

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Capital Electric Cooperative, Inc.,

Appellant,

v.

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

Appellees.

Supreme Court No. 20150227

Burleigh County
Civ. No. 08-2014-CV-02349

STIPULATION TO CORRECT RECORD

APPEAL FROM THE JUDGMENT DATED AUGUST 19, 2015, AFFIRMING THE
PUBLIC SERVICE COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

WHEREAS:

[1] It recently came to the attention of the Public Service Commission that a true and correct copy of Late-Filed Exhibit G, Capital Electric Cooperative's Voltage Report, was not included in the record the Public Service Commission certified to Burleigh County District Court on 17 December 2014 when the case was first appealed. The exhibit was not docketed correctly when it was received at the Public Service Commission.

[2] The Public Service Commission's docket number 57, which should have been a copy of Capital Electric Cooperative's Late-filed Exhibit G, Voltage Report, is actually a duplicate copy of Capital Electric Cooperative's Late-filed

Exhibit I, Outage Report. Consequently, a true copy of Late-filed Exhibit G, Capital Electric Cooperative's Voltage Report, was not included in the record certified to Burleigh County District Court.

[3] The record certified to Burleigh County District Court indicates that Certified Record (CR) Exhibit No. 36, District Court Docket ID number 54, is Late-Filed Exhibit G (the Voltage Report), but consistent with the docketing error described above, CR Exhibit No. 36 is really a duplicate copy of Late-filed Exhibit I, the Outage Report (and therefore is a duplicate copy of CR Exhibit No. 37, District Court Docket ID No. 55).

[4] Due to this error, Capital Electric Cooperative's original Late-Filed Exhibit G was not included when Burleigh County District Court forwarded the record to the Supreme Court for the instant appeal.

[5] The Parties have been informed of this error. The Parties stipulate and agree that to correct the error and provide a full administrative record on appeal, a certified copy of Capital Electric Cooperative's Late-filed Exhibit G, Voltage Report, should be transmitted to the Supreme Court with a request that it be incorporated into the record.

[6] Consequently, a certified copy of the correct Capital Electric Cooperative Late-filed Exhibit G is being filed with this Stipulation and the Parties respectfully request that the document be incorporated into the record on appeal.

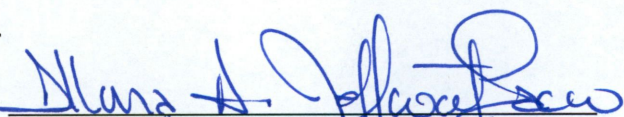
[7] This Stipulation may be signed in counterparts, each of which is incorporated into the final document.

[8] The undersigned represent and warrant each has the authority to bind the party designated under each person's signature. This Stipulation sets forth all of the terms of the agreement reached between the parties with respect to the subject matter of this Stipulation and supersedes any and all prior negotiations and understandings. Signatures to the Stipulation may be provided by facsimile or other electronic means and will be as binding on the party so providing them as an original signature.

[9] This Stipulation is effective as of the last date executed by the final party and will remain in effect unless a subsequent Stipulation is executed by all the parties hereto or by court order after notice and opportunity to be heard has been given to all parties. No party will be deemed to have waived any rights under this Stipulation absent a written statement of waiver signed by the party alleged to have waived any rights

[10] This Stipulation will be construed and interpreted under the laws of the State of North Dakota.

Dated this 5th day of November 2015.

By: 

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Dated this 5th day of November 2015.

By: /s/

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Dated this 5th day of November 2015.

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