

**Hamre, John G.**

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**From:** Jeffcoat-Sacco, Illona  
**Sent:** Friday, December 18, 2015 3:11 PM  
**To:** Hamre, John G.  
**Subject:** FW: Oral Argument - Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al., Supreme Court No. 20150227  
**Attachments:** Weather Policy.pdf

*Illona A. Jeffcoat-Sacco*  
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**From:** Supreme Court Clerk's Office - Keller, Heather [<mailto:HWurtz@ndcourts.gov>]  
**Sent:** Friday, December 18, 2015 2:52 PM  
**To:** Jeffcoat-Sacco, Illona; 'dan.kuntz@mduresources.com'; 'clarson@pringlend.com'; 'psanderson@esattorneys.com'; 'molson@pringlend.com'; 'kkrapp@esattorneys.com'; Schuh, John M.  
**Subject:** Oral Argument - Capital Electric Cooperative, Inc. v. N.D. Public Service Commission, et al., Supreme Court No. 20150227

*SUPREME COURT OF NORTH DAKOTA  
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**VIA E-MAIL ONLY**

December 18, 2015

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North Dakota Public Service Commission  
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Bismarck, ND 58505

Paul Reginald Sanderson

**153 PU-13-871** Filed: 12/18/2015 Pages: 3  
**SC APPEAL – Notice of Oral Argument**

North Dakota Supreme Court Office of the Clerk  
Heather Keller, Deputy Clerk

Kelsey A. Krapp  
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Bismarck, ND 58501

Daniel S. Kuntz  
MDU Resources Group, Inc.  
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Bismarck, ND 58502-5650

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

This matter will be called for oral argument on 01/27/2016 at 2:45 p.m. or as soon thereafter as the case(s) may be heard.

Please immediately confirm your presence at oral argument with the Clerk's Office at 701-328-2221 or by e-mail to [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov). You **must** indicate whether you will be arguing or appearing. If you are only appearing, you must indicate whether you will be seated at counsel table. **It is not sufficient to respond saying that you will be "there" or "present."**

Pursuant to Rule 34(b), N.D.R.App.P., the appellant will be given 30 minutes and the appellee 20 minutes to argue. If there are two or more appellants or appellees, they must share the allotted time.

*Absent exigent circumstances, if you are unable to attend or wish to waive oral argument, you must notify this office, in writing, no less than one week prior to the scheduled date and time. Neglect to do so may subject you to sanction.* If you are unable to attend oral argument at the scheduled date and time, the case(s) will be submitted on the basis of the brief(s) filed. Counsel or unrepresented party available at the scheduled date and time will be permitted to appear. However, under N.D.R.App.P. 34(a)(2), upon examination of the briefs and record, the Court may decide that oral argument is unnecessary and cancel oral argument.

Attached for your information is the Court's weather policy.

Sincerely yours,

/s/ Heather Keller  
Deputy Clerk  
North Dakota Supreme Court

attachment

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**North Dakota Supreme Court  
Weather Policy**

After careful review, the Court has concluded that oral arguments will not be postponed due to winter weather conditions.

While the Court does not expect counsel or litigants to risk their personal safety in order to appear for arguments, the practice of rescheduling arguments is costly and unduly delays submission of the case to the Court. Therefore, it is incumbent upon counsel/parties to make appropriate arrangements to ensure their presence and, if necessary, travel the day before their scheduled arguments.

Should the state experience successive days of severe winter weather conditions, the Court, in its discretion, will decide whether or not to reschedule arguments and counsel/parties will be notified accordingly. However, arguments will ordinarily not be rescheduled if opposing counsel/party has traveled to Bismarck and is present for oral argument at the time scheduled.

If oral arguments are not rescheduled, the case will be submitted to the Court on the briefs that have been filed.

Approved 3/9/94