

## Hamre, John G.

---

**From:** efilmingmail@tylerhost.net  
**Sent:** Tuesday, September 14, 2021 10:42 AM  
**To:** Hamre, John G.  
**Subject:** Filing Accepted for Case: 08-2021-CV-01508; Nodak Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.; Envelope Number: 4452058

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

## Filing Accepted

Envelope Number: 4452058

Case Number: 08-2021-CV-01508

Case Style: Nodak Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.



The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
<b>Court</b>	Burleigh County - South Central District
<b>Case Number</b>	08-2021-CV-01508
<b>Case Style</b>	Nodak Electric Cooperative, Inc. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	9/13/2021 4:30 PM CST
<b>Date/Time Accepted</b>	9/14/2021 10:41 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 32 Affidavit of Service by Certified Mail - Notice
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	John Hamre
<b>Filing Attorney</b>	John Schuh

Document Details	
<b>Lead Document</b>	32 - CR Exhibit 32 Affidavit of Service by Certified Mail - Notice.pdf
<b>Lead Document Page Count</b>	2
<b>File Stamped Copy</b>	<a href="#">View Stamped Document</a>
This link is active for 30 days. If the link above is not accessible, copy this URL into your browser's address bar to view the document: <a href="https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=e933981c-b5c5-49dc-a491-a2febb828e39">https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=e933981c-b5c5-49dc-a491-a2febb828e39</a>	

For technical assistance, contact your service provider or  
North Dakota Court's Information Technology Department 701-328-4218  
Please do not reply to this email. It was automatically generated.

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Nodak Electric Cooperative, Inc  
vs. Otter Tail Power Company  
Complaint

Case No. PU-20-356

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **4th day of March 2021**, she deposited in the United States Mail, at Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Notice of Hearing**

The envelopes were addressed as follows:

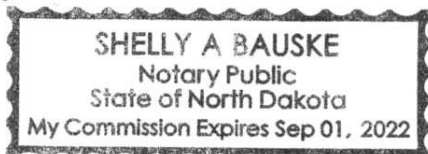
Paul Sanderson  
Attorney for Otter Tail Power Company  
Evenson Sanderson PC  
1100 College Drive, Suite 5  
Bismarck, ND 58501  
**Cert. No. 7020 1290 0001 6150 3557**

Kimberly J. Radermacher  
Attorney for Nodak Electric Cooperative, Inc.  
Radermacher Law Firm, P.C.  
PO Box 103  
Edgeley, ND 58433  
**Cert. No. 7020 1290 0001 6150 3564**

Charles Olson  
Mayor  
City of Drayton, ND  
122 S Main Street  
Drayton, ND 58225  
**Cert. No. 7020 1290 0001 6150 3571**

The addresses shown are the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **4th day of March 2021**.



SEAL

*Geralyn R Schmaltz*

*Shelly A Bauske*  
Notary Public

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

**Nodak Electric Cooperative, Inc.  
vs Otter Tail Power Company  
Complaint**

**Case No. PU-20-356**

**NOTICE OF HEARING**

**March 3, 2021**

Please take notice that a **public hearing** on Case No. PU-20-356 will **begin Friday April 16, 2021, at 8:30 a.m. CST, in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota 58505.**

On July 29, 2020, Nodak Electric Cooperative, Inc. (Nodak) filed a complaint that Otter Tail Power Company (OTP) threatens to extend its system to serve a customer in T159N, R51W, S26, McFarland's Addition, Pembina County, ND, without first obtaining a certificate from the Commission that public convenience and necessity require an extension of service. This service location was recently annexed into the corporate limits of the city of Drayton.

Nodak further alleges this system extension by OTP would interfere with Nodak's service and system and would be a wasteful duplication of facilities.

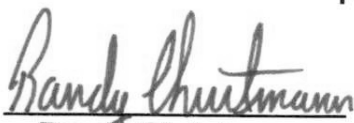
On December 11, 2020, OTP filed a motion to dismiss stating the Commission lacks the authority to grant the relief requested by Nodak.

The issues to be considered in this matter are:

1. Whether the Commission should grant OTP's motion to dismiss?
2. Whether OTP's extension would interfere with existing services provided by Nodak?
3. If there would be a duplication of services, whether the duplication of services would be unreasonable?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Randy Christmann**  
Commissioner

  
\_\_\_\_\_  
**Julie Fedorchak**  
Chair

  
\_\_\_\_\_  
**Brian Kroshus**  
Commissioner