

the Court in this matter by approximately 60 days. A true and correct copy of the revised Stipulation is attached hereto and marked as **Exhibit 2**.

[¶ 5] That on December 3, 2025, I responded to counsel for Appellant Burleigh County indicating that SCS is agreeable to the originally proposed 30-day extension to the briefing schedule set by the Court. I also indicated, however, that Summit would not agree to a 60-day extension because it believed such an extension to be excessive.

[¶ 6] That on December 4, 2025, counsel for Appellant Burleigh County responded to my December 3, 2025, email indicating that 30 days is now “insufficient” to adequately prepare its brief.

[¶ 7] That on December 5, 2025, I, as counsel for SCS, submitted a revised Stipulation to all counsel of record that reverted to the 30-day extension originally proposed and agreed to amongst the parties. A true and correct copy of the revised Stipulation is attached hereto and marked as **Exhibit 3**.

[¶ 8] That on December 5, 2025, counsel for Appellee North Dakota Public Service Commission sent an email to all counsel of record requesting a 45-day extension to the briefing schedule as a compromise.

[¶ 9] That on December 5, 2025, counsel for the above-captioned Appellants indicated his agreement with the proposed 45-day extension, subject to Burleigh County’s agreement to the same.

[¶ 10] That on December 5, 2025, counsel for Burleigh County responded that a 45-day extension would be inadequate and that Burleigh County would be filing a motion for extension. Less than one hour after counsel for the above-captioned Appellants indicated possible agreement to a 45-day extension, and without having afforded counsel for SCS, Emmons County or the North Dakota Public Service Commission to respond, Burleigh County filed its Motion for Extension of Appeal Brief Schedule.

[¶ 11] That the record of the proceedings before the North Dakota Public Service Commission which are at issue in this appeal, including audio recordings of all hearings, have been publicly available on the website of the North Dakota Public Service Commission since November 15, 2024, the date of the order of the North Dakota Public Service Commission which is at issue in this appeal.

[¶ 12] That I was cc'ed on an e-mail from counsel for Burleigh County to counsel for Appellee North Dakota Public Service Commission, dated December 26, 2024. In that email, counsel for Burleigh County stated "Given the number, length, and varying topics and locations of the hearing days held in this matter, much of which is irrelevant to this appeal, this seems to be an ideal case to agree to an appropriate stipulation limiting the testimony to be transcribed as part of the record on appeal." In the same email, counsel for Burleigh County also stated "This would potentially avoid tens of thousands of dollars of unnecessary transcription expenses and save time in waiting for the transcript to be completed."

[¶ 13] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated this 5th day of December, 2025.

FREDRIKSON & BYRON P.A.

By: 

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