

## Hamre, John G.

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**Sent:** Thursday, November 05, 2015 3:48 PM  
**To:** supclerkofcourt@ndcourts.gov  
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**Subject:** Stipulation to Correct Record and supporting documents  
**Attachments:** Cover Letter Stip to Correct Record.pdf; Executed Stip to Correct Record Nov 2015.pdf; Certification and Late-filed Exhibit G.pdf; Certif of Service Stip to Correct Record etc.pdf

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**124 PU-13-871** Filed: 11/5/2015 Pages: 12  
**SC APPEAL – Stipulation to Correct Record and supporting documents**



## Public Service Commission State of North Dakota

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### COMMISSIONERS

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5 November 2015

Penny L. Miller  
Clerk of the Supreme Court  
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600 E. Boulevard Ave.  
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*Via electronic mail only*

Re: Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al.  
Supreme Court No. 20150227  
Burleigh Co. Civ. No. 08-2014-CV-02349  
PSC Case No. PU-13-871

Dear Ms. Miller:

It recently came to my attention that one of the late-filed exhibits filed when the captioned case was an administrative proceeding before the Public Service Commission was not docketed correctly when it was received at the Commission. The exhibit, Late-filed Exhibit G of Capital Electric Cooperative (Voltage Report), was not docketed at all.

Public Service Commission docket number 57, which should have been a copy of Late-filed Exhibit G, Voltage Report, is actually a duplicate copy of Late-filed Exhibit I, Outage Report (PSC docket number 58). Consequently, the true copy of Late-filed Exhibit G, Capital Electric Cooperative's Voltage Report, was not included in the record certified to District Court when the case was first appealed.

The Record Certified to District Court indicates that Certified Record (CR) Exhibit No. 36, District Court Docket ID number 54, should have been the Voltage Report, Late-Filed Exhibit G, but consistent with the Commission's docket error, CR Exhibit No. 36 is really a duplicate copy of the Outage Report, Late-filed Exhibit I (and therefore is a duplicate copy, of CR Exhibit No. 37, District Court Docket ID No. 55). Due to this error, the Voltage Report, original Late-Filed Exhibit G from Capital Electric Cooperative, was not included when the District Court forwarded the record to the Supreme Court for the instant appeal.

Penny Miller, Clerk of the Supreme Court  
5 November 2015  
Page 2

To correct this error and provide a full administrative record, I am enclosing for filing a Stipulation to Correct the Record, together with a certified copy of Capital Electric Cooperative's Late-filed Exhibit G, Voltage Report, and serving the parties with a copy of this filing. Please include this correct Late-filed Exhibit G (CR Exhibit No. 36, District Court Docket ID No. 57) in the record on appeal.

Thank you for your attention to this request. If anything additional is required, please let me know.

Best regards,



Illona A. Jeffcoat-Sacco (03315)  
John Schuh (08138)  
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STATE OF NORTH DAKOTA

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CERTIFICATION

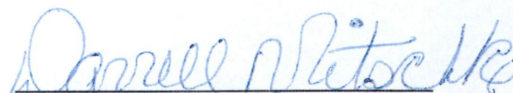
COUNTY OF BURLEIGH

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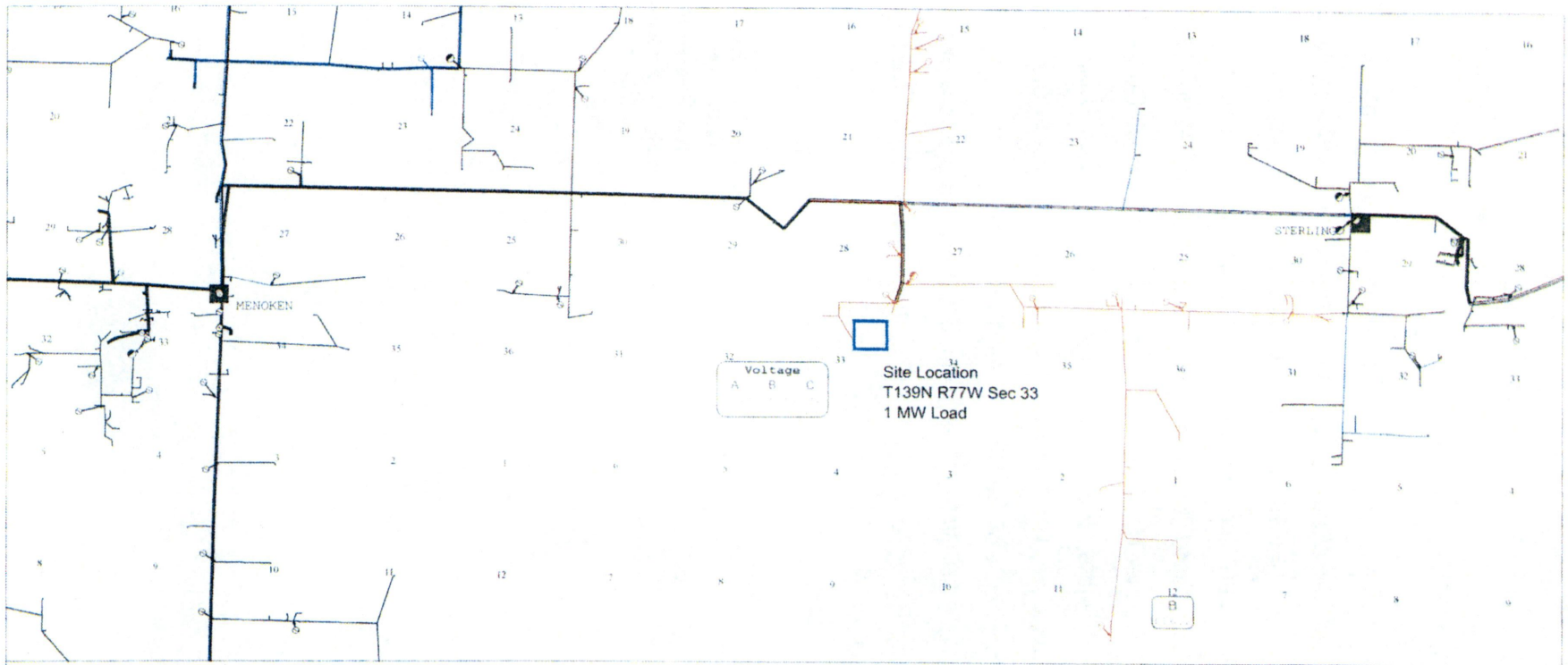
I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the attached is a true and correct copy of Capital Electric Cooperative's Late-filed Exhibit G, Voltage Report, which was docketed on November 4, 2015, to correct an error made when docketing Docket No. 57 (CR Exhibit 36 in Docket No. 74), in Montana-Dakota Utilities Co., a Division of MDU Resources, Menard Inc. – Burleigh County, ND, Public Convenience & Necessity, Case No. PU-13-871, which appears on file in the office of the Public Service Commission of the State of North Dakota.

**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 5<sup>th</sup> day of **November, 2015**.

(SEAL)



Darrell Nitschke  
Executive Secretary  
Public Service Commission  
State of North Dakota



Voltage Drop from Menoken Substation  
Existing System

Late Exhibit G, Page 2

Clarifications for Late Exhibit G

Mr. Kuntz asked:

Could you check with CEC to obtain and file as part of the exhibit at least the following study information: (1) the assumed load (kw or mw) at the Menards site; (2) whether the Menards location used in the study was the entry point of the site, the first padmount transformer, or the last padmount transformer; (3) the substation voltage used in the study; and (4) whether the voltage shown at the Menards site is at the primary or secondary level. Thanks.

CEC's response to Mr. Kuntz's request:

- 1.) 1 MW
- 2.) Entry point
- 3.) 7.2 KV
- 4.) Primary

Mr. Kuntz's follow up question:

Regarding question 3, what is the regulated output voltage (on a 120 volt base) at the Menoken substation needed to obtain voltages shown in the study at the Menards site?

CEC's response:

The voltage level at the Menoken substation is 122 with a bandwidth of 2 volts.

Mr. Kuntz's additional question:

As I understand, the voltage level and output voltage are two different values. Please provide the output voltage at the Menoken Sub in order to obtain the voltages (119.3, 116.6 and 119.5) shown in the study at the entry point to the Menards site. Thank you.

CEC's response:

The output voltage at the substation is 122 volts on a 120 volt base. What that means is 120 volts = 7,200 volts. The Substation transformer is a 41.6 kv high side and it steps it down to 7,200 volts or 7.2 kv. So coming out of the substation transformer it is 120 volts, it goes to the voltage regulators and the voltage regulators step it up to 122 volts or 7.32 kv. Depending on the load on each phase the voltage regulators try to maintain the 122 volts at the substation. That is why each phase has a different voltage at the Menards site. HDR used the peak loading for the circuit and then added the 1 MW load for Menards. Like I said before we can up the voltage on B phase by switching some load on that phase to A and C phases and transferring some of the B phase load to the Sterling Substation. Hopefully this explains what the voltage is at the substation.

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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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

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**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 5<sup>th</sup> day of November 2015.

By: 

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John Schuh (08138)  
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Attorneys for Appellee North Dakota Public Service Commission

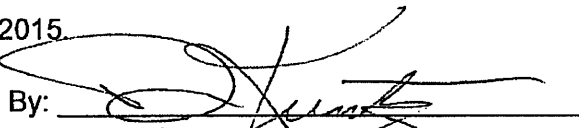
Dated this 5th day of November 2015.

By: /s/

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Attorneys for Appellant Capital Electric Cooperative, Inc.

Dated this 5<sup>th</sup> day of November 2015.

By: 

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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.

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Supreme Court No. 20150227

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

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**CERTIFICATE OF SERVICE**

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

[1] I certify that on 5 November 2015 I filed a true and correct electronic copy  
of the following documents:

1. Stipulation to Correct Record
2. Certification
3. Late-filed Exhibit G of Capital Electric Cooperative
4. Certificate of Service

with the North Dakota Supreme Court via an electronic mail to


Penny Miller, Clerk of the North Dakota Supreme Court  
[supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)

[2] I further certify that electronic copies of the same documents were served  
by electronic mail at the time of filing on the following:

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Attorneys for Appellant Capital Electric Cooperative, Inc.

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Paul Sanderson ([psanderson@esattorneys.com](mailto:psanderson@esattorneys.com))  
Attorneys for Appellee Montana-Dakota Utilities Co.

Dated this 5<sup>th</sup> day of November 2015.

By:   
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John Schuh (08138)  
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