

Schmaltz, GERALYN R.

From: Schmaltz, GERALYN R.
Sent: Tuesday, November 10, 2015 4:37 PM
To: supclerkofcourt@ndcourts.gov
Subject: Certificate of Service Supreme Court Case No. 20150227
Attachments: Certificate of Service.pdf

Dear Ms. Miller:

*Please find attached the Certificate of Service with Stipulation to Extend Time to File Appellee Brief and Correct Certified Record for Supreme Court Case Number 20150227. Thank you!
Geri*

*Geri Schmaltz
Administrative Officer
ND Public Service Commission
600 E. Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480
Phone: 701-328-4076 Fax 701-328-2410*

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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.

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.

By: 
Illona A. Jeffcoat-Sacco (03315)
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Attorneys for Appellee North Dakota Public Service Commission

Dated this 10th day of November 2015.

By: /s/ Matthew H. Olson
Matthew H. Olson (06182)
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Attorneys for Appellant Capital Electric Cooperative, Inc.

Dated this 10th day of November 2015.

By: /s/ Paul Sanderson
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Attorneys for Appellee Montana-Dakota Utilities Co.

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
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Appellees.

Supreme Court No. 20150227

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

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 10 November 2015 I filed a true and correct electronic copy
of the following documents:

1. Stipulation to Extend Time to File Appellee Brief and Correct
Certified Record
2. Certification

with the North Dakota Supreme Court via an electronic mail to

Penny Miller, Clerk of the North Dakota Supreme Court
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:

Matthew Howard Olson (molson@pringlend.com)
Carol K. Larson (clarson@pringlend.com)
Attorneys for Appellant Capital Electric Cooperative, Inc.

Daniel Kuntz (dan.kuntz@mduresources.com)
Paul Sanderson (psanderson@esattorneys.com)
Attorneys for Appellee Montana-Dakota Utilities Co.

Dated this 10th day of November 2015.

By: 

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