

Hamre, John G.

From: Schuh, John M.
Sent: Thursday, December 17, 2015 4:25 PM
To: Hamre, John G.
Subject: FW: Appellee's Brief - Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al., Supreme Court No. 20150227

From: Supreme Court Clerk's Office - Harrison, Beth [mailto:BHarrison@ndcourts.gov]
Sent: Monday, December 14, 2015 1:21 PM
To: Schuh, John M.
Cc: 'dan.kuntz@mduresources.com'; 'psanderson@esattorneys.com'; 'molson@pringlend.com'; 'kkrapp@esattorneys.com'
Subject: Appellee's Brief - Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al., Supreme Court No. 20150227

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December 14, 2015

John M. Schuh
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave, Dept. 408
Bismarck, ND 58505

RE: Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al.
Supreme Court No. 20150227
Burleigh Co. No. 2014-CV-02349

This will acknowledge receipt of the electronically filed Appellee's Brief and Appendix in the above matter. These were filed December 11, 2015. I trust the \$25 e-filing surcharge is forthcoming.

It is the preference of our office regarding the nature of proceedings on the title page that it include the title and date of the order being appealed, the judge who entered the decision, and judicial district in which the matter was decided. Please make the appropriate corrections to your title page.

I note under the amendments to N.D.R.App.P. 32(a)(7), effective October 1, 2014, all briefs must be paragraph numbered. Reference to material in such documents must be to paragraph number, not page number. It appears both the Table of Contents and Table of Authorities either reference to both or only page number.

I also note the Table of Authorities and body of the brief should reference both the North Dakota citation and the Northwest Reporter citation for cases decided after January 1, 1997, as required by Rule 11.6 of the North Dakota Rules of Court. Review your Table of Authorities and make any required corrections needed.

Please make all of the above correction to your brief, as soon as possible, but at the latest by December 18, 2015. Please forward the electronic copy of your brief in its entirety also include proof of service on opposing counsel. When making the required corrections, no substantive changes to the brief may be made. There is no need to put amended or corrected on your brief.

Please note Paul Sanderson, Kelsey Krapp, & Daniel Kuntz have not yet filed briefs. If they do not file a brief they will not receive any further notice from this Court. If they would like to receive the opinion, please contact our office as soon as possible to express that intent.

This appeal will be submitted to the Court for consideration in the January 2016 Term of Court. Under N.D.R.App.P. 34(a)(2), upon examination of the briefs and record, the Court may decide oral argument is unnecessary.

If the appeal is scheduled for argument, you will be notified of the date and time for appearance on completion of the Court calendar. **I request Appellant and Appellee to forward or fax to my office immediately all conflicts during the month of January 2016, and to continuously update this office of your conflicts until you receive notice of an oral argument date or notice oral argument will not be held. My fax number is 701-328-4480 and my e-mail address is supclerkofcourt@ndcourts.gov.** You should keep this appeal in mind when scheduling other matters during the upcoming term.

We do not guarantee argument will be scheduled or guarantee accommodation of conflicts. **However, if oral argument is held and conflicts are not received, oral argument will be scheduled without further contact.** If counsel cannot attend oral argument on the date and time scheduled, the case will be submitted on the basis of the brief(s) filed by the absent counsel. Counsel available at the scheduled date and time will be permitted to appear.

Sincerely yours,

/s/ Beth Harrison
Deputy Clerk
North Dakota Supreme Court

pc: Matthew H. Olson
Paul R. Sanderson
Kelsey A. Krapp
Daniel S. Kuntz

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