

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**JUDGMENT**

Supreme Court No. 20220122  
Burleigh County Case No. 2021-CV-01508

Appeal from the district court for Burleigh County.

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

[¶1] This appeal having been considered by the Court at the October 2022 Term before:

[¶2] Chief Justice Jon J. Jensen, Justice Gerald W. VandeWalle, Justice Daniel J. Crothers, Justice Lisa Fair McEvers, and Justice Jerod E. Tufte;

[¶3] and the Court having considered the appeal, it is ORDERED AND ADJUDGED that the judgment of the district court is REVERSED and the order of the North Dakota Public Service Commission is VACATED.

[¶4] IT IS FURTHER ORDERED AND ADJUDGED that Otter Tail Power Company have and recover from Nodak Electric Cooperative, Inc. costs and disbursements on this appeal under N.D.R.App.P. 39, to be taxed and allowed in the court below.

[¶5] This judgment, together with the opinion of the Court filed this date, constitutes the mandate of the Supreme Court on the date it is issued to the district court under N.D.R.App.P. 41.

Dated: December 8, 2022



By the Court:

Jon J. Jensen  
Chief Justice

ATTEST:

Petra H. Mandigo Hulm  
Clerk