

Jeffcoat-Sacco, Illona

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Sent: Thursday, November 12, 2015 3:06 PM
To: Jeffcoat-Sacco, Illona
Subject: Notification of Service for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is a service filing for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Date Submitted: 11/12/2015 3:05:04 PM
Filing Code: Stipulation / Agreement
Filing Desc: Stipulation to Correct Certified Record
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Hamre, John G.

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Sent: Thursday, November 12, 2015 5:37 PM
To: Hamre, John G.
Subject: Accepted Filing Notification for Case No. 08-2014-CV-02349 (Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

This is an accepted filing notification for Case No. 08-2014-CV-02349, Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al..

Case:(Capital Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.)

Filing Code:(Stipulation / Agreement)
Filing Type:(EFileAndServe)
Date Submitted: 11/12/2015 3:05:04 PM
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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Capital Electric Cooperative, Inc.

Appellant,

vs.

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

Appellees

PSC Case No. PU-13-871

CIVIL NO. 08-2014-CV-02349

**STIPULATION TO CORRECT
CERTIFIED RECORD**

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.

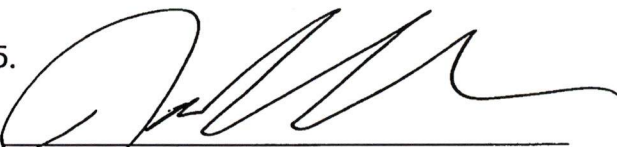
Signatures to the Stipulation may be provided by facsimile or other electronic means and will be as binding on the party so providing them as an original signature.

[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 12th day of November 2015.

By:



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Attorneys for Appellee North Dakota Public Service Commission

Dated this 12th day of November 2015.

By: /s/ Matthew H. Olson

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Attorneys for Appellant Capital Electric Cooperative, Inc.

Dated this 12th day of November 2015.

By: /s/ Paul Sanderson

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