	\$57.00	
Summer Demand Charge \$/kW	\$11.250	Energy Charge 1st 10,000	\$0.0615	
Winter Demand Charge \$/kW	\$8.250	Energy Charge Over 10,000	\$0.0535	
Energy Charge \$/kwh	\$0.05389	Demand Charge > 10 Kw	\$14.00	
Base Rate	\$270.00	Base Rate	\$342.00	
Demand Cost - Summer	13,500.00	Demand Cost - Summer	15,960.00	
Demand Cost - Winter	9,900.00	Demand Cost - Winter	15,960.00	
Energy Cost	31,435.82	Energy Cost	31,688.32	
Total Annual Cost	<u>\$513,669.84</u>	Total Annual Cost	<u>\$575,883.84</u>	<u>(\$62,214.00)</u>
				-11%

Monthly Kwh	583,333
Peak Demand	1,200

CR Exhibit 18 Hrg Exhibit MDU 10

MDU-10
Page 1 of 6

29 PU-13-871 Filed: 5/15/2014 Pages: 6
Exhibit MDU-10

**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Net Contribution to Costs - Secondary Service**

Cost to Extend Service & Site Facilities 1/	\$98,658	
Authorized Rate of Return	8.736%	
Required Return	<u>\$8,619</u>	
Revenue Required for 8.76% ROR 2/		\$14,272
Estimated Revenues 3/	\$513,670	
Cost of Fuel & Purchased Power @ \$.02702	<u>189,140</u>	
Estimated Net Revenues		324,530
Net Contribution to Costs		<u><u>\$310,258</u></u>

1/ Cost to extend to Menard and cost within Menard's facility. MDU Exhibit 5 & 6

2/ Income grossed up for tax effect.

3/ Based on General Service Rate 30 - Secondary Service

Monthly Kwh	583,333
Peak Demand	1,200

**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Net Contribution to Costs - Secondary Service
Including Substation Upgrades**

Total Investment Including Substation Upgrade 1/	\$192,671	
Authorized Rate of Return	<u>8.736%</u>	
Required Return	\$16,832	
Revenue Required for 8.76% ROR 2/		\$27,872
Estimated Revenues 3/	\$513,670	
Cost of Fuel & Purchased Power @ \$.02702	<u>189,140</u>	
Estimated Net Revenues		324,530
Net Contribution to Costs		<u><u>\$296,658</u></u>

1/ Cost to extend Exhibit MDU-10, page 2 plus cost to upgrade substation & convert town Exhibit MDU-7.

2/ Income grossed up for tax effect.

3/ Based on General Service Rate 30 - Secondary Service

**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Rate Comparison - At Primary Service**

Montana-Dakota Rate 30 Primary		Capital Electric Primary		Annual Difference
Basic Service Charge	\$95.00	Base Rate	\$57.00	
Summer Demand Charge \$/kW	\$9.250	Energy Charge 1st 10,000	\$0.0615	
Winter Demand Charge \$/kW	\$6.250	Energy Charge Over 10,000	\$0.0535	
Energy Charge \$/kwh	\$0.05194	Demand Charge > 10 Kw	\$14.00	
Base Rate	\$95.00	Base Rate	\$55.86	
Demand Cost - Summer	11,100.00	Demand Cost - Summer	16,326.80	
Demand Cost - Winter	7,500.00	Demand Cost - Winter	16,326.80	
Energy Cost	30,298.32	Energy Cost	30,662.55	
Total Annual Cost	<u>\$469,119.84</u>	Total Annual Cost 1/	<u>\$564,542.52</u>	<u>(\$95,422.68)</u>
				-17%

1/ Billed amounts reduced by 2% based on CEC Data Response No. 8

Monthly Kwh	583,333
Peak Demand	1,200

**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Net Contribution to Costs - Primary Service**

Cost to Extend Service 1/	\$32,619	
Authorized Rate of Return	<u>8.736%</u>	
Required Return	\$2,850	
Revenue Required for 8.76% ROR 2/		\$4,719
Estimated Revenues 3/	\$469,120	
Cost of Fuel & Purchased Power @ \$.02587	<u>181,090</u>	
Estimated Net Revenues		288,030
Net Contribution to Costs		<u><u>\$283,311</u></u>

1/ Cost to extend to Menard. MDU Exhibit 5.

2/ Income grossed up for tax effect.

3/ Based on General Service Rate 30 - Primary Service

**Montana-Dakota Utilities Co.
Menard Extension - McKenzie
Net Contribution to Costs - Primary Service
Including Substation Upgrades**

Total Investment Including Substation Upgrade 1/	\$126,632	
Authorized Rate of Return	<u>8.736%</u>	
Required Return	\$11,063	
Revenue Required for 8.76% ROR 2/		\$18,319
Estimated Revenues 3/	\$469,120	
Cost of Fuel & Purchased Power @ \$.02587	<u>181,090</u>	
Estimated Net Revenues		288,030
Net Contribution to Costs		<u><u>\$269,711</u></u>

1/ Cost to extend Exhibit MDU-10, page 5 plus cost to upgrade substation & convert town Exhibit MDU-7.

2/ Income grossed up for tax effect.

3/ Based on General Service Rate 30 - Primary Service

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:29 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 19 Hrg Exhibit MDU 11
The following are service contacts on this filing:
Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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BOARD OF RAILROAD COMMISSIONERS

STATE OF NORTH DAKOTA

* * * * *

In the matter of the application of the Northern Power & Light Company of Mobridge, South Dakota, for a Certificate of Public Convenience and Necessity to furnish electric service in the village of McKenzie, North Dakota.

CASE NO. 2971.

FINDINGS AND ORDER

Upon consideration of the above entitled application at a regular meeting held at its offices at Bismarck, North Dakota, on the 16th day of August, 1928, the Board of Railroad Commissioners of the State of North Dakota finds that public convenience and necessity require the construction and operation of an electric distribution system in the village of McKenzie, North Dakota, as set forth in said application of the Northern Power & Light Company; and, pursuant to motion this day adopted,

IT IS ORDERED, that said application be, and the same is hereby granted, and that certificate of public convenience and necessity as prayed for be issued.

Dated at Bismarck, North Dakota, this 16th day of August, 1928.

30 PU-13-871 Filed: 5/15/2014 Pages: 12
Exhibit MDU-11

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.

Attest:

MARY E. PARSONS,
Secretary.

BY THE COMMISSION:

FAY HARDING,
President.

O. W. McDONNELL,
Commissioner.

BEN C. LARKIN,
Commissioner.

BOARD OF RAILROAD COMMISSIONERS

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate No. 86

Case No. 2971

THIS IS TO CERTIFY That public convenience and necessity require, and permission is hereby granted for the
_____ construction and operation _____ of _____

an electric distribution ~~blank~~ system at McKENZIE, _____ North Dakota,

by the NORTHERN POWER & LIGHT COMPANY _____ This certificate is issued in accordance with the report and
order of this Board, dated August 16, 1928, _____ in Case No. 2971, _____ and is subject to the condi-
tions and limitations noted thereon.

CONDITIONS: This certificate is conditioned upon the said NORTHERN POWER & LIGHT COMPANY
securing the consent, franchise, permit, ordinance, or other authority of the proper municipal or other public authority for
the exercise of the rights and privileges granted herein.

Dated at Bismarck, North Dakota, this 16th _____

BOARD OF RAILROAD COMMISSIONERS

day of August, _____ 1928.

ATTEST:

Martensson
SECRETARY

Fay Harding
PRESIDENT

RESOLUTION AND ORDINANCE

BOARD OF SUPERVISORS, MCKENZIE TOWNSHIP, BURLEIGH COUNTY,
NORTH DAKOTA:

WHEREAS, that portion of the Township known as the Village of McKenzie, North Dakota, is desirous of receiving electrical energy from the Northern Power & Light Company for the purpose of lighting the streets, alleys and public places of the Village of McKenzie and furnishing and selling to the inhabitants thereof, and

WHEREAS, this Board believes that said service will be of material benefit to the Township,

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MCKENZIE, COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA:

1. That Northern Power & Light Company, a Corporation of the State of Delaware, duly authorized and licensed to transact business in the State of North Dakota, its successors and assigns, be and it is hereby granted a right-of-way for the erection of an electric light system, and is hereby authorized, empowered and granted the right to erect, construct, extend, operate and maintain an electric transmission and distribution system, including poles, wires, guys, fixtures, sub-stations, appliances and appurtenances, thereto, upon, over and across those certain streets, alleys, highways and public grounds which are under the care and supervision of this Board, situated in the Township of McKenzie, County of Burleigh, State of North Dakota, and more particularly described as follows, to-wit: That portion of the Civil Township of McKenzie, situated on the Southeast quarter (SE¹/₄) of Section 28 and the Southwest quarter (SW¹/₄) of Section 28, Township 139 N., Range 77 W., known as the Village of McKenzie, Burleigh County, North Dakota; and the Northern Power & Light Company shall not be required to extend any lines beyond 300 feet from their lines when and as constructed unless Customer shall make satisfactory agreement with the Company.

2. All rates for electric light and power and for electric cooking shall be subject to the supervision of the Board of Railway Commissioners of the State of North Dakota.

Street Lighting - All Night Burning. All white way post: and special street lighting fixtures to be installed and maintained at the expense of the Township of McKenzie, Burleigh County, North Dakota.

100 Candle Power Lamp	--	\$3.00	per month
250 " " "	--	5.00	" "
400 " " "	--	8.00	" "
600 " " "	--	12.00	" "
Minimum charge	\$	<u>25.00</u>	per month.

The size and location of street lamps to be at all times designated by the Town Board or its Lighting Committee. The Town Board may from time to time order such additional street lights as it may desire at the same rate per lamp as above described, provided however, that such additional lamps shall not be more than 300 feet from any lamp then in service. Broken and burned out street lamps to be paid for by the Town and the Company to install them. Provided however, that the Town shall have its police officers notify the Company of any of the lamps that require repairs or replacement, and no rebate shall be made for such lamps or lights that are out, until twentyfour hours have elapsed after such notice.

3. In case the Customer's service has been discontinued for non-payment of bills, a charge of Two Dollars (\$2.00) may be made by the Company, which charge, together with all outstanding and unpaid bills and indebtedness owing by such customer to the Company for electric energy, appliances, merchandise or labor and services furnished and supplied and/or sold to such customer, shall be paid before the Company shall be obligated to resume its service to said Customer.

4. Meters will be furnished without charge to all Customers, but the Company shall have the right to require a deposit from each person, firm or corporation requesting service of a sum equal to two (2) months' estimated bills for such party, or, at the option of the Company, the sum of Five Dollars (\$5.00) from each such party, before it shall be required to furnish or supply electric energy to any such person, firm or corporation, which amount shall be returned to such party upon payment for all electric energy furnished and supplied and the discontinuance of patronage.

5. Said poles, wires, guys, fixtures, sub-stations, appliances and appurtenances thereto, shall be so placed, erected, and established on said streets, highways and public grounds as will least inconvenience the public and as not to interfere with the use of said street, highways and public grounds for passage and travel by the public.

6. The Northern Power & Light Company shall indemnify and save harmless the Township of McKensie and the Board of Supervisors thereof, from all damages which may be awarded against said township or said Board in favor of any person or persons, corporation or corporations, resulting from the erection, construction, operation and maintenance of said above described electric transmission and distribution systems, over, across or upon said streets, highways and public grounds.

7. Acceptance of this grant by Northern Power & Light Company shall be evidenced by a writing, which shall be filed with the Township Clerk within sixty (60) days after date of the enactment thereof, and in the event such written acceptance is not so filed within said period of time, this grant may, at the option of the Board of Supervisors, be declared null and void.

C. W. Thompson
G. H. Hughes
D. B. Luther
Board of Supervisors.

Passed and Approved this

29 day of May,

1928.

ATTEST: M. A. Gibson

A1-

BILL OF SALE and
ASSIGNMENT OF ELECTRIC FRANCHISE

This indenture made and entered into this 13 day of Aug 1934, by and between the Northern Power and Light Company, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware and duly authorized to transact business in the State of North Dakota, party of the first part, and North Dakota Power and Light Company, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware and duly authorized to transact business in the State of North Dakota, herein after called the second party;

WITNESSETH:

That whereas the first party owns an electric distributing system in the Village of McKenzie, McKenzie Township, Burleigh County, North Dakota, and have sold the same to the second party and desire by this instrument to convey to the second party said electric distributing system and all property appurtenant thereto or connected therewith;

Now, therefore, this indenture witnesseth that for and in consideration of the premises and for the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the first party by the second party, the receipt of which by the first party is hereby acknowledged, the first party has granted, bargained, sold, conveyed, assigned, transferred and set over to the second party all the property assets, rights, privileges, contracts and franchises of any and every kind and character of the first party of the electric distribution system in the Village of McKenzie, North Dakota, consisting of meters, transmission lines, substations, conduits, insulators, wires, poles, switchboards, transformers, etc., used in connection with said electric distributing system together with a certain franchise passed and approved on the 29th day of May, 1928, by the Board of Supervisors of McKenzie Township, Burleigh County, North Dakota, granting the franchise to the Northern Power & Light Company in that portion of the Civil Township of McKenzie situated on the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29) and the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-eight (28) Township One Hundred Thirty nine (139) N, Range Seventy-seven (77) W, known as the Village of McKenzie, Burleigh County, North Dakota.

To have and to hold the hereinabove described property, assets, franchises and privileges unto the second party, its successors and assigns forever.

The first parties covenant that they are the lawful owners by a good and absolute title of all of the above described property and have full right to convey the same and that the same are free and clear of all liens and encumbrances of whatsoever kind and nature and that they will forever warrant and defend the same unto the said second party, its successors and assigns against all lawful claims whatsoever.

The General Office and address of both parties hereto is Huron, South Dakota.

In Witness whereof, the said Northern Power and Light Company, a corporation, has caused this instrument to be executed in its corporate name by its officers duly authorized and its corporate seal to be hereto affixed all as of the day and year first above written.

NORTHERN POWER & LIGHT COMPANY

By E. J. Stike
Vice-President

ATTEST:

A. L. Thibault
Secretary

1

ASSIGNMENT OF ELECTRIC FRANCHISE

KNOW ALL MEN BY THESE PRESENTS, that Dakota Public Service Company, a Delaware Corporation, having its principal offices and post office address at Huron, South Dakota, ASSIGNOR, does hereby sell, assign, transfer, and set over unto Montana-Dakota Utilities Co., a Delaware Corporation, 831 Second Avenue South, Minneapolis 2, Minnesota, ASSIGNEE, that certain electric franchise granted to ASSIGNOR, or its predecessor in interest, by the Township of No Kansie, Burleigh County, North Dakota, as evidenced by a Resolution passed by the governing body of said municipality on the 29th day of May, 1928, together with all right, claim, title, and interest therein and all rights, benefits, and privileges thereunder.

Dated this 19th day of October, 1945.

DAKOTA PUBLIC SERVICE COMPANY

By *R. M. Heskett*
R. M. Heskett, President

Attest *W. L. Hayes*
W. L. Hayes, Asst. Secretary

(CORPORATE SEAL)

ACCEPTANCE OF FRANCHISE

MONTANA-DAKOTA UTILITIES CO., a Delaware Corporation, 831 Second Avenue South, Minneapolis 2, Minnesota, hereby accepts all the terms, conditions, and provisions of that certain electric franchise granted to Dakota Public Service Company, a Delaware Corporation, having its principal offices and post office address at Huron, South Dakota, or its predecessors in interest by the Township of No Kansie, Burleigh County, North Dakota as evidenced by a Resolution passed by the governing body of said municipality on the 29th day of May, 1928; said assignee agrees to abide by all the terms and provisions thereof.

Dated this 19th day of October, 1945.

MONTANA-DAKOTA UTILITIES CO.

By *Cecil W. Smith*
Cecil W. Smith, Vice President

Attest *F. R. Gamble*
F. R. Gamble, Asst. Secretary

(CORPORATE SEAL)

THIS IS TO CERTIFY that I have, this day, received and filed in my office, the original of the foregoing assignment of electric franchise and the acceptance thereof by Montana-Dakota Utilities Co., and that the foregoing is a true and correct copy of such original instruments.

Dated this 23 day of ~~SEPT~~ November, 1945.

M. A. Johnson
M. A. Johnson
Clerk-Auditor

M. King, No. Dakota

(MUNICIPAL SEAL)
m.a.f.

N/A

EXTRACT OF MINUTES FOR FIRST READING

Pursuant to due notice and call, a Township Board meeting of the City of McKenzie, Burleigh County, North Dakota, was duly held at the regular meeting place on Thursday, the 13 day of March, 2008, at 7 o'clock P.M.

Those present were: Royce Brown Red Knutson
Emmet Shogwood Barb Knutson Sam Treas

Those absent were: NA

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., having applied for an electric distribution franchise and proposed Ordinance No. _____ having been prepared and submitted for consideration herewith, it was moved by _____, and seconded by _____, that said Ordinance No. _____, the full title of which Ordinance is:

"AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF THE CITY OF MCKENZIE, BURLEIGH COUNTY, NORTH DAKOTA, AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR PUBLIC AND PRIVATE USE."

be given first reading.

Thereupon the presiding officer of the meeting put the motion to vote and the following vote was recorded:

Voting Yes: 3

Voting No: 0

The presiding officer then declared the motion duly passed and the Clerk read the ordinance for the first time.

Emmet Shogwood
Mayor - Chairman

ATTEST: Barb Knutson
Clerk-Auditor
(Seal of Municipality)

EXTRACT OF MINUTES FOR SECOND READING AND FINAL PASSAGE

Pursuant to due notice and call, a _____ meeting of the City of McKenzie, Burleigh County, North Dakota, was duly held at the regular meeting place on _____ the day of _____, 20__ at _____ o'clock __m.

Those present were _____

Those absent were _____

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., having applied for an electric distribution franchise and proposed Ordinance No. _____ having been prepared and submitted for consideration in connection therewith, and said Ordinance having passed its first reading not less than seven days prior hereto, it was moved by _____, and seconded by _____, that said Ordinance No. _____, the full title of which Ordinance is:

"AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF THE CITY OF MCKENZIE, BURLEIGH COUNTY, NORTH DAKOTA, AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR PUBLIC AND PRIVATE USE."

be read the second time and given final passage, being thereby adopted, passed and approved.

Thereupon the presiding officer of the meeting, the Clerk having read the ordinance for the second time, put the motion to vote and the following vote was recorded: (for second reading and final passage)

Voting Yes: S. B. [Signature]

Voting No: _____

The presiding officer then declared the motion duly passed and the Clerk read the ordinance for the first time.

ATTEST: [Signature]
Clerk-Auditor

Mayor - Chairman

(Seal of Municipality)

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

CITY OF MCKENZIE, BURLEIGH COUNTY

AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee." Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy now and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, an electric distribution system for transmitting and distributing electricity for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing electricity for public and private use at such reasonable rates as may be approved by the Public Service Commission of the State of North Dakota [wherein said Municipality is located] and under such orders, rules or regulations as may be issued by a federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective as provided by law.

Passed the 13th day of April, 2018.

Approved this 18th day of March, 2018.

ATTEST: [Signature]
Auditor

Mayor-Chairman

(Seal of the Municipality)

ND

ACCEPTANCE OF FRANCHISE

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., a corporation, hereby accepts the terms and conditions of that certain Ordinance No. _____ enacted by the governing body of the City of McKenzie, Burleigh County, North Dakota, the same being an ordinance granting to said Company, its successors and assigns, a franchise to construct, maintain and operate, within and upon, in and under the streets, alleys and public grounds of said City, an electric distribution system for transmitting and distributing electricity for public and private use, which ordinance was duly and finally passed, adopted and approved by the governing body of said City on the _____ day of _____, 20__.

Dated this 2nd day of MAY, 2008.



Montana-Dakota Utilities Co.
A Division of MDU Resources Group, Inc.

By Paul R. Hoehn
President

ATTEST:

[Signature]
Secretary

.....
I, the undersigned, the duly elected, qualified and acting Auditor of the City of McKenzie, State of North Dakota, do hereby certify that I received the within Acceptance of Franchise on this _____ day of _____, 20__, and on said date duly filed the same in my office.

Bart Kristina Seckman
Auditor McKenzie Corp

(SEAL OF MUNICIPALITY)

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:29 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 20 Hrg Exhibit A

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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CAPITAL ELECTRIC COOPERATIVE

APPLICATION FOR BUSINESS MEMBERSHIP AND ELECTRIC SERVICE

The undersigned (hereinafter called the "Applicant") hereby applies for membership and agrees to purchase electric energy from Capital Electric Cooperative, Inc. (hereinafter called the "Cooperative"), and agree upon the terms and conditions (Back Page of this Document). The applicant acknowledges receipt of the by-laws from Capital Electric Cooperative, Inc.

*****PLEASE PRINT CLEARLY*****

Menard, Inc
COMPANY NAME

39-098-9248 Yes
FEDERAL ID # INCORPORATED?

Jesse Cain
CONTACT PERSON

5701 Menard Dr.
MAILING ADDRESS FOR BILL

Cain, WI 57002
CITY, STATE, ZIP

(715) 876-2124 (715) 571-0701
TELEPHONE # CELL PHONE #

HAS COMPANY PREVIOUSLY RECEIVED SERVICE FROM CAPITAL ELECTRIC? Yes No

IF YOU RENT:

LANDLORD NAME & PHONE: _____

A security deposit of \$200.00 will be required of all service applicants residing in rental properties. Additionally, members having poor payment history or uncollectible accounts with CEC may be asked for a higher security deposit. The deposit must be paid in full or electric service will be subject to disconnect. The deposit will be returned to the applicant after 12 months of continuous good credit with the cooperative.

CEC will not provide a meter socket for any service terminating on a house or building. CEC will provide secondary conductors to the point of metering. All residential meter sockets for new construction must be located outside, on the house or building sidewall. Meter sockets shall be located on the side of the house or building (including side or back of attached garage) nearest CEC's service point (i.e. transformer, secondary pedestal or stub out) unless that location is not practical as determined in the sole discretion of CEC. In such cases, the meter facility shall be located as directed by CEC. The side wall of the house or building (including side or back of attached garage) is construed to mean the outermost side, which is not considered the front or back of the house or building. All residential meter sockets for service upgrades shall also be subject to the above criteria if CEC is to provide a new service line as part of

DATE FOR SERVICE TO BEGIN: ± 10/31/14

TBD
ADDRESS OF ELECTRIC SERVICE

IF NEW CONSTRUCTION:

NE 1/4 Section 33 Township 139 N Range 72
LEGAL DESCRIPTION OF SERVICE (SUBDIVISION, BLOCK, LOT)

PLEASE INDICATE ALL HEATING TYPES:
 Gas Fuel Oil Propane Geothermal Heat Pump
 Electric Boiler Floor Heat Unit Heater
 Air-to-Air Heat Pump Plenum Heater Baseboard
 Electric Furnace Other Wood Boiler

DID YOU KNOW THAT YOU CAN PAY YOUR BILL ONLINE OR ON OUR 24/7 PHONE LINE WITH NO FEES?

ONLINE ACCOUNT ACCESS:

EMAIL ADDRESS _____

PASSWORD _____
8 TO 10 CHARACTERS, (LETTERS OR NUMBERS, NO SPACES)

BILL FORMAT: HARD COPY E-MAIL

24/7 PAY BY PHONE:

4 DIGIT PIN: _____

[Signature]
COMPANY REPRESENTATIVE SIGNATURE

10/16/13
DATE

OFFICE USE ONLY

ACCOUNT # _____

LOCATION # _____

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:30 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 21 Hrg Exhibit B

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

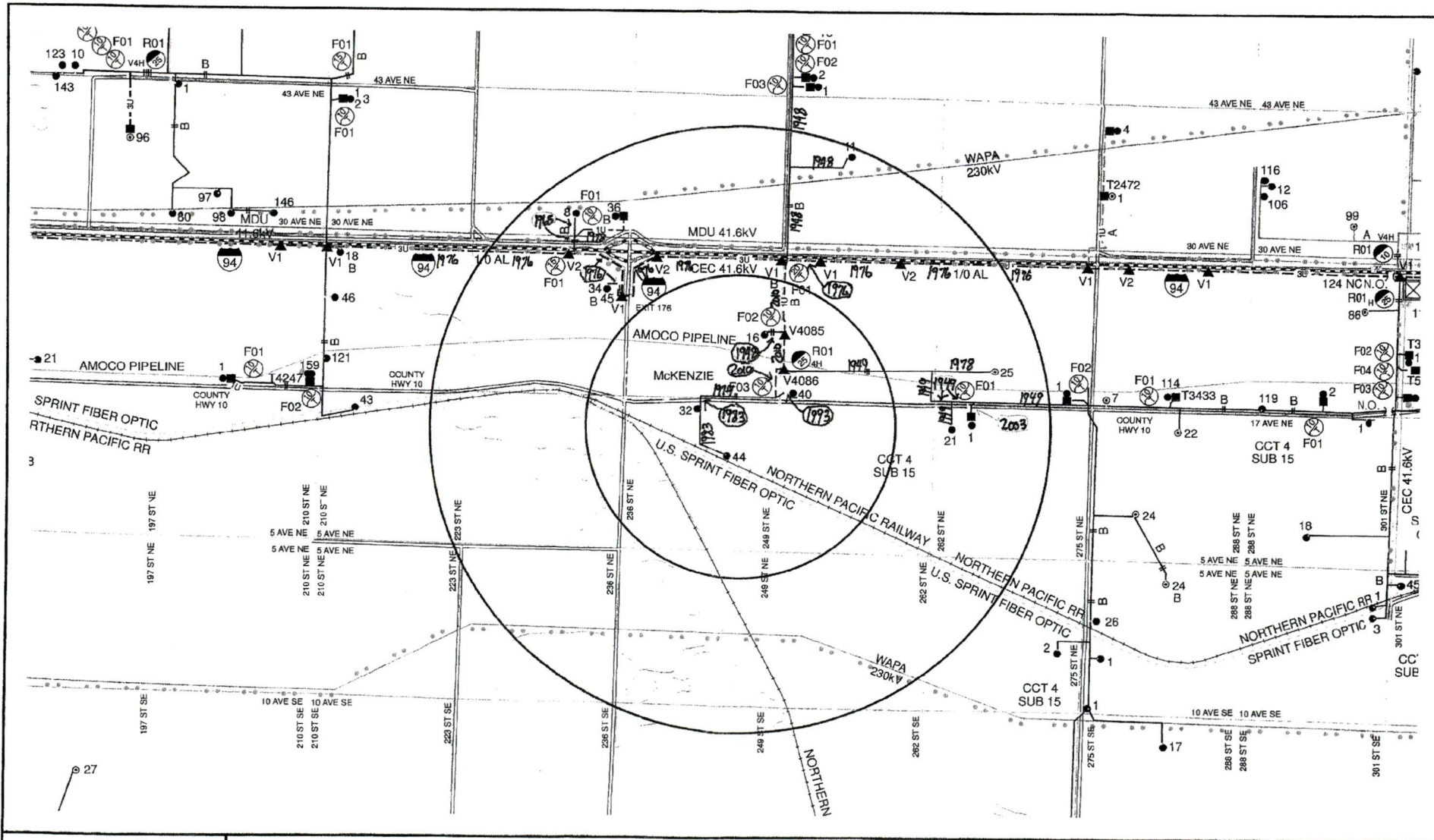
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32 PU-13-871 Filed: 5/15/2014 Pages: 1
 Exhibit B

FACILITIES IN THE VICINITY OF NEW MENARDS SITE
 PURPLE CIRCLE IS 1 MILE RADIUS, BLUE CIRCLE IS 2 MILE RADIUS

Scale: NTS
Filename: McKenzie Menards.pdf
Prepared By: JM
Plot Date: 1/15/2014

Capital Electric Cooperative Inc.

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:30 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 22 Hrg Exhibit C

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrapp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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1 MILE LINE EXTENSION PRICES

2

C

CR Exhibit 22 Hrg Exhibit C

2 ELBOWS ON NORTH END OF I-94

Elbow price = \$21.97 X 2	43.94
Install Labor = \$56.75 X 2	<u>113.50</u>
Total	\$157.44

NORTH ¼ MILE GROUND FOR 2Ø

Cable Grounding Kit = \$22.70 X 2	45.20
Ground Rods = \$11.95 X 2	23.90
Rod Clamps = \$2.49 X 2	4.98
#2 Copper = \$0.90 X 10'	9.00
Backhoe and Install Labor = \$379.35 X 1	<u>379.35</u>
Total	\$462.43

SPLICE AND GROUND PIT BY EXISTING V4085 FOR 2Ø

Cable Grounding Kit = \$22.70 X 2	45.20
Ground Rods = \$11.95 X 2	23.90
Rod Clamps = \$2.49 X 2	4.98
#2 Copper = \$0.90 X 10'	9.00
Cable Splices = \$20.95 X 2	41.90
Backhoe and Install Labor \$492.85 X 1	<u>492.85</u>
Total	\$617.83

SOUTH ¼ MILE GROUND FOR 2Ø

Cable Grounding Kit = \$22.70 X 2	45.20
Ground Rods = \$11.95 X 2	23.90
Rod Clamps = \$2.49 X 2	4.98
#2 Copper = \$0.90 X 10'	9.00
Backhoe and Install Labor = \$379.35 X 1	<u>379.35</u>
Total	\$462.43

CUTOUT ON EXISTING 1Ø POLE FOR 3RD Ø

2" PVC = \$0.71 x 30'	21.30
Cutout = \$94.75 X 1	94.75
Arrestor = \$41.64 X 1	41.64
Fiberglass Bracket = \$42.50 X 1	42.50
Terminator = \$28.00 X 1	28.00
Terminator Clamp = \$12.95 X 1	<u>12.95</u>
Total	\$241.14

3Ø CAN AT NE CORNER OF LOT

Enclosure = \$625.00 X 1	625.00
Sleeve = \$155.90 X 1	155.90
Ground Rods = \$11.95 X 2	23.90
Ground Rod Clamps = \$2.49 X 2	4.98
4 Point Modules = \$105.10 X 3	315.30
Elbows = \$21.97 X 3	65.91
Caps = \$18.18 X 9	163.62
#2 Copper = \$0.90 X 20'	18.00
Installation and Termination Labor = \$672.51 X 1	<u>672.51</u>
Total	\$2045.12

CEC CREW FOR CUTOUT INSTALLATION AND ENERGIZING 600.00

1/0 PRIMARY URD – 5053' TOTAL FOOTAGE

Wire Cost 2Ø for 4753' X 2 X \$2.39 per ft	22,719.34
Wire Cost 3Ø for 200' X 3 X \$2.39 per ft	1,434.00
Cable Placement Charge 10,106' X \$0.43 per ft	4,345.58
Plowing Charge for 4753' X \$1.65 per ft	7,842.00
Boring Charge 300' X \$12.00 per ft	<u>3,600.00</u>
Total	\$39,940.92

GRAND TOTAL \$44,527.31

Filed: 5/15/2014 Pages: 1

PU-13-871 Exhibit C

33

Capital Electric Cooperative Inc.

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:31 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 23 Hrg Exhibit D

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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BUILDING SITE PRICES

CR Exhibit 23 Hrg Exhibit D

3 ELBOWS AT 3Ø CAN ON NORTHEAST CORNER OF LOT

Elbow Price = \$21.97 X 3	65.91
Install Labor = \$56.75 X 3	<u>170.25</u>
Total	\$236.16

TRANSFORMER AT BUILDING 925

Elbows = \$21.97 X 6	131.82
Bushing Inserts = \$21.86 X 6	131.16
Secondary Connectors = \$17.36 X 3	52.08
Ground Rods = \$11.95 X 2	23.90
Ground Clamps = \$2.49 X 2	4.98
#2 Copper = \$0.90 X 12'	10.80
Installation Labor = \$447.60	<u>447.60</u>
Total	\$802.34

3Ø CAN AT MIDDLE ENTRANCE TO LOT

Enclosure = \$625.00 X 1	625.00
Sleeve = \$155.90 X 1	155.90
Ground Rods= \$11.95 X 2	23.90
Ground Rod Clamps = \$2.49 X 2	4.98
4 Point Module = \$105.1 X 3	315.30
Elbows = \$21.97 X 9	197.73
Insulating Caps = \$18.18 X 3	54.54
#2 Copper = \$0.90 X 20'	18.00
Installation and Termination Labor = \$723.03 X 1	<u>723.03</u>
Total	\$2,118.38

TRANSFORMER AT BUILDING 919

Elbows = \$21.97 X 3	65.91
Bushing Inserts = \$21.86 X 6	131.16
Secondary Connectors = \$17.36 X 3	52.08
Ground Rods = \$11.95 X 2	23.90
Ground Rod Clamps = \$2.49 X 2	4.98
#2 Copper = \$0.90 X 12'	10.80
Insulating Caps = \$18.18 X 3	54.54
Installation Labor = \$277.35 X 1	<u>277.35</u>
Total	\$620.72

TRANSFORMER AT BUILDING 914

Same Costs as Building 925	Total	\$802.34
----------------------------	-------	----------

TRANSFORMER AB BUILDING 908

Same Costs as Building 925 & 914	Total	\$802.34
----------------------------------	-------	----------

TRANSFORMER AT BUILDING 917

Same Costs as Building 919	Total	\$620.72
----------------------------	-------	----------

CEC CREW FOR SETTING 5 TRANSFORMERS AND ENERGIZING

Total	\$2000.00
-------	-----------

1/0 3Ø PRIMARY URD

Wire Cost 3Ø for 5230' X 3 X \$2.39 per ft	\$37,499.10
Cable Placement Charge 15,690 X \$0.43 per ft	6,746.70
Trenching Charge for 4650' X \$2.95 per ft	<u>\$13,717.50</u>
Total	\$57,693.30

GRAND TOTAL \$65,696.30

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:31 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 24 Hrg Exhibit H

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application)
of MONTANA-DAKOTA UTILITIES CO.,)
a Division of MDU Resources Group,)
Inc., for an Order and Certificate to)
Extend Service to Menard, Inc.)
near McKenzie, North Dakota)

Case No. PU-13-___

APPLICATION FOR PERMANENT AUTHORITY

MONTANA-DAKOTA UTILITIES CO., for its Application to the Public Service Commission of North Dakota, respectfully alleges:

I.

The full name of Applicant is Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., and the post office address of its principal office is 400 North Fourth Street, Bismarck, North Dakota 58501. Applicant is a public utility subject to the jurisdiction of and regulation by the Public Service Commission of North Dakota, under Title 49, N.D.C.C., as amended. MDU Resources Group, Inc.'s Certificate of Incorporation is incorporated herein by reference, and the Commission is requested to take official notice of the same.

II.

This Application is made pursuant to the provisions of Chapter 49-03, N.D.C.C., as amended, and the Rules of Practice and Procedure promulgated by the Commission.

III.

Application has been requested by Menard Inc., hereinafter referred to as

"Customer," to provide electric service to it at a point located in the NE Section 33, Township 139N, Range 77W, Burleigh County, North Dakota as shown on the map attached hereto, marked Exhibit A, and made a part hereof by reference. Correspondence to the Customer should be directed to:

Jesse Cain
5101 Menard Dr.
Eau Claire, WI 54703

IV.

The service required by Customer at said location is three phase service, and the length of the three phase line extension to the customer's property line will be approximately 2,700 feet, as shown by Exhibit A. Capital Electric Cooperative (Capital Electric) is an electric supplier also providing electric service within the general area of this Customer. Montana-Dakota's extension of its three phase underground service will cross under Capital's single phase overhead line currently feeding a rural residence. The line crossing is shown in yellow on Exhibit A. Capital Electric was notified of the Company's request for a Certificate of Public Convenience and Necessity by copy of this Application. The location of the proposed service is within the economic service area of Applicant and service will be extended under the provisions of the rules and regulations applicable thereto. It is Applicant's public utility obligation to furnish the requested service, and the public convenience and necessity requires, and will be served by, Applicant furnishing the requested service to this Customer at said location.

V.


Submitted as Exhibit B with this Application is an Appearance by Customer herein,

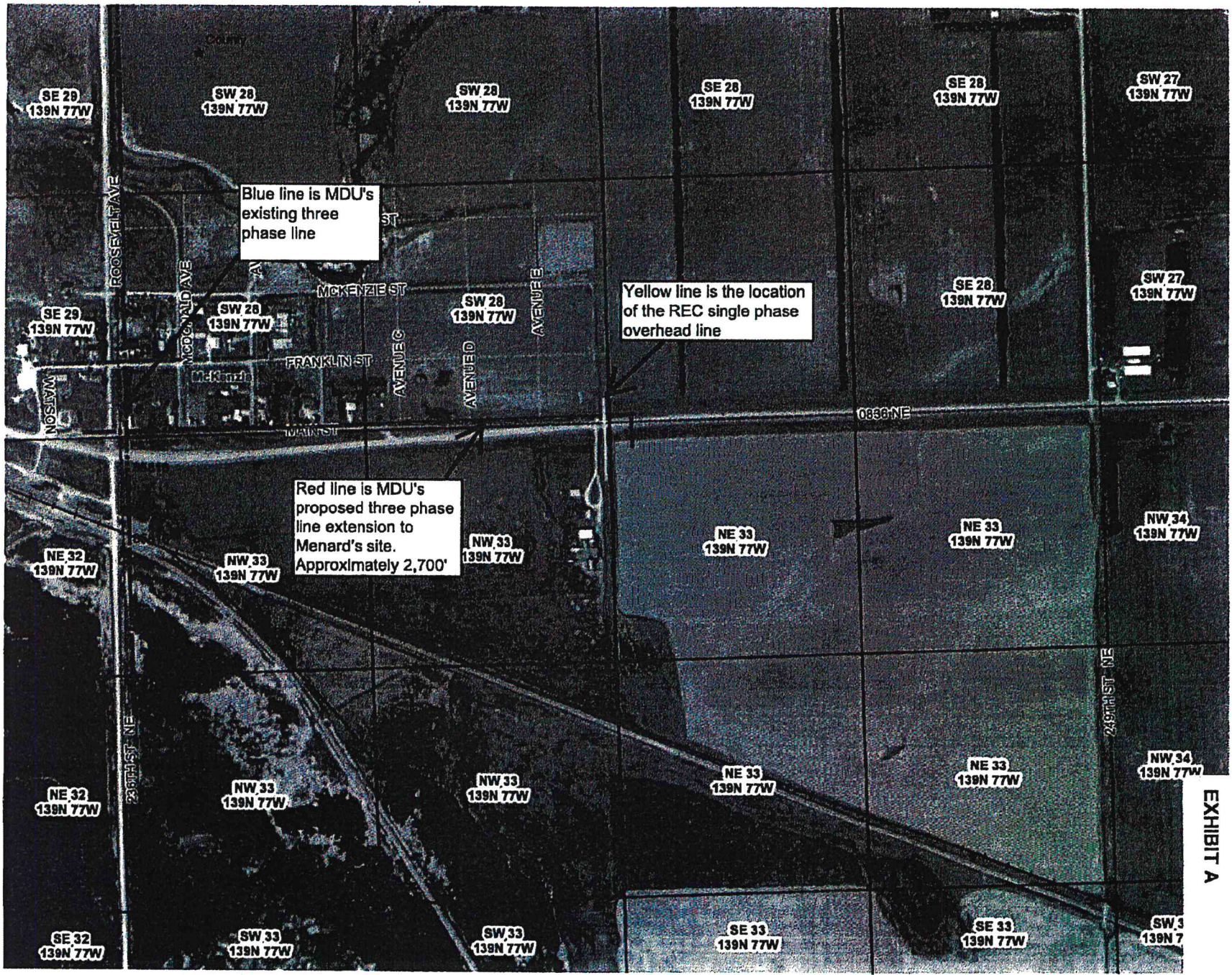
in which Customer states to the Commission that it desires electric service from Applicant as a public utility subject to the jurisdiction of, and regulation by, this Commission. In said Appearance, Customer also waives Notice of Opportunity for Hearing and Notice of Hearing upon this Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service.

VI.

WHEREFORE, Applicant requests the entry of an Order and Certificate of Public Convenience and Necessity authorizing Applicant to extend the requested and needed service to Customer.

MONTANA-DAKOTA UTILITIES CO.
a Division of MDU Resources Group, Inc.

By: 
Tamie A. Aberle
Director – Regulatory Affairs



Blue line is MDU's existing three phase line

Yellow line is the location of the REC single phase overhead line

Red line is MDU's proposed three phase line extension to Menard's site. Approximately 2,700'

EXHIBIT A

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of
Montana-Dakota Utilities Co.,
a Division of MDU Resources Group, Inc.

Case No. _____

APPEARANCE BY CUSTOMER

Maxwell
~~Menards~~, Inc.

hereinafter referred to as "Customer", hereby makes a voluntary appearance in this matter and states the following to the Public Service Commission ("Commission"):

That Customer desires electric service from Montana-Dakota Utilities Co. as a public utility subject to the jurisdiction of, and regulation by, the Commission, and has requested said public utility to provide Customer with electric service at the following location(s):

- In the NE ¼; Section 33; Township 139N; Range 77W; Burleigh County, North Dakota.

That Customer is in need of electric service at said locations for the purpose of construction and operation of a manufacturing and distribution facility.

That Customer waives notice of opportunity for hearing and notice of hearing upon said Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed electric service, and that provisions be made therein authorizing extension of electric service.

That all the allegations of the Application herein are true and correct.

WHEREFORE, the undersigned, being the Customer involved herein, prays for the entry of an Order and Certificate of Public Convenience and Necessity by the Commission,

authorizing the Applicant to extend the requested and needed electric service to Customer at said location, subject to such appropriate and proper conditions to be appended to and made a part of such Certificate as the Commission may determine, and for such other and further relief as may be proper in the premises.

Customer:

Menards, Inc.

By: [Signature]
~~Jesse Cain, Project Manager~~
Troy Andersen

Dated: 9/16/13

STATE OF Wisconsin

County of Eau Claire

On this 16th day of September, in the year 2013, before me personally appeared Troy Andersen, known to be to be the ~~General manager of Menards~~ General manager of Store #1000000 of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.

[Signature]
Notary Public
my commission is permanent





400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

November 25, 2013

Executive Secretary
North Dakota Public Service Commission
State Capitol – Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Case No. PU-13-____
Application for Permanent Authority to
Menard Inc., near McKenzie, North
Dakota

Montana-Dakota Utilities Co. (Montana Dakota), a Division of MDU Resources Group, Inc., herewith respectfully submits an original and one copy of an Application for Permanent Authority to extend electric service to Menard Inc. at a location in NW Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

A handwritten signature in cursive script that reads 'Tamie A. Aberle'.

Tamie A. Aberle
Director of Regulatory Affairs

Enclosures

cc/enc.

Ordean Nygren – Capital Electric Cooperative
Craig Lohstreter – Bismarck Office

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:32 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 25 Hrg Exhibit List
The following are service contacts on this filing:
Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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EXHIBIT LIST							
Matter	Montana Dakota Utilities Co. Menard, Inc. – Burleigh County PU-13-871						
Hearing	May 2, 2014 MDU = Montana Dakota Utilities Co. CE = Capital Electric						
No.	Description	Mkd	Idd	Ofd	W/D	Adm	Note
MDU1	McKenzie 2 Mile Radius Electric Assets	X		MDU		X	
MDU2	McKenzie Electrical Services and Customers	X		MDU		X	
MDU3	MDU Electric Changers and Additions to Service – Menards Site	X		MDU		X	
MDU4	Aerial Photograph	X		MDU		X	
MDU5	Cost Estimate to Extend Electric Service Facilities	X		MDU		X	
MDU6	Cost Estimate for Menards Site Line	X		MDU		X	
MDU7	Cost Estimate for Subdivision and 3 Phase System Upgrades	X		MDU		X	2 pages
MDU8	Voltage Drop Calculations	X		MDU		X	
MDU9	Outage History Records	X		MDU		X	6 pages
MDU10	Revenue and Return Calculations	X		MDU		X	6 pages
MDU11	PC&N and Franchise Records	X		MDU		X	12 pages
A	Application for Business Membership and Electric Service	X		CE		X	

B	Map of Facilities in Vicinity of New Menards Site	X		CE		X	
C	1 Mile Line Extension Prices	X		CE		X	
D	Building Site Prices	X		CE		X	
H	Application for Permanent Authority	X		CE		X	8 pages
I	Menoken Sub CCT 3 Outage History	X		CE		X	Late-filed Exhibit by Capital Electric
G	Voltage Drop Existing System for Menards at McKenzie	X		CE		X	Late-filed Exhibit by Capital Electric

Jeffcoat-Sacco, Illona

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity**

Case No. PU-13-871

**Montana-Dakota Utilities Co.'s
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

_____, 2014

Appearances

Commissioners Brian P. Kalk, Randy Christmann and Julie Fedorchak.

Daniel S. Kuntz, Associate General Counsel, MDU Resources Group, Inc., P.O. Box 5650, Bismarck, ND 58506-5650, appearing on behalf of Montana-Dakota Utilities Co.

Matthew H. Olson, Pringle & Heringstad, P.C., 2525 Elk Dr., P.O. Box 1000, Minot, ND 58702-1000, appearing on behalf of Capital Electric Cooperative, Inc.

Ryan Norrell, Legal Counsel, North Dakota Public Service Commission, State Capitol, Bismarck, North Dakota 58505, appearing on behalf of the Public Service Commission.

Wade C. Mann, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, appearing as Administrative Law Judge.

Preliminary Statement

On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. ("Montana-Dakota") submitted an application to extend electric service to Menard, Inc. at a location in Section 33, Township 139N, Range 77W, Burleigh County, North Dakota ("Menard Site").

The application noted the customer's property was located near McKenzie, North Dakota. Submitted with the application as Exhibit B was a statement from the customer stating it desired electric services at the requested location to be provided by Montana-Dakota.

On January 16, 2014, a protest and request for hearing on the application was received from Capital Electric Cooperative, Inc. ("Capital Electric"), Bismarck, North Dakota.

On March 4, 2014, the Commission issued a Notice of Hearing scheduling a public hearing to be held on Friday, May 2, 2014. The notice identified the following issues to be considered:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

On May 2, 2014, a public hearing on the application in Case No. PU-13-871 was held as scheduled. Following the hearing, Capital Electric submitted late filed exhibits G and I, as directed by the Administrative Law Judge.

Having heard and considered these matters, the Commission makes its:

Findings of Fact

1. The Applicant, Montana-Dakota, is an investor owned electric utility providing electric service to customers in North Dakota under the regulatory jurisdiction of this Commission.
2. The Protestant, Capital Electric, is a rural electric cooperative providing electric service to its members in North Dakota.

From whom does the customer prefer electric service?

3. Montana-Dakota's application included an appearance form signed by the customer for the property for which Montana-Dakota seeks a certificate of public convenience and necessity to provide electric service in this proceeding. In the appearance form, the customer Menard, Inc. states it desires electric service from Montana-Dakota.
4. At the public hearing in this matter, a representative of customer, Steve Manor, DC Maintenance General Manager for Menard, Inc., testified that Menard, Inc. is developing a manufacturing and distribution center at the Menard Site and desires to receive electric service at the proposed facility from Montana-Dakota. The manufacturing and distribution center requires three phase electric service at each of several locations on the site and the anticipated total electric load at the site will be approximately 1.2 MW with estimated annual consumption of approximately 7 million Kwh. Menard will realize an annual savings of approximately \$62,000 by receiving electric service from Montana-Dakota. Montana-Dakota also offers rate schedules for interruptible service and demand response programs which provide further opportunities for cost savings to Menard. Capital Electric does not currently offer demand control programs. The cost savings from lower electric rates helps insure the success of the distribution facility which will have approximately 250 employees. Cost savings at the facility also improves the price competitiveness of products manufactured and distributed from the site which is a benefit to Menard and its customers. Quality of service and reliability of service are also important considerations to Menard, Inc. Montana-Dakota demonstrated that it can provide electric service to the Menard site without significant voltage drop which is important to the operation of the equipment at the Menard Site. Montana-Dakota's system has also historically operated at a very high level of reliability. Menard, Inc. prefers to receive its electric service from a provider whose rates and services are subject to regulatory oversight and approval by an independent agency with an opportunity for customer input.
5. The customer prefers electric service from Montana-Dakota.

What electric suppliers are operating in the general area?

6. Montana-Dakota and Capital Electric are electric suppliers operating in the general area of the Menard Site.

What electric supply lines exist in at least a two mile radius of the location to be served and when were they constructed?

7. Montana-Dakota owns and operates a 46 kV transmission line that originates at Bismarck and extends in an easterly direction along the north side of I-94 providing transmission service for a number of communities served by Montana-Dakota, including the community of McKenzie. The transmission line is a two-way or looped supply source for Montana-Dakota's substation located just north of McKenzie, which in turn supplies Montana-Dakota distribution system serving its customers in McKenzie and the surrounding area. Montana-Dakota has provided electricity to McKenzie since 1928. The transmission line west of the McKenzie substation was rebuilt in 1972, and the transmission line east of the McKenzie substation was rebuilt in 1975. The prior transmission line serving the community of McKenzie and the surrounding area was constructed in 1945. Montana-Dakota's distribution line for the community of McKenzie is a Delta three-phase line. The current distribution lines used to serve the community of McKenzie were primarily constructed in 1960, 1965, 1969, 1971 and 1979. The distribution system continues outside of McKenzie as a single phase line to serve customers south and west of McKenzie. (Exhibit MDU-1)

8. Central Power Cooperative operates a transmission line located on the south side of I-94 that connects substations at Menoken and Sterling. Capital Electric proposes to serve the Menard Site from the Menoken Substation which is located approximately 8 miles west of the Menard Site. Capital Electric has an underground three phase distribution line which runs along the south side of Interstate 94, and an underground single phase distribution line which runs south from Interstate 94 to the area of the Menard Site at which point it goes aboveground to serve customers in the area. The underground three phase line along Interstate 94 was built in 1976. The underground single phase line extending south from Interstate 94 was rebuilt in 2010. The previous distribution line was an aboveground distribution line built in 1948. (Exhibit B)

9. Montana-Dakota would serve the Menard Site by extending its existing three-phase line currently providing electric service to McKenzie a distance of approximately 1800 feet. Capital Electric would serve the Menard Site by converting about a mile of single phase line to three phase line between its existing three phase line and the Menard Site.

10. Both electric suppliers will be required to construct extensions to existing three phase electric supply lines to serve the Menard Site. Montana-Dakota's supply lines were constructed earlier than those of Capital Electric and the extension of its existing three phase system to serve the site is shorter than the proposed extension of Capital Electric's three phase system.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

11. Montana-Dakota serves 29 customers within a two-mile radius of the Menard Site and 28 of those customers are located within a one-mile radius of the Menard Site. (Exhibit MDU-1, MDU-2)

12. Capital Electric serves 11 customers within a two-mile radius of the Menard Site and only 4 of those customers are located within a one-mile radius of the Menard Site. (Exhibit B)

13. Montana-Dakota has more customers located within a two-mile radius of the Menard Site and substantially more customers located within the one-mile proximity to the Menard Site.

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

14. Montana-Dakota would serve the Menard Site by constructing an underground extension of approximately 1,800 feet between its current three-phase system and the Menard Site. The length of Montana-Dakota's radial distribution line between the McKenzie Substation and the community of McKenzie is approximately one mile and Montana-Dakota has experienced only one outage on its three phase system serving McKenzie since January 1, 2000; a rate of 0.070 outages per year. (Exhibit MDU-9)

15. Capital Electric would serve the Menard Site over approximately nine miles of distribution line from the Menoken Substation including an upgrade of approximately one mile of single phase line to three phase line. Capital Electric has experienced five outages in the last six years on its existing three phase line that would be used to serve the Menard Site; a rate of 0.833 outages per year. (Exhibit I) Capital Electric asserted it could improve the reliability of its three phase line between the Menoken and Sterling Substations to serve the Menard Site if Central Power Cooperative upgraded the Sterling Substation which does not currently have capacity to serve the planned load at the Menard Site. The costs of such an upgrade, however, were not included in Capital Electric's proposed costs to serve the Menard Site. Even with an upgrade of the Sterling Substation, the length of radial line between the Menard Site and Capital Electric's looped three phase line would be about one mile; approximately the same distance as Montana-Dakota's radial distribution line from its looped substation.

16. Montana-Dakota provided the results of a study showing that the voltage drop between the McKenzie substation and the primary side of the fifth building of the Menard Site with a total 1.1 MW Menard Site load would be less than 2.0 percent and well within ANSI standards. (Exhibit MDU-8) Capital Electric provided the results of a study showing a voltage drop of approximately 2.5 percent, however, the study was performed with a total Menard Site load of 1.0 MW measured at the entry point of the

Menard Site. (Exhibit G) It is not clear that Capital Electric could meet the ANSI voltage drop standard at the primary side of the last buildings on the Site with a total estimated Menard's 1.1 Mw load unless Capital Electric made modifications to its system.

17. The historic outage rate for Capital Electric's three phase line from which it proposes to serve the Menard Site is nearly twelve times greater than the historic outage rate for Montana-Dakota's three phase system from which it proposes to serve the Menard Site. Montana-Dakota's proposed service will be well within the voltage drop standards that are important to Menard's while it is unclear that Capital Electric's proposed service will meet the standard without system modification.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn adequate return on its investment?

18. Montana-Dakota would serve the Menard Site by extending its existing three phase system at McKenzie and by converting that system and the McKenzie Substation from a Delta three phase to a Wye three phase system. (Exhibit MDU-3) The conversion of the McKenzie Substation will require replacement of existing transformers with a three-phase Wye transformer, voltage regulators, reclosure, and associated wiring. (Exhibit MDU-7) The transformer would be a used transformer from existing inventory. Conversion of the electric system within the community of McKenzie from Delta three-phase service to Wye three-phase service requires addition of a neutral wire to the existing system. This conversion will increase the capacity of the existing three phase system to also allow Montana-Dakota to serve any additional load requests in the McKenzie area. Montana-Dakota's estimated total cost to extend secondary service the Menard Site is \$192,671, which includes the extension from the existing three phase system to the Menard Site (\$32,619), upgrades to the McKenzie substation (\$61,451), the conversion of the McKenzie Delta three phase system to a Wye three phase system (\$32,562), and the installation of conductors and equipment within the Menard Site (\$66,039). (Exhibit MDU-5, MDU-6, MDU-7) Montana-Dakota's annual revenue requirement associated with the total incremental investment associated with the proposed extension is \$27,872. (Exhibit-10)

19. Capital Electric would extend service to the Menard Site by installing one mile of two new phases to its current single phase service between its existing three phase system and the Menard Site. Capital Electric's estimated cost to extend secondary service to the Menard Site is approximately \$110,223, which includes the conversion of its single phase line to a three phase line (\$44,527) and the installation of conductors and equipment within the Menard Site (\$65,696). (Exhibit C, Exhibit D) Capital Electric did not provide a rate of return requirement for the cost of its proposed extension.

20. The estimated electric consumption for the Menard's Site is approximately 7,000,000 KWh per year at a minimum. The cost to serve the location includes consideration of not only the revenue requirement associated with the incremental investment to extend service but also the other costs of electric distribution, transmission and generation as reflected in the service providers rates for service. The

annual cost to provide secondary electric service to the Menard Site by Montana-Dakota under its current rates is \$513,669.84. The annual cost to provide secondary electric service to the Menard Site by Capital Electric under its current rates is \$575,883.84.

21. The annual cost to the customer for Capital Electric to provide secondary electric service to the Menard Site is approximately \$62,214, or 11 percent, more than the annual cost under Montana-Dakota's rate schedule for secondary electric service to the Menard Site. Even if the annual revenue requirement associated with Montana-Dakota's incremental investment to serve the Menard Site is added to its annual charges to serve the location, the cost to service from Montana-Dakota is still less than the cost of service from Capital Electric even without giving consideration to the annual revenue requirement on Capital Electric's incremental investment to serve the Menard Site. After adjusting Montana-Dakota's estimated annual revenue from providing service to the Menard Site by: (1) \$27,872 for the annual return requirement on its incremental investment to serve the location; and (2) \$189,140 for the annual cost of fuel and purchased power to serve the location, there is net contribution to common system costs of \$296,658 which provides a benefit to other customers. (Exhibit MDU-10) Capital Electric did not provide information or an analysis of the amount of revenue Capital Electric would require to derive an adequate return on its incremental investment to serve the Menard Site other than testimony that because Capital Electric's charges to the customer are higher than those of Montana-Dakota, its return on investment would be adequate. The consideration for the Commission, however, is not whether a provider can earn an adequate return because its charges are higher, but rather which provider can both serve the location more economically **and** still earn an adequate return on its investment.

22. Montana-Dakota will be able to serve the Menard's location more economically and still earn an adequate return on its investment.

Which supplier's extended electric service would best service orderly and economic development of electric service in the general area?

23. Montana-Dakota is the electric provider within the unincorporated town of McKenzie. Montana-Dakota and its predecessors have held a franchise from the McKenzie Township Board to provide electric service to McKenzie since 1928. (Exhibit MDU-11) Montana-Dakota and its predecessors have held a certificate of public convenience and necessity to serve McKenzie issued by the Board of Railroad Commissioners in 1928. (Exhibit MDU-11) The northwest corner of the Menard Site is immediately adjacent to the southeast corner of McKenzie. (Exhibit MDU-3) Montana-Dakota serves many more customers within both a two mile and a one mile radius of the Menard Site than does Capital Electric. Montana-Dakota's substation and distribution facility upgrades to serve the Menard Site will also result in an upgrade of the three phase system serving McKenzie and provide additional capacity on that system for new load that can be anticipated as a result of employment created at the Menard Site. Capital Electric's extension and upgrade of distribution facilities would

only provide extension of service to the Menard Site and would not serve development of electric service to other customers or the general area.

24. Menard, Inc. seeks utilization of demand control electric rates which provide additional opportunity for cost savings and improves the economic viability of its manufacturing and distribution center. Customer utilization of demand control rates also improves the system load factor of the electric provider to the benefit of its other customers and the public. Montana-Dakota offers interruptible rates and a demand response rate. Capital Electric does not currently offer demand control rates.

25. Montana-Dakota's lower cost of electric service to the Menard Site assists in the financial viability and success of the manufacturing and distribution center and the associated employment and economic development for the general area.

26. Service by Montana-Dakota to the Menard Site is a natural extension of the existing electric service it has provided the community of McKenzie since 1928. Service by Montana-Dakota would benefit not only development of the Menard Site but orderly and economic development of the McKenzie area.

27. Montana-Dakota's extension of service to the Menard Site best serves orderly and economic development of electric service in the general area.

Would approval of the application result in wasteful duplication of investment or service?

28. Neither Capital Electric nor Montana-Dakota can serve the Menard Site with its current facilities. Any perceived duplication resulting from extensions and upgrades of existing facilities by either provider is necessary to serve the Menard Site. Although Capital Electric asserted that a duplication of facilities would occur because Montana-Dakota's line extension would cross Capital Electric's single phase line located west of the Menard's Site, it acknowledge that Capital Electric's three phase line that feeds this single phase line already crosses Montana-Dakota's three phase line system serving McKenzie. Capital Electric's single phase line in the vicinity of the Menard Site is not capable of serving and is not proposed for use to serve the Menard Site. Capital Electric also asserted that upgrade of the McKenzie Substation to serve the Menard Site was a wasteful duplication of the Menoken Substation investment; however, it inconsistently maintained that a similar upgrade of the Sterling Substation to improve reliability to serve the Menard Site would not be a wasteful duplication of investment.

29. Approval of Montana-Dakota's application to serve the Menard Site would not result in wasteful duplication of investment or service.

Is it probable that the location will be included within the corporate limits of a municipality in the foreseeable future?

30. The community of McKenzie is unincorporated. There is no evidence of any plans to incorporate the community of McKenzie.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

31. The extension of service by either supplier would not interfere physically or operationally with the service or system of the other supplier. Capital Electric's overhead single phase line would be crossed by Montana-Dakota's underground three phase line serving the Menard Site; however, Montana-Dakota's underground three phase line would not interfere physically or operationally with service provided by Capital Electric by its single phase overhead line.

32. Capital Electric's system was built for the purpose to serve rural areas for which central station power was not otherwise available (See N.D.C.C. Section 10-13-01). The Territorial Integrity Act, however, does not grant rural electric cooperatives a preference to provide electric service in rural areas but rather simply requires a public utility to obtain a certificate of public convenience and necessity before it extends facilities in a rural area. Capital Electric v. Public Service Commission, 534 N.W.2d 587,590 (N.D. 1995). Although there are no plans to annex the Menard Site to the unincorporated town of McKenzie, the Menard Site is a logical growth extension of a developed area served by Montana-Dakota and its predecessors since 1928. Capital Electric has not installed or upgraded facilities to specifically serve the Menard Site.

33. The extension of service by Montana-Dakota to the Menard Site would not unreasonably interfere with the service or system of Capital Electric, whereas the extension of service by Capital Electric to the Menards Site would unreasonably interfere with the economic expansion of Montana-Dakota's electric service and system serving the community of McKenzie.

From the foregoing Findings of Fact, the Commission makes its:

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
2. Public convenience and necessity require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues its:

Order

The Commission Orders:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. is issued Certificate of Public Convenience and Necessity No. _____, authorizing the provision of electric distribution service to the location north of the BNSF railroad tracks in the NE 1/4 Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

PUBLIC SERVICE COMMISSION

Randy Christmann
Commissioner

Brian P. Kalk
Chair

Julie Fedorchak
Commissioner

Jeffcoat-Sacco, Illona

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(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)
MARK F. PURDY
(1927-2011)

JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON
STEVEN A. LAUTT
ASHLEIGH B. ENSRUD

ATTORNEYS LICENSED IN
NORTH DAKOTA
MINNESOTA
MONTANA



May 27, 2014

DARRELL NITSCHKE,
EXECUTIVE SECRETARY
ND PUBLIC SERVICE COMMISSION
STATE CAPITAL – DEPT 408
600 EAST BOULEVARD AVENUE
BISMARCK, ND 58505-0480

**APPLICATION MONTANA-DAKOTA UTILITIES CO. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY FOR MENARD, INC.
CASE NO. PU-13-871**

Enclosed for filing on behalf of Capital Electric Cooperative are the original and seven copies of its proposed Findings of Fact, Conclusions of Law and Order in the above referenced proceeding. An electronic copy of the document is also being sent. Please acknowledge receipt by date stamping or initialing the duplicate copy of this letter.

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

Sincerely,

Matthew H. Olson
Pringle & Herigstad P.C.
lat

Enclosures

cc: Daniel S. Kuntz
Wade C. Mann

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc. – Burleigh County
Public Convenience and Necessity**

Case No. PU-13-5871

Capital Electric Cooperative, Inc.'s
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

APPEARANCES

Commissioners Brian P. Kalk, Randy Christmann, and Julie Fedorchak.

Matthew H. Olson, Pringle & Herigstad, P.C., 2525 Elk Dr., P.O. Box 1000, Minot, N.D. 58702, appearing on behalf of Capital Electric Cooperative, Inc.

Daniel S. Kuntz, Associate General Counsel, MDU Resources Group, Inc., P.O. Box 5650, Bismarck, N.D. 58506, appearing on behalf of Montana-Dakota Utilities Co.

Ryan Norrel, Legal Counsel, North Dakota Public Service Commission, State Capital, Bismarck, N.D. 58505, appearing on behalf of the Public Service Commission.

Wade C. Mann, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, N.D. 58503, appearing as Administrative Law Judge.

PRELIMINARY STATEMENT

This matter came before the North Dakota Public Service Commission (the Commission) on application of Montana-Dakota Utilities Co. (MDU) to serve a commercial electric load located in the NE Section 33, Township 139 North, Range 77 West, Burleigh County, North Dakota (Menard site). This electric load would be provided to Menard, Inc. The application for service was dated November 25, 2013.

On December 18, 2013, the Commission issued a Notice of Opportunity for Hearing. A protest was filed by Capital Electric Cooperative, Inc. (CEC), of Bismarck, North Dakota.

The Commission issued a Notice of Hearing dated February 26, 2014; said notice set forth the ten (10) factors that the Commission would consider. The hearing was held on May 2, 2014 (the hearing). The Commission makes the following findings of fact, reaches the following conclusions of law, and issues its Order:

FINDINGS OF FACT

I.

The primary purpose of the Territorial Integrity Act is “to keep to a minimum wasteful duplication of capital-intensive utility services and conflicts between suppliers of electricity.” Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988).

II.

The Menard site is located immediately north of the railroad in a rural area southeast of the unincorporated village of McKenzie (McKenzie). No Area Service Agreement is relevant to this proceeding.

III.

McKenzie has seen no growth nor was any evidence presented that future growth is expected.

IV.

In October 2013, Menard, Inc. requested electric service from CEC. Menard, Inc. also requested service from MDU. At the hearing, Menard, Inc. expressed its preference that MDU serve the Menard site, primarily because of the savings it would receive because of MDU’s current rate schedule. “[C]ustomer preference, while a factor to be considered, is not controlling.” Cass County Elec. Coop. v. Wold Properties, Inc., 249 N.W.2d 514, 521

(N.D. 1976). “The reason, of course, is that unregulated customer preference would result in a wasteful duplication of facilities which the Territorial Integrity Act was intended to minimize.” Id. “It is the Public convenience and necessity, after all, with which the Commission is concerned, not private preference.” Tri-County Elec. Coop. v. Elkin, 224 N.W.2d 785, 792 (N.D. 1974).

V.

Currently, MDU’s rates are lower than CEC’s rates. Both MDU and CEC’s rates are subject to change. There is no guarantee that MDU’s rates will be lower than CEC in the future and vice versa.

VI.

Both MDU and CEC provide electric service within a two mile radius of the Menard site. MDU has twenty-nine (29) customers within a two mile radius of the Menard site, twenty-seven (27) of which are located in the village of McKenzie. CEC has eleven (11) customers within a two mile radius of the Menard site; three (3) of CEC’s customers are directly adjacent to the Menard site.

VII.

MDU’s electric facilities are approximately 1,800 feet from the Menard site.

VIII.

CEC has electric facilities (single phase) that surround and are directly adjacent to the Menard site on three sides – the electric services are immediately adjacent to the north, the west, and the south. CEC serves a customer just northeast of the Menard site, serves

a customer directly west of the Menard site, and serves a railroad signal on the south side of the Menard site.

IX.

Both CEC and MDU require upgrades to their respective electric facilities to serve the Menard site.

X.

To serve the Menard site, CEC would have to add two additional phases for one mile (5,280 feet) in order to provide three phase service to the Menard site; the cost for this extension would cost \$44,527.31. Within the Menard site, CEC's estimated cost for its electrical services is \$65,696.30. The total for CEC to serve the Menard site would be \$110,223.61. CEC has sufficient capacity at its Menoken substation. Even with the new electrical load attributable to the Menard site, CEC, without any upgrades, would continue to have sufficient capacity at the Menoken substation for additional growth.

XI.

To serve the Menard site, MDU would cross CEC electric facilities.

XII.

To serve the Menard site, MDU would need to take multiple steps to serve the Menard site, which includes upgrading and extending MDU's electric system for approximately 8,700 feet. MDU's McKenzie substation is unable to serve the proposed load at the Menard site. Therefore, the first upgrade MDU would make would be to its McKenzie substation, which would cost \$61,451; this cost does not include a new transformer because MDU would utilize a decades-old transformer that has been totally depreciated. Second, MDU would need to convert its delta three-phase system to a wye

three-phase system for approximately 5,700 feet and convert an additional 1,200 feet of single-phase to three-phase system for a cost of \$32,562; again, MDU's cost for this upgrade does not include the cost of the transformer to convert McKenzie to 7,200 volts. Third, MDU would need to extend 1,800 feet of three-phase service to the Menard site for a cost of \$32,619. MDU must make all three upgrades and/or extensions to provide electrical service to the Menard site. Lastly, within the Menard site, MDU's estimated cost of new electrical would be \$66,039. The total cost for MDU to serve the Menard site would be \$192,671, which is \$82,447.39 more than CEC's costs.

XIII.

MDU does not have an alternate substation to serve the Menard site, so if MDU's McKenzie substation fails, the Menard site will have no power.

XIV.

CEC has an additional substation - the Sterling substation - that would give redundancy to the Menard site; currently, the Sterling substation does not have sufficient capacity to provide electricity to the entire Menard site, but the Sterling substation could provide electricity to part of the Menard site if the Menoken substation fails. To provide total redundancy to the Menard sites, an upgrade for the sum of \$40,000 to the Sterling substation would be required. This upgrade would be done by Central Power Electric Cooperative.

XV.

Menard, Inc. expressed that three phase interruption is important for its operation at the Menard site because of the motors that Menard, Inc. will run. Both MDU and CEC are able to provide this three phase interruption mechanism.

XVI.

Both MDU and CEC had voltage drop calculation studies performed using the projected load from the Menard site, both MDU and CEC's results from the studies were within the accepted limits in the industry.

XVII.

Service from either supplier is expected to be sufficiently reliable, for CEC has reported 4 outages in a 6 year timeframe and MDU has reported 5 outages in a 15 year timeframe. That fact that CEC has partial redundancy in its electric facilities because of the two substations makes CEC's service more reliable.

XVIII.

Currently, MDU's rates are lower than CEC's rates. Under the rates currently in placed, based on the estimated annual electrical consumption, MDU's total annual cost to Menard, Inc. would be \$513,669.84 and CEC's total annual cost would be \$575,883.84 (see Exhibit MDU-10, page 1); the annual difference at the current rates are \$62,214.

XIX.

Both MDU and CEC are able to earn an adequate return on its investment if able to serve the Menard site. CEC's costs to serve the Menard site are \$82,447.39 less than MDU's costs and CEC's current rates are slightly higher than MDU's rates which results in a higher rate of return for CEC.

XX.

CEC has facilities that are directly adjacent to and surround the Menard site on three sides – the north, west, and south side – and MDU would have to cross these facilities in order to serve the Menard site. Therefore, development of electric services in

this area will be more orderly if this load is served by CEC. Granting the request of MDU to serve this load would result in and promote a bad "checkerboarding" effect.

XXI.

In the short term and long term, it is more economical and will avoid wasteful duplication of investment or service if CEC serves this load. Allowing MDU to serve the Menard site would result in wasteful duplication because MDU would need to upgrade its McKenzie substation when CEC currently can serve Menard site without having to upgrade its Menoken substation. No evidence was presented that MDU foresees additional growth in the area which further establishes that its proposed upgrade to its substation results in duplication of CEC's electric facilities that are already in place since MDU is upgrading its system solely because of the Menard site. Also, the fact that MDU's costs to serve the Menard site are \$82,447.39 more than the costs of CEC indicates that wasteful duplication of investment and service will result if MDU serves the Menard site.

XXII.

There was no evidence of record showing that the Menard site will be included within the corporate limits of a municipality within the foreseeable future.

XXIII.

Allowing MDU to serve the site will interfere with CEC's facilities because MDU would cross CEC's facilities that already surround the Menard site. Additionally, economic interference would result if MDU were allowed to serve the Menard site because CEC would be denied the benefits derived from Menard, Inc. revenues, which would accrue to the benefit of CEC's member-owners. This would be one of CEC's largest loads which would allow CEC to recoup much of the investment that CEC has incurred in this rural area

where it has spent money on building infrastructure to serve rural homes, farmsteads, and railroad signals that are already adjacent to Menard site. Allowing MDU to serve the Menard site would deny CEC this economic benefit. Service by MDU of the Menard site will unreasonably interfere with CEC's investment in the area.

XXIV.

The service of the Menard site by CEC will not interfere with the facilities of MDU.

CONCLUSIONS OF LAW

I.

The Commission has jurisdiction over this matter.

II.

It is not in the public interest for the Commission to grant the application of MDU for a Certificate of Public Convenience and Necessity.

ORDER

IT IS HEREBY ORDERED that MDU shall not serve the Menard site located, NE Section 33, Township 139 North, Range 77 West, Burleigh County, North Dakota. The application of MDU is denied. The service to this location shall be provided by CEC.

Dated this ____ day of _____, 2014.

PUBLIC SERVICE COMMISSION

Randy Christmann
Commissioner

Brian P. Kalk
Chairman

Julie Fedorchak
Commissioner

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:34 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 28 Request for Oral Argument

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrapp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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 **MDU RESOURCES**
GROUP, INC.

1200 West Century Avenue
Bismarck, ND 58503

Mailing Address:
P.O. Box 5650
Bismarck, ND 58506-5650
(701) 530-1000

Direct Dial No.
(701) 530-1016
(701) 530-1731



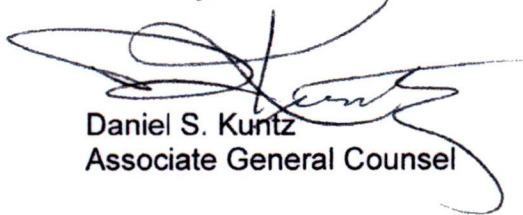
June 13, 2014

Executive Secretary
North Dakota Public Service Commission
State Capital – Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

Re: Application Montana-Dakota Utilities Co. for a Certificate of Public Convenience
and Necessity for Menard, Inc.
Case No. PU-13-871

Enclosed for filing on behalf of Montana-Dakota Utilities Co. are the original and seven
copies of its Request for Oral Argument in the above referenced proceeding. An
electronic copy of the document is also being sent to you. Please acknowledge receipt
by date stamping or initialing the duplicate copy of this letter.

Sincerely,



Daniel S. Kuntz
Associate General Counsel

DSK/djv
Enclosure

cc: Matthew H. Olson
Tamie Aberle
Wade C. Mann

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity**

Case No. PU-13-871

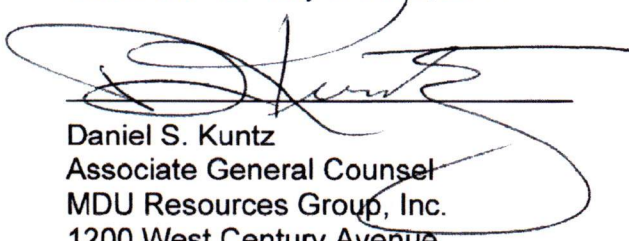
**Montana-Dakota Utilities Co.'s
REQUEST FOR ORAL ARGUMENT**

The Applicant, Montana-Dakota Utilities Co., requests oral argument before the full Commission pursuant to the Commission's rule at N.D.Admin.C. Subsection 69-02-04-09 which provides as follows:

A request to present oral argument before the full commission may be made at any time. The commission will set the time for oral argument, if allowed, and may impose time limits upon the arguments.

During the course of the Commission's working sessions, a number of questions and issues have been raised regarding the proper interpretation of the evidence and applicable law in this proceeding. Because of the importance of this proceeding to both the applicant and the customer, Montana-Dakota requests oral argument before the full Commission with the opportunity to address these questions and issues. Montana-Dakota requests oral argument of 30-45 minutes with the opportunity for rebuttal.

Dated this 13th day of June, 2014.



Daniel S. Kuntz
Associate General Counsel
MDU Resources Group, Inc.
1200 West Century Avenue
Bismarck, North Dakota 58503
Attorney for the Applicant

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity

Case No. PU-13-871

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Dorothy Vedvick deposes and says that she is over the age of 18 years and not a party to this action and, on the **13th day of June, 2014**, she deposited in the United States Mail, Bismarck, North Dakota, one envelope with return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Montana-Dakota Utilities Co.'s
Request for Oral Argument**

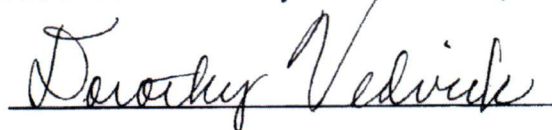
The envelope was addressed as follows:

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ND Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-1480

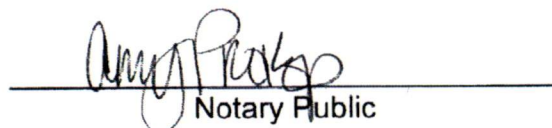
Matthew H. Olson
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, N.D. 58702-1000

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

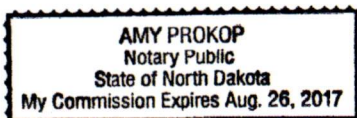
Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me this **13th day of June, 2014**


_____ Notary Public

SEAL



Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:34 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 29 Objection to Request
The following are service contacts on this filing:
Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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DEBRA L. HOFFARTH
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RYAN D. SANDBERG
MATTHEW H. OLSON
STEVEN A. LAUTT
ASHLEIGH B. ENSRUD

ATTORNEYS LICENSED IN
NORTH DAKOTA
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PH
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202 NORTH 3RD STREET, SUITE 200
GRAND FORKS, NORTH DAKOTA 58203
(701) 775-9000

OF COUNSEL
HERBERT L. MESCHKE
DONALD A. NEGAARD
RETIRED
THOMAS A. WENTZ
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)
MARK F. PURDY
(1927-2011)

June 19, 2014



EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
NORTH DAKOTA STATE CAPITAL
600 EAST BOULEVARD – DEPT 408
BISMARCK, ND 58505-0480

**MONTANA-DAKOTA UTILITIES CO.
MENARD INC. – BURLEIGH COUNTY, ND
PUBLIC CONVENIENCE & NECESSITY**

Please find enclosed for filing in the above named matter an Objection to MDU's Request for Oral Argument. I have included one original and seven copies. An electronic copy of the document is also being sent to you.

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

Yours truly,

MHO
Matthew H. Olson
lat

Enclosures

cc: Ordean "Lars" Nygren – Capital Electric Cooperative, Inc.
Daniel S. Kuntz – Montana-Dakota Utilities Co.
Wace C. Mann

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity

Case No. PU-13-871

OBJECTION TO MDU'S REQUEST FOR ORAL ARGUMENT

June 19, 2014

On June 13, 2014, Montana-Dakota Utilities Co. (herein MDU) requested oral argument before the Commission. Capital Electric Cooperative (herein CEC) respectfully requests that MDU's request be denied.

Oral argument in this matter has already taken place; it took place during a full day hearing on May 2. During that hearing, testimony was given, evidence presented, and both MDU and CEC made their oral arguments and were fully heard by the Commission regarding the applicable law and the facts presented at the hearing. The fact that MDU has concerns regarding the Commission's "proper interpretation of the evidence and applicable law in this proceeding" does not necessitate further oral argument. If the Commission wishes to review or more fully understand either parties' arguments on a certain point of fact or law, the record is available to it for that exact purpose. Rehashing the evidence again now, almost seven weeks removed from the presentation of the evidence in this matter, is not necessary for the Commission to reach a decision in this matter. The evidence and arguments have been ably presented, and no further hearing is necessary for the Commission to render its decision.

If the Commission is inclined to grant MDU's request, MDU should clearly identify

the issues on which it believes the Commission needs to hear further arguments and the Commission should determine the constraints of the argument and the issues to be discussed. Right now, MDU's request lacks specificity and MDU should not be given another 45 minutes for a free-for-all for MDU to, once again, present its case and to make arguments that MDU may have failed to adequately make at the May 2nd hearing. The time for evidence and argument is over. After listening to the two working sessions, it is clear that the Commission is apprised of the law and has a full record to rely on to issue its decision. The rehashing of this matter would be fruitless.

For the above reasons, CEC request that MDU's request be denied.

Dated this 19th day of June, 2014.

PRINGLE & HERIGSTAD, P.C.

By: 

Carol K. Larson - #04406

Matthew H. Olson - #06182

Attorneys for Capital Electric Cooperative, Inc.

Pringle & Herigstad, P.C.

2525 Elk Drive

PO Box 1000

Minot, ND 58702-1000

(701) 852-0381

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity

Case No. PU-13-871

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF WARD)

LaRae A. Thomas, being first duly sworn, deposes and says:

That she is a citizen of the United States of America, of legal age, and is not a party to nor interested in the above entitled action; that on the 19th day of June, 2014, this Affiant served by depositing in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in the above entitled action:

1. **CAPITAL ELECTRIC COOPERATIVE, INC.'S OBJECTION TO MDU'S
REQUEST FOR ORAL ARGUMENT**


That said envelopes were addressed to the following person at her known address as follows:

Daniel S. Kuntz
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58502-5650

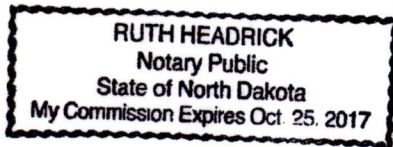
Executive Secretary
ND Public Service Commission
600 East Boulevard – Dept 408
Bismarck, ND 58505-1480

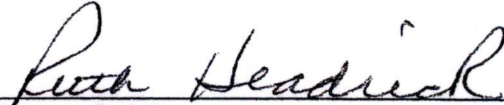
Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street –Suite 303
Bismarck, ND 58503

That the above provisions were duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure.


LaRae A. Thomas

SUBSCRIBED AND SWORN to before me this 19th day of June, 2014.




Notary Public
For the State of North Dakota

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:34 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 30 Comm Motion Granting Request

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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APPROVED

DATE: 6-25-14

\$

CR Exhibit 30 Comm Motion
Granting Request

MOTION

June 25, 2014

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

I move the Commission grant applicant's request for oral argument in the application of Montana-Dakota Utilities Co. to extend electric service to Menard Inc. at a location in Burleigh County, North Dakota, Case No. PU-13-871.

JRL

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:35 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 31 Letter Enclosing Motion

The following are service contacts on this filing:

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Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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Public Service Commission
State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

June 27, 2014

Tamie Aberle
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck ND 58501

Ordean Lars Nygren
Capital Electric Cooperative, Inc.
PO Box 730
Bismarck ND 58502

RE:
Case Number PU-13-871
Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc.- Burleigh County, ND
Public Convenience & Necessity

At its regular meeting on June 25, 2014, the North Dakota Public Service Commission passed a motion granting request for oral argument in the above-referenced case. A copy of the Commission motion is enclosed.

Sincerely,

A handwritten signature in black ink that reads "Cara DeSaye".

Cara DeSaye
Public Utilities Division

Enclosure

APPROVED

DATE: 6-25-14

MOTION

June 25, 2014

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

I move the Commission grant applicant's request for oral argument in the application of Montana-Dakota Utilities Co. to extend electric service to Menard Inc. at a location in Burleigh County, North Dakota, Case No. PU-13-871.

JRL

Jeffcoat-Sacco, Illona

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Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 32 Notice of Prehearing Conf
The following are service contacts on this filing:
Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND

Case No. PU-13-871
OAH File No. 20140053

NOTICE OF PREHEARING CONFERENCE

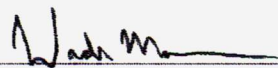
YOU ARE HEREBY NOTIFIED that a prehearing conference on this matter will be held on July 11, 2014, beginning at 1:30 p.m. The prehearing conference will be a telephone conference call via the Public Service Commission's phone bridge. The Administrative Law Judge ("ALJ") will be present at the Commission's Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota. Counsel for the parties may appear in person at the Commission's Hearing Room or telephonically. To appear telephonically, participants shall call 701-328-7950 and use Participant Code 530213.

The purpose of this prehearing conference is for parties to address matters relating to the upcoming oral argument scheduled for 8:30 a.m. on July 28, 2014, at the Commission Hearing Room. Issues to be addressed include the length of each party's argument, opportunity for rebuttal and parameters, notice issues, issues to be argued, and potential briefing issues. The prehearing conference will be recorded, and will be conducted in an informal manner.

At the conclusion of the prehearing conference, the ALJ may issue a pre-argument order reflecting any action taken at the prehearing conference and giving direction as to the procedures or issues for the oral argument.

Dated at Bismarck, North Dakota, this 10th day of July 2014.

State of North Dakota
Public Service Commission

By: 
Wade C. Mann, Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

AMERICANS WITH DISABILITIES ACT NOTIFICATION: A party shall promptly notify the Public Service Commission in writing if the party has a disability which will require auxiliary aids or services at the prehearing conference so that the Public Service Commission can make appropriate accommodation prior to the prehearing conference. Any request for an interpreter at the prehearing conference must also be made in writing to the Public Service Commission. Any request for aids, services, or an interpreter should be as specific as possible about what is required by the party. Also, please send a copy of the notice or request to the administrative law judge.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND

Case No. PU-13-871
OAH File No. 20140053

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **NOTICE OF PREHEARING CONFERENCE** was sent by electronic mail on the 10 day of July 2014, to:

Matthew H. Olson
Pringle & Herigstad
Molson@srt.com

Daniel Kuntz
MDU Resources Group
Dan.Kuntz@MDUResources.com

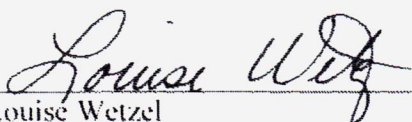
Ryan Norrell
Special Assistant Attorney General
rmorrell@ndwaterlaw.com

Hlona Jeffcoat-Sacco
General Counsel, Public Service Commission
ijs@nd.gov

and that original of the above document was mailed, inside mail, at the State Capitol on the 10 day of July 2014, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS
Wade C. Mann, Administrative Law Judge



Louise Wetzel

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:36 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 33 Notice of Oral Arg and Pre-Arg Order

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND

Case No. PU-13-871
OAH File No. 20140053

NOTICE OF ORAL ARGUMENT AND PRE-ARGUMENT ORDER

By Motion dated June 25, 2014, the North Dakota Public Service Commission (“Commission”) granted Applicant Montana Dakota Utilities Co.’s request for oral argument.

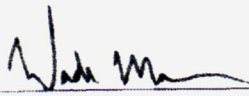
YOU ARE HEREBY NOTIFIED that oral argument on this matter will be held on July 28, 2014, beginning at 8:30 a.m. in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota.

IT IS HEREBY ORDERED that the parties may submit briefs prior to the oral argument. Briefs may be filed electronically and must be received by the Commission by 5:00 p.m. on July 22, 2014. The briefs may address any of the ten issues that were considered for hearing in this matter as set forth in the Commission’s February 26, 2014, Notice of Hearing. No reply briefs will be considered.

Each party will be given 45 minutes for argument including responding to questions from the Commission. Counsel for the Applicant may reserve time for rebuttal which shall be taken from the allotted 45 minutes.

Dated at Bismarck, North Dakota, this 14th day of July 2014.

State of North Dakota
Public Service Commission

By: 
Wade C. Mann, Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

AMERICANS WITH DISABILITIES ACT NOTIFICATION: A party shall promptly notify the Public Service Commission in writing if the party has a disability which will require auxiliary aids or services at the oral arguments so that the Public Service Commission can make appropriate accommodation prior to the oral arguments. Any request for an interpreter at the oral arguments must also be made in writing to the Public Service Commission. Any request for aids, services, etc. is required by the party. Also, please send a copy of the notice or request to

52 PU-13-871 Filed: 7/14/2014 Pages: 2
Notice of Oral Argument and Pre-Argument Order

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND

Case No. PU-13-871
OAH File No. 20140053

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **NOTICE OF ORAL ARGUMENT AND PRE-ARGUMENT ORDER** was sent by electronic mail on the 14 day of July 2014, to:

Matthew H. Olson
Pringle & Herigstad
Molson@srt.com

Daniel Kuntz
MDU Resources Group
Dan.Kuntz@MDUResources.com

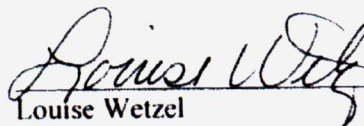
Ryan Norrell
Special Assistant Attorney General
rmorrell@ndwaterlaw.com

Illona Jeffcoat-Sacco
General Counsel, Public Service Commission
ijs@nd.gov

and that original of the above document was mailed, inside mail, at the State Capitol on the 14 day of July 2014, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS
Wade C. Mann, Administrative Law Judge


Louise Wetzel

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:36 PM
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Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 34 Brief in Opposition to Applic

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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MITCHELL H. MAHONEY
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ROGER O. HERIGSTAD
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MARK F. PURDY
(1927-2011)



JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON
STEVEN A. LAUTT
ASHLEIGH B. ENSRUD

ATTORNEYS LICENSED IN
NORTH DAKOTA
MINNESOTA
MONTANA

July 22, 2014

EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
NORTH DAKOTA STATE CAPITAL
600 EAST BOULEVARD – DEPT 408
BISMARCK, ND 58505-0480

**MONTANA-DAKOTA UTILITIES CO.
MENARD INC. – BURLEIGH COUNTY, ND
PUBLIC CONVENIENCE & NECESSITY**

Please find enclosed for filing in the above named matter CEC's Brief in Opposition to MDU's Application. I have included one original and seven copies. An electronic copy of the document is also being sent to you.

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

Yours truly,

Matthew H. Olson
bc

Enclosures

cc: Ordean "Lars" Nygren – Capital Electric Cooperative, Inc.
Daniel S. Kuntz – Montana-Dakota Utilities Co.
Wade C. Mann

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc. – Burleigh County
Public Convenience and Necessity**

Case No. PU-13-871

CAPITAL ELECTRIC COOPERATIVE, INC.’S
BRIEF IN OPPOSITION TO MDU’S APPLICATION

JULY 22, 2014

I. PRELIMINARY STATEMENT

This matter came before the North Dakota Public Service Commission (the “Commission”) on application of Montana-Dakota Utilities Co. (“MDU”) to serve a commercial electric load located in the NE1/4 of Section 33, Township 139 North, Range 77 West, Burleigh County, North Dakota (“Menard site”). This electric load would be provided to Menard, Inc. (“Menard”). The application for service was dated November 25, 2013

On December 18, 2013, the Commission issued a Notice of Opportunity for Hearing. A protest was filed by Capital Electric Cooperative, Inc. (“CEC”), of Bismarck, North Dakota. The Commission issued a Notice of Hearing dated February 26, 2014; the notice set forth the ten (10) factors that the Commission would consider. The hearing was held on May 2, 2014.

The Commission held three working sessions – May 30, June 12, and June 20, 2014. Before the June 20th working session, MDU requested oral arguments and CEC objected to MDU’s request. The Commission granted MDU’s request for oral arguments and requested briefs. On July 14, 2014, Administrative Law Judge Wade C. Mann issued a Notice of Oral Argument and Pre-Argument Order setting the parameters for the briefs and oral arguments.

The ten issues to be addressed under the TIA and this brief were set forth in the Notice of Hearing dated February 26, 2014. The issues to be considered are:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

II. HISTORY OF THE TERRITORIAL INTEGRITY ACT

The history of the Territorial Integrity Act (herein "TIA") is important as the Commission decides this case. The North Dakota Supreme Court sums up the TIA as follows:

Our analysis focuses on the statutory framework for resolving electric service disputes under the Territorial Integrity Act.

In construing the Act, our duty is to ascertain the intent of the Legislature. *County of Stutsman v. State Historical Society*, 371 N.W.2d 321 (N.D.1985). Statutes must be construed as a whole to determine the legislative intent, and they must be harmonized, if possible, to give full force and effect to each provision. *Cass County Electric Coop., Inc. v. Northern States Power Co.*, 419 N.W.2d 181 (N.D.1988).

Before 1965, a rural electric cooperative was authorized to provide electric service in rural areas, *see* N.D.C.C. ch. 10–13, and an electric public utility could, without obtaining a

certificate of public convenience and necessity, extend its service into “territory contiguous to that already occupied by it and not receiving similar service from another utility, or electric cooperative.” 1959 N.D.Laws ch. 342, § 1. *See also* N.D.R.C. of 1943 § 49–0301 (1957 Supp.); *Cass County Electric Coop., Inc. v. Otter Tail Power Co.*, 93 N.W.2d 47 (N.D.1958); *Williams Electric Coop., Inc. v. Montana–Dakota Utilities Co.*, 79 N.W.2d 508 (N.D.1956). Under that law, the PSC generally did not have authority to consider an electric public utility's extension of service into a “contiguous” rural area, *Application of Otter Tail Power Co.*, 169 N.W.2d 415, 417 (N.D.1969), and territorial disputes were usually resolved by the customer's preference. *Cass County Electric Coop., Inc. v. Otter Tail Power Co.*, *supra*.

In 1965 the Legislature enacted the Territorial Integrity Act, 1965 N.D.Laws ch. 319, to require an electric public utility to obtain a certificate of public convenience and necessity before extending electric service outside the corporate limits of a municipality. N.D.C.C. §§ 49–03–01 and 49–03–01.1. The Act was adopted at the request of the North Dakota Association of Rural Electric Cooperatives to provide “territorial protection” for rural electric cooperatives and to prevent public utilities from “pirating” rural areas. Prepared Testimony of Clarence Welander, Chairman of North Dakota Association of Rural Electric Cooperatives, February 25, 1965 Minutes of Senate Industry, Business and Labor Committee regarding House Bill 724. The primary purpose of the Act was to minimize conflicts between suppliers of electricity and wasteful duplication of investment in capital-intensive utility facilities. *Cass County Electric Coop., Inc. v. Northern States Power Co.*, 419 N.W.2d 181 (N.D.1988).

Under the Act, an electric public utility must secure a certificate of public convenience and necessity from the PSC before extending service to new customers outside the corporate limits of a municipality; however, rural electric cooperatives may extend service to new customers in rural areas without securing a certificate of public convenience and necessity from the PSC. *Cass County Electric Coop., Inc. v. Wold Properties, Inc.*, 249 N.W.2d 514 (N.D.1976); *Tri–County Electric Coop., Inc. v. Elkin*, 224 N.W.2d 785 (N.D.1974); *Montana–Dakota Utilities Co. v. Johanneson*, 153 N.W.2d 414 (N.D.1967). Although we have never said the Act gives rural electric cooperatives a preference for electric service in rural areas, it does allow cooperatives to serve customers in rural areas unless an electric public utility obtains a certificate of public convenience and necessity from the PSC. *Wold Properties, supra*; *Application of Otter Tail Power Co.*, *supra*.

As originally enacted, section 3 of the Act precluded the PSC from issuing a certificate of public convenience and necessity to an electric public utility to extend its service beyond the corporate limits of any municipality unless the rural electric cooperative nearest the proposed service area consented to the extension. 1965 N.D.Laws ch. 319, § 3. In *Johanneson, supra*, we held section 3 was unconstitutional, because it delegated legislative powers to cooperatives to determine who furnished electric service in rural areas. However, after explaining the differences between electric public utilities and rural electric cooperatives, we concluded there was a valid justification for the different treatment of public utilities and

cooperatives regarding regulation of service in rural areas. We therefore held the remainder of the Act did not unlawfully discriminate against public utilities and was constitutional. We also concluded that the unconstitutional provision, section 3, was severable from the remainder of the Act.

The Territorial Integrity Act therefore explicitly gives the PSC jurisdiction to hear and determine an electric public utility's application for a certificate of public convenience and necessity to extend service to areas outside the corporate limits of a municipality. However, the narrower issue in this case is not whether the PSC has such jurisdiction, but whether the Act requires a customer request for electric service from a public utility in order to invoke the PSC's jurisdiction.

In *Application of Otter Tail Power Co.*, *supra*, we outlined criteria for the PSC to consider in rendering a decision on an electric public utility's application for a certificate of public convenience and necessity. In that case, a customer asked an electric public utility to provide service to a rural area, and the utility applied to the PSC for a certificate. We said customer preference for service by the electric public utility was not determinative of public convenience and necessity, but should be considered along with:

“the location of the lines of the suppliers; the reliability of the service which will be rendered by them; which of the proposed suppliers will be able to serve the area more economically and still earn an adequate return on its investment; and which supplier is best qualified to furnish electric service to the site designated in the application and which also can best develop electric service in the area in which such site is located without wasteful duplication of investment or service.” *Application of Otter Tail Power Co.*, 169 N.W.2d at 418.

Capital Elec. Co-op., Inc. v. Pub. Serv. Comm'n of State of N.D., 534 N.W.2d 587, 589-91 (N.D. 1995) (footnotes omitted). **The primary purpose of the TIA is “to keep to a minimum wasteful**

duplication of capital-intensive utility services and conflicts between suppliers of electricity.”

Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988) (**emphasis added**).

CEC will address each factor in turn. After the review of the factors, it is clear that the factors and the TIA dictate that CEC should prevail and the Commission should deny MDU's application.

III. TEN FACTORS

1. From whom do the customers prefer electric service?

“[C]ustomer preference, while a factor to be considered, is not controlling.” Cass County Elec. Coop. v. Wold Properties, Inc., 249 N.W.2d 514, 521 (N.D. 1976). “The reason, of course, is that unregulated customer preference would result in a wasteful duplication of facilities which the Territorial Integrity Act was intended to minimize.” Id. “It is the Public convenience and necessity, after all, with which the Commission is concerned, not private preference.” Tri-County Elec. Coop. v. Elkin, 224 N.W.2d 785, 792 (N.D. 1974).

In October 2013, Menard requested electric service from CEC. Menard also requested service from MDU. At the hearing, Steve Manor (“Manor”) of Menard expressed his preference that MDU serve the Menard site because of the current annual savings that Menard would receive. Currently, MDU’s rates are lower than CEC’s rates resulting in annual savings. During the hearing, the Commission rightly pointed out that both MDU and CEC’s rates are subject to change and that there is no guarantee that MDU’s rates will be lower than CEC in the future.

This factor favors MDU, but this factor carries little weight because unregulated customer preference would result in the TIA being rendered meaningless. Id. The primary purpose of the TIA is “to keep to a minimum wasteful duplication of capital-intensive utility services and conflicts between suppliers of electricity.” Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988).

2. What electric suppliers are operating in the general area?

Both MDU and CEC operate in the general area. This factor favors neither MDU nor CEC.

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?

During one of the the working sessions, the Commission discussed that this factor is present so that the Commission can look at both electric supplier's system at the time of the requested service. It allows the Commission to freeze time and to make observations of the systems of each of the proposed suppliers at a certain time. This factor is especially important if one of the suppliers had made upgrades or extensions to its service after a customer request had been made or if one of the suppliers was providing temporary service, which has not occurred in this matter.

Both CEC and MDU have electric supply lines supply lines in the two-mile radius around the Menard site. Both have 41.6 kV transmission lines that parallel the interstate approximately 1 mile north of the Menard site – MDU's line being north of the interstate and CEC's line being closer because its transmission line is to the south of the interstate.

Currently, CEC's Menoken substation is able to serve the Menard site with no upgrade and, even with the new Menard load, CEC's Menoken substation will have the capacity to serve future growth in the areas served by the Menoken substation. Additionally, if CEC's Menoken substation goes down, CEC's Sterling substation would be able to serve part of the Menard site until the Menoken substation would come back on the grid. CEC testified that CEC's Sterling substation could be upgraded for a cost of \$40,000, which would result in total redundancy for the Menard site (i.e., both the Menoken and Sterling substation would each have the capacity to serve the entire

Menard load).

Currently, MDU's McKenzie substation is unable to serve the Menard site. MDU would need to upgrade its McKenzie substation, which would cost \$61,451; this cost does not include the cost for the transformer because MDU would utilize an old transformer from another location.¹ If MDU is given this load at the Menard site and upgrades its McKenzie substation and the McKenzie substation goes down, the Menard site will have no power because MDU has no alternate substation to feed the Menard site. MDU, with all of its proposed upgrades, will not have redundancy to the Menard site.

Currently, CEC has electric facilities (single phase) that surround and are directly adjacent to the Menard site on three sides – the electric services are immediately adjacent to the north, the west, and the south. CEC serves a customer just northeast of the Menard site, serves a customer directly west of the Menard site, and serves a railroad signal on the south side of the Menard site.

While CEC has facilities that surround the Menard site, MDU's electric facilities are approximately 1,800 feet from the Menard site. During the first working session, the Commission discussed that generally, in the past, the Commission has looked at which supplier has the closest three-phase lines when three-phase is required for the customer in question; the reason for this is that single-phase cannot serve a three-phase load.

Here, CEC's nearest three-phase system is one mile north, so CEC would have to add two additional phases for 1 mile (5,280 feet) in order to provide three phase service to the Menard site. Alternatively, MDU needs to upgrade its system for 1.6 miles (8,700 feet). MDU needs to convert its delta three-phase system to a wye three-phase system for 5,700 feet, convert an additional 1,200 feet

¹ MDU justifies a cost of \$0 to the old transformer that is being proposed to be used at its McKenzie

of single-phase to three-phase system, and extend 1,800 feet of three-phase line from Avenue B to the Menard site.²

MDU may argue that it has a three-phase line that is 3,000 feet from the Menard site and therefore is closer than CEC's current three-phase system, but this argument is disingenuous because MDU's current three-phase system is a delta system rendering the current three-phase line useless as it relates to the Menard site needs. Therefore, MDU must upgrade for 8,700 feet opposed to CEC's 5,280 feet. If you purely look at the closest electrical facilities, CEC is directly next to the Menard site on three sides while MDU is 1,800 feet away.

The raw data regarding the vicinity establishes that CEC is closer in proximity to the Menard site because CEC already has an electrical system, albeit single phase, that surrounds the Menard site on three sides and because it needs to extend an additional two phases for only 1 mile (5,280 feet), while MDU needs to extend lines and add an additional line (to convert its system to a three-phase wye system) for over 1.6 miles (8,700 feet).

4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

Both MDU and CEC provide electric service within a two mile radius of the Menard site. MDU has twenty-nine (29) customers within a two mile radius of the Menard site, twenty-seven (27) of which are located in the village of McKenzie. CEC has eleven (11) customers within a two mile radius of the Menard site; three (3) of CEC's customers are directly adjacent to the Menard site.

During the working sessions, the Commission rightly opined that this factor is a draw, for this

substation because it has been totally depreciated to tax purposes.

factor is another indication of what facilities each electric supplier has in the area and the investment of each supplier in the general area. Little weight should be given to this factor because it is a matter of scale. As one of the commissioners pointed out during a working session, this factor would be a non-issue if one of the suppliers had 1,000 customers while the other had 1,018. Here, MDU has eighteen (18) more customers in the 2-mile radius, but CEC has three (3) customers directly adjacent to the Menard site.

5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

During the working sessions, the Commissioners have discussed various factors in reliability and have rightly determined that both CEC and MDU are expected to be sufficiently reliable. The Commissioners have been reluctant to say that one supplier is more reliable than the other.

Both MDU and CEC had voltage drop calculation studies performed using the projected Menard load and the results from both studies were within the accepted limits in the industry.

CEC has reported 4 (four) outages in a three (6) year timeframe and MDU has reported five (5) outages in a fifteen (15) year timeframe. CEC's data is based on the actual Menoken substation that is currently capable of serving the Menard site. MDU's numbers are based on its McKenzie substation that will have to be upgraded to serve the Menard site, so said numbers are not an equal comparison because we do not have an outage history as it relates to actual configuration at the McKenzie substation that would serve the Menard load. MDU has testified that, if its application is granted, MDU will utilize a transformer that is decades old to upgrade its McKenzie substation, so

² The total costs for both CEC and MDU's upgrades will be discuss in later sections.

its reliability is inevitably shorter than a new transformer.

Steve Manor from Menard, during his testimony, discussed the fact that the Menard site will have a wood recycling plant that will turn material into mulch. This plant, based on his testimony, will run 350 horsepower motors. Manor also discussed that the site will have many other motors. Manor testified that if one of the three phases goes out, the motors will be adversely affected resulting in shortening the life of the motor or wrecking the motor completely; that is why, to Manor, it is imperative that all three-phases must be interrupted by a three phase interruption mechanism. Manor discussed that MDU is able to provide this three-phase interruption mechanism.

CEC representatives testify that this concern regarding three-phase interruption was never communicated to CEC, likely because Menard, after finding out that MDU's rates were cheaper, did not communicate with CEC regarding any of its needs. **Ron Lipp of CEC testified that CEC already has this three phase interruption mechanism at its Menoken substation and that CEC would merely need to make a switch at the substation with no added cost because CEC already has equipment at the Menoken substation. (Emphasis added).**

There is one glaring difference between CEC and MDU that tips the scale in favor of CEC as it relates to reliability. CEC has two substations that can serve the Menard site. Besides the Menoken substation, CEC has the Sterling substation that would give redundancy to the Menard site. If CEC's Menoken substation fails, CEC's Sterling substation would be able to provide power to part of the Menard site, creating an added layer of reliability that MDU does not have. MDU has one substation – the McKenzie substation – and if it fails, MDU will not be able to provide power to Menard site. Further, CEC can upgrade its Sterling substation for a cost of \$40,000, which would provide total redundancy to the Menard site, meaning that the entire Menard site could be served by either CEC's

Menoken substation or its Sterling substation.

Because of CEC's redundancy created by CEC's two substations, CEC is able to provide more reliable service.

6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

Here, again the facts are straightforward. Both CEC and MDU have to upgrade their respective facilities, but CEC can serve the Menard site more economically, primarily because MDU has to spend additional monies duplicating what CEC already has in place, which includes, but is not limited to, upgrading MDU's substation so that it has sufficient capacity when CEC currently has sufficient capacity at its Menoken substation.

To serve the Menard site, CEC would have to add two additional phases for one mile (5,280 feet) in order to provide three phase service to the Menard site; the cost for this extension would cost \$44,527.31. Within the Menard site, CEC's estimated cost for its electrical services is \$65,696.30. The total for CEC to serve the Menard site would be \$110,223.61. Currently, CEC has sufficient capacity at its Menoken substation. Even with the Menard load, CEC would continue to have sufficient capacity at the Menoken substation for additional growth.

To serve the Menard site, MDU would need to take multiple steps to serve the Menard site, which includes upgrading and extending MDU's electric system for approximately 8,700 feet. MDU's McKenzie substation is unable to serve the proposed load at the Menard site, Therefore, the first upgrade MDU would make would be to its McKenzie substation, which would cost \$61,451; this cost does not include a new transformer because MDU would utilize a decades-old transformer

that has been depreciated. Second, MDU would need to convert its delta three-phase system to a wye three-phase system for approximately 5,700 feet and convert an additional 1,200 feet of single-phase to three-phase system for a cost of \$32,562; again, MDU's cost for this upgrade does not include the cost of the transformer to convert McKenzie to 7,200 volts. Third, MDU would need to extend 1,800 feet of three-phase service to the Menard site for a cost of \$32,619. MDU must make all three upgrades in order to provide electrical service to the Menard site. Lastly, within the Menard site, MDU's estimated cost of new electrical would be \$66,039. The total cost for MDU to serve the Menard site would be \$192,671, which is \$82,447.39 more than CEC's costs.

In looking at both CEC and MDU's upgrades and proposed costs, it is clear that CEC clearly is able to serve the location more economically. As already stated, MDU would have to spend money duplicating CEC's current capacity by upgrading the McKenzie substation. Further, if CEC were to upgrade its Sterling substation for an additional \$40,000, the Menard site would have total redundancy and could be served by both CEC's Menoken and Sterling substations and CEC's costs would still be \$42,447.49 less than MDU's costs (and MDU, even with all the upgrades still would not have an alternate substation to feed the Menard site).

During the working sessions, the Commissioners were hesitant to state that this factor favored CEC because MDU is, right now, able to provide service at a lower rate.³ CEC would caution the use of current rates being used in considering this factor because rates are always subject to change and, as the Commissioners correctly pointed out at the May 2nd hearing, there is no

³ With the current rates, Menard's total annual cost with MDU would be \$513,669.84 and with CEC the total annual cost would be \$575,883.84 (see Exhibit MDU-10, page 1); the annual difference at the current rates are \$62,214.

guarantee that MDU's rates will be cheaper in the future.⁴ The above costs to extend both CEC and MDU's systems to the Menard site are static numbers that are not subject to change, which make these numbers better suited to be used in the analysis under this factor.

7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

The Menard site is located immediately north of the railroad in a rural area southeast of the unincorporated village of McKenzie (herein "McKenzie"). No Area Service Agreement is relevant to this proceeding. CEC has facilities that are directly adjacent to and surround the Menard site on three sides – the north, west, and south side – and MDU would have to cross these facilities in order to serve the Menard site. Therefore, development of electric services in this area will be more orderly if this load is served by CEC. Additionally, CEC would be able to make use of its recent investment of upgrading its Menoken substation, which has the capacity to serve the Menard site and any other growth in the areas served by the Menoken substation.

Granting the request of MDU to serve this load would result in and promote a bad "checkerboarding" effect.⁵ Moving forward, if growth occurs, more checkerboarding will occur resulting in the entangling of CEC and MDU's electric facilities. Not only that, but the Commission can be assured that MDU and CEC will be back before this Commission asking the Commission to

⁴ Both CEC and MDU's rates are subject to change and said changes are based on many factors that are beyond the scope of this matter. It is true that CEC will have a harder time competing with MDU's rates if, every time a new large load is discovered in a rural area, MDU runs to said customer with its current, cheaper rates and pirates said customer away from CEC. If CEC is allowed to serve large loads like this, such loads will inevitably allow CEC's rates to compete with MDU's rates.

⁵ At the May 2nd hearing, the Commission opined that there can be a "good" checkboard if the parties can agree to the checkerboarding of services. Here, unfortunately, both suppliers want the Menard load.

again decide which supplier should get each and every piece of the checkerboard for later, potential growth. This goes directly against one of the two primary factors under the TIA, which is to minimize conflicts between electric suppliers. Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988)

During the working sessions, the Commission has had much discussion and many questions have arisen regarding what electric supplier – either MDU or CEC – is entitled to serve the part of the unincorporated village of McKenzie east of Avenue B (herein “eastern part of McKenzie” or “eastern McKenzie”) that is currently farmed. As set forth in testimony, the eastern part of McKenzie has no development and is simply farmland. There was no testimony of who owns it or whether it would be developed. The only evidence presented is that the eastern part of McKenzie is farmed. There was no testimony by MDU or CEC that either party is aware of any future planned development in the area.

There was a line of questions regarding MDU’s current delta three-phase system and whether its current facilities had the capacity to serve a gas or service station in McKenzie if one was to be built and was built in the village of McKenzie. (**Emphasis added**). This line of questioning was then used to argue that MDU’s upgrade would not only benefit the Menard site, but also a hypothetical gas station that may be built in the village of McKenzie. As already stated, the testimony presented was that there is no knowledge of future growth and no knowledge of a proposed gas/service station and that, as currently situated, MDU’s upgrade would not benefit any of the nineteen (19) customers in McKenzie because their present needs are currently met by MDU’s current system, which includes a delta three-phase system.

Again, it must be repeated that no evidence was presented that a gas station was going to be

built in, or near, or surrounding the village of McKenzie. (**Emphasis added**). The Commission must make a determination on the ten (10) factors based only on the facts as presented at the hearing and not on speculation as it relates to a hypothetical gas station or any other theoretical growth.

The Commission, during the working session, did not come to a conclusion as to who can serve the eastern part of McKenzie. Pursuant to the TIA and related statutes, CEC is able to serve the eastern part of McKenzie (or the undeveloped platted portion of western McKenzie or any new service in any part of McKenzie). MDU is able to serve those areas only if it obtains a certificate of public convenience and necessity from the Commission as allowed for in N.C.C.C. Chapter 49-03.

The TIA specifically describes how to deal with rural areas that were served by public utilities before the TIA was enacted in 1965; N.D.C.C. § 49-03-01.2 reads:

Sections 49-03-01 through 49-03-01.5 shall not be construed to require any such electric public utility to secure such order or certificate for an extension of its electric distribution lines within the corporate limits of any municipality within which it has lawfully commenced operations; provided, however, that such extension or extensions shall not interfere with existing services provided by a rural electric cooperative or another electric public utility within such municipality; and provided duplication of services is not deemed unreasonable by the commission.

Sections 49-03-01 through 49-03-01.5 shall not be construed to require an electric public utility to discontinue service to customers thereof whose places receiving service are located outside the corporate limits of a municipality on July 1, 1965; provided, however, that within ninety days after July 1, 1965, any electric public utility furnishing service to customers whose places receiving service are located outside the corporate limits of a municipality shall file with the commission a complete map or maps of its electric distribution system showing all places in North Dakota which are located outside the corporate limits of a municipality and which are receiving its service as of July 1, 1965. After ninety days from July 1, 1965, unless a customer whose place being served is located outside the corporate limits of a municipality is shown on said map or maps, it shall be conclusively presumed that such customer was not being served on July 1, 1965, and cannot be served until after compliance with the provisions of section 49-03-01.1.

After the enactment of the TIA, an electric public utility could continue to serve its customers

receiving service located outside the corporate limits of a city provided that the public utility had filed a map of its system showing its system and all places receiving its services and said map had to be filed within 90 days from July 1, 1965. If a customer being served outside the corporate limits of a city was not shown on the map(s), that customer could not be served by the public utility unless the public utility complied with N.D.C.C. §49-03-01.1 and obtained a certificate of public convenience and necessity.

Therefore, any new service outside the corporate limits of a city the electric public utility (here, MDU) must obtain a certificate of public convenience and necessity by the Commission, which would be for any new service in the eastern part of McKenzie (or any new service in any part of McKenzie). Therefore, CEC is the presumed electric supplier for the eastern part of McKenzie. See Capital Elec. Co-op., Inc. v. Pub. Serv. Comm'n of State of N.D., 534 N.W.2d 587, 589-91 (N.D. 1995), (stating the TIA “allow[s] cooperatives to serve customers in rural areas unless an electric public utility obtains a certificate of public convenience and necessity from the PSC”).

“Municipalities possess only those powers expressly granted by constitution or statute or necessarily implied from an express grant.” Capital Elec. Co-op., Inc. v. City of Bismarck, 2007 ND 128, ¶ 12, 736 N.W.2d 788, 794. Under N.D. Const. art. VII, § 11, “[t]he power of the governing board of a city to franchise the construction and operation of any public utility or similar service within the city shall not be abridged by the legislative assembly.” Under N.D.C.C. § 40-05-01(57), the governing body of a municipality shall have the power to grant franchises for a period of not to exceed twenty years. “Municipality” includes “all cities organized under the laws of [the State of North Dakota], but shall not include any other political subdivision.” N.D.C.C. § 40-01-01. N.C.C.C. § 40-05.1-06(1)) also authorizes home rule cities to “grant and regulate franchises” for

utilities.

The same powers (the power to franchise or regulate franchises) are **not given** to townships or township boards. (**Emphasis added**). Townships are not able to grant franchises; that power is given to organized cities. See N.D.C.C. § 40-05-01(57); see also N.D.C.C. Chapter 58-03 (townships are not given the power to grant franchise or regulate franchises in this chapter).

MDU's exhibit 11 contains a March 2008 Franchise granted by the township board of McKenzie to MDU. In the Extract of Minutes for the First and Second Reading and the Ordinance (which grants the 20-year franchise), the township attempts to grant a franchise to MDU. The minutes and the ordinance refer to McKenzie as a city, which it is not. Both the minutes and the ordinance call for a seal of a municipality, which McKenzie is not. McKenzie is not a city, nor is it a municipality. It is an unincorporated village that happens to have a recorded plat where approximately nineteen (19) homes are located.

Under N.D.C.C. § 49-03-01.2, if MDU or its predecessor timely filed (back in 1965) with the Commission a map of its electric distribution system showing its customers outside the corporate limits of a municipality, it would be able to continue to serve those customers. Here, there was no evidence that this was done. This present matter is not dealing with past customers, but future customers. CEC is the presumptive electric supplier that would provide service to any hypothetical customer that would request service east of Avenue B in McKenzie. If MDU wanted to serve new customers east of Avenue B, MDU would need to make an application to the Commission for a certificate of public convenience and necessity.

CEC believes that this above discussion (regarding which supplier can serve eastern McKenzie) is a small issue within the grand scope of this proceeding because there was no evidence

presented about growth east of Avenue B in the village of McKenzie, for that area is purely farmland. CEC wanted to briefly address this matter because the Commissioners have raised various concerns about who can serve the eastern part of McKenzie. The TIA establishes that CEC is the presumptive electric supplier of that area because MDU, if it wants to serve the area and a customer requests service, MDU must apply to the Commission for a certificate of public convenience and necessity. Under the TIA, CEC could serve a customer in the eastern part of McKenzie and MDU **would not** be able to object. (**Emphasis added**).

For all the above reasons, CEC's service to the Menard site would best serve the orderly and economic development in the area because CEC's electric facilities are already right up to the site on three sides. Granting MDU's application will result in a bad "checkerboarding" effect and will result in the Commission being called upon to address any potential growth in the area and determine which supplier gets each and every area of growth. One of the two primary purposes of the TIA is "to keep to a minimum ... conflicts between suppliers of electricity." Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988). Ruling for MDU would only foster more conflict.

8. Would approval of the applications result in wasteful duplication of investment or service?

One of the two primary purposes of the TIA is "to keep to a minimum wasteful duplication of capital-intensive utility services." Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988). As previously indicated, CEC already has the capacity to serve the Menard site and any future growth in areas served by the Menoken substation, while MDU does not, for

MDU needs to upgrade its McKenzie substation. MDU admitted that it does not need to upgrade its McKenzie substation if it does not receive the Menard load. This is exactly what the TIA is meant to stop, for, if the Commission grants MDU's application, wasteful duplication will result.

The costs of CEC and MDU's upgrades were discussed at length above, so those numbers will not be reproduced in total here. Here, the only thing that needs to be repeated is that MDU's upgrades will cost \$82,447.39 more than CEC's upgrades, and this dollar amount does not include the new transformer either at the McKenzie substation or at the village of McKenzie. This number in isolation establishes that duplication will result if MDU is given the Menard site to serve, for MDU must spend more money because they have to duplicate what CEC already has in place.

Granting MDU's application will result in both duplication of investment and service; therefore, this factor favors CEC.

9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

There was no evidence presented that the Menard site will be in the corporate limits of a municipality in the foreseeable future. Thus, this factor favors CEC, the rural electric cooperative, because there is no evidence of the Menard site being annexed into an incorporated city.

10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

Allowing MDU to serve the site will interfere with CEC's facilities because MDU would cross CEC's facilities that already surround the Menard site. Additionally, economic interference

would result if MDU were allowed to serve the Menard site because CEC would be denied the benefits derived from revenues derived from the Menard load, which would accrue to the benefit of CEC's member-owners. This would be one of CEC's largest loads which would allow CEC to recoup much of the investment that CEC has incurred in this rural area where it has spent money on building infrastructure to serve rural homes, farmsteads, and railroad signals that are already adjacent to Menard site. Allowing MDU to serve the Menard site would deny CEC this economic benefit. Service by MDU of the Menard site will unreasonably interfere with CEC's investment in the area.

IV. CONCLUSION

The Commission must ask itself: If the Commission grants MDU its requested certificate of public convenience and necessity and allow MDU to serve the Menard site, does this foster the primary purposes of the TIA, which is (1) "to keep to a minimum wasteful duplication of capital-intensive utility services" and (2) to keep to a minimum "conflicts between suppliers of electricity"? Cass Co. Elec. Co-op., Inc. v. N. States Power Co., 419 N.W.2d 181, 185 (N.D. 1988).

The answer is clear.

If MDU serves this load, there will be wasteful duplication, for CEC already has a substation that can serve the Menard load and future growth and MDU's upgrades will cost \$82,447.39 more than CEC's needed upgrades. MDU admitted at the hearing that it would not upgrade its McKenzie substation if it were not for the Menard load. Isn't this the very definition of wasteful duplication?

If MDU is given this load by the Commission, it will necessarily result in more conflicts arising between public utilities and cooperatives, for such a decision will give public utilities ammunition to go after large loads that pop up in rural locales. Every time a large load is proposed in

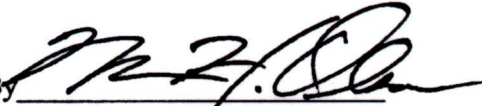
rural North Dakota and a public utility happens to be in the general vicinity with its electric facilities, that public utility will ignore the fact that the rural electric cooperative's facilities that surrounds the site (or is in closer proximity to the site), will ignore the fact that the rural electric cooperative has a substation that has capacity to serve the proposed load and any associated growth (while the public utilities does not have the capacity), and will ignore the fact that the public utility must make many more upgrades than the rural electric cooperative (and spend much more money to do so) resulting in the public utility initiating a conflict in front of this Commission to serve the site. Ruling for MDU will have the necessary result of rate shopping in the future and there is no way around this. Rather, if MDU is denied its certificate, this will cause the public utility to take a closer look at the facts before initiating a conflict if the rural cooperative has electric facilities in the area (here, the facilities already surround the site in question) and has the capacity to serve the load in question.

The 10 factors favor CEC serving the Menard site and ruling in favor of CEC furthers the primary purposes of the TIA. Another way for the Commission to look at this matter is to ask itself which order (for MDU or for CEC) has a better chance being affirmed on appeal. Here, again, the answer is easy, for a ruling in favor of CEC will be upheld on appeal because such a decision is in conformity with the primary purposes of the TIA.

Therefore, for all the above reasons, CEC requests that MDU's application be denied and that CEC be given the Menard site to serve.

Dated this 22nd day of July, 2014.

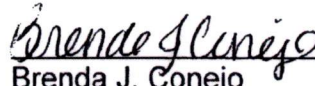
PRINGLE & HERIGSTAD, P.C.

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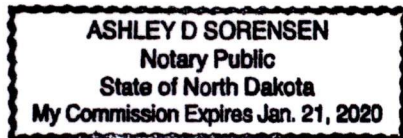
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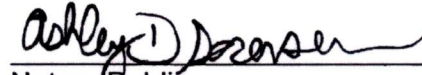
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That the above provisions were duly mailed in accordance with the provisions of the North Dakota Rules of Civil Procedure.


Brenda J. Conejo

SUBSCRIBED AND SWORN to before me this 22nd day of July, 2014.




Notary Public
For the State of North Dakota

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:37 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 35 Brief in Support of Applic
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MDU RESOURCES
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July 22, 2014

Executive Secretary
North Dakota Public Service Commission
State Capital – Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

Re: Application Montana-Dakota Utilities Co. for a Certificate of Public Convenience
and Necessity for Menard, Inc.
Case No. PU-13-871

Enclosed for filing on behalf of Montana-Dakota Utilities Co. are the original and seven
copies of its Brief in Support of Application in the above referenced proceeding. An
electronic copy of the document was previously sent to you for electronic filing.

Sincerely,

Daniel S. Kuntz
Associate General Counsel

DSK/djv
Enclosure

cc: Matthew H. Olson
Tamie Aberle
Wade C. Mann
Illona Jeffcoat-Sacco
Ryan Norrell

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity**

Case No. PU-13-871

**Montana-Dakota Utilities Co.'s
BRIEF IN SUPPORT OF APPLICATION**

The Applicant, Montana-Dakota Utilities Co. ("Montana-Dakota"), submits the following brief in support of its application to provide electric service to the proposed Menard development site near McKenzie.

1. Customer Preference.

The first of the Commission's ten considerations is customer preference. The evidence establishes that Menard prefers its electric service from Montana-Dakota. Nonetheless, comments were made discounting this preference based upon a dislike of "rate shopping." Because public utility rates are approved by the Commission and published, and public utilities cannot discriminate in their provision of service or charges, public utilities are disadvantaged in rate shopping when potential customers use the prices of another provider in an attempt to obtain price concessions. This is different from "rate comparison" in which customers naturally compare prices as one of their considerations in determining a service provider in the same manner that customers compare prices of other significant purchases. Although Menard testified that Montana-Dakota's favorable pricing is one of the reasons it prefers Montana-Dakota as a service provider, there is no evidence that Menard requested any price concessions from Montana-Dakota from its published tariff. Moreover, Menard testified

the price difference was only one of the reasons for its preference of Montana-Dakota. Menard also favored Montana-Dakota because of Menard's favorable experience as a customer at its Bismarck location; because of reliability considerations in providing electric service to the McKenzie site; because Montana-Dakota offers demand response programs which CEC does not; because Montana-Dakota was more responsive to Menard's requests and needs than CEC; and because Montana-Dakota's status as a regulated utility provides protection to Menard as a customer on rate and service issues that would be unavailable from the unregulated rural electric cooperative ("REC"). These are all legitimate considerations supporting Menard's preference for Montana-Dakota in addition to the significant price advantage for its service. It is clear that Menard prefers Montana-Dakota even if there was no price difference between the providers.

Comment was made that the costs of electric service from a public utility will always be less than that from an REC because of the longer length of the REC's lines between customers. There is no evidence supporting such a conclusion. Even if there was evidence establishing that the average line length between customers for RECs is greater than that for public utilities, it would not support a justification for higher rates for RECs. Rather, rural customers would likely have greater average electric usage offsetting some or all of any additional distribution lines length to serve those customers. In addition, the cost of installing a mile of distribution line in a rural area will likely be less expensive than a similar length of line in a more congested area. RECs and their generation and transmission affiliates are also eligible for subsidized grants, loans, and energy to support the provision of service to rural customers and to offset the cost of

servicing such customers. RECs also do not pay the state and federal income taxes which add significantly to a public utility's cost of service. Rather than the length of distribution lines driving REC costs, such costs can also be driven by construction of duplicative facilities or facilities with over capacity such as the Menoken substation. See Capital Electric v. Public Service Commission, 534 N.W.2d 587 (N.D. 1995). REC prices can also be reflective of pricing decisions in which certain customers, such as space heating customers, are offered discounted rates or other incentives to compete with other heating fuels such as natural gas. Finally, REC prices can be reflective of rate design decisions to subsidize certain customer classes at the expense of large commercial and residential customers rather than reflecting the efficiencies of serving large customers in their rates. These are all legitimate concerns that Menard has in its preference for a regulated service provider whose rates are subject to review by an independent agency rather than a board of directors elected by other customers.

Although the Supreme Court has stated the customer preference is not a controlling consideration in deciding a certificate of public convenience and necessity, it is nonetheless a consideration that cannot be summarily dismissed and should be weighed along with the other issues stated in the Commission's Notice of Hearing.

2. Differences with respect to reliability of service.

Montana-Dakota agrees that it and CEC operate relatively reliable systems as does every other public utility and REC in the State of North Dakota. That, however, is not the issue as stated in the Commission's Notice of Hearing. Instead, the notice requires the Commission to consider "the differences, if any, between electric suppliers. . . with respect to reliability of service." The evidence establishes that

Montana-Dakota had only one outage on its McKenzie three phase system over the last 14½ years; an average outage rate of .07 outages per year. In comparison, CEC experienced five outages on its existing three phase line in a period of six years; an average outage rate of .833 outages per year, or nearly 12 times greater than the historic average outage rate for Montana-Dakota's three phase system. Without an upgrade to the Sterling substation, which is not planned, CEC essentially proposes to serve the Menard site through approximately eight miles of radial line from the Menoken substation since the Sterling substation is not adequate to serve the Menard load, let alone the Menard load plus the existing CEC load. In comparison, the length of Montana-Dakota's radial line to the Menard site is approximately a mile and a half. The Commission has recognized that the length of radial line to a proposed service location is indicative of differences in reliability of service. Similarly, the Commission has recognized that the distance between the respective substations and the location to be served is also indicative of reliability. See Montana-Dakota Applications for Public Convenience and Necessity, Consolidated Case Nos. PU-08-345, PU-08-346, PU-08-347 and PU-08-693.

In addition to the effect on outage history, the distance between the service location and the substations means the level of voltage drop between Montana-Dakota's substation and the Menard site will be lower than that between the CEC substation and the Menard site. As was testified, outages and voltage drop are particularly important considerations for a large industrial customer such as Menard.

Although Montana-Dakota and CEC operate relatively reliable systems, the differences between the suppliers in their proposed service to the Menard site

demonstrate that Montana-Dakota can be expected to provide more reliable service than CEC. Therefore, this consideration favors Montana-Dakota's application.

CEC testified the reliability of its system could be improved to make it more comparable with the reliability of Montana-Dakota's three phase system by upgrading the Sterling substation owned by Central Power. The cost of such an upgrade, however, was not included in CEC's cost to serve the Menard site. CEC cannot claim equal reliability with Montana-Dakota's three phase system unless the Sterling substation is upgraded in which case the cost of the upgrade should have been included in its costs.

CEC also argued in its proposed order that Montana-Dakota's service to the Menard site would be interrupted if there were a failure at the McKenzie substation. The same argument can be made for a failure at the Menoken substation unless the Sterling substation is upgraded, which is not planned and which is not included in CEC's costs to serve the Menard site.

3. Cost of service and return on investment.

The Commission's notice asks which of the suppliers "will be able to serve the location in question more economically and still earn an adequate return on its investment." The cost of serving a location is not limited to the cost of extending wires and poles. Rather, the economics of serving a location includes the total capital and operating costs of generation, transmission and distribution to meet the customer's electric service needs. These total costs are reflected in the provider's rates as well as the incremental cost of the service extension. The Commission has previously recognized that the annual charges to the customer, as reflected in the rates of the

providers, are part of the determination of which provider can serve the location more economically. See Montana-Dakota Utilities Co. Application for Certificates of Public Convenience and Necessity Consolidated Case Nos. Pu-08-345, PU-08-346, PU-08-347 and PU-08-693. If the cost of extending wires was the sole consideration, the distance for Montana-Dakota to extend its three phase system of approximately 1800 feet at a cost of \$32,619 is less than the distance of approximately one mile, and cost of \$44,527, for CEC to extend its three phase system to the Menard site.

Montana-Dakota recognizes that system upgrades behind its line extension, including a conversion of its McKenzie substation and distribution system from a Delta to a Wye three phase system, are appropriate considerations in the cost for Montana-Dakota to serve the location in question. The capital costs of both extending Montana-Dakota's lines to and within the Menard location, as well as the upgrades to the McKenzie substation and the distribution system, are \$192,671 or an annual incremental cost to serve the location of \$27,872. (Exhibit MDU-10) On a comparable basis, CEC's capital costs to extend its lines to and within the Menard site are \$110,223. This would result in an annual incremental cost to CEC of approximately \$9,500 using a comparable cost to capital without gross up for income taxes. The annual incremental difference between CEC's cost to extend lines to and within the Menard site and Montana-Dakota's cost to extend lines to and within the Menard site, plus the cost of upgrades at the McKenzie substation and distribution system, is approximately \$18,370. (See MDU-10, page 46) Even if the entire incremental cost of Montana-Dakota's line extension and system upgrades were charged directly to the

customer, Montana-Dakota's total annual costs to the customer to provide service would still be significantly less than CEC's.

Montana-Dakota provided evidence that even with the annual rate of return associated with the capital cost to serve the Menard site, it will meet all its incremental costs to serve the site plus provide a net contribution to the common system costs of \$296,658 per year which provides a net benefit to other customers. In comparison, CEC did not provide information or analysis on the amount of revenue that would be required for it to receive an adequate return on its capital investment to serve the Menard site other than nonsensical testimony and argument in its proposed findings that because CEC's rates are higher than those of Montana-Dakota, its return on investment will be higher. Return on investment is dependent upon the marginal difference between revenues and cost of service and not the size of the customer's monthly bill. Revenues received from the new customer that exceed the marginal costs of providing service to that customer provide a return on the investment associated with extending service to the customer and ideally a contribution to all common costs. The Commission cannot determine return on investment to serve a location unless it receives evidence regarding the margins on the cost of providing such service. CEC provided absolutely no evidence on what its margins will be to serve this site even with its higher rates. Thus, there is no evidentiary basis to determine what, if any, return on investment would be realized by CEC. There is simply no evidence to support a finding by the Commission that CEC can serve the site more economically and earn an adequate return of investment.

4. Orderly and economic development of electric service in the general area.

The question presented by this issue is not whether future development can be expected to occur in the general area of the location to be served, but rather if such development occurs, which of the suppliers' extended service would best serve orderly and economic development of electric service in the general area. While it is not the Commission's role to speculate if development will actually occur in the general area, the Commission must consider which of the suppliers is in a better position to provide more orderly and economic development of electric service if such development does occur. Montana-Dakota is that electric supplier in this case.

CEC provided no evidence that its extension of service to the Menard location would be used to benefit service to other existing or potential customers in the area. In contrast, Montana-Dakota's extension of service, and corresponding the upgrades to its McKenzie substation and distribution system, improves the capacity of the McKenzie distribution system and Montana-Dakota's ability to provide service to new and existing customers within McKenzie. As previously stated, Montana-Dakota has substantially more customers within both two miles and one mile of the Menard site which is indicative of an orderly development determination. The Menard witness testified that the employment associated with its proposed facility, along with the related support vendors, typically results in ancillary businesses such as convenience stores being located near the distribution center. A new convenience store generally requires Wye three phase service which would require Montana-Dakota to make the necessary McKenzie substation and distribution upgrades. The completion of these upgrades in conjunction the extension of service to the Menard site contributes to the orderly and

economic development of electric service, not only to the Menard site, but to the general McKenzie area.

The evidence establishes that Montana-Dakota and its predecessors have held a franchise continuously from McKenzie Township to provide electric service to the entire town site of McKenzie which includes platted undeveloped areas. In addition to the franchises, Montana-Dakota holds a certificate of public convenience and necessity issued by this Commission in 1928 to serve McKenzie which makes the unincorporated village the exclusive service area of Montana-Dakota. With the employment and other activity associated with the Menard site, a significant portion of this undeveloped platted area can be developed as housing by Menard employees. If even five percent of the Menard employees build or purchase homes in the undeveloped area of McKenzie, it would add 10-12 new homes within this area. This additional development would also require conversion of Montana-Dakota's distribution system from a Delta to a Wye system as new home developers and owners desire underground rather than overhead distribution lines to their homes. As was testified at the hearing, an underground distribution system, including pad mount transformers, requires a Wye distribution system. Service by Montana-Dakota to the Menard site fosters this conversion for orderly and economic development of McKenzie.

Comment was made during a working session that Montana-Dakota must have realized the Menard location was within CEC's service territory, otherwise Montana-Dakota would not have applied for a certificate of public convenience and necessity. This is incorrect. Rural areas are not the exclusive service territory of RECs. Indeed, the North Dakota Supreme Court has never said the TIA gives cooperatives even a

preference for electric service in rural areas. Capital Electric Cooperative v. Public Service Commission, 534 NW 2d 587, 590 (ND 1995). Although RECs have the legal authority to provide service within a rural area, public utilities have the legal authority to serve both rural areas and municipal areas. The difference between a public utility's and a REC's ability to serve a rural area is that the public utility is regulated and the REC is not. Therefore, RECs are allowed to extend their systems in rural areas based simply upon a customer request for service with little regard to duplication of facilities of a public utility or other considerations of public convenience and necessity. See Capital Electric Cooperative v. Public Service Commission, 534 N.W.2d 587 (N.D. 1995). In contrast, a public utility must show the extension of its system is consistent with public convenience and necessity under the considerations set forth in the Commission's Notice of Hearing. Accordingly, Montana-Dakota's application for a certificate of public convenience and necessity to serve the Menards load was not a recognition that the location was within the service area of CEC, but rather was made in compliance with the legal requirements for it to serve a customer in a rural area.

The Commissioners have expressed frustration that this proceeding was not resolved through a Service Area Agreement ("SAA"). As demonstrated by the Commission's records, Montana-Dakota has aggressively pursued SAAs with its REC neighbors. That success, however, has been largely limited to a sharing of anticipated new electric load growth within areas annexed, or likely to be annexed, by cities historically served by Montana-Dakota under franchises from the City. In exchange, the REC receives a franchise from the City to serve its designated areas within the SAA. In that regard, the Commission took administrative notice, pursuant to N.D.C.C. Section

28-32-24 and N.D.Admin.C. Subsection 69-02-05-08, of the Bismarck SAA between the Parties. Pursuant to paragraph 20, the Bismarck SAA provides both Parties with a reasonable opportunity to share the undeveloped potential electric growth annexed to the City of Bismarck during the term of the SAA.

For a variety of reasons, there are relatively few opportunities for Montana-Dakota to obtain certificates of public convenience and necessity to extend its services in the vicinity of its lines outside of Bismarck and the other towns currently served by Montana-Dakota in Burleigh County. The Commission can take official notice of its records showing that not a single certificate of public convenience and necessity was issued to Montana-Dakota in Burleigh County during all of 2013 and the first six months of 2014. The Commission can also take official notice of the building permit records from the City of Bismarck and Burleigh County showing the number of permits issued for the City of Bismarck (and therefore subject to the sharing arrangement under the Bismarck SAA) and the number of permits issued for Burleigh County, including the City of Lincoln, which are not subject to the SAA and generally served by CEC in the absence of a certificate of public convenience and necessity issued to Montana-Dakota or Otter Tail Power. These numbers demonstrate the difficulty in attempting to reach a SAA other than in areas within, or immediately adjacent to, communities with significant growth already served by the public utility. Most RECs are generally unwilling to concede service to a public utility in areas outside these growth communities because the RECs are currently receiving most, if not all, of any new load growth in the rural areas and the public utilities have little leverage to negotiate service areas for unidentifiable sporadic growth in proximity to their lines. Although CEC testified it is

willing to negotiate a SAA in conjunction with the Menard site, it is unrealistic to believe that CEC would be willing to agree to a service area designation for Montana-Dakota in a rural area of Burleigh County that is comparable to the Menard load. Moreover, Montana-Dakota does not believe it would be appropriate to concede service to CEC for the Menard location at the expense of the customer.

Because extension of service and corresponding system upgrades by Montana-Dakota will foster orderly and economic development of electric service in the general area, this issue supports Montana-Dakota's application.

5. Wasteful duplication of investment or service.

The Commission has held in prior proceedings that crossing a distribution line with an extension of service to a new site is an indication of wasteful duplication of service. In each of those cases, however, the line being crossed would have been used to serve the new site. That is not the case here. CEC's overhead single phase line that will be crossed by Montana-Dakota's underground extension of service to the Menard site is not adequate to serve the Menard site and CEC does not propose that its line would be used to serve the site. Accordingly, Montana-Dakota's extension to the Menard site is not a wasteful duplication of this line.

CEC argued that Montana-Dakota's service to the Menard site would be a wasteful duplication of investment because Montana-Dakota will need to upgrade its McKenzie substation while CEC's Menoken substation has excess capacity available to serve the site. Because of the likely ancillary electric demand and growth associated with development of the Menard site, it is inevitable that Montana-Dakota will need to upgrade the McKenzie substation. The upgrade in conjunction with extension of service

to Menard is therefore, not a wasteful investment. The Commission should also consider why CEC's Menoken substation currently has excess capacity. Either the substation was substantially overbuilt, which itself was a wasteful investment, or it was built for anticipated growth other than the Menard site. In any regard, Montana-Dakota's upgrade of the McKenzie substation should not be considered a wasteful investment if CEC's substation was intentionally overbuilt or will be needed to serve other anticipated growth in the area.

Finally, CEC cannot serve the Menard site with the same degree of reliability as Montana-Dakota's system without an upgrade of the Sterling substation. The relevant comparison therefore is not whether the upgraded McKenzie substation is duplicative of the Menoken substation, but rather whether the upgraded McKenzie substation is duplicative of the existing Sterling substation. Because an upgrade of either substation would be necessary to reliably serve the Menard site, an upgrade of Montana-Dakota's McKenzie substation is not a wasteful investment. Indeed, because an upgrade of McKenzie substation is inevitable, an upgrade of the Sterling substation to serve the Menard site would be a wasteful duplication of investment.

6. Unreasonable interference with service or system.

Neither party has argued that an extension of service would interfere physically or operationally with the service or system of the other supplier. Instead, CEC argues that extension of service by Montana-Dakota would deny CEC the economic benefit of the revenues from serving the Menard site to recoup investment that CEC has incurred in providing service in the rural areas. The same argument, however, can be made in support of Montana-Dakota's investment to serve the area; particularly the investment

that will be needed to upgrade the McKenzie substation and distribution system. Essentially, CEC argues that it should be awarded service to the Menard site notwithstanding that it already receives approximately 50 percent of the new growth in the City of Bismarck and nearly all the new growth outside of the City of Bismarck. As noted previously, CEC is eligible for governmental support for service to the rural areas. Montana-Dakota's extension of service to an industrial site is not interference with the service or system for which CEC was created. In contrast, the Menard site is the logical extension of the service and system created by Montana-Dakota and its predecessors to serve McKenzie. Denial of the application would unreasonably interfere with the economic expansion of Montana-Dakota's electric service and systems serving McKenzie.

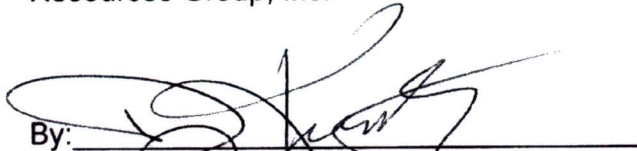
Conclusion

As shown in the attached chart, the consideration set forth in the Commission's Notice of Hearing either favor Montana-Dakota or neither of the two suppliers. Based upon the weight of the evidence on all the considerations identified in the notice of hearing, Montana-Dakota's application should be granted. In particular, in this proceeding where the customer brings 250 jobs supporting the economic development and growth of the area and the future of those jobs is dependent upon the sustainability of the customer's development, customer preference should be given additional weight beyond that normally provided in considering an application for public convenience and necessity. Both the State of South Dakota (S.D.C.L. §49-34-A-56) and State of Montana (M.C.A. §69-5-106) have specific exceptions in their Territorial Integrity Acts for extensions of service to large customers. These states have recognized that the

public convenience and necessity is not served if regulation is a deterrent to job creation and economic development.

Respectfully submitted this 22nd day of July, 2014.

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.

By: 

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Application of Montana-Dakota Utilities Co.
for Certificate of Public Convenience and Necessity to Serve Menard, Inc.
Case No. PU-13-871

ISSUE	MDU	CEC	NEITHER
1. From whom does the customer prefer electric service?	✓		
2. What electric suppliers are operating in the general area?			✓
3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?			✓
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?	✓		
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?	✓		
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?	✓		
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?	✓		
8. Would approval of the applications result in wasteful duplication of investment or service?			✓
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?			✓
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?	✓		

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity

Case No. PU-13-871

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STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Dorothy Vedvick deposes and says that she is over the age of 18 years and not a party to this action and, on the 22nd day of July, 2014, she deposited in the United States Mail, Bismarck, North Dakota, one envelope with return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

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Brief in Support of Application

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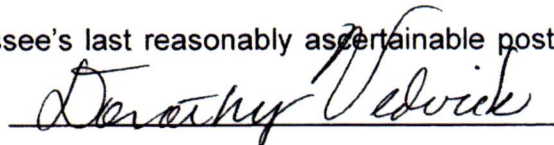
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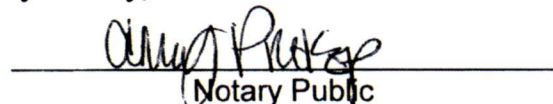
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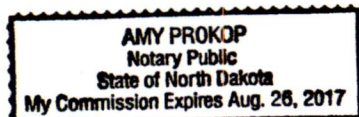


Subscribed and sworn to before me this 22nd day of July, 2014



Notary Public

SEAL



Jeffcoat-Sacco, Illona

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To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

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CAPITAL ELECTRIC COOP

MENOKEN SUB CCT 3 OUTAGE HISTORY

2009	2010	2011	2012	2013	2014
1	2	0	0	1	0

CAPITAL ELECTRIC COOPERATIVE

W/O#: Account: 3456902 SO Nbr: 523532 Cycle: 1 Date Needed: 06/03/2013

Srv Map Loc: 452808157

MISCELLANEOUS REQUEST

KRISTI D VETTER
2248 171ST ST NE
MENOKEN, ND 58558

Home Phone: (701)673-3142 Ext.
Work Phone: (701)663-6595 Ext. 4304
Mobile Phone: NONE LISTED

Electrician: T&M ELECTRIC Service Desc: SECTION 28
Permit #: 547403 Subdivision: Block: Lot:
Inspection: Builder: Builder Ph: None Listed

TRANSFORMER

Transformer Loc#: 452808T4155 Sub: 15 Circuit: 4 Line Sect: 452807
Serial #: 91009101262 KVA: 37.5 Phase: C
INSTALLED:
Serial #: KVA: Phase:

METERS

Serial #: 22954979 TWACS: 4186002 Port: 1 LV Rdg: 6492 L V Rdg Dt: 05/01/2014
Reading: Demand: Mult: 1 Dials: 5 Rate: 023
Serial #: 68497173 TWACS: 82864005 Port: 0 LV Rdg: 9135 L V Rdg Dt: 05/01/2014
Reading: Demand: Mult: 1 Dials: 5 Rate: 045
INSTALLED:
Serial #: TWACS: Type: Port:
Reading: Demand: Mult: Dials:

DESCRIPTION:

NO POWER REPORTED. C PHASE BREAKER WAS OPEN IN SUB, UNDERGROUND FAULT BETWEEN V4071 AND V1 AT STERLING SUB.

LD MH 6-2-13

FIELD COMMENTS:

Four horizontal lines for field comments.

Man Hours:
Unit/Mile:
Time Out:
Time On:
Completed By:
Date:

Dispatched To:
Job Briefing :
Close Date: 6/20/13
Taken By: In 06/03/2013



452808157

CAPITAL ELECTRIC COOPERATIVE

W/O#: _____ Account: _____ SO Nbr: 501160 Cycle: _____ Date Needed: 08/30/2010

Srv Map Loc: 45-33

GENERAL MAINT

Home Phone: NONE LISTED
 Work Phone: NONE LISTED
 Mobile Phone: NONE LISTED

Electrician:	Service Desc:	Block:	Lot:
Permit #:	Subdivision:	Builder Ph:	None Listed
Inspection:	Builder:		
TRANSFORMER			
Transformer Loc#:	Sub:	Circuit:	Line Sect:
Serial #:	KVA:		Phase:
<u>INSTALLED:</u>			
Serial #:	KVA:		Phase:
METERS			
Serial #:	TWACS:	Port:	LV Rdg:
Reading:	Demand:	Mult:	Dials:
<u>INSTALLED:</u>			
Serial #:	TWACS:	Type:	Port:
Reading:	Demand:	Mult:	Dials:

DESCRIPTION:

B PHASE BREAKER OPEN IN MENOKEN SUB CCT3. ISOLATED LINE URD FAULT BETWEEN V1 SEC.27 AND V1 SEC.25. CLOSED BREAKER IN SUB AND CLOSED NORMAL OPEN AT 47-30 V1.

JOHN MIKE DALE STEVE K 8-27-10

FIELD COMMENTS:

Man Hours: _____

Unit/Mile: _____

Time Out: _____

Time On: _____

Completed By: _____

Date: _____

Dispatched To: _____

Job Briefing : _____

Close Date: 9/1/10

Taken By: In 08/30/2010



CAPITAL ELECTRIC COOPERATIVE

W/O#: _____ Account: _____ SO Nbr: 500657 Cycle: _____ Date Needed: 08/16/2010
 Srv Map Loc: 45-33

POWER INTERRUPTION

Home Phone: NONE LISTED
 Work Phone: NONE LISTED
 Mobile Phone: NONE LISTED

Electrician:	Service Desc:	Block:	Lot:
Permit #:	Subdivision:		
Inspection:	Builder:	Builder Ph:	None Listed

TRANSFORMER

Transformer Loc#:	Sub:	Circuit:	Line Sect:
Serial #:	KVA:		Phase:
<u>INSTALLED:</u>			
Serial #:	KVA:		Phase:

METERS

Serial #:	TWACS:	Port:	LV Rdg:	L V Rdg Dt:
Reading:	Demand:	Mult:	Dials:	Rate:
<u>INSTALLED:</u>				
Serial #:	TWACS:	Type:	Port:	
Reading:	Demand:	Mult:	Dials:	

DESCRIPTION:

8-16-10 1413 hrs no power was reported. OCR open in menoken sub 15-3-3

FAULT BETWEEN V1 ,AP 46 SEC 26 AND V2 SEC 25 CABLE IS PARKED ON BOTH ENDS. C PHASE

DUG UP FAULT AND SPLICED IT. IT HAD SPLICES, SO WE DUG UP OTHER SPLICE PIT 96FT TO THE WEST OF THIS ONE AND PUT NEW SPLICE ON IT. WE ALSO DUG UP THE THIRD SPLICE PIT 40 FT TO THE WEST OF THE SECOND ONE AND THAT ONE HAD A NEW SPLICE ON IT.

LES SETH BRAD STEVE K 8-16-10

FIELD COMMENTS:

Man Hours: _____
 Unit/Mile: _____
 Time Out: _____
 Time On: _____
 Completed By: _____
 Date: _____



Dispatched To: _____
 Job Briefing : _____
 Close Date: 8/20/10
 Taken By: lw 08/16/2010

CAPITAL ELECTRIC COOPERATIVE, INC.
PO Box 730 • Bismarck, ND 58502-0730

No 109409

JW

OUTAGE AND JOB ORDER

Const. No. _____ Retire No. _____ Office Ph. _____
Home Ph. _____

Name Line Outage
Address _____ Dispatched To _____
City _____ State & Zip _____
Area _____ Block _____ Lot _____
Electrician _____ Affidavit No. _____ Rate Class _____
Location: Map 45 Section 33 Detail _____ Account _____
Time Out 12:00 Am Time Reported _____
Time On 2:00 Am Members Affected 135
Miles Driven 43 Man-hours Required 9 1/2

Removed TRANSFORMERS Installed

Number _____ Number _____
KVA _____ KVA _____
 AØ BØ CØ

METERS

Number _____ Number _____
Reading _____ Reading _____
Multiplier _____ Dials _____ Multiplier _____ Dials _____
Demand _____ Demand _____
TWACS Number _____ TWACS Number _____
 Job Briefing Conducted TWACS Meter 1 port 3 port _____

Description: No Power

Field Report: CØ OCB open in menoken sub CCT3
URD Fault between VI Sec. 33 Map 45 And VI
Sec 30 Map 47.

Disconnect: _____ Acct No. _____

Connect: _____ Acct No. _____

Received by: SRS Completed by: Brad, Rick, Matt

Date: 6-16-09 Date: 6-16-09

15-3-3

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:37 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 37 Late-filed Hrg Exhibit I
The following are service contacts on this filing:
Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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CAPITAL ELECTRIC COOP

MENOKEN SUB CCT 3 OUTAGE HISTORY

2009	2010	2011	2012	2013	2014
1	2	0	0	1	0

CAPITAL ELECTRIC COOPERATIVE

W/O#: Account: 3456902 SO Nbr: 523532 Cycle: 1 Date Needed: 06/03/2013

Srv Map Loc: 452808157

MISCELLANEOUS REQUEST

KRISTI D VETTER
2248 171ST ST NE
MENOKEN, ND 58558

Home Phone: (701)673-3142 Ext.
Work Phone: (701)663-6595 Ext. 4304
Mobile Phone: NONE LISTED

Form containing fields for Electrician, Service Desc, Block, Lot, Transformer details (Loc#, Sub, Circuit, Line Sect, KVA, Phase), and Meters details (Serial #, TWACS, Port, LV Rdg, L V Rdg Dt, Reading, Demand, Mult, Dials, Rate).

DESCRIPTION:
NO POWER REPORTED. C PHASE BREAKER WAS OPEN IN SUB. UNDERGROUND FAULT BETWEEN V4071 AND V1 AT STERLING SUB.

LD MH 6-2-13

FIELD COMMENTS:

Man Hours:
Unit/Mile:
Time Out:
Time On:
Completed By:
Date:

Dispatched To:
Job Briefing :
Close Date: 6/20/13
Taken By: ln 06/03/2013



CAPITAL ELECTRIC COOPERATIVE

W/O#: Account: SO Nbr: 501160 Cycle: Date Needed: 08/30/2010

Srv Map Loc: 45-33

GENERAL MAINT

Home Phone: NONE LISTED
Work Phone: NONE LISTED
Mobile Phone: NONE LISTED

Electrician: Service Desc: Block: Lot:
Permit #: Subdivision:
Inspection: Builder: Builder Ph: None Listed

TRANSFORMER

Transformer Loc#: Sub: Circuit: Line Sect:
Serial #: KVA: Phase:
INSTALLED:
Serial #: KVA: Phase:

METERS

Serial #: TWACS: Port: LV Rdg: L V Rdg Dt:
Reading: Demand: Mult: Dials: Rate:
INSTALLED:
Serial #: TWACS: Type: Port:
Reading: Demand: Mult: Dials:

DESCRIPTION:

B PHASE BREAKER OPEN IN MENOKEN SUB CCT3. ISOLATED LINE URD FAULT BETWEEN V1 SEC.27 AND V1 SEC.25. CLOSED BREAKER IN SUB AND CLOSED NORMAL OPEN AT 47-30 V1.

JOHN MIKE DALE STEVE K 8-27-10

FIELD COMMENTS:

Four horizontal lines for field comments.

Man Hours:

Unit/Mile:

Time Out:

Time On:

Completed By:

Date:

Dispatched To:

Job Briefing :

Close Date: 9/1/10

Taken By: In 08/30/2010



CAPITAL ELECTRIC COOPERATIVE

W/O#: _____ Account: _____ SO Nbr: 500657 Cycle: _____ Date Needed: 08/16/2010

Srv Map Loc: 45-33

POWER INTERRUPTION

Home Phone: NONE LISTED
 Work Phone: NONE LISTED
 Mobile Phone: NONE LISTED

Electrician:	Service Desc:	Block:	Lot:
Permit #:	Subdivision:		
Inspection:	Builder:	Builder Ph:	None Listed
TRANSFORMER			
Transformer Loc#:	Sub:	Circuit:	Line Sect:
Serial #:	KVA:		Phase:
INSTALLED:			
Serial #:	KVA:		Phase:
METERS			
Serial #:	TWACS:	Port:	LV Rdg:
Reading:	Demand:	Mult:	Dials:
			Rate:
INSTALLED:			
Serial #:	TWACS:	Type:	Port:
Reading:	Demand:	Mult:	Dials:

DESCRIPTION:

8-16-10 1413 hrs no power was reported. OCR open in menoken sub 15-3-3

FAULT BETWEEN V1 ,AP 46 SEC 26 AND V2 SEC 25 CABLE IS PARKED ON BOTH ENDS. C PHASE

DUG UP FAULT AND SPLICED IT. IT HAD SPLICES. SO WE DUG UP OTHER SPLICE PIT 96FT TO THE WEST OF THIS ONE AND PUT NEW SPLICE ON IT. WE ALSO DUG UP THE THIRD SPLICE PIT 40 FT TO THE WEST OF THE SECOND ONE AND THAT ONE HAD A NEW SPLICE ON IT.

LES SETH BRAD STEVE K 8-16-10

FIELD COMMENTS:

Man Hours: _____
 Unit/Mile: _____
 Time Out: _____
 Time On: _____
 Completed By: _____
 Date: _____



Dispatched To: _____
 Job Briefing : _____
 Close Date: 8/20/10
 Taken By: lw 08/16/2010

CAPITAL ELECTRIC COOPERATIVE, INC.
PO Box 730 • Bismarck, ND 58502-0730

No 109409

fw

OUTAGE AND JOB ORDER

Const. No. _____ Retire No. _____ Office Ph. _____
Home Ph. _____

Name Line Outage
Address _____ Dispatched To _____
City _____ State & Zip _____
Area _____ Block _____ Lot _____
Electrician _____ Affidavit No. _____ Rate Class _____
Location: Map 45 Section 33 Detail _____ Account _____
Time Out 12:00 Am Time Reported _____
Time On 2:00 Am Members Affected 135
Miles Driven 43 Man-hours Required 9 1/2

Removed		TRANSFORMERS	Installed	
Number _____	Number _____		Number _____	
KVA _____	KVA _____		KVA _____	
		<input type="checkbox"/> AØ	<input type="checkbox"/> BØ	<input type="checkbox"/> CØ

METERS

Number _____	Number _____
Reading _____	Reading _____
Multiplier _____ Dials _____	Multiplier _____ Dials _____
Demand _____	Demand _____
TWACS Number _____	TWACS Number _____
<input type="checkbox"/> Job Briefing Conducted	TWACS Meter <input type="checkbox"/> 1 port <input type="checkbox"/> 3 port <input type="checkbox"/> _____

Description: No Power

Field Report: CØ ocr open in menoken sub CCT3
WRD Fault between VI Sec. 33 Map 45 And VI
Sec 30 Map 47

Disconnect: _____ Acct No. _____
Connect: _____ Acct No. _____
Received by: SRS Completed by: Brad, Rick, Matt
Date: 6-16-09 Date: 6-16-09

15-3-3

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:38 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:18:36 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 38 Findings, Conclusions and Order

The following are service contacts on this filing:

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

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Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

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Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co. a Division of
MDU Resources Group, Inc.
Menard, Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

September 17, 2014

Appearances

Commissioners Brian P. Kalk, Randy Christmann and Julie Fedorchak.

Daniel S. Kuntz, Associate General Counsel, MDU Resources Group, Inc., P.O. Box 5650, Bismarck, ND 58506-5650, appearing on behalf of Montana-Dakota Utilities Co.

Matthew H. Olson, Pringle & Herigstad, P.C., 2525 Elk Dr., P.O. Box 1000, Minot, ND 58702-1000, appearing on behalf of Capital Electric Cooperative, Inc.

Ryan Norrell, Special Assistant Attorney General appearing on behalf of the Public Service Commission.

Wade C. Mann, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, as Procedural Hearing Officer.

Preliminary Statement

On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) submitted an application to extend electric service to Menard, Inc. at a location adjacent to the unincorporated community of McKenzie in the NE ¼ of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota (Menard Site).

On January 16, 2014, Capital Electric Cooperative, Inc. (Capital Electric), Bismarck, North Dakota filed a protest and request for hearing on the application.

On February 26, 2014, the Commission issued a Notice of Hearing scheduling a public hearing to be held on Friday, May 2, 2014. The notice identified the following issues to be considered:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

On May 2, 2014, a public hearing on the application was held as scheduled. Following the hearing, Capital Electric submitted late filed exhibits G and I, as directed by the Administrative Law Judge.

On June 13, 2014, Montana-Dakota filed a request for oral argument before the Commission.

On June 19, 2014, Capital Electric filed an objection to Montana Dakota's request.

On June 25, 2014, the Commission granted Montana-Dakota's request for oral argument.

On July 14, 2014, the Office of Administrative Hearings issued a Notice of Oral Argument and Pre-Argument Order scheduling the argument to be held on July 28, 2014 and setting parameters for briefing and argument.

On July 22, 2014, Montana-Dakota and Capital Electric filed briefs.

On July 28, 2014, oral argument was held as scheduled.

Having heard and considered these matters, the Commission makes its:

Findings of Fact

1. Montana-Dakota is an investor owned electric utility providing electric service to customers in North Dakota under the regulatory jurisdiction of this Commission.
2. Capital Electric is a rural electric cooperative providing electric service to its members in North Dakota.

From whom does the customer prefer electric service?

3. Montana-Dakota's application included an appearance form signed by Menard, Inc. indicating it desires electric service at the Menard Site from Montana-Dakota.
4. Steve Manor, General Manager of Distribution Center Maintenance for Menard, Inc., testified that Menard, Inc. is developing a manufacturing and distribution center at the Menard Site. The center requires three-phase electric service at each of several locations on the site and the anticipated total electric load at the site will be approximately 1.2 MW with estimated annual consumption of approximately 7 million kWh.
5. Mr. Manor testified that Menard, Inc. desires to receive electric service at the proposed facility from Montana-Dakota for four reasons: 1) Menard, Inc. expects to realize an annual savings of approximately \$62,000 by receiving electric service from Montana-Dakota. 2) Montana-Dakota offers rate schedules for interruptible service and demand response programs that provide further opportunities for cost savings to Menard, Inc. as it plans to install customer-owned generation at the site. Capital Electric does not currently offer demand control programs. The cost savings from lower electric rates and opportunities to participate in demand control programs are important to Menard, Inc. 3) Quality and reliability of service are important considerations to Menard, Inc. and Montana-Dakota's ability to provide service with less voltage drop is important to the operation of equipment at the Menard Site. 4) Menard, Inc. prefers to receive its electric service from a provider whose rates and services are subject to regulatory oversight and approval by an independent agency with an opportunity for customer input.
6. The Commission finds that the customer prefers electric service from Montana-Dakota.

What electric suppliers are operating in the general area?

7. Montana-Dakota and Capital Electric are the only electric suppliers operating in the general area of the Menard Site. Montana-Dakota has held a franchise since 1928 to serve the community of McKenzie, which is immediately northeast and adjacent to

the site. Capital Electric provides single-phase service to rural customers adjacent to the site.

What electric supply lines exist in at least a two-mile radius of the location to be served and when were they constructed?

8. Montana-Dakota owns and operates a 46 kV transmission line that originates at Bismarck and extends in an easterly direction along the north side of I-94 providing transmission service for a number of communities served by Montana-Dakota, including the community of McKenzie. The transmission line is a two-way or looped supply source for Montana-Dakota's substation located north of McKenzie, which in turn supplies Montana-Dakota's distribution system serving its customers in McKenzie and the surrounding area. The transmission line west of the McKenzie substation was rebuilt in 1972, and the transmission line east of the McKenzie substation was rebuilt in 1975. The prior transmission line serving the community of McKenzie and the surrounding area was constructed in 1945. Montana-Dakota's distribution line for the community of McKenzie is a Delta three-phase primary overhead line extending south from the McKenzie substation. The current distribution lines used to serve the community of McKenzie were primarily constructed in 1960, 1965, 1969, 1971 and 1979. The distribution system continues outside of McKenzie as a single-phase line to serve customers south and west of McKenzie

9. Central Power Cooperative operates a transmission line located on the south side of I-94 that connects substations at Menoken and Sterling. Capital Electric proposes to serve the Menard Site from the Menoken Substation which is located approximately 8 miles west of McKenzie. Capital Electric has an underground three-phase distribution line which runs from the Menoken Substation along the south side of Interstate 94, and an underground single-phase distribution line which runs south from Interstate 94 for approximately one mile to the area of the Menard Site at which point it goes above ground to serve customers in the area. The underground three-phase line along Interstate 94 was built in 1976. The underground single-phase line extending south from Interstate 94 was rebuilt in 2010. The previous distribution line was an above-ground distribution line built in 1948.

10. Both electric suppliers will need to construct extensions to existing three-phase electric supply lines to serve the Menard Site. Montana-Dakota would serve the Menard Site by adding a neutral wire to convert approximately 5,700 feet of existing three-phase overhead line currently providing electric service to McKenzie from a Delta to Wye configuration, converting approximately 1,200 feet of single-phase line to three-phase Wye and then extending that converted line underground for a distance of approximately 1,800 feet to the Menard Site. Capital Electric would serve the Menard Site by converting about a mile of single-phase line to three-phase line between its existing three-phase line and the Menard Site.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

11. Montana-Dakota serves 29 customers within a two-mile radius of the Menard Site and 28 of those customers are located within a one-mile radius of the Menard Site.

12. Capital Electric serves 11 customers within a two-mile radius of the Menard Site and 4 of those customers are located within a one-mile radius of the Menard Site.

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

13. Montana-Dakota would serve the Menard Site over approximately 8,700 feet of radial distribution line from the McKenzie Substation including an upgrade to three-phase Wye configuration for approximately 6,900 feet and an underground extension of approximately 1,800 feet from its current three-phase system to the Menard Site. Montana-Dakota has experienced five outages on this circuit since January 1, 2000.

14. Capital Electric would serve the Menard Site over approximately nine miles of distribution line from its Menoken Substation including an upgrade of approximately one mile of single-phase radial line to three-phase radial line. Capital Electric has experienced four outages since 2009 on its existing three-phase line that would be used to serve the Menard Site.

15. Capital Electric states it could improve the reliability of its three-phase line between the Menoken and Sterling substations to serve the Menard Site if Central Power Cooperative upgrades its Sterling Substation, which does not currently have capacity to serve the entire load planned at the Menard Site. The costs of such an upgrade were not included in Capital Electric's proposed costs to serve the Menard Site.

16. Montana-Dakota provided the results of a study showing that the voltage drop between the McKenzie substation and the primary side of the fifth building of the Menard Site with a total 1.1 MW Menard Site load would be less than 2.0 percent. Capital Electric provided the results of a study showing a voltage drop between the Menoken substation and the service entry point to the Menard Site of approximately 2.5 percent with a total 1.0 MW load.

17. The Commission finds that either supplier would be able to serve the Menard Site with sufficient reliability. However, Montana-Dakota's substation is located closer to the Menard Site, which could provide increased reliability because there would be less voltage drop and less line length upon which a fault could occur.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

18. Montana-Dakota would serve the Menard Site by extending its existing three-phase system at McKenzie and by converting that system and the McKenzie Substation from a Delta three-phase to a Wye three-phase system. The conversion of the McKenzie Substation would require replacement of existing transformers with a larger three-phase Wye transformer, voltage regulators, reclosure, and associated wiring. The transformer would be a used transformer from existing inventory. Conversion of the electric system within the community of McKenzie from Delta three-phase service to Wye three-phase service requires addition of a neutral wire to the existing three-phase distribution line. This conversion will upgrade and increase the capacity of Montana-Dakota's existing three-phase system sufficiently to serve the Menard Site and any additional load requests likely to result in the community of McKenzie. Montana-Dakota's estimated total cost to extend secondary service to the Menard Site is \$192,671, which includes the extension from the existing system to the Menard Site (\$32,619), upgrades to the McKenzie substation (\$61,451), the conversion of the McKenzie distribution line to a Wye three-phase system (\$32,562), and the installation of conductors and equipment within the Menard Site (\$66,039). Montana-Dakota's annual revenue requirement associated with the total incremental investment associated with the proposed extension is \$27,872.

19. Capital Electric would extend service to the Menard Site by installing one mile of two new phases to its current single-phase service between its existing three-phase system and the Menard Site. Capital Electric's estimated cost to extend secondary service to the Menard Site is approximately \$110,223, which includes the conversion of its single-phase line to a three-phase line (\$44,527) and the installation of conductors and equipment within the Menard Site (\$65,696). Capital Electric did not provide annual revenue requirements for recovering the cost of its proposed extension.

20. The estimated electric consumption for the Menard Site is approximately 7 million kWh per year. Consideration of the cost to serve the location includes consideration of not only the revenue requirement associated with the incremental investment to extend service, but also the other costs of electric distribution, transmission and generation as reflected in the service providers rates for service. The annual cost to the customer to provide secondary electric service to the Menard Site by Montana-Dakota for the estimated consumption under its current rates is \$513,669.84. The annual cost to the customer to provide secondary electric service to the Menard Site by Capital Electric for the estimated consumption under its current rates is \$575,883.84.

21. The annual cost to the customer for Capital Electric to provide firm secondary electric service to the Menard Site is approximately \$62,214, or 11 percent, more than the annual cost to the customer under Montana-Dakota's rate schedule for firm secondary electric service to the Menard Site. After adjusting Montana-Dakota's estimated annual revenue from providing service to the Menard Site by: (1) \$27,872 for the annual return requirement on its incremental investment to serve the location; and

(2) \$189,140 for the annual cost of fuel and purchased power to serve the location, there will be net contribution to common system costs of \$296,658, which will provide a benefit to other customers. Capital Electric did not provide information or an analysis of the amount of revenue Capital Electric would require to derive an adequate return on its incremental investment to serve the Menard Site.

22. The Commission finds that Montana-Dakota will be able to serve the Menard Site location more economically and still earn an adequate return on its investment.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

23. Montana-Dakota is the electric provider within the community of McKenzie. Montana-Dakota and its predecessors have held a franchise from the McKenzie Township Board and a certificate of public convenience and necessity from the Board of Railroad Commissioners to provide electric service to McKenzie since 1928. The northwest corner of the Menard Site is immediately adjacent to the southeast corner of McKenzie. Montana-Dakota serves more customers within both a two mile and a one mile radius of the Menard Site than does Capital Electric.

24. Service by Montana-Dakota to the Menard Site is an extension and continuation of the existing electric service it has provided the community of McKenzie for 86 years. Montana-Dakota's substation and distribution facility upgrades to serve the Menard Site will also result in an upgrade of the three-phase system serving the community of McKenzie and provide additional capacity on that system for new load that can be anticipated as a result of employment created at the Menard Site. Service by Montana-Dakota would benefit not only development of the Menard Site but also the orderly and economic development of the community of McKenzie.

25. A primary consideration of which supplier would best serve orderly and economic development in these cases is whether a supplier's cost to provide service to a customer exceeds the cost to provide service to that same customer from a second supplier.¹ Montana-Dakota's costs of providing electric service to the Menard Site are \$62,214 less than Capital Electric's, which assists in the financial viability and success of the manufacturing and distribution center and the associated employment and economic development for the general area.

26. The Commission finds that service by Montana-Dakota to the Menard Site best serves the community of McKenzie and realizes a significant cost savings to Menard, Inc.; therefore, extension of service by Montana Dakota best serves orderly and economic development of electric service in the general area.

¹ See the Public Service Commission's December 17, 2008 Findings of Fact, Conclusions of Law and Order in four related Montana-Dakota Utility Co. public convenience and necessity applications in Kidder County, ND, Case No. PU-08-345, Case No. PU-08-346, Case No. PU-08-347 and Case No. PU-08-693.

Would approval of the application result in wasteful duplication of investment or service?

27. Both electric suppliers will need to construct extensions or upgrades to existing facilities to serve the Menard Site.

28. One factor to be considered in determining wasteful duplication of investment is whether, in order to serve the customer in question, one supplier's extension of facilities must cross the facilities of another supplier. In this case, both suppliers currently cross or would cross each other's lines in this area. Montana-Dakota's proposed line extension would cross Capital Electric's single-phase line located west of the Menard Site, which is not capable of serving and is not proposed by Capital Electric for use to serve the Menard Site. Capital Electric's three-phase line that feeds this single-phase line already crosses Montana-Dakota's three-phase line serving McKenzie.

29. Montana-Dakota's proposed addition of a larger transformer and conversion to a Wye system will improve Montana-Dakota's electric service within the community of McKenzie and help meet potential growth resulting from approximately 240 new jobs.

30. The Commission finds that approval of the application would not result in wasteful duplication of investment or service.

Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

31. The community of McKenzie is unincorporated. There is no evidence of any plans to incorporate the community of McKenzie.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

32. The Commission finds that extension of service by either supplier would not interfere physically or operationally with the service or system of the other supplier.

33. Montana-Dakota and its predecessors have been serving the community of McKenzie, directly adjacent to the Menard Site, since 1928 in close proximity to Capital Electric's system, which was built to serve rural areas for which central station power was not otherwise available (see N.D. Century Code, section 10-13-01). The Territorial Integrity Act does not provide that rural electric cooperatives are the preferred supplier of electric service in all rural areas of the state but rather requires a public utility to obtain a certificate of public convenience and necessity before it extends facilities in a rural area. The public utility must show that public convenience and necessity reasonably requires such extension.²

² *Application of Otter Tail Power Co.*, 169 N.W.2d 415, 418 (N.D. 1969); *Cass County Elec. Co-op v. Wold Properties, Inc.*, 249 N.W.2d 514, 520 (N.D. 1976); *Capital Electric v. Public Service Commission*, 534 N.W.2d 587,590 (N.D. 1995).

34. The Commission finds that public convenience and necessity reasonably requires approval of Montana-Dakota's application because:

- The customer prefers electric service from Montana-Dakota as it results in more than \$60,000 in annual cost savings and better meets the customer's needs;
- Montana-Dakota has served customers in the area since 1928 and has more customers within a one-mile and two-mile radius of the location;
- Montana-Dakota's substation is located closer to the Menard Site providing less voltage drop and less line length on which a fault could occur;
- The proposed extension of Montana-Dakota's three-phase system to serve the site is shorter than the proposed extension of Capital Electric's three-phase system.
- Montana-Dakota will serve the Menard Site more economically when considering both the cost to extend service and the annual costs to the customer as reflected in rates for service;
- Montana-Dakota's extension of service would best serve the community of McKenzie and realize significant cost savings to Menard, Inc., therefore best serving orderly and economic development of the area; and

From the foregoing Findings of Fact, the Commission makes its:

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
2. Public convenience and necessity require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues its:

Order

The Commission Orders:

1. Montana-Dakota's application for a certificate of public convenience and necessity to extend electric service to the Menard Site is granted.
2. Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., is issued Certificate of Public Convenience and Necessity No. 5845, authorizing the provision of electric distribution service to the Menard Site at a location in the NE 1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Public Convenience and Necessity

Certificate Number 5845

This is to certify that public convenience and necessity require, and permission is granted for Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to serve Menard, Inc. at a location in the NE 1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

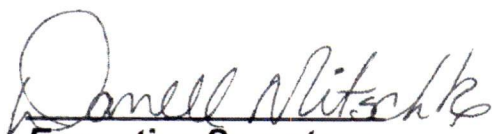
This certificate is issued in accordance with the Order of this Commission dated September 17, 2014 in Case No. PU-13-871, and is subject to the conditions and limitations noted in the Order.

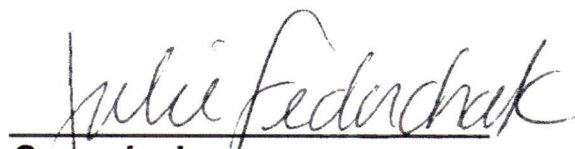
This certificate is conditioned upon Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, September 17, 2014.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity**

Case No. PU-13-871

DISSENTING OPINION

Throughout this entire case it has been clear that the customer, Menard, Inc., desired electric service from Montana-Dakota. However, Menard Inc.'s witness clearly stated that when Menard, Inc. initially sought electrical service they had no idea that there were two electric providers in the area. Customer preference is not a controlling factor in whether public convenience and necessity reasonably requires a public utility to extend service to a customer in a rural area.

The Territorial Integrity Act (the Act) is designed "to keep to a minimum wasteful duplication of capital-intensive utility services and conflicts between suppliers of electricity." *Cass Co. Elec. Co-op., Inc. v. N. States Power Co.*, 419 N.W.2d 181, 185 (N.D. 1988). A factor to be considered in determining wasteful duplication of investment is whether, in order to serve the customer in question, one supplier's extension of facilities must cross the facilities of another supplier. In the case at hand, Capital Electric's facilities and lines are immediately adjacent to the Menard Site, while three of Capital Electric's eleven customers within two-miles are located immediately contiguous to the Menard Site. Permitting Montana-Dakota to serve the Menard Site would require Montana-Dakota to cross an existing Capital Electric line located immediately adjacent to the west side of the proposed Site. Crossing this line by Montana-Dakota would be wasteful duplication.


Another factor to be considered in determining whether wasteful duplication of investment or service occurs is whether construction of facilities to extend service to a customer by one supplier exceeds the cost to extend service to that same customer by a second supplier. Capital Electric can extend service to the Menard Site for \$82,447.39 which is less than Montana-Dakota. Most of the difference in cost is because Montana-Dakota needs to upgrade its McKenzie substation and transformers in order to serve the Menard Site, whereas Capital Electric's Menoken substation already has sufficient existing capacity for the proposed load at the Menard Site and no further upgrade to the substation is needed. Granting Montana-Dakota's application to upgrade its McKenzie Substation and spend \$82,447.39 which would be passed on to public utility ratepayers would be wasteful duplication while Capital Electric has more than enough existing capacity at its Menoken Substation.

Another factor to consider is reliability. While both Montana-Dakota and Capital Electric would require line extension or system upgrades, it is worth noting that Montana-Dakota's reliability reports and voltage studies reflect the McKenzie Substation as-is, without any respect to its proposed upgrades, whereas Capital Electric's reports and studies regarding its Menoken substation reflect the present status, which would require no additional upgrades.

Finally, granting the application of Montana-Dakota to extend service would result in a "checkerboarding" effect of the rural area surrounding McKenzie. Capital Electric already serves three customers immediately adjacent to the Menard Site and to allow an "island" of Montana-Dakota electric service in between those three Capital customers will only serve to create future conflict between the electric suppliers and further interference with Capital Electric's system.

This is not the proper way to determine a territorial dispute, as both Montana-Dakota and Capital Electric are parties to numerous service area agreements throughout the State. No doubt, ancillary growth will occur as a result of the proposed manufacturing and distribution center, with plenty of opportunities for both parties to extend service to new customers. The best way to determine which supplier provides service to future customers is by entering into a service area agreement. Granting Montana-Dakota's application will embolden Montana-Dakota to attempt to extend service to every new customer in the rural area around the unincorporated community of McKenzie.

Even though the *customer preference* is for Montana-Dakota, the evidence shows that *public convenience* and necessity do not require granting the application of Montana-Dakota and therefore, I respectfully dissent.



Brian P. Kalk
Chairman

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:26 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 39 Service Document for Order
The following are service contacts on this filing:
Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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<http://northdakota.tylerhost.net/ViewServiceDocuments.aspx?SID=d38f7f0b-eddd-4c37-a27f-b50af62cb720&RID=301eda10-498b-4662-b7fd-da0bbff2eb5f>

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Menard Inc. – Burleigh County, ND
Public Convenience & Necessity

Case No. PU-13-871

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Shelly A. Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **22nd** day of **September, 2014**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

and an original of:

Certificate Number 5845

The envelope was addressed as follows:

Daniel S. Kuntz
Associate General Counsel
Montana-Dakota Utilities Co.
PO Box 5650
Bismarck ND 58506-5650
Cert. No. 7013 2250 0001 0313 8839

Shelly A. Bauske further deposes and says that on the **22nd** day of **September, 2014**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Findings of Fact, Conclusions of Law and Order
Certificate Number 5845

Affidavit of Service
Page 2
September 22, 2014

The envelope was addressed as follows:

Matthew H. Olson, Attorney for
Capital Electric Cooperative Inc
Pringle & Herigstad PC
PO Box 1000
Minot ND 58702-1000
Cert. No. 7013 2250 0001 0313 8846

Shelly A. Bauske further deposes and says that on the **22nd** day of **September, 2014**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of:

**Findings of Fact, Conclusions of Law and Order
Certificate Number 5845**

The envelopes were addressed as follows:

Tamie Aberle
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck ND 58501

Ordean Lars Nygren
Capital Electric Cooperative, Inc.
4111 State St.
PO Box 730
Bismarck ND 58502-0730

ND Association of RECs
PO Box 727
Mandan ND 58554-0727

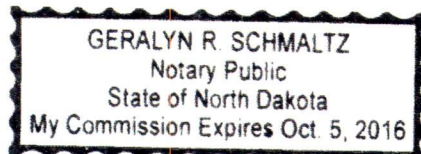
Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me
this **22nd** day of **September, 2014**.


Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co. a Division of
MDU Resources Group, Inc.
Menard, Inc. – Burleigh County
Public Convenience & Necessity**

Case No. PU-13-871

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

September 17, 2014

Appearances

Commissioners Brian P. Kalk, Randy Christmann and Julie Fedorchak.

Daniel S. Kuntz, Associate General Counsel, MDU Resources Group, Inc., P.O. Box 5650, Bismarck, ND 58506-5650, appearing on behalf of Montana-Dakota Utilities Co.

Matthew H. Olson, Pringle & Herigstad, P.C., 2525 Elk Dr., P.O. Box 1000, Minot, ND 58702-1000, appearing on behalf of Capital Electric Cooperative, Inc.

Ryan Norrell, Special Assistant Attorney General appearing on behalf of the Public Service Commission.

Wade C. Mann, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503, as Procedural Hearing Officer.

Preliminary Statement

On November 25, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) submitted an application to extend electric service to Menard, Inc. at a location adjacent to the unincorporated community of McKenzie in the NE ¼ of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota (Menard Site).

On January 16, 2014, Capital Electric Cooperative, Inc. (Capital Electric), Bismarck, North Dakota filed a protest and request for hearing on the application.

On February 26, 2014, the Commission issued a Notice of Hearing scheduling a public hearing to be held on Friday, May 2, 2014. The notice identified the following issues to be considered:

1. From whom do the customers prefer electric service?
2. What electric suppliers are operating in the general area?

3. What electric supply lines exist within at least a two-mile radius of the location to be served, and when were they constructed?
4. What customers are served by electric suppliers within at least a two-mile radius of the location to be served?
5. What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?
6. Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?
7. Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?
8. Would approval of the applications result in wasteful duplication of investment or service?
9. Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?
10. Will service by either of the electric supplier in the area unreasonably interfere with the service or system of the other?

On May 2, 2014, a public hearing on the application was held as scheduled. Following the hearing, Capital Electric submitted late filed exhibits G and I, as directed by the Administrative Law Judge.

On June 13, 2014, Montana-Dakota filed a request for oral argument before the Commission.

On June 19, 2014, Capital Electric filed an objection to Montana Dakota's request.

On June 25, 2014, the Commission granted Montana-Dakota's request for oral argument.

On July 14, 2014, the Office of Administrative Hearings issued a Notice of Oral Argument and Pre-Argument Order scheduling the argument to be held on July 28, 2014 and setting parameters for briefing and argument.

On July 22, 2014, Montana-Dakota and Capital Electric filed briefs.

On July 28, 2014, oral argument was held as scheduled.

Having heard and considered these matters, the Commission makes its:

Findings of Fact

1. Montana-Dakota is an investor owned electric utility providing electric service to customers in North Dakota under the regulatory jurisdiction of this Commission.
2. Capital Electric is a rural electric cooperative providing electric service to its members in North Dakota.

From whom does the customer prefer electric service?

3. Montana-Dakota's application included an appearance form signed by Menard, Inc. indicating it desires electric service at the Menard Site from Montana-Dakota.
4. Steve Manor, General Manager of Distribution Center Maintenance for Menard, Inc., testified that Menard, Inc. is developing a manufacturing and distribution center at the Menard Site. The center requires three-phase electric service at each of several locations on the site and the anticipated total electric load at the site will be approximately 1.2 MW with estimated annual consumption of approximately 7 million kWh.
5. Mr. Manor testified that Menard, Inc. desires to receive electric service at the proposed facility from Montana-Dakota for four reasons: 1) Menard, Inc. expects to realize an annual savings of approximately \$62,000 by receiving electric service from Montana-Dakota. 2) Montana-Dakota offers rate schedules for interruptible service and demand response programs that provide further opportunities for cost savings to Menard, Inc. as it plans to install customer-owned generation at the site. Capital Electric does not currently offer demand control programs. The cost savings from lower electric rates and opportunities to participate in demand control programs are important to Menard, Inc. 3) Quality and reliability of service are important considerations to Menard, Inc. and Montana-Dakota's ability to provide service with less voltage drop is important to the operation of equipment at the Menard Site. 4) Menard, Inc. prefers to receive its electric service from a provider whose rates and services are subject to regulatory oversight and approval by an independent agency with an opportunity for customer input.
6. The Commission finds that the customer prefers electric service from Montana-Dakota.

What electric suppliers are operating in the general area?

7. Montana-Dakota and Capital Electric are the only electric suppliers operating in the general area of the Menard Site. Montana-Dakota has held a franchise since 1928 to serve the community of McKenzie, which is immediately northeast and adjacent to

the site. Capital Electric provides single-phase service to rural customers adjacent to the site.

What electric supply lines exist in at least a two-mile radius of the location to be served and when were they constructed?

8. Montana-Dakota owns and operates a 46 kV transmission line that originates at Bismarck and extends in an easterly direction along the north side of I-94 providing transmission service for a number of communities served by Montana-Dakota, including the community of McKenzie. The transmission line is a two-way or looped supply source for Montana-Dakota's substation located north of McKenzie, which in turn supplies Montana-Dakota's distribution system serving its customers in McKenzie and the surrounding area. The transmission line west of the McKenzie substation was rebuilt in 1972, and the transmission line east of the McKenzie substation was rebuilt in 1975. The prior transmission line serving the community of McKenzie and the surrounding area was constructed in 1945. Montana-Dakota's distribution line for the community of McKenzie is a Delta three-phase primary overhead line extending south from the McKenzie substation. The current distribution lines used to serve the community of McKenzie were primarily constructed in 1960, 1965, 1969, 1971 and 1979. The distribution system continues outside of McKenzie as a single-phase line to serve customers south and west of McKenzie

9. Central Power Cooperative operates a transmission line located on the south side of I-94 that connects substations at Menoken and Sterling. Capital Electric proposes to serve the Menard Site from the Menoken Substation which is located approximately 8 miles west of McKenzie. Capital Electric has an underground three-phase distribution line which runs from the Menoken Substation along the south side of Interstate 94, and an underground single-phase distribution line which runs south from Interstate 94 for approximately one mile to the area of the Menard Site at which point it goes above ground to serve customers in the area. The underground three-phase line along Interstate 94 was built in 1976. The underground single-phase line extending south from Interstate 94 was rebuilt in 2010. The previous distribution line was an above-ground distribution line built in 1948.

10. Both electric suppliers will need to construct extensions to existing three-phase electric supply lines to serve the Menard Site. Montana-Dakota would serve the Menard Site by adding a neutral wire to convert approximately 5,700 feet of existing three-phase overhead line currently providing electric service to McKenzie from a Delta to Wye configuration, converting approximately 1,200 feet of single-phase line to three-phase Wye and then extending that converted line underground for a distance of approximately 1,800 feet to the Menard Site. Capital Electric would serve the Menard Site by converting about a mile of single-phase line to three-phase line between its existing three-phase line and the Menard Site.

What customers are served by electric suppliers within at least a two-mile radius of the location to be served?

11. Montana-Dakota serves 29 customers within a two-mile radius of the Menard Site and 28 of those customers are located within a one-mile radius of the Menard Site.
12. Capital Electric serves 11 customers within a two-mile radius of the Menard Site and 4 of those customers are located within a one-mile radius of the Menard Site.

What are the differences, if any, between the electric suppliers available to serve the area with respect to reliability of service?

13. Montana-Dakota would serve the Menard Site over approximately 8,700 feet of radial distribution line from the McKenzie Substation including an upgrade to three-phase Wye configuration for approximately 6,900 feet and an underground extension of approximately 1,800 feet from its current three-phase system to the Menard Site. Montana-Dakota has experienced five outages on this circuit since January 1, 2000.
14. Capital Electric would serve the Menard Site over approximately nine miles of distribution line from its Menoken Substation including an upgrade of approximately one mile of single-phase radial line to three-phase radial line. Capital Electric has experienced four outages since 2009 on its existing three-phase line that would be used to serve the Menard Site.
15. Capital Electric states it could improve the reliability of its three-phase line between the Menoken and Sterling substations to serve the Menard Site if Central Power Cooperative upgrades its Sterling Substation, which does not currently have capacity to serve the entire load planned at the Menard Site. The costs of such an upgrade were not included in Capital Electric's proposed costs to serve the Menard Site.
16. Montana-Dakota provided the results of a study showing that the voltage drop between the McKenzie substation and the primary side of the fifth building of the Menard Site with a total 1.1 MW Menard Site load would be less than 2.0 percent. Capital Electric provided the results of a study showing a voltage drop between the Menoken substation and the service entry point to the Menard Site of approximately 2.5 percent with a total 1.0 MW load.
17. The Commission finds that either supplier would be able to serve the Menard Site with sufficient reliability. However, Montana-Dakota's substation is located closer to the Menard Site, which could provide increased reliability because there would be less voltage drop and less line length upon which a fault could occur.

Which of the available electric suppliers will be able to serve the location in question more economically and still earn an adequate return on its investment?

18. Montana-Dakota would serve the Menard Site by extending its existing three-phase system at McKenzie and by converting that system and the McKenzie Substation from a Delta three-phase to a Wye three-phase system. The conversion of the McKenzie Substation would require replacement of existing transformers with a larger three-phase Wye transformer, voltage regulators, reclosure, and associated wiring. The transformer would be a used transformer from existing inventory. Conversion of the electric system within the community of McKenzie from Delta three-phase service to Wye three-phase service requires addition of a neutral wire to the existing three-phase distribution line. This conversion will upgrade and increase the capacity of Montana-Dakota's existing three-phase system sufficiently to serve the Menard Site and any additional load requests likely to result in the community of McKenzie. Montana-Dakota's estimated total cost to extend secondary service to the Menard Site is \$192,671, which includes the extension from the existing system to the Menard Site (\$32,619), upgrades to the McKenzie substation (\$61,451), the conversion of the McKenzie distribution line to a Wye three-phase system (\$32,562), and the installation of conductors and equipment within the Menard Site (\$66,039). Montana-Dakota's annual revenue requirement associated with the total incremental investment associated with the proposed extension is \$27,872.

19. Capital Electric would extend service to the Menard Site by installing one mile of two new phases to its current single-phase service between its existing three-phase system and the Menard Site. Capital Electric's estimated cost to extend secondary service to the Menard Site is approximately \$110,223, which includes the conversion of its single-phase line to a three-phase line (\$44,527) and the installation of conductors and equipment within the Menard Site (\$65,696). Capital Electric did not provide annual revenue requirements for recovering the cost of its proposed extension.

20. The estimated electric consumption for the Menard Site is approximately 7 million kWh per year. Consideration of the cost to serve the location includes consideration of not only the revenue requirement associated with the incremental investment to extend service, but also the other costs of electric distribution, transmission and generation as reflected in the service providers rates for service. The annual cost to the customer to provide secondary electric service to the Menard Site by Montana-Dakota for the estimated consumption under its current rates is \$513,669.84. The annual cost to the customer to provide secondary electric service to the Menard Site by Capital Electric for the estimated consumption under its current rates is \$575,883.84.

21. The annual cost to the customer for Capital Electric to provide firm secondary electric service to the Menard Site is approximately \$62,214, or 11 percent, more than the annual cost to the customer under Montana-Dakota's rate schedule for firm secondary electric service to the Menard Site. After adjusting Montana-Dakota's estimated annual revenue from providing service to the Menard Site by: (1) \$27,872 for the annual return requirement on its incremental investment to serve the location; and

(2) \$189,140 for the annual cost of fuel and purchased power to serve the location, there will be net contribution to common system costs of \$296,658, which will provide a benefit to other customers. Capital Electric did not provide information or an analysis of the amount of revenue Capital Electric would require to derive an adequate return on its incremental investment to serve the Menard Site.

22. The Commission finds that Montana-Dakota will be able to serve the Menard Site location more economically and still earn an adequate return on its investment.

Which supplier's extended electric service would best serve orderly and economic development of electric service in the general area?

23. Montana-Dakota is the electric provider within the community of McKenzie. Montana-Dakota and its predecessors have held a franchise from the McKenzie Township Board and a certificate of public convenience and necessity from the Board of Railroad Commissioners to provide electric service to McKenzie since 1928. The northwest corner of the Menard Site is immediately adjacent to the southeast corner of McKenzie. Montana-Dakota serves more customers within both a two mile and a one mile radius of the Menard Site than does Capital Electric.

24. Service by Montana-Dakota to the Menard Site is an extension and continuation of the existing electric service it has provided the community of McKenzie for 86 years. Montana-Dakota's substation and distribution facility upgrades to serve the Menard Site will also result in an upgrade of the three-phase system serving the community of McKenzie and provide additional capacity on that system for new load that can be anticipated as a result of employment created at the Menard Site. Service by Montana-Dakota would benefit not only development of the Menard Site but also the orderly and economic development of the community of McKenzie.

25. A primary consideration of which supplier would best serve orderly and economic development in these cases is whether a supplier's cost to provide service to a customer exceeds the cost to provide service to that same customer from a second supplier.¹ Montana-Dakota's costs of providing electric service to the Menard Site are \$62,214 less than Capital Electric's, which assists in the financial viability and success of the manufacturing and distribution center and the associated employment and economic development for the general area.

26. The Commission finds that service by Montana-Dakota to the Menard Site best serves the community of McKenzie and realizes a significant cost savings to Menard, Inc.; therefore, extension of service by Montana Dakota best serves orderly and economic development of electric service in the general area.

¹ See the Public Service Commission's December 17, 2008 Findings of Fact, Conclusions of Law and Order in four related Montana-Dakota Utility Co. public convenience and necessity applications in Kidder County, ND, Case No. PU-08-345, Case No. PU-08-346, Case No. PU-08-347 and Case No. PU-08-693.

Would approval of the application result in wasteful duplication of investment or service?

27. Both electric suppliers will need to construct extensions or upgrades to existing facilities to serve the Menard Site.

28. One factor to be considered in determining wasteful duplication of investment is whether, in order to serve the customer in question, one supplier's extension of facilities must cross the facilities of another supplier. In this case, both suppliers currently cross or would cross each other's lines in this area. Montana-Dakota's proposed line extension would cross Capital Electric's single-phase line located west of the Menard Site, which is not capable of serving and is not proposed by Capital Electric for use to serve the Menard Site. Capital Electric's three-phase line that feeds this single-phase line already crosses Montana-Dakota's three-phase line serving McKenzie.

29. Montana-Dakota's proposed addition of a larger transformer and conversion to a Wye system will improve Montana-Dakota's electric service within the community of McKenzie and help meet potential growth resulting from approximately 240 new jobs.

30. The Commission finds that approval of the application would not result in wasteful duplication of investment or service.

Is it probable that the location in question will be included within the corporate limits of a municipality within the foreseeable future?

31. The community of McKenzie is unincorporated. There is no evidence of any plans to incorporate the community of McKenzie.

Will service by either of the electric suppliers in the area unreasonably interfere with the service or system of the other?

32. The Commission finds that extension of service by either supplier would not interfere physically or operationally with the service or system of the other supplier.

33. Montana-Dakota and its predecessors have been serving the community of McKenzie, directly adjacent to the Menard Site, since 1928 in close proximity to Capital Electric's system, which was built to serve rural areas for which central station power was not otherwise available (see N.D. Century Code, section 10-13-01). The Territorial Integrity Act does not provide that rural electric cooperatives are the preferred supplier of electric service in all rural areas of the state but rather requires a public utility to obtain a certificate of public convenience and necessity before it extends facilities in a rural area. The public utility must show that public convenience and necessity reasonably requires such extension.²

² *Application of Otter Tail Power Co.*, 169 N.W.2d 415, 418 (N.D. 1969); *Cass County Elec. Co-op v. Wold Properties, Inc.*, 249 N.W.2d 514, 520 (N.D. 1976); *Capital Electric v. Public Service Commission*, 534 N.W.2d 587,590 (N.D. 1995).

34. The Commission finds that public convenience and necessity reasonably requires approval of Montana-Dakota's application because:

- The customer prefers electric service from Montana-Dakota as it results in more than \$60,000 in annual cost savings and better meets the customer's needs;
- Montana-Dakota has served customers in the area since 1928 and has more customers within a one-mile and two-mile radius of the location;
- Montana-Dakota's substation is located closer to the Menard Site providing less voltage drop and less line length on which a fault could occur;
- The proposed extension of Montana-Dakota's three-phase system to serve the site is shorter than the proposed extension of Capital Electric's three-phase system.
- Montana-Dakota will serve the Menard Site more economically when considering both the cost to extend service and the annual costs to the customer as reflected in rates for service;
- Montana-Dakota's extension of service would best serve the community of McKenzie and realize significant cost savings to Menard, Inc., therefore best serving orderly and economic development of the area; and

From the foregoing Findings of Fact, the Commission makes its:

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
2. Public convenience and necessity require the granting of a Certificate of Public Convenience and Necessity to the applicant in this proceeding.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues its:

Order

The Commission Orders:

1. Montana-Dakota's application for a certificate of public convenience and necessity to extend electric service to the Menard Site is granted.
2. Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., is issued Certificate of Public Convenience and Necessity No. 5845, authorizing the provision of electric distribution service to the Menard Site at a location in the NE 1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co.
Menard, Inc.
Burleigh County, North Dakota
Public Convenience and Necessity

Case No. PU-13-871

DISSENTING OPINION

Throughout this entire case it has been clear that the customer, Menard, Inc., desired electric service from Montana-Dakota. However, Menard Inc.'s witness clearly stated that when Menard, Inc. initially sought electrical service they had no idea that there were two electric providers in the area. Customer preference is not a controlling factor in whether public convenience and necessity reasonably requires a public utility to extend service to a customer in a rural area.

The Territorial Integrity Act (the Act) is designed "to keep to a minimum wasteful duplication of capital-intensive utility services and conflicts between suppliers of electricity." *Cass Co. Elec. Co-op., Inc. v. N. States Power Co.*, 419 N.W.2d 181, 185 (N.D. 1988). A factor to be considered in determining wasteful duplication of investment is whether, in order to serve the customer in question, one supplier's extension of facilities must cross the facilities of another supplier. In the case at hand, Capital Electric's facilities and lines are immediately adjacent to the Menard Site, while three of Capital Electric's eleven customers within two-miles are located immediately contiguous to the Menard Site. Permitting Montana-Dakota to serve the Menard Site would require Montana-Dakota to cross an existing Capital Electric line located immediately adjacent to the west side of the proposed Site. Crossing this line by Montana-Dakota would be wasteful duplication.

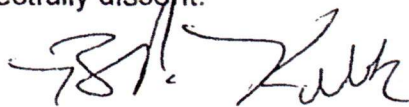
Another factor to be considered in determining whether wasteful duplication of investment or service occurs is whether construction of facilities to extend service to a customer by one supplier exceeds the cost to extend service to that same customer by a second supplier. Capital Electric can extend service to the Menard Site for \$82,447.39 which is less than Montana-Dakota. Most of the difference in cost is because Montana-Dakota needs to upgrade its McKenzie substation and transformers in order to serve the Menard Site, whereas Capital Electric's Menoken substation already has sufficient existing capacity for the proposed load at the Menard Site and no further upgrade to the substation is needed. Granting Montana-Dakota's application to upgrade its McKenzie Substation and spend \$82,447.39 which would be passed on to public utility ratepayers would be wasteful duplication while Capital Electric has more than enough existing capacity at its Menoken Substation.

Another factor to consider is reliability. While both Montana-Dakota and Capital Electric would require line extension or system upgrades, it is worth noting that Montana-Dakota's reliability reports and voltage studies reflect the McKenzie Substation as-is, without any respect to its proposed upgrades, whereas Capital Electric's reports and studies regarding its Menoken substation reflect the present status, which would require no additional upgrades.

Finally, granting the application of Montana-Dakota to extend service would result in a "checkerboarding" effect of the rural area surrounding McKenzie. Capital Electric already serves three customers immediately adjacent to the Menard Site and to allow an "island" of Montana-Dakota electric service in between those three Capital customers will only serve to create future conflict between the electric suppliers and further interference with Capital Electric's system.

This is not the proper way to determine a territorial dispute, as both Montana-Dakota and Capital Electric are parties to numerous service area agreements throughout the State. No doubt, ancillary growth will occur as a result of the proposed manufacturing and distribution center, with plenty of opportunities for both parties to extend service to new customers. The best way to determine which supplier provides service to future customers is by entering into a service area agreement. Granting Montana-Dakota's application will embolden Montana-Dakota to attempt to extend service to every new customer in the rural area around the unincorporated community of McKenzie.

Even though the *customer preference* is for Montana-Dakota, the evidence shows that *public convenience* and necessity do not require granting the application of Montana-Dakota and therefore, I respectfully dissent.



Brian P. Kalk
Chairman

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Public Convenience and Necessity

Certificate Number 5845

This is to certify that public convenience and necessity require, and permission is granted for Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., to serve Menard, Inc. at a location in the NE 1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota.

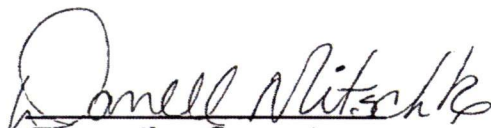
This certificate is issued in accordance with the Order of this Commission dated September 17, 2014 in Case No. PU-13-871, and is subject to the conditions and limitations noted in the Order.

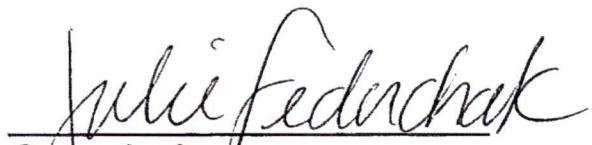
This certificate is conditioned upon Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, September 17, 2014.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:27 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 40 Return Receipt
The following are service contacts on this filing:
North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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PU-13-871 - Findings of Fact

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DANIEL S. KUNTZ
 ASSOCIATE GENERAL COUNSEL
 MONTANA-DAKOTA UTILITIES CO
 PO BOX 5650
 BISMARCK ND 58506-5650

2. Article Number
(Transfer from service label)

7013 2250 0001 0313 8839

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

J. Kuntz

Date of Delivery

7-23-14

- D. Is delivery address different from item 1? Yes
- If YES, enter delivery address below: No

3. Service Type

- Certified Mail® Priority Mail Express™
- Registered Return Receipt for Merchandise
- Insured Mail Collect on Delivery

- 4. Restricted Delivery? (Extra Fee) Yes

CR Exhibit 40 Return Receipt

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:27 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM
Filing Code: Exhibit
Filing Desc: CR Exhibit 41 Return Receipt
The following are service contacts on this filing:
North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MATTHEW H. OLSON, ATTORNEY FOR
 CAPITAL ELECTRIC COOPERATIVE INC
 PRINGLE & HERIGSTAD PC
 PO BOX 1000
 MINOT ND 58702-1000

COMPLETE THIS SECTION ON DELIVERY

- A. Signature: *[Handwritten Signature]* Agent Addressee
- B. Received by (Printed Name): *Ray Hinds* C. Date of Delivery: *9-23-14*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

- Service Type
- Certified Mail® Priority Mail Express™
- Registered Return Receipt for Merchandise
- Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

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PS Form 3811, July 2013

Domestic Return Receipt

CR Exhibit 41 Return Receipt

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From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:27 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 42 Notice of Appeal

The following are service contacts on this filing:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

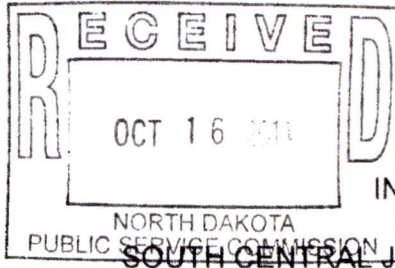
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CR Exhibit 42 Notice of Appeal

STATE OF NORTH DAKOTA IN DISTRICT COURT
COUNTY OF BURLEIGH SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.)
)
Appellant,)
)
vs.)
)
North Dakota Public Service Commission)
and Montana-Dakota Utilities Co., a)
Division of MDU Resources Group, Inc.,)
)
Appellees.)

**NOTICE OF APPEAL
AND SPECIFICATIONS
OF ERROR**

08-2014-CV-02349

TO: NORTH DAKOTA PUBLIC SERVICE COMMISSION AND MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC.

¶1 PLEASE TAKE NOTICE that Appellant Capital Electric Cooperative, Inc. (herein "CEC") appeals to the District Court for Burleigh County, South Central Judicial District, from the "Findings of Fact, Conclusions of Law and Order" of the North Dakota Public Service Commission ("Commission") issued September 17, 2014 and served September 22, 2014 in case no. PU-13-871, wherein the Commission issued to Montana-Dakota Utilities Co. (herein "MDU") a Certificate of Public Convenience and Necessity No. 5845, authorizing MDU to provide electric distribution service to the Menard Site at a location in the NE1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota (herein "Menard Site").

¶2 CEC specifies the following errors as grounds for the appeal:

65 PU-13-871 Filed: 10/16/2014 Pages: 6
APPEAL - Notice of Appeal and Specifications of Error

Capital Electric Cooperative Inc.
Matthew Olson, Pringle&Herigstad, P.C.

1. The Order is not in accordance with the law in at least the following respects:
 - a. The Findings of Fact, Conclusions of Law and Order are not in accordance with The Territorial Integrity Act (herein "TIA") – N.D.C.C. Chapter 49-03.
 - b. The Findings of Fact, Conclusions of Law and Order are not in accordance with the Commission's precedent and judicial precedent under the TIA.
 - c. The Findings of Fact, Conclusions of Law and Order do not conform with the primary purpose of the TIA, which is to keep to a minimum wasteful duplication of capital-intensive utility services and conflicts between suppliers of electricity; instead, the Commission's decision will foster both conflict and duplication.
 - d. The Findings of Fact, Conclusions of Law and Order are not in accordance with the TIA when the Commission made various determinations regarding MDU's past franchise and alleged current franchise with the unincorporated village of McKenzie (herein "village of McKenzie") and MDU's ability to serve new customers in village of McKenzie. This determination is not in accordance with the TIA (including, but not limited to N.D.C.C. § 49-03-01.1 and N.D.C.C. § 49-03-01.3) nor is the Commission's determination in accordance with N.D. Const. art. VII, § 11, N.D.C.C. § 40-05-01(57), N.D.C.C. § 40-01-01, N.C.C.C. § 40-05.1-06(1), and related statutes.
 - e. The Commission's determination that MDU currently has a franchise to serve the village of McKenzie is not in accordance with the law.
 - f. The Commission's determination that in deciding who would best serve orderly and economic development of electric service in the general area, the Commission should look to the cost of service to the customer (i.e., the current rate and associated annual savings, etc.), is not in accordance with the law or the Commission's own precedent.
 - g. The Commission's determination that in deciding if the approval of the application will result in wasteful duplication of investment or service, the Commission must look at BOTH if the proposed extension (the actual extension under scrutiny in the proceeding) of facilities will cross the facilities of another supplier AND to if a supplier has crossed another supplier's facility in the past, is not in accordance with the law or the Commission's own precedent.

- h. The Commission's determination that in deciding who would best serve orderly and economic development of electric service in the general area, the Commission should look to how its decision best serves the village of McKenzie, is not in accordance with the law or the Commission's own precedent.
 - i. The Commission's determination that its approval of MDU's application would not result in wasteful duplication of investment or service is not in accordance with the law.
 - j. The Commission's heavy reliance on customer preference in approving MDU's application is not in accordance with the law.
 - k. The Commission's reliance on the current rates in approving MDU's application is not in accordance with the law.
 - l. The Order does not make a proper evaluation of the issues under the law and/or the evidence.
 - m. The Commission's determination that MDU showed that public convenience and necessity reasonably requires MDU's extension is not in accordance with the law.
2. The Findings of Fact made by the Commission are not supported by a preponderance of the evidence in at least the following respects:
- a. The Commission's finding that the village of McKenzie is "immediately northeast and adjacent" to the Menard site is not supported by the evidence.
 - b. The Commission's finding that the northwest corner of the Menard Site is immediately adjacent to the southeast corner of the village of McKenzie is not supported by the evidence.
 - c. The Commission's determination that MDU could provide increased reliability is not supported by the evidence.
 - d. This Commission's determination that additional load requests are likely to result in the village of McKenzie is not supported by the evidence.
 - e. The Commission's finding that MDU will be able to serve the Menard Site more economically and still earn an adequate return on its investment is not supported by the evidence.
 - f. The Commission's determination that MDU holds a franchise to the village of McKenzie is not supported by the evidence.

- g. The Commission's finding that extension of service by MDU best serves orderly and economic development of electric service in the general area is not supported by the evidence.
 - h. The Commission's finding that approval of MDU's application would not result in wasteful duplication of investment or service is not supported by the evidence.
 - i. The Commission's finding that MDU's extension does not unreasonably interfere with CEC's service or system is not supported by the evidence.
 - j. The Commission's finding that MDU's extension to the Menard Site would best serve the village of McKenzie is not supported by the evidence.
 - k. The Commission's finding that MDU's proposed three-phase extension is shorter than CEC's proposed three-phase extension is not supported by the evidence.
 - l. The Commission's finding that MDU's upgrades will improve MDU's electric service within the village of McKenzie is not supported by the evidence.
 - m. The Commission's finding that allude to the fact that additional growth will occur in the village of McKenzie and in the surrounding area and that said growth will be served by MDU is not supported by the evidence.
3. The Commission's conclusions of law and order are not supported by its finding of facts.
 4. The findings of fact made by the Commission do not sufficiently address the evidence presented to the agency by CEC.

Dated this 15 day of October, 2014.

PRINGLE & HERIGSTAD, P.C.



Matthew H. Olson #06182
Attorneys for Appellant
2525 Elk Drive, PO Box 1000
Minot ND 58702-1000
(701) 838-8752

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.,

Court File No. 08-2014-CV-02349

Appellant,

v.

North Dakota Public Service Commission and
Montana-Dakota Utilities Co., a Division of
MDU Resources Group, Inc.,

AFFIDAVIT OF MAILING

Appellees.

Brenda Conejo being first duly sworn, deposes and says:

That she is a citizen of the United States of America, of legal age and is not a party to nor interested in the above entitled action; that on the 15th day of October, 2014, this Affiant deposited in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in this action:

Notice of Appeal and Specifications of Error

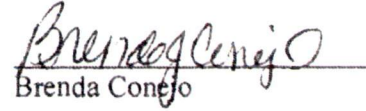
That said envelope was addressed to the following persons at their known address as follows:

Darrell Nitschke
Executive Secretary
North Dakota Service Commission
600 E. Boulevard Ave Dept 408
Bismarck, ND 58505-0480

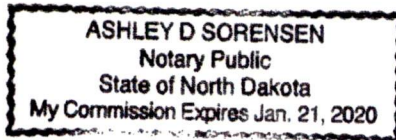
Dan Kuntz
MDU Resources Group, Inc.
PO Box 5650
Bismarck, ND 58506-5650

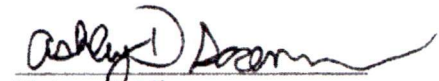
Hon. Wayne K. Stenejhem
North Dakota Attorney General
State Capitol
600 E. Boulevard Ave.
Dept 125
Bismarck, ND 58505

The above documents were duly mailed this 15th day of October, 2014 in accordance with the provisions of the North Dakota Rules of Civil Procedure.


Brenda Conejo

Subscribed and sworn to before me this 15th day of October, 2014.




Notary Public
For the State of North Dakota

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:28 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 43 Undertaking on Appeal

The following are service contacts on this filing:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Kelsey Krapp (kkrappp@esattorneys.com)

Paul Sanderson (psanderson@esattorneys.com)

Daniel Kuntz (dan.kuntz@mduresources.com)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

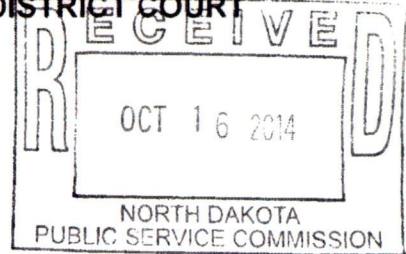
Capital Electric Cooperative, Inc.)

Court File No. 08-2014-CV-02349

Appellant,)

**UNDERTAKING ON APPEAL
TO DISTRICT COURT**

vs.)



North Dakota Public Service Commission)

and Montana-Dakota Utilities Co., a)

Division of MDU Resources Group, Inc.,)

Appellees.)

Capital Electric Cooperative, Inc., deposits with the Clerk of the above-named Court, pursuant to N.D.C.C. § 28-32-42, a check in the amount of Two Hundred Fifty and no/100 Dollars (\$250.00) as an undertaking in this proceeding to the State of North Dakota as obligee upon the conditions that Capital Electric Cooperative, Inc. will prosecute the appeal herein without delay and pay all costs adjudged against Capital Electric Cooperative, Inc. in the District Court.

Dated at Minot, North Dakota, this 15th day of October, 2014.

Pringle & Herigstad, P.C.

Matthew H. Olson #06182
Attorneys for Appellant
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000
(701) 852-0381
molson@pringlend.com

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.,

Court File No. 08-2014-CV-02349

Appellant,

v.

North Dakota Public Service Commission and
Montana-Dakota Utilities Co., a Division of
MDU Resources Group, Inc.,

AFFIDAVIT OF MAILING

Appellees.

Brenda Conejo being first duly sworn, deposes and says:

That she is a citizen of the United States of America, of legal age and is not a party to nor interested in the above entitled action; that on the 15th day of October, 2014, this Affiant deposited in the mailing department of the United States Post Office at Minot, North Dakota, a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the following documents in this action:

Undertaking on Appeal to District Court

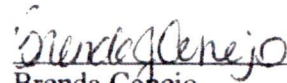
That said envelope was addressed to the following persons at their known address as follows:

Darrell Nitschke
Executive Secretary
North Dakota Service Commission
600 E. Boulevard Ave Dept 408
Bismarck, ND 58505-0480
Certified Mail #: 7013 1090 0001 9407 2886
Return Receipt Requested-Restricted Delivery

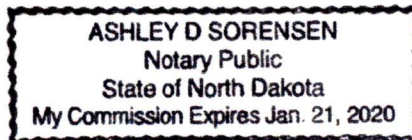
Dan Kuntz
MDU Resources Group, Inc.
PO Box 5650
Bismarck, ND 58506-5650
Certified Mail #: 7013 1090 0001 9407 2893
Return Receipt Requested-Restricted Delivery

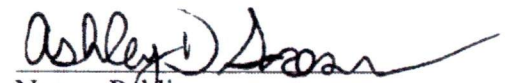
Hon. Wayne K. Stenejhem
North Dakota Attorney General
State Capitol
600 E. Boulevard Ave.
Dept 125
Bismarck, ND 58505
Certified Mail #: 7013 1090 0001 9407 2909
Return Receipt Requested-Restricted Delivery

The above documents were duly mailed this 15th day of October, 2014 in accordance with the provisions of the North Dakota Rules of Civil Procedure.


Brenda Cohejo

Subscribed and sworn to before me this 15th day of October, 2014.




Notary Public
For the State of North Dakota

Jeffcoat-Sacco, Illona

From: no-reply@tylerhost.net
Sent: Wednesday, December 17, 2014 4:28 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 12/17/2014 4:25:16 PM

Filing Code: Exhibit

Filing Desc: CR Exhibit 44 PSC Docket Card

The following are service contacts on this filing:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.:

Daniel Kuntz (dan.kuntz@mduresources.com)

Paul Sanderson (psanderson@esattorneys.com)

Kelsey Krapp (kkrappp@esattorneys.com)

Capital Electric Cooperative, Inc.:

Matthew Olson (molson@pringlend.com)

North Dakota Public Service Commission:

Ryan Norrell (rmnorrell@ndwaterlaw.com)

Illona Jeffcoat-Sacco (ijs@nd.gov)

Other Service Contacts not associated with a party on the case:

Brenda Vitek (bvitek@esattorneys.com)

[Download Document](#)

If the link above is not accessible, copy this URL into your browser's address bar to view the document:

<http://northdakota.tylerhost.net/ViewServiceDocuments.aspx?SID=8bf67cda-1c05-476a-abef-3551e51d023b&RID=934bb1c1-de31-44e0-a3f9-06042ccc4489>

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PU-13-871

Montana-Dakota Utilities Co., a Division of MDU R Status:M

CR Exhibit 44 PSC Docket
Card

Description:

Menard Inc. - Burleigh County, ND

Case Type:

Public Convenience & Necessity Portfolio: Julie L. Fedorchak

Date Filed:

11/25/2013 Advisory Staff: Jerry R. Lein

Category:

Electric Docket Count: 17

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
1	11/25/2013	Application for Permanent Authority By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	8		<input checked="" type="radio"/> Yes <input type="radio"/> No
2	12/18/2013	Commission Motion issuing Notice of Opportunity for Hearing By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
3	12/18/2013	Notice of Opportunity for Hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
4	12/20/2013	Affidavit of Service, Certified & Regular Mail - docket No. 3 By: Public Service Commission	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
5	1/16/2014	Protest and request for hearing By: Capital Electric Cooperative Inc. by Carol Larson, Pringle&Herigstad, P.C.	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
6	2/20/2014	Request for Administrative Law Judge By: Public Service Commission	3		<input type="radio"/> Yes <input checked="" type="radio"/> No
7	2/24/2014	Letter designating Administrative Law Judge By: Office of Administrative Hearings by Wade C. Mann, Director	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
8	2/26/2014	Commission Motion issuing Notice of Hearing By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
9	2/26/2014	Notice of Hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
10	3/4/2014	Affidavit of service cert. & reg. mail- Notice of Hearing By: Public Service Commission	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
11	3/5/2014	Email to and from NDNA request to publish Notice of Hearing By: Public Service Commission	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
12	3/7/2014	Return receipt - Notice of Hearing By: USPS	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
13	3/25/2014	Invoice #2858 \$362.97 By: North Dakota Newspaper Association	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
14	3/25/2014	Affidavit of Publication – verified By: North Dakota Newspaper Association	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
15	3/28/2014	Letter enclosing filing fee By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. by Caitlin Straabe, Reg. Compliance Spec.	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
16	4/2/2014	Receipt# 8,749 \$20,000.00 P C & N filing fee By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
17	4/9/2014	Docketed in error By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
18	4/23/2014	Commission Motion retaining Ryan Norrell to provide legal services By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
	19 5/6/2014	Electronic record of May 2, 2014 formal hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	20 5/15/2014	Exhibit MDU-1 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	21 5/15/2014	Exhibit MDU-2 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	22 5/15/2014	Exhibit MDU-3 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	23 5/15/2014	Exhibit MDU-4 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	24 5/15/2014	Exhibit MDU-5 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	25 5/15/2014	Exhibit MDU-6 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	26 5/15/2014	Exhibit MDU-7 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
	27 5/15/2014	Exhibit MDU-8 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	28 5/15/2014	Exhibit MDU-9 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	6		<input checked="" type="radio"/> Yes <input type="radio"/> No
	29 5/15/2014	Exhibit MDU-10 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	6		<input checked="" type="radio"/> Yes <input type="radio"/> No
	30 5/15/2014	Exhibit MDU-11 By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.	12		<input checked="" type="radio"/> Yes <input type="radio"/> No
	31 5/15/2014	Exhibit A By: Capital Electric Cooperative Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	32 5/15/2014	Exhibit B By: Capital Electric Cooperative Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	33 5/15/2014	Exhibit C By: Capital Electric Cooperative Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	34 5/15/2014	Exhibit D By: Capital Electric Cooperative Inc.	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
	35 5/15/2014	Exhibit H By: Capital Electric Cooperative Inc.	8		<input checked="" type="radio"/> Yes <input type="radio"/> No
	36 5/15/2014	Exhibit list By: Wade Mann, ALJ - Office of Administrative Hearings	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
	37 5/15/2014	Docketed in error By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
	38 5/15/2014	Letter closing OAH file By: Wade C. Mann, ALJ - Office of Administrative Hearings	1		<input type="radio"/> Yes <input checked="" type="radio"/> No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
39	5/27/2014	Proposed Findings of Fact, Conclusions of Law and Order By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. by Daniel Kuntz, Assoc. Gen. Counsel	11		<input checked="" type="radio"/> Yes <input type="radio"/> No
40	5/28/2014	Proposed Findings of Fact, Conclusions of Law and Order By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	9		<input checked="" type="radio"/> Yes <input type="radio"/> No
41	5/30/2014	Electronic record of May 30, 2014 work session By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
42	6/13/2014	Request for Oral Argument By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. by Daniel Kuntz, Assoc. Gen. Counsel	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
43	6/19/2014	Objection to MDU's Request for Oral Argument By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
44	6/19/2014	Electronic record of June 12, 2014 work session By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
45	6/25/2014	Electronic record of June 20, 2014 work session By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
46	6/25/2014	Commission Motion granting request for oral argument By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
47	6/26/2014	Letter requesting OAH to reopen case By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
48	6/26/2014	Letter regarding Court Reporter By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
49	6/27/2014	Letter enclosing Commission Motion By: Public Service Commission	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
50	7/10/2014	Notice of Prehearing Conference By: Wade Mann, ALJ - Office of Administrative Hearings	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
51	7/11/2014	Letter reopening OAH file effective May 14, 2014 By: Office of Administrative Hearings by Wade C. Mann, Director	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
52	7/14/2014	Notice of Oral Argument and Pre-Argument Order By: Wade Mann, ALJ - Office of Administrative Hearings	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
53	7/23/2014	Electronic record of July 11, 2014 pre-hearing conference By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
54	7/22/2014	Capital Electric Coop's Brief in Opposition to MDU's Application By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	25		<input checked="" type="radio"/> Yes <input type="radio"/> No
55	7/22/2014	MDU's Brief in Support of Application By: Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. by Daniel Kuntz, Assoc. Gen. Counsel	18		<input checked="" type="radio"/> Yes <input type="radio"/> No
56	7/30/2014	Electronic record of July 28, 2014 oral arguments By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
57	9/4/2014	Late-filed Exhibit G – Voltage Report By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
58	9/4/2014	Late-filed Exhibit I – Outage Report By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	5		<input checked="" type="radio"/> Yes <input type="radio"/> No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
59	9/17/2014	Commission Motion adopting Findings of Fact, Conclusions of Law and Order By: Public Service Commission	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
60	9/17/2014	Findings of Fact, Concl. of Law & Order with Dissenting Opinion of Comm. Brian P. Kalk By: Public Service Commission	13		<input checked="" type="radio"/> Yes <input type="radio"/> No
61	9/22/2014	Affidavit of Service, Cert. & Reg. Mail – Findings of Fact, Conclu. of Law & Order By: Public Service Commission	14		<input checked="" type="radio"/> Yes <input type="radio"/> No
62	9/23/2014	Letter closing OAH file By: Wade Mann, ALJ - Office of Administrative Hearings	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
63	9/24/2014	Return receipt – 7013-2250-0001-0313-8839 By: USPS	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
64	9/25/2014	Return receipt – 7013-2250-0001-0313-8846 By: USPS	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
65	10/16/2014	APPEAL - Notice of Appeal and Specifications of Error By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	6		<input checked="" type="radio"/> Yes <input type="radio"/> No
66	10/16/2014	APPEAL – Undertaking on Appeal to District Court By: Capital Electric Cooperative Inc. by Matthew Olson, Pringle&Herigstad, P.C.	3		<input checked="" type="radio"/> Yes <input type="radio"/> No
67	10/31/2014	APPEAL – Notice to Appellant of Estimated Costs By: Public Service Commission	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
68	10/31/2014	APPEAL – e-file to Court with acceptance - Notice to Appellant of Estimated Costs By: Public Service Commission	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
69	10/31/2014	APPEAL – e-file to Court with acceptance - Affidavit of Service by Regular Mail By: Public Service Commission	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
70	11/4/2014	APPEAL - Notice of Assignment and Case Number By: Burleigh County District Court	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
71	11/14/2014	APPEAL – notification of service – Notice of Appearance By: Public Service Commission by Illona A. Jeffcoat-Sacco	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
72	11/14/2014	APPEAL – notification of service – Certificate of Service, NOA By: Public Service Commission by Illona A. Jeffcoat-Sacco	4		<input type="radio"/> Yes <input checked="" type="radio"/> No