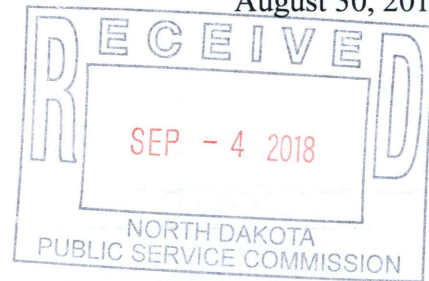


August 30, 2018

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505



RE: *Environmental Law & Policy Center and Dakota Resource Council v. Meridian Energy Group, Inc.*, Case No. PU-18-223

Dear Executive Secretary Nitschke,

This letter is to advise the Commission that Complainants Environmental Law & Policy Center and Dakota Resource Council withdraw their argument that Respondent's Motion to Dismiss was untimely, which was made in their Response to Respondent's Motion to Dismiss. We believe Respondent's explanation is well-taken.

Complainants do object to respondent's suggestion that we are somehow contending that the PSC is not bound by its jurisdictional statute or that the PSC is free to take jurisdiction over smaller facilities based only on a fear that the facility might someday be bigger. Those are clearly mischaracterizations of complainants' position.

Thank you for your consideration.

Respectfully submitted,

BRAATEN LAW FIRM

/s/ JJ England
Derrick Braaten (ND 06394)
JJ England (ND 08135)
109 North 4th St., Suite 100
Bismarck, ND 58501-4003
Tel. 701-221-2911
Fax 701-221-5842
derrick@braatenlawfirm.com
jj@braatenlawfirm.com

Attorneys for Dakota Resource Council

ENVIRONMENTAL LAW & POLICY CENTER

Scott Strand (*Pro Hac Vice*)
Senior Attorney
60 South Sixth Street, Suite 2800
Minneapolis, MN 55402
(612) 386-6409
SStrand@elpc.org

Rachel Granneman (*Pro Hac Vice*)
Staff Attorney
35 East Wacker Drive, Suite 1600
Chicago, IL 60657
(312) 795-3535
RGranneman@elpc.org

Attorneys for the Environmental Law & Policy Center

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document was on the 30th day of August, 2018, served by e-mailing the same to:

Lawrence Bender
lbender@fredlaw.com

Derrick Braaten
derrick@braatenlawfirm.com

JJ England
jj@braatenlawfirm.com

Scott Strand
ssstrand@elpc.org

and by mailing a copy via USPS First Class Mail to:

Patrick J. Ward
Administrative Law Judge
c/o Zuger Kirmis & Smith
PO Box 1695
Bismarck, ND 58502-1695

An original and ten copies of the foregoing document were also mail by USPS mail to the North Dakota Public Service Commission on said date.

/s/ Rachel Granneman
Rachel Granneman