

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Wano Township, Willowbank
Township, Russell Township, Corwin
Township, Valley Township, Mike
Bartel, Patty Bartel, Richard Long,
Susan R. Long, Steven Nelson, Julia
Nelson, Phyllis P. Otterness, Patricia
A. Vick, Brandon Schweigert, Tausha
Schweigert, Shockman Farm
Partnership, LLLP, Debra Sue Wald,
Lucas Wald, Jill Wald, Tim Leppert,
Orr Farms, Steve M. Rupp, Sandra J.
Rupp, David A. Schweigert, Denette
M. Schweigert, Allen D. Swiontek,
Inna N. Swiontek, David Wald, Holly
Wald, Weston Wald, and Willowbank
Hutterian Brethren Association,

Case No. 08-2025-CV-02068

Appellants,

v.

North Dakota Public Service
Commission, Otter Tail Power
Company, and Montana-Dakota
Utilities Co.,

Appellees.

**[PROPOSED] ORDER ON APPELLANTS' MOTION TO
RECONSIDER OR, IN THE ALTERNATIVE, TO MODIFY
ORDER DENYING STAY**

The Court has considered Appellants' Motion to Reconsider or, in the Alternative, to Modify the October 8, 2025 Order Denying Motion to Stay Enforcement Pending Appeal, any responses, and the existing record. Pursuant to N.D.R. Civ. P. 54(b) and N.D.C.C. § 28-32-48, and to preserve the Court's jurisdiction and ensure orderly adjudication of the issues on appeal,

IT IS ORDERED:

1. **Reconsideration Granted — Limited Stay of Enforcement.** Enforcement of the Public Service Commission's June 18, 2025 order (which left in place the November 20, 2024 Certificate of Public Convenience and Necessity ("CPCN") challenged in this appeal) is stayed to the following limited extent: pending resolution of this appeal, the PSC and the parties in PSC Siting Docket PU-25-236 shall not cite to, rely upon, or otherwise give operative effect to the November 20, 2024 CPCN as evidentiary or legal support for "need" or as predicate authority in that docket, including in staff recommendations, notices, testimony, filings, and hearing presentations.
2. **No Stay of Other PSC Proceedings.** Nothing in this Order stays other proceedings or deadlines in PU-25-236; the PSC may proceed consistent with Paragraph 1.
3. **Alternative Relief.** In the alternative, if reconsideration is denied, the October 8, 2025 order is modified/clarified to the same limited extent stated in Paragraph 1.

Dated: _____

BY THE COURT:

The Honorable Bobbi Weiler
Judge of the District Court