

Ryan Norrell

From: Supreme Court Clerk's Office - Cota, Terra <TCota@ndcourts.gov>
Sent: Thursday, August 6, 2015 9:24 AM
To: 'clarson@pringlend.com'; 'molson@pringlend.com'
Cc: 'ijs@nd.gov'; 'dan.kuntz@mduresources.com'; 'psanderson@esattorneys.com'; Ryan Norrell; 'kkrapp@esattorneys.com'
Subject: Notice of Appeal - Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al., Supreme Court No. 20150227
Attachments: 20150227_noa.pdf; aff_serv_noa.pdf; rec_filing_fee.pdf

*SUPREME COURT OF NORTH DAKOTA
OFFICE OF THE CLERK
600 E Boulevard Avenue
Bismarck, ND 58505-0530
(701) 328-2221 (voice) (701) 328-4480 (fax)
1-800-366-6888 (TTY)
supclerkofcourt@ndcourts.gov*

(via e-mail only)
August 6, 2015

Matthew H. Olson
Carol K. Larson
2525 Elk Dr.
P.O. Box 1000
Minot, ND 58702-1000

RE: Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al.
Supreme Court No. 20150227
Burleigh Co. No. 2014-CV-02349

I received the \$125 filing fee and the Notice of Appeal in this matter which was filed on August 3, 2015. I am enclosing a receipt for the filing fee.

This letter, along with the attached copy of the Notice of Appeal, will serve as the required notice under N.D.R.App.P. 3(d). This letter, the notice of appeal, any order for transcript(s), and the enclosed affidavit of service will be filed in Odyssey.

According to the Rules of Appellate Procedure, the clerk of the trial court shall certify the record on appeal to my office by September 2, 2015.

The file does not indicate whether the Appellant filed an Order for Transcript in accordance with the rules. If an Order for Transcript was not filed with the Notice of Appeal, the Appellant's brief is due in this office 40 days after the Notice of Appeal was filed. According to my calculation, the 40th day expires September 12, 2015.

113 PU-13-871 Filed: 8/6/2015 Pages: 9
SC APPEAL – Notification of Appeal, receipt of fee
and filing dates with attachments

By copy of this letter, I am requesting Ryan M. Norrell or Illona A. Jeffcoat-Sacco to electronically file a copy of the administrative transcript to the Supreme Court Clerk no later than August 13, 2015, unless the transcript was not prepared on a computer or word processor.

All correspondence in this matter will be made by e-mail, including forwarding a copy of any orders or opinions filed. If we do not have an e-mail address for a party, all correspondence will be sent by U.S. Mail.

Sincerely yours,

/s/ Terra Cota
Deputy Clerk
North Dakota Supreme Court

attachments

pc: Ryan M. Norrell and Illona A. Jeffcoat-Sacco
Paul R. Sanderson, Kelsey A. Krapp & Daniel S. Kuntz
Clerk of District Court copied via filing in Odyssey

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGHIN 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.,**NOTICE OF APPEAL**

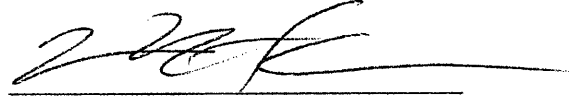
Appellees.

[¶1] NOTICE IS HEREBY GIVEN that Capital Electric Cooperative, Inc. (herein “Capital Electric”), the above-named Appellant, hereby appeals to the North Dakota Supreme Court from the District Court’s “MEMORANDUM AND ORDER AFFIRMING THE PUBLIC SERVICE COMMISSION’S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER” (herein “June 3, 2015 Order”) issued on June 3, 2015 and filed June 5, 2015.

[¶2] On September 17, 2014, the Public Service Commission (herein “Commission”) issued its Findings of Fact, Conclusions of Law and Order and issued Montana-Dakota Utilities a Certificate of Public Convenience and Necessity No. 5845. Pursuant to the Administrative Practices Act, Capital Electric Cooperative, Inc. appealed to Burleigh County District Court. The District Court, in its June 3, 2015 Order, affirmed the Commission’s decision. Capital Electric appeals from the June 3, 2015 Order and states as its preliminary statement of issues as follows: (1) the Commission’s Order is not in accordance with the law; (2) the Commission’s Findings of Fact are not supported by a preponderance of the evidence; (3) the Commission’s Conclusions of Law and Order are not supported by its finding of facts; and (4) the Findings of Fact made by the Commission do not sufficiently address the evidence presented to the Commission by Capital Electric.

Dated this 3rd day of August, 2015.

PRINGLE & HERIGSTAD, PC



Carol K. Larson #4406
Matthew H. Olson, ID# 06182
Attorneys for Appellant
2525 Elk Drive, PO Box 1000
Minot ND 58702-1000
(701) 852-0381
cklarson@srt.com
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.,

CERTIFICATE OF SERVICE

Appellees.

[[1]] A copy of the foregoing document was served electronically to the following on the 3rd day of August, 2015.

Penny Miller, Clerk
ND Supreme Court
Judicial Wing, 1st Floor
600 E. Blvd. Ave, Dept. 180
Bismarck, ND 58505-0530
supclerkofcourt@ndcourts.gov

[[2]] I further certify that the Notice of Appeal was emailed on the 3rd day of August, 2015 to the following:

North Dakota Public Service Commission:

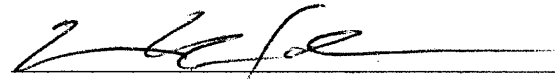
1. Ryan Norrell – rmnorrell@ndwaterlaw.com
2. Illona Jeffcoat-Sacco – ijs@nd.gov

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

1. Paul Sanderson – psanderson@esattorneys.com
2. Kelsey Krapp – kkrapp@esattorneys.com
3. Daniel Kuntz – dan.kuntz@mduresources.com

Dated: August 3, 2015

PRINGLE & HERIGSTAD, P.C.



Carol K. Larson #4406

Matthew H. Olson #6182

2525 Elk Drive

P.O. Box 1000

Minot, ND 58702-1000

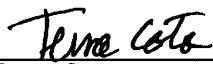
(701) 852-0381

cklarson@srt.com

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Kelsey A. Krapp at kkrapp@esattorneys.com
Evenson Sanderson, PC
103 S. Third St., Ste. 5
Bismarck, ND 58505

Daniel S. Kuntz at dan.kuntz@mduresources.com
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58502-5650

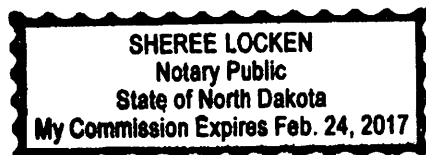


Terra Cota
Deputy Clerk
North Dakota Supreme Court

[¶2] Subscribed and sworn to before me on August 6, 2015.



Notary Public



CASH RECEIPT - NORTH DAKOTA
STATE JUDICIAL SYSTEM

NO 23765

Date 8/5 20 15

Received From Pringle J Herstad, PC

Address Minot, ND CR # 113601

One hundred twenty five & 00/100 Dollars \$ 125.

For Filing Fee - S.C. # 20150227

Comp. Elect. v. ND Public Svc Comm.

Unit	<u>18000</u>	Dept. ID	<u>0600</u>
Account	<u>463009</u>	State Fund	<u>001</u>
Project ID		Activity ID	

Received By Debra A. Kelle
Deputy Clerk
Minors