

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 EXTEND TIME TO
FILE APPELLEE BRIEF AND
CORRECT CERTIFIED 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] Due to the docketing 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.

[3] Pursuant to N.D. R. App. P. 10(h), the “difference must be submitted to and settled by the district court and the record conformed accordingly.” The District Court may then correct the misstatement and the supplemental record may be certified and forwarded by the district court.

[4] The Parties have been informed of this error. Pursuant to N.D.R. App. P. 26(b), the Parties stipulate and agree that a 30-day extension be granted to Appellees for filing of Briefs and to allow the District Court to settle the difference of record.


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

[6] 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.

[7] 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

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

Dated this 10th day of November 2015.

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Dated this 10th day of November 2015.

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Dated this 10th day of November 2015.

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