

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Montana Dakota Utilities Co., a Division  
of MDU Resources Group, Inc.  
2017 Natural Gas Rate Increase Application

Case No. PU-17-295  
OAH File No. 20170395

**ORDER GRANTING MONTANA DAKOTA UTILITIES'  
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF  
MONTANA GAS RATE SETTLEMENT AGREEMENT**

MDU petitioned this hearing officer in advance of hearing for an in limine ruling to exclude its recent settlement agreement with Montana Consumer Counsel from evidence in this rate case.

MDU raises several bases for exclusion, one is Rule 408 of the North Dakota Rules of Evidence relating to offers of compromise, another is Rule 403 regarding unfairly prejudicial evidence, and finally, by the terms of the settlement agreement itself.

This ALJ has reviewed the briefs of the parties, cases cited by the parties, and listened to oral arguments. I conclude that the terms of the actual Montana settlement agreement do not necessarily preclude its admission in this proceeding. However, because it is clearly a compromise under Rule 408 and because its impact might be unduly prejudicial under Rule 403, it is excluded at this time.

The motion in limine is granted. Evidence of the Montana settlement agreement will not be admitted for purposes of proving the ROE accepted by Montana or the delay in that state of MDU's implementation of its SSIP program. The Court reserves judgment as to admissibility for any other reason which may qualify as an exception to Rule 408 or Rule 403.

Dated this 4<sup>th</sup> day of June, 2018.

State of North Dakota  
OFFICE OF ADMINISTRATIVE HEARINGS

By: 

Patrick J. Ward ID#03626

Administrative Law Judge

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**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the following:

**ORDER GRANTING MONTANA DAKOTA UTILITIES' MOTION IN LIMINE TO  
EXCLUDE EVIDENCE OF MONTANA GAS RATE SETTLEMENT  
AGREEMENT**

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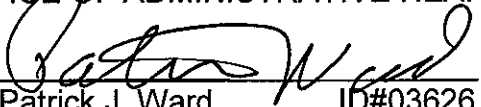
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Dated at Bismarck, North Dakota, this 4th day of June, 2018.

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Patrick J. Ward ID#03626

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