

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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

Supreme Court No.:
20260059

Burleigh County No.:
08-2025-CV-02068

Hon. Bobbi Weiler

Appellants,

v.

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

Appellees.

**MOTION FOR LIMITED REMAND FOR ENTRY OF CONSISTENT
JUDGMENT AND TO RETAIN JURISDICTION**

[¶1] Appellants move the Court under N.D.R.App.P. 35(a)(3)(B) for a limited remand to the Burleigh County District Court for the sole purpose of entry of a judgment consistent with the district court's February 2, 2026

dispositive order, while this Court retains jurisdiction.

[¶2] The district court's February 2, 2026 order fully disposed of the administrative appeal and specified the relief. *See* Nill Decl., Ex. 2 (Feb. 2, 2026 Order). A separate, consistent judgment has not yet been entered in the district court as of the date of this motion. Appellees have moved to dismiss this appeal based on the absence of an entered judgment.

[¶3] A limited remand is the least disruptive way to cure this ministerial omission without dismissal and refiling. This Court has recognized that an appeal noticed from an order may be treated as taken from a subsequently entered consistent judgment. *Schlittenhart v. N.D. Dep't of Transp.*, 2015 ND 179, ¶¶ 8–9, 865 N.W.2d 825.

[¶4] Appellants have moved the district court for entry of a consistent judgment and submitted a proposed judgment form. *See* Ex. 16. The district court register does not reflect an entered judgment. *See* Ex. 17. To eliminate jurisdictional uncertainty and avoid unnecessary delay, Appellants request a limited remand for the sole purpose of entry of a consistent judgment, while retaining jurisdiction in the interests of justice. *See* N.D.R.App.P. 35(a)(3)(B); *O'Hara v. Schneider*, 2017 ND 53, ¶ 29, 890 N.W.2d 831.

[¶5] Appellants respectfully request that the Court enter an order

that:

(a) remands to the district court for the sole purpose of entry of a judgment consistent with the February 2, 2026 order, and directs prompt entry of that judgment;

(b) retains jurisdiction in this Court;

(c) directs Appellants to promptly file a notice of entry of judgment and an amended notice of appeal after entry of the consistent judgment.

Dated: March 2, 2026

Respectfully submitted,

By: /s/ Douglas J. Nill
Douglas J. Nill (ND # P00392)
DOUGLAS J. NILL, PLLC
1850 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 573-3669
dnill@farmlaw.com

Steven J. Leibel (ND # 07361)
KNOLL LEIBEL LLP
P. O. Box 858
1915 N. Kavaney Drive, Ste. 3
Bismarck, ND 58501
(701) 255-2010
steve@bismarck-attorneys.com

Attorneys for Appellants

Exhibit 16

Supreme Court No.:
20260059

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

Hon. Bobbi Weiler

Appellants,

v.

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

Appellees.

**APPELLANTS' MOTION FOR ENTRY OF JUDGMENT AND
PROPOSED JUDGMENT**

Appellants move the Court for entry of judgment consistent with the Court's February 2, 2026 Order.

1. On February 2, 2026, the Court entered an Order disposing of this administrative appeal. The Court dismissed the appeal from the Commission's November 20, 2024 Certificate of Public Convenience and Necessity Order for lack of appellate subject matter jurisdiction, and dismissed in part and affirmed in part the appeal from the Commission's June 18, 2025 Order, consistent with the Order.

2. A notice of appeal has been filed in the North Dakota Supreme Court, and Appellees have filed a motion asserting lack of jurisdiction due to the absence of an entered judgment.

3. Entry of a judgment consistent with the February 2, 2026 Order is necessary to avoid unnecessary procedural delay and to permit Supreme Court review under the governing statutes.

4. N.D.R.Civ.P. 58 provides the mechanism for entry of judgment following an order for judgment and authorizes submission of an appropriate judgment form.

Appellants request that the Court direct entry of judgment forthwith and order the Clerk to enter judgment consistent with the February 2, 2026

Order. Appellants submit the proposed judgment for the Court's convenience.

Dated: February 23, 2026

Respectfully submitted,

By: /s/ Douglas J. Nill

Douglas J. Nill (ND # P00392)

DOUGLAS J. NILL, PLLC

d/b/a FARMLAW

1850 Fifth Street Towers

150 South Fifth Street

Minneapolis, MN 55402

(612) 573-3669

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Steven J. Leibel (ND # 07361)

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P. O. Box 858

1915 N. Kavaney Drive, Ste. 3

Bismarck, ND 58501

(701) 255-2010

steve@bismarck-attorneys.com

Attorneys for the Appellants

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

Hon. Bobbi Weiler

Appellants,

v.

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

Appellees.

[PROPOSED] JUDGMENT

This matter came before the Court on appeal from orders of the North Dakota Public Service Commission. The Court issued its Order on February 2, 2026. Judgment is entered consistent with that Order.

IT IS ORDERED, ADJUDGED, AND DECREED:

1. The appeal from the North Dakota Public Service Commission's November 20, 2024 Certificate of Public Convenience and Necessity Order is **DISMISSED** for lack of appellate subject matter jurisdiction.

2. The appeal from the North Dakota Public Service Commission's June 18, 2025 Order is **DISMISSED IN PART AND AFFIRMED IN PART**, consistent with the Court's February 2, 2026 Order. The appeal challenging the orders denying reconsideration and reopening are **DISMISSED**. The order denying intervention is **AFFIRMED**.

Dated: February _____, 2026

BY THE COURT:

The Honorable Bobbi Weiler
Judge of District Court

Exhibit 17

Supreme Court No.:
20260059

701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Nelson, Steven

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Orr Farms

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Otterness, Phyllis

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Rupp, Sandra

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Rupp, Steve

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Russell Township

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Schweigert, Brandon

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Schweigert, David

Steven J. Leibel
Retained

701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Schweigert, Denette**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Schweigert, Tausha**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Shockman Farm Partnership, LLLP**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Swiontek, Allen**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Swiontek, Inna**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Valley Township**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Vick, Patrica**

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant **Wald, David**

Steven J. Leibel
Retained

701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wald, Debra Sue

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wald, Holly

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wald, Jill

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wald, Lucas

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wald, Weston

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Wano Township

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Willobank Hutterian Brethren Association

Steven J. Leibel
Retained
701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellant Willowbank Township

Steven J. Leibel
Retained

701-255-2010 x0000(W)

Douglas J Nill
Retained
612-573-3669 x0000(W)

Appellee **Montana-Dakota Utilities, Co.**

Paul Jonathan Forster
Retained
701-223-6585 x0000(W)

Bismarck, ND 58501

Casey Ann Furey
Retained
701-223-6585 x0000(W)

Erik J. Edison
Retained
701-223-6585 x0000(W)

Appellee **North Dakota Public Service Commission**
Bismarck, ND 58505

Zachary Evan Pelham
Retained
701-223-2890 x0000(W)

Appellee **Otter Tail Power Company**

Paul Jonathan Forster
Retained
701-223-6585 x0000(W)

Fergus Falls, MN 56538

Casey Ann Furey
Retained
701-223-6585 x0000(W)

Erik J. Edison
Retained
701-223-6585 x0000(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

02/02/2026 **Dismissed** (Judicial Officer: Weiler, Bobbi)

OTHER EVENTS AND HEARINGS

- 07/16/2025 **Notice** **Index # 1**
Notice of Appeal and Specifications of Error
- 07/16/2025 **Exhibit** **Index # 2**
Exhibit 1 - June 18, 2025 Order
- 07/16/2025 **Exhibit** **Index # 3**
Exhibit 2 - November 20, 2024 PSC Order
- 07/16/2025 **Civil Filing** **Index # 4**
Undertaking on Appeal to District Court
- 07/16/2025 **Motion** **Index # 5**
Motion for Admission Pro Hac Vice
- 07/16/2025 **Exhibit** **Index # 6**
Exhibit 1 to Motion - Affidavit of Douglas J. Nill for Admission Pro Hac Vice
- 07/16/2025 **Exhibit** **Index # 7**
Exhibit 2 to Motion - Certificate of Good Standing
- 07/16/2025 **Proposed Order** **Index # 8**
Order Granting Pro Hac Vice Admission - Steve Leibel
- 07/16/2025 **Service of Motion** **Index # 9**
Declaration of Service - to all interested parties
- 07/16/2025 **Notice of Assignment and Case Number** **Index # 10**
- 07/16/2025 **Service of Motion** **Index # 11**
Amended Declaration of Service on all parties
- 07/16/2025 **Notice** **Index # 12**
Amended Notice of Appeal and Specifications of Error
- 07/16/2025 **Exhibit** **Index # 13**
Exhibit 1 to Amended Notice - June 18, 2025 Order
- 07/16/2025 **Exhibit** **Index # 14**
Exhibit 2 to Amended Notice - Nov 20, 2024 Order
- 07/16/2025 **Service Document** **Index # 15**
Declaration of Service on all parties
- 07/28/2025 **Notice** **Index # 16**
Notice of Appearance
- 07/28/2025 **Service Document** **Index # 17**

08/01/2025 **Certificate of Service on Steven Leibel and Douglas Nill**
Order Index # 18
Granting Pro Hac Vice Admission

08/06/2025 **Notice of Hearing Index # 19**
Notice of Motion and Request for Hearing

08/06/2025 **Motion Index # 20**
Motion to Stay Public Service Commission Proceedings under N.D.C.C. Ch. 49-22

08/06/2025 **Brief Index # 21**
Memorandum in Support of Motion to Stay Public Service Commission Proceedings under N.D.C.C. Ch. 49-22

08/06/2025 **Declaration Index # 22**
Declaration of Douglas J. Nill

08/06/2025 **Exhibit Index # 23**
Exhibit 1 to Declaration of Douglas J. Nill - email from Susan R. Long dated July 30, 2025

08/06/2025 **Proposed Order Index # 24**
[Proposed] Order Granting Motion to Stay Proceedings- Douglas Nill

08/06/2025 **Service of Motion Index # 25**
Declaration of Service- Douglas Nill

08/06/2025 **Notice Index # 26**
Notice of Appearance

08/06/2025 **Service Document Index # 27**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

08/07/2025 **Notice of Hearing Index # 28**
- Remote Motion Hearing (Zoom)

08/13/2025 **Notice Index # 29**
Notice to Appellants of Estimated Costs

08/13/2025 **Service Document Index # 30**
Certificate of Service - To All Interested Parties

08/14/2025 **Service Document Index # 31**
Amended Declaration of Service with Delivery Confirmations (delivery confirm not previously filed) - to all interested parties

08/14/2025 **Service Document Index # 32**
Declaration of Service with Delivery Confirmations (delivery confirmations not previously filed) - to all interested parties

08/14/2025 **Service Document Index # 33**
Affidavit of Service - ND Attorney General

08/14/2025 **Service Document Index # 34**
Affidavit of Service - North Dakota Public Service Commission

08/20/2025 **Response Index # 35**
North Dakota Public Service Commission's Response to Appellants' Motion to Stay

08/20/2025 **Service Document Index # 36**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

08/20/2025 **Response Index # 37**
Response Brief of Otter Tail and Montana-Dakota Opposing Motion to Stay Public Service Commission Proceeding

08/20/2025 **Service Document Index # 38**
Certificate of Service on Steven Leibel, Douglas Nill and Zachary Pelham

08/27/2025 **Response Index # 39**
Appellants' Reply in Support of Motion to Stay Proceedings Under N.D.C.C. Chapter 49-22 Pending Appeal

08/27/2025 **Declaration Index # 40**
Second Declaration of Douglas J Nill

08/27/2025 **Exhibit Index # 41**
Exhibit 2 - August 14, 2025 Email from Douglas J Nill to Brian Johnson, Special Assistant Attorney General for PSC

08/27/2025 **Exhibit Index # 42**
Exhibit 3 - August 14, 2025 Email from Brian Johnson to Douglas J Nill

08/27/2025 **Exhibit Index # 43**
Exhibit 4 - August 19, 2025 Letter from Douglas J Nill to Brian Johnson

08/27/2025 **Service Document Index # 44**
Declaration of Service - Service on Paul J. Forster, Erik J. Edison, and Casey A. Furey, for the Utilities, and Zachary E. Pelham for the PSC

08/28/2025 **Request Index # 45**
North Dakota Public Service Commission's Request to Appear in Person

08/28/2025 **Proposed Order Index # 46**
- Allowing Appearance in Person - filed by Z. Pelham

08/28/2025 **Service Document Index # 47**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

08/28/2025 **Order Index # 48**
Allowing in Person Appearance

09/02/2025 **Request Index # 49**
Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request to Appear in Person

09/02/2025 **Proposed Order Index # 50**
Order Granting Otter Tail Power Copmany and Montana-Dakota Utilities Co.'s Request to Appear in Person Filed by Paul Forster

09/02/2025 **Service Document Index # 51**
Certificate of Service on Counsel of Record

09/03/2025 **Brief Index # 52**
Sur-Reply of Otter Tail and Montana-Dakota Opposing Motion to Stay Public Service Commission Proceeding

09/03/2025 **Service Document Index # 53**
Certificate of Service on Steven Leibel, Douglas Nill and Zachary Pelham

09/03/2025 **Order Index # 54**
Granting Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request to Appear in Person

09/04/2025 **Request Index # 55**
Appellants' Request to Appear in Person

09/04/2025 **Proposed Order Index # 56**
[Proposed] Order Granting Appellants' Request to Appear in Person - Douglas J Nill

09/04/2025 **Service Document Index # 57**
Certificate of Service - To All Interested Parties

09/05/2025 **Order Index # 58**
Granting Appelants Request to Appear in Person

09/05/2025 **Motion Index # 59**

09/05/2025 **Motion for Leave to File Response to Appellees' Sur-Reply**
Brief Index # 60
[Proposed] Response to Appellees' Sur-Reply

09/05/2025 **Service of Motion Index # 61**
Certificate of Service - To All Interested Parties

09/08/2025 **Motion/Hearing (9:00 AM) (Judicial Officer Weiler, Bobbi)**
Motion to Stay /via Zoom.com - Meeting ID: 874 3647 9141 (Passcode: 123) or call 669-900-9128
 Result: Hearing Ended

09/08/2025 **Under Advisement (Judicial Officer: Weiler, Bobbi)**
Order on Motion to Stay

09/09/2025 **Certificate of Record Index # 62**

09/09/2025 **Exhibit Index # 63**
Exhibit 1 - Joint Application for Certificate of Public Convenience and Necessity

09/09/2025 **Exhibit Index # 64**
Exhibit 2 - Commission Motion to Assess an Application Fee of \$10,000 & Issue a Notice of Opportunity for Hearing

09/09/2025 **Exhibit Index # 65**
Exhibit 3 - Notice of Opportunity for Hearing

09/09/2025 **Exhibit Index # 66**
Exhibit 4 - Affidavit of Service by Certified & Electronic Mail - Notice of Opportunity for Hearing

09/09/2025 **Exhibit Index # 67**
Exhibit 5 - Letter Enclosing Commission Motion

09/09/2025 **Exhibit Index # 68**
Exhibit 6 - Affidavit of Publication with Tear Sheets

09/09/2025 **Exhibit Index # 69**
Exhibit 7 - Memorandum

09/09/2025 **Exhibit Index # 70**
Exhibit 8 - July 08, 2024 Informal Hearing Transcript (Full and Condensed)

09/09/2025 **Exhibit Index # 71**
Exhibit 9 - Informal Hearing Presentation

09/09/2025 **Exhibit Index # 72**
Exhibit 10 - Proposed Order

09/09/2025 **Exhibit Index # 73**
Exhibit 11 - August 19, 2024 Work Session Transcript (Full and Condensed)

09/09/2025 **Exhibit Index # 74**
Exhibit 12 - Data Requests from the 19 August 2024 Work Session

09/09/2025 **Exhibit Index # 75**
Exhibit 13 - Comments by the Midcontinent Independent System Operator, Inc. (MISO)

09/09/2025 **Exhibit Index # 76**
Exhibit 14 - Memorandum

09/09/2025 **Exhibit Index # 77**
Exhibit 15 - October 17, 2024 Work Session Transcript (Full and Condensed)

09/09/2025 **Exhibit Index # 78**
Exhibit 16 - Commission Motion to Adopt the Order

09/09/2025 **Exhibit Index # 79**
Exhibit 17 - Order with Dissent - Commissioner Randy Christmann

09/09/2025 **Exhibit Index # 80**
Exhibit 18 - Affidavit of Service by Certified & Electronic Mail - Order With Dissent of Commissioner Randy Christmann

09/09/2025 **Exhibit Index # 81**
Exhibit 20 - Amended Petition

09/09/2025 **Exhibit Index # 82**
Exhibit 21 - Declaration of Service

09/09/2025 **Exhibit Index # 83**
Exhibit 22 - Notice of Appearance & Response in Opposition to Amended Petition to Intervene, Rescind, and Reopen

09/09/2025 **Exhibit Index # 84**
Exhibit 23 - Letter Requesting Status Update on Motion for Pro Hac Vice

09/09/2025 **Exhibit Index # 85**
Exhibit 24 - Order Granting Admission Pro Hac Vice of Douglas J. Nill

09/09/2025 **Exhibit Index # 86**
Exhibit 25 - Affidavit of Service by Electronic Mail

09/09/2025 **Exhibit Index # 87**
Exhibit 26 - Supplemental Response

09/09/2025 **Exhibit Index # 88**
Exhibit 27 - Letter Enclosing Proposed Order

09/09/2025 **Exhibit Index # 89**
Exhibit 28 - Petitioners' Objection to Applicants' Improper Filing of Proposed Order

09/09/2025 **Exhibit Index # 90**
Exhibit 29 - Commission Motion to Adopt the Order on Petition

09/09/2025 **Exhibit Index # 91**
Exhibit 30 - Order on Petition

09/09/2025 **Exhibit Index # 92**
Exhibit 31 - Affidavit of Service by Certified & Electronic Mail - Order on Petition

09/10/2025 **Notice Index # 93**
re: Briefing Schedule

09/10/2025 **Exhibit Index # 94**
Exhibit 19 - Petition to Intervene, Rescind, and Reopen Proceedings with Attachments

09/10/2025 **Service Document Index # 95**
Affidavit of Service by Electronic Mail on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey, A. Waldon, D. Wrigley, Z. Pelham

09/18/2025 **Declaration Index # 96**
Third Declaration of Douglas J Nill

09/18/2025 **Exhibit Index # 97**
Exhibit 5A - Case No. 08-2025-CV-02068 - Notification of Application (PSC PU-25-236)

09/18/2025 **Exhibit Index # 98**
Exhibit 5B - Case No. 08-2025-CV-02068 - JETx Map of project corridor attached to Notice of Application (PSC PU-25-236)

09/18/2025 **Proposed Order Index # 99**

[Amended Proposed] Order Granting Motion to Stay (No New Relief Requested)

09/18/2025 **Service Document Index # 100**
Certificate of Service - Service on all interested parties - Paul J Forster, Eric J Edison, Casey A Furey, Zachary E Pelham, Steven J Leibel

09/22/2025 **Notice Index # 101**
Notice of Motion for Modification of Briefing Schedule

09/22/2025 **Motion Index # 102**
North Dakota Public Service Commission's Motion for Modification of Briefing Schedule

09/22/2025 **Brief Index # 103**
North Dakota Public Service Commission's Brief in Support of Motion for Modification of Briefing Schedule

09/22/2025 **Proposed Order Index # 104**
- on Motion for Modification of Briefing Schedule

09/22/2025 **Service of Motion Index # 105**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

09/23/2025 **Response Index # 106**
Appellants' Opposition to Public Service Commission's Motion to Modify Briefing Schedule

09/23/2025 **Declaration Index # 107**
Fourth Declaration of Douglas J. Nill

09/23/2025 **Exhibit Index # 108**
Exhibit 6 - Case No. 08-2025-CV-02068 - September 16-18, 2025 email exchange between counsel regarding the briefing schedule

09/23/2025 **Proposed Order Index # 109**
[Proposed] Order Denying Public Service Commission's Motion for Modification of Briefing Schedule

09/23/2025 **Proposed Order Index # 110**
[Alternative Proposed] Order Granting in Part Public Service Commission's Motion to Modify Briefing Schedule and Imposing Protective Relief

09/23/2025 **Service Document Index # 111**
Certificate of Service - Service on All Interested Parties - Paul J. Forster, Eric J. Edison, Casey A. Furey, Zachary E. Pelham, Steven J. Leibel

09/24/2025 **Request Index # 112**
Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request for Extension of Time to File Appellees' Brief

09/24/2025 **Proposed Order Index # 113**
Order Granting Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request for Extension of Time to File Appellees' Brief filed by Paul Forster

09/24/2025 **Service Document Index # 114**
Certificate of Service on Steven Leibel, Douglas Nill and Zachary Pelham

09/24/2025 **Response Index # 115**
Appellants' Opposition to Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request for Extension of Time and Incorporation by Reference of Prior Opposition

09/24/2025 **Proposed Order Index # 116**
[Alternative Proposed] Order Granting in Part Appellees' Motions/Requests to Modify Briefing Schedule And Imposing Protective Relief

09/24/2025 **Service Document Index # 117**
Certificate of Service -- Service on All Interested Parties - Paul J. Forster, Eric J. Edison, Casey A. Furey, Zachary E. Pelham, Steven J. Leibel

09/24/2025 **Brief Index # 118**
North Dakota Public Service Commission's Reply Brief in Support of Motion for Modification of Briefing Schedule

09/24/2025 **Service Document Index # 119**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

09/25/2025 **Notice Index # 120**
Appellants' Notice of Pending Motions and Statutory Timeline; Request for Ruling on the Papers

09/25/2025 **Service Document Index # 121**
Certificate of Service - Service on All Interested Parties - Paul J. Forster, Eric J. Edison, Case A. Furey, Zachary E. Pelham, Steven J. Leibel

09/25/2025 **Order Index # 122**
Granting Otter Tail Power Company and Montana-Dakota Utilities Co.'s Request for Extension of Time to File Appellees' Brief

09/26/2025 **Order Index # 123**
on Motion for Modification of Briefing Schedule

09/30/2025 **Brief Index # 124**
Appellants' Brief

09/30/2025 **Service Document Index # 125**
Certificate of Service - Service on All Interested Parties - Paul J. Forster, Erik J. Edison, Casey A. Furey, Zachary E. Pelham, Steven J. Leibel

10/08/2025 **Order Index # 126**
Denying Motion to Stay Enforcement of Order Pending Appeal

10/16/2025 **Motion to Modify an Order Index # 127**
Appellants' Motion to Reconsider Or, in the Alternative, to Modify Order Denying Motion to Stay; and Memorandum of Law in Support

10/16/2025 **Proposed Order Index # 128**
[Proposed] Order on Appellants' Motion to Reconsider or, In The Alternative, to Modify Order Denying Stay

10/16/2025 **Service of Motion Index # 129**
Certificate of Service - Service on All Interested Parties - Paul J. Forster, Erik J. Edison, Casey A. Furey, Zachary E. Pelham, Steven J. Leibel

10/21/2025 **Brief Index # 130**
Brief of Appellees Otter Tail Power Company and Montana Dakota Utilities Co.

10/21/2025 **Service Document Index # 131**
Certificate of Service upon steve@bismarck-attorneys.com, dnill@farmlaw.com, zep@pearce-durick.com

10/21/2025 **Brief Index # 132**
Brief of Appellee North Dakota Public Service Commission

10/21/2025 **Service Document Index # 133**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey

10/28/2025 **Motion Index # 134**
Appellants' Expedited Motion for Leave to File Reply Brief - We respectfully request immediate deliver to the Hon. Bobbi Weiler

10/28/2025 **Exhibit Index # 135**
Exhibit A - Appellants' Reply Brief in Support of Appeal and Requested Relief - We respectfully request immediate delivery to the Hon. Bobbi Weiler.

10/28/2025 **Service of Motion Index # 136**
Certificate of Service -- Service of Appellants' Expedited Motion for Leave to File Reply Brief (attached as Exhibit A), and [Proposed] Order -- service on all interested parties, Paul J. Forster, Erik J. Edison, Casey A. Furey, Zachary E. Pelham, and Steven J. Leibel

10/28/2025 **Proposed Order Index # 137**
[Proposed] Order Granting Appellants' Expedited Motion for Leave to File Reply Brief -- Appellants' Proposed Order -- Appellants respectfully request immediate delivery to the Hon. Bobbi Weiler

10/29/2025 **Order Index # 138**
Granting Appellant's Expedited Motion for Leave to File Reply Brief

- 10/29/2025 **Under Advisement** (Judicial Officer: Weiler, Bobbi)
Order on Admin Appeal
- 10/30/2025 **Brief Index # 139**
Appellants' Reply Brief in Support of Appeal and Requested Relief
- 10/30/2025 **Service Document Index # 140**
Certificate of Service - Service on All Interested Parties - Paul J. Forster, Erik J. Edison, Casey A. Furey, Zachary E. Pelham, Steven J. Leibel
- 10/30/2025 **Response Index # 141**
Response Brief of Otter Tail and Montana-Dakota Opposing Motion to Reconsider or Modify Order Denying Motion to Stay
- 10/30/2025 **Service Document Index # 142**
Certificate of Service on counsel of record
- 10/30/2025 **Response Index # 143**
North Dakota Public Service Commissions Response in Opposition to Appellants Motion for Reconsideration on Denial of Motion to Stay
- 10/30/2025 **Service Document Index # 144**
Declaration of Service on S. Leibel, D. Nill, P. Forster, E. Edison, C. Furey
- 10/31/2025 **Order Index # 145**
on Appellants Motion to Reconsider or, In the Alternative, to Modify Order Denying Stay-Denied
- 02/02/2026 **Order Index # 146**
on Administrative Appeal-Dismissing
- 02/18/2026 **Notice Index # 147**
Notice of Appeal by Wano Township, et al.
- 02/18/2026 **Notice of Filing the Notice of Appeal Index # 148**
Notice of Filing Notice of Appeal
- 02/23/2026 **Motion Index # 149**
Appellants' Motion For Entry Of Judgment And Proposed Judgment
- 02/23/2026 **Proposed Judgment Index # 150**
[Proposed] Judgment
- 02/23/2026 **Service of Motion Index # 151**
Certificate of Service - Paul J. Forster, Eric J. Edison, Casey A. Furey, and Zachary E. Pelham

FINANCIAL INFORMATION

	Appellant Wano Township	
	Total Financial Assessment	160.00
	Total Payments and Credits	160.00
	Balance Due as of 03/01/2026	0.00
07/16/2025	Transaction Assessment	
07/16/2025	E-File Payment Receipt # 08-2025-12945 Wano Township	160.00 (160.00)