

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 District Court
Civil No. 08-2025-CV-02068

Appellants,

v.

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

Appellees.

**APPELLANTS' MOTION FOR IN-PERSON ORAL ARGUMENT
AND TO RESET ARGUMENT TO THE NEXT AVAILABLE
IN-PERSON CALENDAR DATE IF NECESSARY
(N.D.R.App.P. 27, 34)**

[¶1] Appellants respectfully move for an order directing that oral
argument in this appeal be held in person in Bismarck rather than by Zoom

and, if necessary, resetting the argument to the next available in-person date on the Court's calendar.

[¶2] On May 21, 2026, the Clerk of the Supreme Court issued a Notice of Oral Argument setting this matter for June 23, 2026, at 2:45 p.m., by reliable electronic means, currently Zoom.

[¶3] This is a significant public case brought by a coalition of five townships in Dickey, LaMoure, and Stutsman Counties, together with landowners and other interested parties directly affected by the proposed 345 kV transmission line. The case concerns important questions regarding the relationship between N.D.C.C. ch. 49-03 and N.D.C.C. ch. 49-22, the authority of the Public Service Commission, and the treatment of local governmental and landowner interests in a major transmission-line proceeding.

[¶4] The case has also attracted substantial public and media attention. Appellants and their counsel respectfully submit that in-person oral argument would better serve the significance of the case and would permit the affected local parties to attend and observe the argument in person in Bismarck. Appellants further note that the Court's published guidance states that oral argument is held in person or by reliable electronic

means, and that the Court's policy is that arguments are in person unless the parties agree to use reliable electronic means. Appellants do not agree to oral argument by reliable electronic means in this case.

[¶5] Appellants do not make this request for purposes of delay. Rather, they seek in-person argument because of the importance of the issues presented, the number and nature of the parties represented on the Appellants' side, and the substantial public interest in the appeal.

[¶6] Appellants understand that the Court's remaining June calendar for in-person oral argument may be full. Appellants therefore respectfully request that oral argument be held in person on any June date available on the Court's calendar and, if no June in-person date is available, that the argument be reset to the next available in-person calendar date. Based on counsel's present understanding, if no June in-person date is available, that date may fall in September 2026.

[¶7] Appellants have conferred with counsel for Appellees concerning this motion. Appellees do not oppose in-person oral argument, but they oppose resetting the argument to September 2026.

[¶8] No party will be prejudiced by the requested relief. The appeal has been fully briefed. The requested relief concerns only the manner of oral

argument and, if necessary, a modest adjustment to the argument date to permit in-person presentation.

[¶9] For the foregoing reasons, Appellants respectfully request that the Court order oral argument to be held in person in Bismarck on any June date available on the Court's calendar and, if no June in-person date is available, reset the argument to the next available in-person date on the Court's calendar.

Respectfully submitted,

Dated: May 22, 2026

By: /s/ Douglas J. Nill
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