

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Capital Electric Cooperative Inc. vs  
Montana-Dakota Utilities Co.  
Complaint**

**Case No. PU-15-110**

**AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Amy Haugen** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of May, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopies of the:

**Cover letter for Service of Complaint  
Formal Complaint of Capital Electric Cooperative, Inc.  
Motion Dated May 13, 2015**

The envelopes were addressed as follows:

Daniel S Kuntz  
Associate General Counsel  
MDU Resources Group Inc.  
PO Box 5650  
Bismarck, ND 58506-5650

C T Corporation System  
Registered Agent for MDU Resources  
Group, Inc.  
314 E Thayer Ave  
Bismarck, ND 58501-4018

**Cert. No. 7014 0150 0000 4831 4929**

**Cert. No. 7014 0150 0000 4831 4769**

**Amy Haugen** further deposes and says that on the **21st day of May, 2015**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, containing a photocopy of the same.

The envelope was addressed as follows:

Matthew H Olson  
Pringle & Herigstad, P.C.  
2525 Elk Drive  
Post Office Box 1000  
Minot, ND 58702-1000

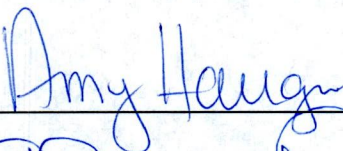
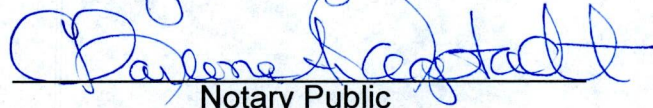


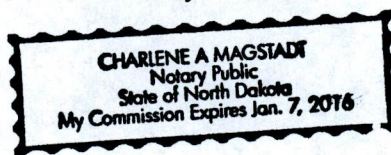
Affidavit of Service  
Page 2  
May 21, 2015

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **21st day of May, 2015**.

SEAL

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public



My Commission Expires Jan. 7, 2018  
State of North Dakota  
History License  
CHARLENE A. MADSEN



# Public Service Commission State of North Dakota

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## COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

May 21, 2015

Daniel S Kuntz  
Associate General Counsel  
MDU Resources Group Inc.  
PO Box 5650  
Bismarck, ND 58506-5650

RE: Case No. PU-15-110

Mr. Kuntz,

On March, 9, 2015, the Public Service Commission received a complaint from Capital Electric Cooperative, Inc. against Montana-Dakota Utilities Co. A copy of the complaint is attached to this letter.

On May 13, 2015, the Commission determined that the Complaint stated a prima facie case and conforms to N.D. Admin. Code § 69-02-02-02. A copy of the Commission motion is attached to this letter as well.

Upon service of the attached Complaint and Motion, you have twenty (20) days to file an answer to the complaint, pursuant to N.D. Admin. Code § 69-02-02-03. If no answer is received within twenty days of service of this complaint, the Commission may enter a default order on this matter. N. D. Century Code § 28-32-21(e). A hearing before the Commission on this matter may be held no earlier than 45 days from service of the complaint.

If you have any questions, feel free to call me at 701-328-4077 or email at [pfahn@nd.gov](mailto:pfahn@nd.gov).

Best regards,

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn  
Director, Compliance and Competitive Markets Division

cc: CT Corporation System  
Matthew H Olson

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

Capital Electric Cooperative, Inc.	)	
	)	
Complainant,	)	<b>COMPLAINT</b>
vs.	)	
	)	
Montana-Dakota Utilities Co.,	)	
	)	<b>Case No. _____</b>
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

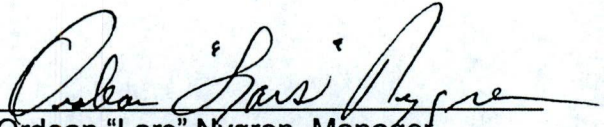
**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

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

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

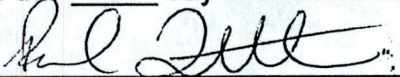
1. I am the general manager of Capital Electric Cooperative, Inc. (Capital Electric). I make this declaration in support of Capital Electric's Complaint against Montana-Dakota Utilities Co. (MDU).
2. Capital Electric has an electrical distribution line located in the NW1/4 of Section 33, Township139N, 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, Manager  
Capital Electric Cooperative, Inc.

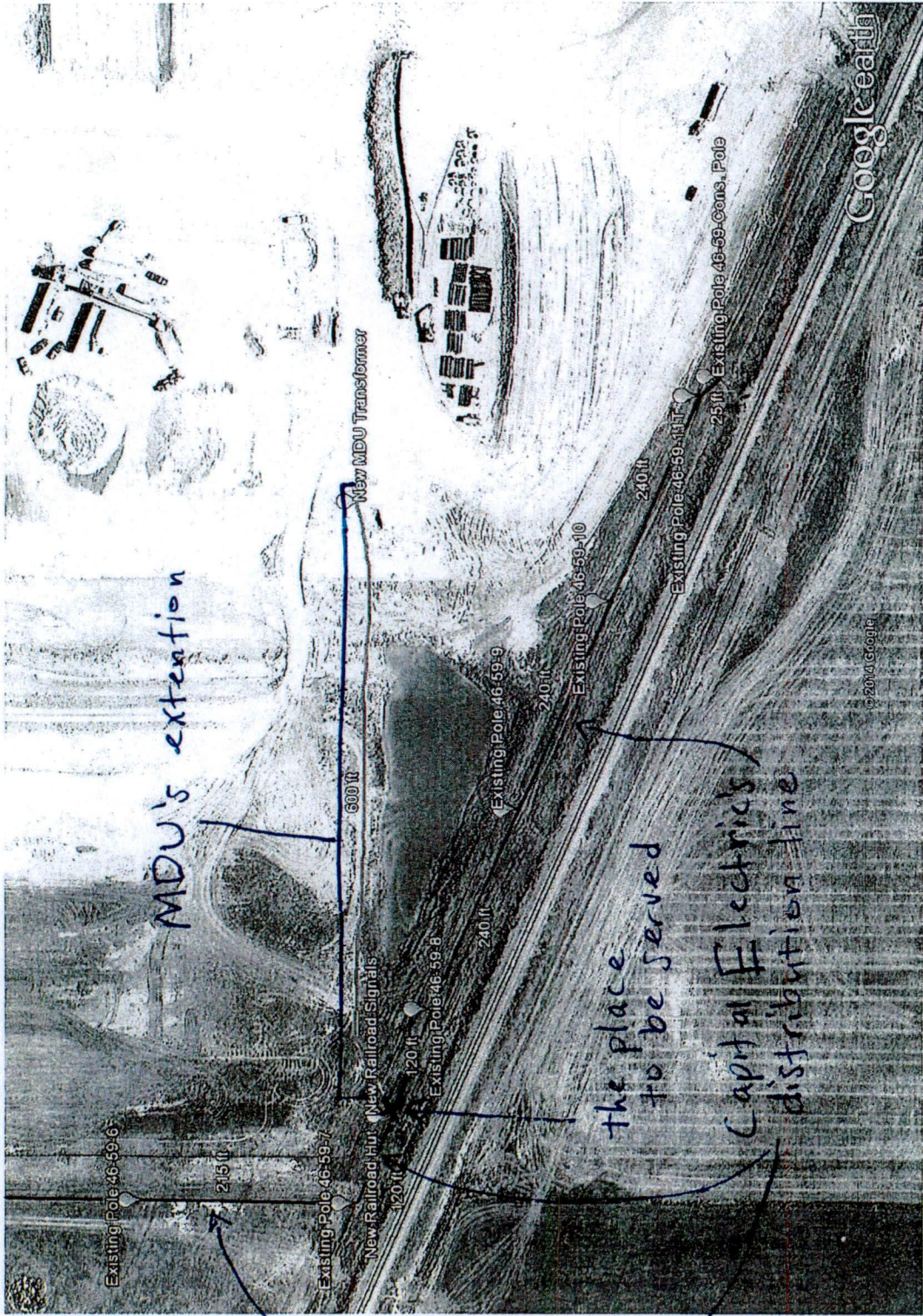
STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF BURLEIGH    )

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
Notary Public  
For the State of North Dakota  
My commission expires: \_\_\_\_\_

**PAUL FITTERER**  
Notary Public  
State of North Dakota  
My Commission Expires Oct. 6, 2017

Exhibit 1



**APPROVED**

DATE: 5-13-15  
J

**MOTION**

**May 13, 2015**

**Capital Electric Cooperative, Inc. vs  
Montana-Dakota Utilities Co.  
Complaint**

**Case No. PU-15-110**

I move the Commission find that the complaint states a prima facie case and that the Commission serve the complaint on the respondent in Capital Electric Cooperative, Inc. vs Montana-Dakota Utilities Co., Complaint, Case No. PU-15-110.

JRL