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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
)SS
COUNTY OF HUGHES) SIXTH JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION OF) CIV06-372
MONTANA-DAKOTA UTILITIES CO. FOR)
APPROVAL TO PROVIDE ELECTRICAL)
SERVICE FOR THE NEW NORTH CENTRAL) NOTICE OF APPEAL
FARMERS ELEVATOR TO BE LOCATED)
NEAR BOWDLE, SOUTH DAKOTA)

TO: THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, FEM ELECTRIC ASSOCIATION, INC., NORTH CENTRAL FARMERS ELEVATOR AND THE SOUTH DAKOTA RURAL ELECTRIC ASSOCIATION, PARTIES IN THE ABOVE-CAPTIONED ACTION, AND THEIR COUNSEL OF RECORD.

YOU WILL PLEASE TAKE NOTICE that Montana-Dakota Utilities Co., by its undersigned counsel of record, appeals to the Supreme Court of South Dakota from the Judgment of Affirmance rendered in this administrative appeal from the South Dakota Public Utilities Commission on January 31, 2007, and from the entirety of said Judgment of Affirmance, a true copy of which is attached hereto.

Dated this 21st day of February, 2007.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAVID A. GERDES

Attorneys for Appellant

503 South Pierre Street

P.O. Box 160

Pierre, South Dakota 57501-0160

Telephone: (605)224-8803

Telefax: (605)224-6289


CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 21st day of February, 2007, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

John J. Smith
Assistant Attorney General
SD Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Carlyle E. Richards
Richards & Oliver
P.O. Box 114
Aberdeen, SD 57402-0114

Darla Pollman Rogers
Riter Rogers Wattier & Brown
P.O. Box 280
Pierre, SD 57501-0280



David A. Gerdes

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

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

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CIV 06-372

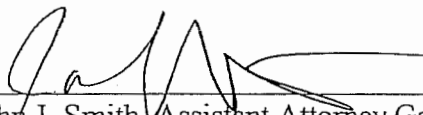
**NOTICE OF ENTRY OF
JUDGMENT**

**TO: MONTANA-DAKOTA UTILITIES CO., FEM ELECTRIC ASSOCIATION, INC.
AND NORTH CENTRAL FARMERS ELEVATOR**

Notice is hereby given that a Judgment of Affirmance, a copy of which is attached hereto, was entered and filed by the Court on the 31st day of January, 2007, in the office of the Clerk of Courts of Hughes County, South Dakota.

Dated this 1st day of February, 2007.

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION



John J. Smith, Assistant Attorney General
500 East Capitol Avenue
Pierre, SD 57501
Ph. (605) 773-3201
Fax (605) 773-3809

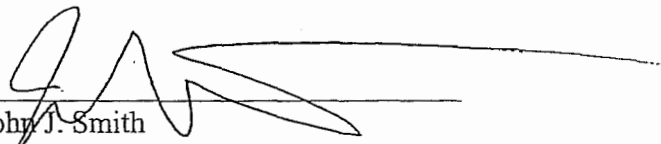
CERTIFICATE OF SERVICE

I hereby certify that copies of the Notice of Entry of Judgment and Judgment of Affirmance were served on the following by mailing the same to them by United States first class mail, postage thereon prepaid, at the addresses shown below on this the 1st day of February, 2007.

David A. Gerdes
May, Adam, Gerdes & Thompson
501 South Pierre St.
P.O. Box 160
Pierre, SD 57501-0160

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Aberdeen, SD 56402-0114



John J. Smith
Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

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

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CIV 06-372

**JUDGMENT OF
AFFIRMANCE**

This action came on for oral argument before the Court on January 31, 2007 at 1:30 p.m., the Honorable James W. Anderson, Circuit Court Judge presiding. The Court having read and considered the record in the case submitted by the agency and the briefs submitted and oral arguments made by counsel for each of the parties and the Court having found therein good and sufficient cause to render a judgment affirming the final agency decision that is the subject of this appeal, it is

ORDERED ADJUDGED AND DECREED that the Final Decision and Order Granting Summary Disposition in Docket EL06-011, issued by the South Dakota Public Utilities Commission and dated August 24, 2006, is hereby affirmed.

Dated at Pierre, South Dakota, this 31 day of January, 2007.

BY THE COURT:

ATTEST:

Kelli Sturman
Clerk of Courts

James W. Anderson
Circuit Court Judge
STATE OF SOUTH DAKOTA
Sixth Judicial Circuit Court

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

JAN 31 2007

Judy Feddersen
Hughes County Clerk of Courts

By: Kelli Sturman

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.

FILED

JAN 31 2007

Judy Feddersen Clerk
By _____ Deputy