

**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 JULL
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 BRETHERN ASSOCIATION,

Appellants,

-vs-

NORTH DAKOTA PUBLIC SERVICE COMMISSION,
OTTER TAIL POWER COMPANY, AND
MONTANA-DAKOTA UTILITIES, CO.,

Appellees.

Supreme Ct. 20260059

District Ct. 08-2025-CV-0268
South Central Judicial District

**NORTH DAKOTA PUBLIC SERVICE COMMISSION'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO FILE APPELLEES' BRIEF**

[¶1] The North Dakota Public Service Commission (“Commission”) hereby requests an extension to file its response brief to May 13, 2026, pursuant to N.D.R.App.P. 26(b). This request is made in good faith and not for purposes of delay. In the time since Appellants’ brief was filed, counsel for the Commission has had, or will have, numerous other deadlines for separate cases, including: an administrative agency evidentiary hearing on April 2nd, a hearing on a remand issue on April 9th, a semi-annual board meeting on April 17th, a mediation on a complex matter on April 16th, a summary judgment reply brief deadline on April 17th, a client board meeting on April 23rd, preparation for a complex summary judgment oral argument on April 28th, and a summary judgment response brief due on May 1st.

[¶2] While the undersigned appreciates that deadlines are part and parcel of what litigators do, a short extension to allow for this matter to be appropriately briefed is appropriate. Good cause exists for an extension of the time to file the Commission's response brief to May 13, 2026, and the Commission respectfully request that the Court grant the requested extension.

Dated: April 21, 2026.

/s/ Zachary E. Pelham
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Commission*