

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**TransCanada Keystone Pipeline, LLC
30-Inch Crude Oil Pipeline/Cavalier to Sargent
Counties
Siting Application**

Case No. PU-06-421

ORDER DENYING REQUEST TO POSTPONE HEARINGS

June 27, 2007

On April 11, 2007, TransCanada Keystone Pipeline, LLC (TransCanada) filed an application for a waiver of procedures and time schedules, and consolidated applications for a certificate of corridor compatibility and a route permit authorizing construction of approximately 218 miles of 30-inch crude oil pipeline and associated facilities in Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent Counties of North Dakota.

On May 2, 2007, the Commission issued its Notice of Filing and Notice of Hearing scheduling hearings as follows:

- **Monday, July 23, 2007 at 1 p.m. CDT at the Barnes County Courthouse, 230 4th St NW, Valley City, ND 58072, and**
- **Tuesday, July 24, 2007 at 1 p.m. CDT at the City Office Building, 514 Briggs Ave S, Park River, ND 58270**

On June 21, 2007, Gary R. Seistico and Nicholas R. Delaney, Attorneys at Law, on behalf of the Dakota Resource Council, filed a request to postpone the hearings until completion of the Environmental Impact Study (EIS) and the related comment period. As an alternative, the Dakota Resource Council demands that the Commission's approval of the Applications be postponed until after completion of the EIS and the related comment period, after which the Dakota Resource Council would demand an additional hearing to discuss environmental related concerns.

On June 26, 2007, Counsel for TransCanada filed a response opposing the requests of the Dakota Resource Council.

The Commission has considered the request of the Dakota Resource Council and finds it has no merit. TransCanada's application is for siting under Chapter 49-22 of the North Dakota Century Code. Chapter 49-22 sets forth the factors to be considered by the Commission in evaluating applications and designation of corridors and routes. Chapter 49-22 does not require an EIS.

The EIS is being prepared for the Presidential permit required to be obtained from the Department of State for the United States/Canada border crossing. TransCanada will need a Presidential Permit for the border crossing, but all that is required under North Dakota laws and rules is that the applicant obtains all required permits for the pipeline prior to construction. The Commission regularly issues Corridor Certificates and Route Permits prior to an applicant receiving all of the permits needed from other agencies, but the order approving the Corridor Certificate and Route Permit is conditioned on the applicant receiving the required permits.

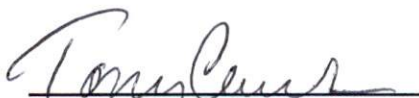
There is likewise no merit in Dakota Resource Council's demand that in the alternative the Commission's approval of the Applications be postponed until after completion of the EIS and the related comment period, after which the Dakota Resource Council would demand an additional hearing to discuss environmental related concerns. The time and place for any discussion of environmental related concerns is at the hearings scheduled for July 23 and 24.

ORDER

The Commission orders:

1. Dakota Resource Council's request to postpone the hearings scheduled for July 23 and 24 until completion of the Environmental Impact study and the related comment period is **DENIED**.
2. Dakota Resource Council's alternative demand that the Commission's approval of the Applications be postponed until after completion of the EIS and the related comment period, after which the Dakota Resource Council would demand an additional hearing to discuss environmental related concerns is **DENIED**.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Susan E. Wefald
President



Kevin Cramer
Commissioner