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MONTANA **March 6, 2015**



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Executive Secretary
Public Service Commission
North Dakota State Capital
600 East Boulevard, Dept. 408
Bismarck ND 58505-0480

Re: Capital Electric Cooperative, Inc. v. Montana-Dakota Utilities Co.

Dear Gentlemen:

Please find enclosed for filing in the above-named matter the following documents:

1. Complaint; and
2. Affidavit in Support of Complaint (with exhibit).

I have included one original, 8 copies (seven copies for PSC and one for the Respondent) and also one courtesy copy. Once said Complaint is filed, please provide to our office a file stamped copy.

Thank you and if you have any questions, please do not hesitate to contact me.

Sincerely,

Matthew H. Olson
MHO/bc

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

Capital Electric Cooperative, Inc.)	
)	
Complainant,)	COMPLAINT
vs.)	
)	
Montana-Dakota Utilities Co.,)	
)	Case No. _____
Respondent.)	

1. Capital Electric Cooperative, Inc. (Capital Electric) is a rural electric cooperative under N.D.C.C. 49-03-01.5 subsection 6. Capital Electric is an interested electric cooperative corporation under ND.C.C. 49-03-05.
2. Montana-Dakota Utilities Co. (MDU) is an “electric public utility” under N.D.C.C. 49-03-01.5 subsection 2. Its address is 400 North Fourth Street, Bismarck, North Dakota 58501.
3. MDU threatens to and has begun the construction of an extension of its public utility plant and system to serve a customer in the SW1/4NE1/4 of Section 33, Township 139N, Range 77W, Burleigh County, North Dakota (the place to be served), without first obtaining from the Commission a certificate that public convenience and necessity require or will require such construction and service. Upon information and belief, MDU’s extension of its public plant and system serves a railroad signal and railroad hut that is located in the SW1/4NE1/4 of Section 33.

4. The place to be served is not located within the corporate limits of any municipality.
5. The place to be served is located in Capital Electric's service area.
6. The place to be served is under Capital Electric's distribution line.
7. MDU's construction of an extension of its public utility plant and system and of its distribution line(s) to serve a customer at the place to be served threatens to interfere with Capital Electric's service and system and is wasteful duplication of facilities.
8. The allegations are shown by the attached affidavit of Ordean "Lars" Nygren.
9. MDU's construction of an extension of its public plant and system to the place to be served is a violation of sections N.D.C.C. 49-03-01 through 49-03-01.5.
10. MDU is subject to the jurisdiction of the Public Service Commission.

Therefore, under N.D.C.C. §§ 49-02-02 (2), (4), 49-03-01.1, 49-03-01.4, 49-03-05, Capital Electric requests the Commission, with or without notice, to make its order restraining, enjoining and requiring MDU to cease and desist from constructing an extension of its electric public utility plant and system to and from serving any customer

at the place to be served and to require MDU to conform to the laws of this State, until the further order of the Commission after hearing after due notice and that MDU be ordered to remove the extension of its electric public utility plant and system to the customer.

Dated this 6 day of March, 2015.

PRINGLE & HERIGSTAD, P.C.



Matthew H. Olson (#06182)
Attorneys for Capital Electric Cooperative, Inc.
P.O. Box 1000
Minot, ND 58702
701-852-0381

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

Capital Electric Cooperative, Inc.)	
)	AFFIDAVIT IN SUPPORT OF
Complainant,)	COMPLAINT
vs.)	
)	
Montana-Dakota Utilities Co.,)	
)	Case No. _____
Respondent.)	

I, Ordean "Lars" Nygren, declare on oath:

1. I am the general manager of Capital Electric Cooperative, Inc. (Capital Electric). I make this declaration in support of Capital Electric's Complaint against Montana-Dakota Utilities Co. (MDU).
2. Capital Electric has an electrical distribution line located in the NW1/4 of Section 33, Township139N, Range 77W, Burleigh County that runs north/south directly adjacent (to the west) of the NW1/4NE1/4 of Section 33, Township139N, Range 77W, Burleigh County. This distribution line continues to run north/south directly adjacent (to the west) of the SW1/4NE1/4 of Section 33, Township139N, Range 77W, until a point in which the distribution line follows the railroad track where in the distribution line goes from the northwest to the southeast in the SW1/4NE1/4 of Section 33. Capital Electric's line is north of and parallel to the railroad tracks. MDU threatens to and has begun the construction of an extension of its public utility plant and system to serve a customer at a location that is under Capital Electric's distribution line which is located in the SW1/4NE1/4 of Section 33, Burleigh County, which is "the place to be served" described in the complaint. Upon information and belief, MDU or its agents is threatening to trench or has trenched in a distribution line from a transformer located in the SE1/4NE1/4 to the place to be served. Upon information and belief, MDU's proposed extension or extension serves a railroad signal and a railroad hut. A map is attached hereto as Exhibit 1 and is incorporated herein by reference.
3. MDU's construction of an extension of its public utility plant and system to the place to be served interferes with Capital Electric's service and system and is wasteful duplication of facilities.
4. MDU has not obtained from the Public Service Commission a certificate that public convenience and necessity require or will require such construction and service by MDU.

Dated this 29 day of December, 2014.

Ordean Lars Nygren
Ordean "Lars" Nygren, Manager
Capital Electric Cooperative, Inc.

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

SUBSCRIBED AND SWORN TO before me this 29th day of December, 2014.

Paul Fitterer
Notary Public
For the State of North Dakota
My commission expires: _____

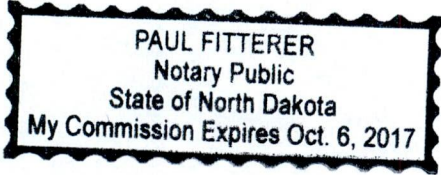
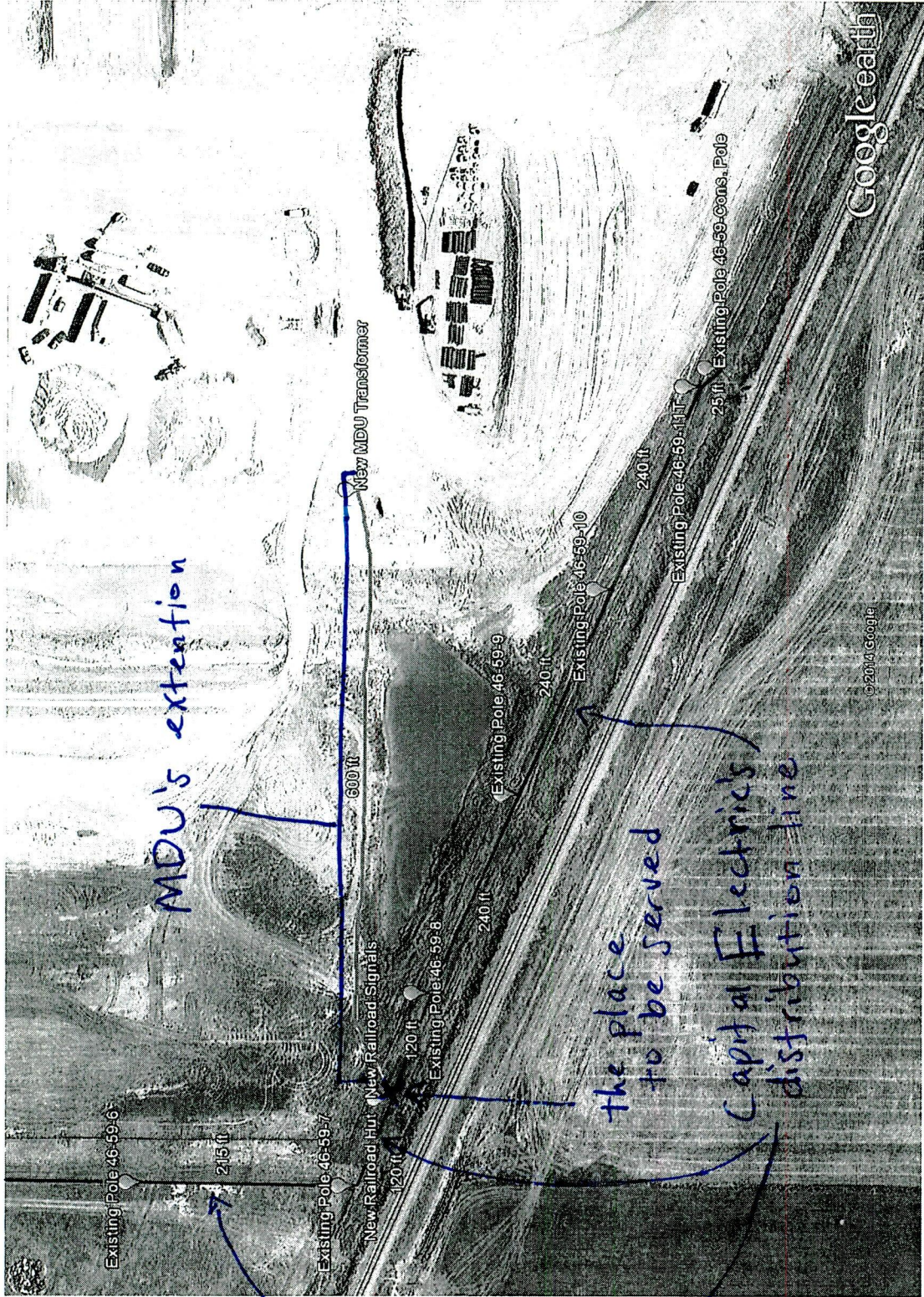


Exhibit 1



Google earth

feet 900

meters 200