

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

**Certificate of Service**

Supreme Court No. 20220122  
Burleigh Co. Court No. 2021-CV-01508

[¶1] Brian Johnson, states that he is of legal age and that on September 21, 2022 he served the Intent to *Participate in Oral Argument* in the above matter electronically as follows:

**Becky Palmer at supclerkofcourt@ndcourts.gov**  
**Becky Palmer**  
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**Office of the Clerk**  
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**Bismarck, ND 58501**

I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct. Signed on September 21, 2022 at Bismarck, ND, USA.



Legal Counsel  
North Dakota Public Service  
Commission

IN THE  
SUPREME COURT OF NORTH DAKOTA

SUPREME COURT NUMBER 20220122  
BURLEIGH COUNTY CASE NUMBER 08-2021-CV-01508  
PSC CASE NUMBER PU-20-356

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|  |                                     |
|--|-------------------------------------|
| <b>NODAK ELECTRIC COOPERATIVE, INC.,</b> | <b>Appellant and Cross Appellee</b> |
| v.                                       |                                     |
| <b>DAKOTA PUBLIC SERVICE COMMISSION</b>  |                                     |
| <b>AND THE CITY OF DRAYTON,</b>          | <b>Appellees</b>                    |
| and                                      |                                     |
| <b>OTTER TAIL POWER COMPANY,</b>         | <b>Appellee and Cross-Appellant</b> |

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ON APPEAL FROM THE ORDER AFFIRMING PUBLIC SERVICE COMMISSION ORDER  
DATED MARCH 2, 2022, AND JUDGMENT DATED MARCH 3, 2022,  
THE HONORABLE DOUGLAS BAHR, DISTRICT COURT JUDGE, PRESIDING

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INTENT TO PARTICIPATE IN ORAL ARGUMENT

Counsel for the North Dakota Public Service commission hereby requests to participate in oral argument if oral argument is set for this matter.



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Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue Dept. 408  
Bismarck ND, 58505  
701-328-2407

## Hamre, John G.

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**From:** (SUP) Clerk of Court Office <SupClerkofCourt@ndcourts.gov>  
**Sent:** Wednesday, September 21, 2022 2:08 PM  
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New Rules Notice: New appellate rules are/were effective March 1, 2022. The order of adoption and legislative format rules are available here. Appendices will no longer be filed. Transcripts will be filed into the district court record rather than with this Court. The new rules will be applied to all documents filed after March 1, regardless of the status of the proceeding.

References to the record will be made in briefs directly to the record as follows (rule 30(b)):

(1) Reference to any material that is contained in an item in the record and that is listed under a register of actions index number, including transcripts, must be made by setting forth in parentheses the capital letter "R" followed by the index number of the item followed by a colon and the specific page within the item where the information referred to is located, for example (R156:12). If applicable, paragraph or line numbers must be included after the page number, for example (R156:12:¶3) or (R156:12:3).

(2) References to a video or audio recording in the record must be made by identifying the recording and providing specific, time-coded locations of the relevant portions.

General Notice: Appropriate fees under the North Dakota Rules of Appellate Procedure are due in this office within 7 days of submitting a document. There are few fees required by the rules. Please review the rules before contacting our office.

Thank you.

North Dakota Supreme Court  
[supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)