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July 13, 2007

ILLONA JEFFCOAT-SACCO
ND PUBLIC SERVICE COMMISSION
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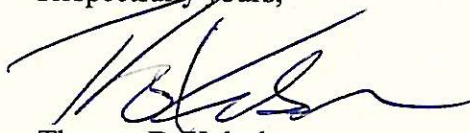
RE: Case No. PU-06-421
NDPSC
TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent Counties Siting Application
Case No. PU-07-152
Public Convenience and Necessity
Our File No. 11815

Dear Ms. Jeffcoat-Sacco:

I am enclosing an original and 7 copies of the Objection To Petition To Intervene in the above case no.'s PU-06-421 and PU-07-152 on behalf of TransCanada Keystone Pipeline, LP and an Affidavit of Service by Mail and Email.

If you have any questions, please give me a call.

Respectfully yours,


Thomas D. Kelsch

TDK:dr
Enclosures

cc: William Binek (via email)
Al Wahl, Administrative Law Judge (via email)
Nicholas R. Delaney, Rinke-Noonan Law Firm
John & Janie Capp
Jim White (TransCanada) - via email
Jennifer Scott (TransCanada) - via email



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

TRANSCANADA KEYSTONE PIPELINE, LP) CASE NO. PU-06-421
30-INCH CRUDE OIL PIPELINE/CAVALIER TO)
SARGENT COUNTIES SITING APPLICATION)

PUBLIC CONVENIENCE AND NECESSITY) CASE NO. PU-07-152

OBJECTION TO PETITION TO INTERVENE

On April 11, 2007, TransCanada Keystone Pipeline, LP, (Keystone), filed an application for 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 Public Service Commission noticed public hearings on this application scheduled to begin on Monday, July 23, 2007 at 1:00 p.m. C.D.T. at Barnes County Courthouse, Valley City, North Dakota, and Tuesday, July 24, 2007 at 1:00 p.m. C.D.T. at the City Office Building, Park River, North Dakota.

On April 11, 2007, Keystone filed an application for a certificate of public convenience and necessity (PCN) under N.D.C.C. C. 49-03.1 for the Keystone Pipeline.

On May 2, 2007, the North Dakota Public Service Commission issued a Notice of Opportunity for Hearing in Case No. PU-07-152 stating that comments and requests for hearings must be received by June 22, 2007.

On June 21, 2007, the Commission received a Request for Public Hearing from the Dakota Resource Counsel (DRC). The Public Service Commission scheduled a public hearing on this matter for July 23, 2007 at 9:00 a.m. C.D.T. at the Barnes County Courthouse, Valley

City, North Dakota.

On June 21, 2007, Gary Leistico and Nicholas R. Delaney with the Rinke-Noonan Law Firm on behalf of DRC filed a Request to Postpone the Hearings until completion of the Environmental Impact Study (EIS) and related comment period, and in the alternative, to have the Public Service Commission to postpone approval of the applications until after completion of the EIS and related comment period.

On June 27, 2007, the Public Service Commission entered an Order Denying the Request to Postpone the Hearings finding that the request by DRC had no merit and that the provisions in Chapter 49-22 which set forth the factors to be considered in the value, applications and designations of corridors and routes do not require an EIS. The Commission also found that there is no merit that the approval of the applications be postponed until after the completion of the EIS.

On July 11, 2007, Nicholas Delaney, attorney with the Rinke-Noonan Law Firm in St. Cloud, Minnesota filed by facsimile with the Public Service Commission a Petition to Intervene in the above cases on behalf of the DRC, Ramona Klein, Merle and Linette Kratochvill, Janie and John Capp and Mark Novak, collectively referred to as "Petitioners". Petitioners seek to offer evidence as to a lack of public necessity related to the project and environmental consequences of the project.

On July 12, 2007, John and Janie Capp filed a letter request to intervene at the hearing on July 23 and 24 on the Keystone Pipeline. Capps also appear as Petitioners in the Rinke-Noonan Petition.

Keystone objects to the Petition for the following reasons:

1. The Petitions have not been timely filed. Section 69-02-02.05 of the North Dakota Administrative Code provides the Petition to Intervene in any proceeding must be filed at least 10 days prior to the hearing, but not after except for good cause shown. North Dakota Rules of Civil Procedure, Rule 6 provides: “when the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays must be excluded in the computation.”

The hearings in this case are scheduled for July 23 and 24, 2007. In order to file a petition for intervention 10 days before the hearing, (excluding intermediate Saturdays and Sundays) the Petition to Intervene would have had to have been filed on or before July 9, 2007. Neither of the Petitions were filed 10 days before the hearing.

Excluding the intermediate Saturdays and Sundays from the hearing date of July 23, 2007, the DRC Petition was filed 7 days before the hearing and the Capps’ Petition was filed 6 days before the hearing, both are in violation of this Section 69-02-02.05 and are untimely.

Neither DRC nor Capps stated any reason for good cause shown so their Petitions to Intervene should be denied.

2. Granting the Petitions would unduly delay these proceedings. Section 69-02-02-05 of the North Dakota Administrative Code provides for intervention by a party only when intervention “would not unduly broaden the issues or delay the proceeding.” (Emphasis added.) Petitioners can present testimony at the public hearing without being interveners in the action.
3. To the extent that the Petitioners might argue they have procedural or substantive right to

intervention, Section 69-02-01-10 of the North Dakota Administrative Code states that “this Article shall be liberally construed to secure the just, speedy, and inexpensive determination of the issues presented.” (Emphasis added.) It is our concern, that granting of the Petitions would substantially impede the Commission’s final determination in this matter.

4. The Commission should not grant multiple interventions by the same Petitioners, John and Janie Capp appear as Petitioners in the Petition filed by the Rinke-Noonan Law Firm along with DRC and other Petitioners as well as in their own letter Petition. Capps’ individual Petition should be denied.
5. Petitioners have articulated in their Petition environmental interests in this proceeding. Those interests will be better protected in other proceedings, such as the EIS being prepared for the Presidential Permit Application. Chapter 49-22 sets forth the factors considered by the Commission in evaluating applications and designation of corridors and routes. Chapter 49-22 does not require an EIS. Environmental concerns will be met by requiring Keystone to obtain all required permits before commencement of construction, including the Presidential Permit.
6. In the event that the Commission decides to grant the Petition to Intervene, Keystone requests that the Commission impose appropriate conditions and limitations on the Petitioners’ intervention. Section 69-02-02-05 authorizes the Commission to impose such conditions and limitations in order to promote the interest of justice. Keystone requests the Commission to act with all due speed and entry of final Orders in these matters. Therefore, if the Petitioners are allowed to intervene, no request for delay should be granted, and the issues listed by the Commission for the scheduled hearings should not

be broadened in scope.

For the foregoing reasons, Keystone objects to the Petitions to Intervene and requests that the Commission deny the Petitions, or in the alternative, condition and limit their intervention as requested herein.

Respectfully submitted,
TransCanada Keystone Pipeline, LP

By 
Thomas D. Kelsch
Counsel for TransCanada Keystone Pipeline, LP
PO Box 1266
Mandan, ND 58554-7266

Dated: July 13, 2007

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

TRANSCANADA KEYSTONE PIPELINE, LP)
30-INCH CRUDE OIL PIPELINE/CAVALIER TO) CASE NO. PU-06-421
SARGENT COUNTIES SITING APPLICATION)

PUBLIC CONVENIENCE AND NECESSITY) CASE NO. PU-07-152

STATE OF NORTH DAKOTA)
) ss. **AFFIDAVIT OF SERVICE**
COUNTY OF MORTON) **BY MAIL/ EMAIL/FACSIMILE**

DEBRA K. ROEHRICH being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 13th day of July, 2007, this affiant deposited in the United States Post Office at Mandan, North Dakota, and faxed and/or emailed a true and correct copy of the following document(s) in the above-captioned action:

1. Objection To Petition To Intervene.

That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

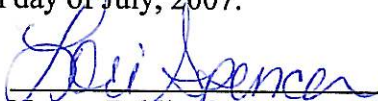
JOHN & JANIE CAPP
12466 60TH ST NE
LANKIN ND 58250

NICHOLAS R DELANEY
RINKE NOONAN LAW FIRM
PO BOX 1497
ST CLOUD MN 56302-1497
FAX NO: 320-656-3500
Email: mail@rnoon.com


DEBRA K. ROEHRICH

Subscribed and sworn to before me this 13th day of July, 2007.




Notary Public, State of North Dakota