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SEP 22 2006

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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September 21, 2006

Ms. Judy Fedderson
Hughes County Clerk of Court
P. O. Box 1238
Pierre, SD. 57501-1238

Re: Montana-Dakota Utilities Company; North Central Farmers
Elevator Near Bowdle, South Dakota
6th Circuit Court – Civ. 06-372


Dear Ms. Fedderson:

Enclosed please find for filing an original and one (1) copy of the Statement of Issues filed on behalf of appellee, FEM Electric Association, Inc. in the above-referenced matter.

By copy of this letter and pleading, same is being forwarded to all parties to the appeal.

Thanking you for your professional courtesies, I am

Sincerely yours,



Darla Pollman Rogers

DPR/mdb
Encl. as Stated

cc: David Gerdes, Kara Van Brockern, Carlyle E. Richards, Scott Moore, FEM
Electric Association, Inc., and Keith Hainy, Manager, North Central Farmers
Elevator

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SEP 22 2006

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

IN CIRCUIT COURT SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
SIXTH JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION OF)
MONTANA-DAKOTA UTILITIES CO. FOR) CIV. 06-372
APPROVAL TO PROVIDE ELECTRICAL SERVICE)
FOR THE NEW NORTH CENTRAL FARMS) STATEMENT OF ISSUES
ELEVATOR TO BE LOCATED NEAR BOWDLE,) ON APPEAL
SOUTH DAKOTA)

Pursuant to SDCL 1-26-31.4, FEM Electric, provides the Statement of Issues on Appeal in this matter as follows:

1. The Public Utilities Commission ("Commission") correctly concluded that there were no genuine issues of material fact that precluded summary disposition.
2. The Commission correctly concluded that Montana-Dakota Utilities has no standing to assert North Central Farmers Elevator's right under SDCL 49-34A-56 for relief from its obligation to take service for a new facility from the assigned service provider.
3. The Commission correctly concluded that SDCL 49-34A-56 does not afford Montana-Dakota Utilities a right to serve North Central Farmers Elevator's new facility.

Dated this 21st day of September, 2006.

RITER, ROGERS, WATTIER
& BROWN, LLP

By: Darla Pollman Rogers
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FEM Electric

SEP 22 2006

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)
MONTANA-DAKOTA UTILITIES CO. FOR)
APPROVAL TO PROVIDE ELECTRICAL SERVICE)
FOR THE NEW NORTH CENTRAL FARMS)
ELEVATOR TO BE LOCATED NEAR BOWDLE,)
SOUTH DAKOTA)
)

CIV 06-372

CERTIFICATE OF SERVICE

I, Darla Pollman Rogers, certify that true and correct copy of the Statement of Issues was mailed to the following by first class mail on the 21st day of September, 2006:

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