

1. Is the property at issue in this dispute located within the corporate limits of the City of Drayton; and
2. Does Nodak Electric Cooperative possess a franchise with the City of Drayton to provide electric service within the corporate limits of the City of Drayton.

Otter Tail asserts that if the property in question is located in the corporate limits of the City of Drayton and if Nodak Electric Cooperative does not possess a franchise with the City of Drayton to provide electric service within the corporate limits of the City of Drayton, the Commission lacks authority to interfere with the City of Drayton's constitution right to grant a franchise to an electric provider under North Dakota Constitution Article VII, § 11. See Capital Elec. Coop. v. City of Bismarck, 2007 ND 128, ¶ 13, 736 N.W.2d 788.

Therefore, Otter Tail respectfully requests the Notice of Hearing be amended to include the two issues identified above.

Dated this 4th day of December, 2020.

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