

**IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

Nodak Electric Cooperative. Inc.,

Appellant,

v.

North Dakota Public Service Commission,  
and City of Drayton,

Appellees,

and

Otter Tail Power Company,

Appellee and Cross-  
Appellant.

Supreme Court No. 20220122

District Court File No. 08-2021-CV-01508

---

**NORTH DAKOTA LEAGUE OF CITIES’ MOTION FOR FILING OF BRIEF OF  
AMICUS CURIAE NORTH DAKOTA LEAGUE OF CITIES  
IN SUPPORT OF CITY OF DRAYTON AND OTTER TAIL POWER COMPANY  
IN OTTER TAIL POWER COMPANY’S CROSS-APPEAL SEEKING  
REVERSAL OF THE NORTH DAKOTA PUBLIC SERVICE COMMISSION’S  
DECISION**

[¶1] The North Dakota League of Cities, by and through its attorney, Stephanie Dassinger Engebretson, moves this Court for an order pursuant to North Dakota Rule of Appellate Procedure 29 to permit the North Dakota League of Cities to file a brief as an amicus curiae in the above-entitled appeal.

[¶2] The North Dakota League of Cities interest in this matter is that an adverse ruling in this appeal could impair cities’ ability to have effective franchise agreements for newly annexed parts of the city. It is desirable for there to be an amicus curiae in this matter because it will provide context for why a city’s interest in protecting its franchise authority is so important it is enshrined in the North Dakota Constitution.

[¶]3] THEREFORE, the North Dakota League of Cities respectfully requests that this Court issue an order granting this motion. A Brief of Amicus Curiae North Dakota League of Cities in Support of City of Drayton and Otter Tail Power Company In Otter Tail Power Company's Cross-Appeal Seeking Reversal of the North Dakota Public Service Commission's Decision is conditionally filed with this motion.

Dated this 26th day of August, 2022.

North Dakota League of Cities  
BY: /s/Stephanie Dassinger Engebretson  
Stephanie Dassinger Engebretson  
stephanie@ndlc.org  
ND State Bar No. 06774  
410 East Front Avenue  
Bismarck, ND 58501  
TEL (701) 223-3518  
FAX (701) 223-5174  
Amicus Curiae

## CERTIFICATE OF SERVICE

[¶]4 A copy of this document was electronically filed with the North Dakota Supreme Court, on August 26, 2022 and served electronically upon:

Kimberly J. Radermacher – Attorney for Appellant Nodak Electric Cooperative, Inc.  
[kimrader@radermacherlaw.com](mailto:kimrader@radermacherlaw.com)

North Dakota Public Service Commission – Appellee  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

Brian L. Johnson – Attorney for Appellee North Dakota Public Service Commission  
[brljohnson@nd.gov](mailto:brljohnson@nd.gov)

Steven Ekman – Attorney for Appellee City of Drayton  
[steven@stevenekman.com](mailto:steven@stevenekman.com) and [office@stevenekmanlaw.com](mailto:office@stevenekmanlaw.com)

Paul Sanderson – Attorney for Cross-Appellant Otter Tail Power Company  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)

/s/ Stephanie Dassinger Engebretson

Stephanie Dassinger Engebretson

[stephanie@ndlc.org](mailto:stephanie@ndlc.org)

ND State Bar No. 06774

410 East Front Avenue

Bismarck, ND 58501

TEL (701) 223-3518

FAX (701) 223-5174

Attorney for Amicus Curiae North Dakota  
League of Cities