

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

Nodak Electric Cooperative, Inc.,
Appellant and Cross-Appellee,
vs.
North Dakota Public Service Commission, and
City of Drayton,
Appellees and Cross-Appellees,
and
Otter Tail Power Company,
Appellee and Cross-Appellant.

**Supreme Court No. 20220122
Civil No. 08-2021-CV-01508**

ON APPEAL FROM THE JUDGMENT DATED MARCH 3, 2022,
BURLEIGH COUNTY DISTRICT COURT,
SOUTH CENTRAL JUDICIAL DISTRICT
HONORABLE DOUGLAS A. BAHR

**APPELLEE AND CROSS-APPELLANT OTTER TAIL POWER COMPANY'S
MOTION FOR ALLOCATION OF ORAL ARGUMENT**

[1] Pursuant to Rules 27 and 34 of the North Dakota Rules of Appellate Procedure, Appellee and Cross-Appellant Otter Tail Power Company (“Otter Tail”) hereby moves for an allocation of time in the scheduled oral argument to reflect a stipulation amongst the Parties intending to participate therein. This appeal presents a unique circumstance, as Otter Tail is both an Appellee and Cross-Appellant. Therefore, the Parties have agreed to split the fifty (50) minutes for oral argument as follows: (a) Appellant and Cross-Appellee Nodak Electric (“Nodak Electric”) cedes 5 minutes of its allotted thirty minutes to Appellee and Cross-Appellant Otter Tail; (b) Appellee and Cross-Appellee North Dakota Public Service Commission (“Commission”) and Otter Tail will share equally the allotted twenty minutes for Appellees, i.e., ten minutes each, with Otter Tail going first and the Commission second; and (c) Otter Tail will reserve five minutes for

