

# Exhibit 6

**Case No. 08-2025-CV-02068**

**From:** dnill@farmlaw.com  
**Sent:** Thursday, September 18, 2025 11:01 AM  
**To:** 'Zachary E. Pelham'; 'Paul Forster'  
**Cc:** 'Steve Leibel'; 'Erik Edison'  
**Subject:** RE: Wano Twp v. PSC/OTP/MDU; Briefing Schedule

Counsel,

We don't consent to an extension. Judge Weiler issued an expedited schedule on Sept. 10 after the Sept. 8 hearing. With the 49-22 docket (PU-25-236) now live and on statutory timelines, additional delay would prejudice Appellants. We'll proceed under the Court's order and will oppose any extension request.

Sincerely,  
Douglas J. Nill  
Douglas J. Nill, PLLC  
d/b/a FarmLaw  
1850 Fifth Street Towers  
150 South Fifth Street  
Minneapolis, MN 55402  
(612) 573-3669  
[dnill@farmlaw.com](mailto:dnill@farmlaw.com)

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**From:** Zachary E. Pelham <zep@pearce-durick.com>  
**Sent:** Wednesday, September 17, 2025 4:33 PM  
**To:** dnill@farmlaw.com; 'Paul Forster' <pforster@crowleyfleck.com>  
**Cc:** 'Steve Leibel' <steve@bismarck-attorneys.com>; 'Erik Edison' <ejedison@crowleyfleck.com>  
**Subject:** RE: Wano Twp v. PSC/OTP/MDU; Briefing Schedule

Good afternoon Doug:

Thanks for your email.

PSC would respectfully ask to be given 21 days to respond to your clients' brief once it is filed. I don't think that is unreasonable request and would ask that you reconsider your position on not agreeing to this extension request.

Thank you.  
Sincerely,  
Zack

**Zachary Pelham | Attorney**

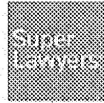
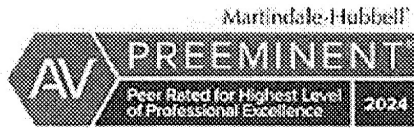
**Pearce Durick** PLLC

314 E. Thayer Avenue

Bismarck, ND 58502

Main 701.223.2890 | Fax 701.223.7865

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**From:** [dnill@farmlaw.com](mailto:dnill@farmlaw.com) <[dnill@farmlaw.com](mailto:dnill@farmlaw.com)>

**Sent:** Wednesday, September 17, 2025 9:33 AM

**To:** 'Paul Forster' <[pforster@crowleyfleck.com](mailto:pforster@crowleyfleck.com)>; Zachary E. Pelham <[zep@pearce-durick.com](mailto:zep@pearce-durick.com)>

**Cc:** 'Steve Leibel' <[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)>; 'Erik Edison' <[ejedison@crowleyfleck.com](mailto:ejedison@crowleyfleck.com)>

**Subject:** RE: Wano Twp v. PSC/OTP/MDU; Briefing Schedule

Counsel,

We appreciate the outreach. Given Judge Weiler's stated intent to expedite and the Court's September 10 order, we prefer to proceed as scheduled: Appellants' brief due no later than October 1; Appellees' responses due ten days after service. We are content to submit on the briefs and defer to the Court's discretion under Rule 9.1; if the Court believes argument would be helpful, we will of course make ourselves available.

We do not presently seek a reply. If new issues are raised in the responses, we will promptly seek leave for a short reply limited to those issues.

If you intend to move for an extension, please let us know; we will oppose.

Sincerely,

Douglas J. Nill

Douglas J. Nill, PLLC

d/b/a FarmLaw

1850 Fifth Street Towers

150 South Fifth Street

Minneapolis, MN 55402

(612) 573-3669

[dnill@farmlaw.com](mailto:dnill@farmlaw.com)

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**From:** Paul Forster <[pforster@crowleyfleck.com](mailto:pforster@crowleyfleck.com)>  
**Sent:** Tuesday, September 16, 2025 5:14 PM  
**To:** Zachary E. Pelham <[zep@pearce-durick.com](mailto:zep@pearce-durick.com)>; [dnill@farmlaw.com](mailto:dnill@farmlaw.com)  
**Cc:** Steve Leibel <[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)>; Erik Edison <[ejedison@crowleyfleck.com](mailto:ejedison@crowleyfleck.com)>  
**Subject:** RE: Wano Twp v. PSC/OTP/MDU; Briefing Schedule

Zack,

Thank you for reaching out on this. I am fine with the briefing schedule you propose.

Regarding oral argument, Rule of Court 9.1 leaves it to the court's discretion whether or not to permit oral argument on an administrative appeal. A mid-November date works for me, if Judge Weiler decides to permit oral argument.

Best,

**PAUL FORSTER**  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58501  
Main: 701.223.6585 | Fax: 701.222.4853  
Direct: 701.224.7546

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**From:** Zachary E. Pelham <[zep@pearce-durick.com](mailto:zep@pearce-durick.com)>  
**Sent:** Tuesday, September 16, 2025 2:33 PM  
**To:** [dnill@farmlaw.com](mailto:dnill@farmlaw.com); Paul Forster <[pforster@crowleyfleck.com](mailto:pforster@crowleyfleck.com)>  
**Cc:** Steve Leibel <[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)>; Erik Edison <[ejedison@crowleyfleck.com](mailto:ejedison@crowleyfleck.com)>  
**Subject:** Wano Twp v. PSC/OTP/MDU; Briefing Schedule



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Good afternoon gentlemen:

I'm emailing re: the briefing scheduling the court recently put out on this, giving appellants 21 days to file their brief and then 10 days for PSC and OTP/MDU to file responses.

I don't know about your schedules, but I'd appreciate it if we could agree on a date certain schedule and I can tell you I'll need more than 10 days to file a response brief. I'd proposed Appellants' deadline as October 3<sup>rd</sup>, Appellees deadline as October 24<sup>th</sup>, and then a 10 days for Appellants to file a reply brief, which would be November 3<sup>rd</sup> (currently, no reply period is provided for in the briefing schedule). I would expect oral argument to be requested on the briefing...so we may want to ask the court for a date in mid-November for that?

Open to alterations of this. But if we can agree, I can put together a stipulation and a proposed order for the court.

Thank you.  
Sincerely,  
Zack

**Zachary Pelham | Attorney**

**Pearce Durick** PLLC

314 E. Thayer Avenue  
Bismarck, ND 58502  
Main 701.223.2890 | Fax 701.223.7865  
[www.pearce-durick.com](http://www.pearce-durick.com)



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**From:** [NoReply@ndcourts.gov](mailto:NoReply@ndcourts.gov) <[NoReply@ndcourts.gov](mailto:NoReply@ndcourts.gov)>  
**Sent:** Wednesday, September 10, 2025 9:13 AM  
**To:** Zachary E. Pelham <[zep@pearce-durick.com](mailto:zep@pearce-durick.com)>  
**Cc:** Dayna Fredrickson <[dayna@pearce-durick.com](mailto:dayna@pearce-durick.com)>  
**Subject:** Notification of Documents Filed

Filing report for Zachary Pelham:

08-2025-CV-02068  
Wano Township, et al. vs. North Dakota Public Service

**Notice Doc ID# 93**  
re: Briefing Schedule

Commission, et al.  
Administrative Appeal  
Burleigh County

8:44:04 AM

**Exhibit Doc ID# 94**

Exhibit 19 - Petition to Intervene, Rescind, and Reopen  
Proceedings with Attachments

8:53:12 AM

**Service Document Doc ID# 95**

Affidavit of Service by Electronic Mail on S. Leibel, D. Nill, P.  
Forster, E. Edison, C. Furey, A. Waldon, D. Wrigley, Z. Pelham

8:53:14 AM

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