

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Wano Township, Willowbank Township,
Russell Township, Corwin Township, and
Valley Township,

Appellants,

vs.

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

Appellees.

Case No. 08-2026-CV-02066

**REQUEST FOR EXTENSION
OF TIME TO CERTIFY
THE RECORD**

[¶1] The North Dakota Public Service Commission (“Commission”) hereby requests the Court for an extension of time to certify the record pursuant to N.D.C.C. § 28-32-44.

[¶2] The Notice to Appellants of Estimated Costs was served by the Commission on August 6, 2026, pursuant to N.D.C.C. § 28-32-44(2). (Dkt. No. 16). The Notice set forth the estimated costs to prepare transcripts of the hearings held before the Commission. *Id.* Hearings before the Commission on the joint applications of Montana Dakota Utilities Co. and Otter Tail Power Co. were held on January 8-9, 2026 (Bismarck, totaling 5 hours 42 minutes), January 12, 2026 (Ellendale, 2 hours 43 minutes), January 14, 2026 (Edgeley, 5 hours 28 minutes), and January 16, 2026 (Jamestown, 5 hours 53 minutes). On September 8, 2026, the Commission received payment for the estimated costs to prepare the transcripts of the hearings from the Appellants. The statute provides the agency will certify the record “*after* payment by the appellant of the estimated costs of preparation and filing” of the record within thirty days “or as longer time as the court by order may direct...” N.D.C.C. § 28-32-44(2). The Commission was recently advised by the court

reporter who is transcribing the hearings that additional time is needed for her to complete the project. The court reporter advised the Commission that she will be able to provide the transcripts on October 22, 2026.

[¶3] The current deadline the Commission has to certify the record is thirty days from payment of the estimated costs by the appellants, or October 8, 2026. The Commission respectfully requests until October 23, 2026, to certify the record on appeal with the Court. If the Commission receives the transcripts of the hearings prior to the anticipated date the court reporter has provided, it will certify the record before October 23, 2026.

Dated this 25th day of September, 2026.

/s/ Zachary E. Pelham
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