

**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

---

**STIPULATION IN SUPPORT OF 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, Appellant and Cross-Appellee Nodak Electric Cooperative, Inc. (“Nodak Electric”), Appellee and Cross-Appellee North Dakota Public Service Commission (“Commission”), and Appellee and Cross-Appellant Otter Tail Power Company (“Otter Tail”) hereby stipulate to the granting of the allocation of time in the scheduled oral argument addressed in Otter Tail’s Motion for Allocation of Oral Argument filed with the Court on September 30, 2022. Therefore, the Parties have agreed to split the fifty (50) minutes for oral argument as follows: (a) Nodak Electric cedes 5 minutes of its allotted thirty minutes to Otter Tail; (b) 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 rebuttal solely on its Cross-Appeal issue. Thus, the agreed order and times are: 1. Nodak Electric 15 minutes; 2. Otter Tail

10 minutes; 3. Commission 10 minutes; 4. Nodak Electric 10 minutes rebuttal; and 5. Otter Tail 5 minutes rebuttal on Cross-Appeal.

[2] Therefore, the undersigned Parties respectfully requests the Court approve Otter Tail's Motion for the stipulated allocation of time for oral argument.

Dated this 30<sup>th</sup> day of September, 2022.

RADERMACHER LAW FIRM, PC  
Attorney for Nodak Electric Cooperative  
P.O. Box 103 – 506 Main St.  
Edgeley, ND 58433  
Telephone: (701) 883-5125  
[kimrader@radermacherlaw.com](mailto:kimrader@radermacherlaw.com)

By:   
Kimberly J. Radermacher (ND# 05856)

Dated this 30<sup>th</sup> day of October, 2022.

Evenson Sanderson PC  
Attorneys for Appellee and Cross-Appellant  
Otter Tail Power Company  
1100 College Drive, Ste 5  
Bismarck, ND 58501  
Telephone: 701-751-1243  
[psanderson@esattorneys.com](mailto:psanderson@esattorneys.com)

By: /s/ Paul Sanderson  
Paul R. Sanderson (ID# 05830)

OTTER TAIL POWER COMPANY  
215 S. Cascade St.  
Fergus Falls, MN 56538-0496  
Telephone: 218-739-8475  
[Rendris@otpc.com](mailto:Rendris@otpc.com)

By: /s/ Robert M. Endris  
Robert M. Endris (ID# 09619)

Dated this 3rd day of October, 2022.

PUBLIC SERVICE COMMISSION  
600 E Boulevard Ave # 408  
Bismarck, ND 58505  
Telephone: (701) 328-2400  
brljohnson@nd.gov

By: /s/ Brian Johnson  
Brian L. Johnson (ND# 07937)