

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

OAH File No. 20070181

TransCanada Keystone Pipeline, LP  
30-Inch Crude Oil Pipeline/Cavalier to Sargent Counties  
Siting Applications

Case No. PU-06-421

**SUBPOENA**


TO: Jim Horner, North Dakota Department of Health

Upon the written request of counsel, Nicholas R. Delaney, (see attached request), YOU ARE HEREBY SUMMONED TO APPEAR pursuant to the provisions of N.D. Century Code section 28-32-33 and N.D. Administrative Code section 69-02-05-03, and give testimony as a witness in the captioned proceeding, beginning on Wednesday, the 5th day of September, 2007, at 9:00 a.m. , in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. This Subpoena is effective for the entire hearing, including any continuance, or until you have completed your testimony. Failure to comply with this subpoena may result in a petition to the district court for an order requiring your attendance as a witness and such other relief as may be required. The fees and costs must be paid by the party requesting the Subpoena.

Dated at Bismarck, North Dakota this 28<sup>th</sup> day of August, 2007.

State of North Dakota  
Public Service Commission

By: \_\_\_\_\_

  
Allen C. Hoberg  
for Al Wahl, Hearing Officer  
Administrative Law Judge  
Office of Administrative Hearings  
1707 North 9th Street  
Bismarck, North Dakota 58501-1882  
Telephone: (701) 328-3260

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copies of the **SUBPOENA, and Request for Subpoena**, were delivered, inside mail, at the State Capitol on the 28 day of August, 2007, to:

William W. Binck  
Chief Counsel  
Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505

Lyle G. Witham  
Assistant Attorney General  
Office of Attorney General  
600 East Boulevard Avenue, Dept. 125  
Bismarck, ND 58505

Illona Jeffcoat-Sacco  
Executive Secretary  
Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505

and that a true and correct copies of the **SUBPONEA and Request for Subpoena** were mailed, regular mail, on the 28 day of August, 2007, to:

Nicholas R. Delaney  
Rinke Noonan  
P.O. Box 1497  
St. Cloud, MN 56302-1497

Todd D. Kranda  
Kelsch Kelsch Ruff & Kranda  
P.O. Box 1266  
Mandan, ND 58554-1266

and that the original **SUBPOENA and a copy of the Request for Subpoena** was delivered, inside mail, at the State Capitol on the 28 day of August, 2007, to:

Jim Horner  
Department of Health  
600 East Boulevard Avenue  
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS  
Al. Wahl, Administrative Law Judge

  
Louise Wetzel

# RINKE NOONAN

A T T O R N E Y S A I L L A W

SUITE 300, US BANK PLAZA, P. O. BOX 1497  
1015 W. ST. GERMAIN STREET  
ST. CLOUD, MINNESOTA 56302-1497  
TELEPHONE 320-251-6700, FAX 320-656-3500  
EMAIL: MAIL@RNOON.COM  
WWW.RNOON.COM

August 28, 2007

Administrative Law Judge, Al Wahl  
Office of Administrative Hearing  
1707 North 9<sup>th</sup> Street  
Bismarck, ND 58501  
**SENT VIA FAX 701-328-3254 AND US MAIL**

Re: ***PSC Hearing on September 5, 2007***  
***Our File No. 20555.001***

Dear Judge Wahl:

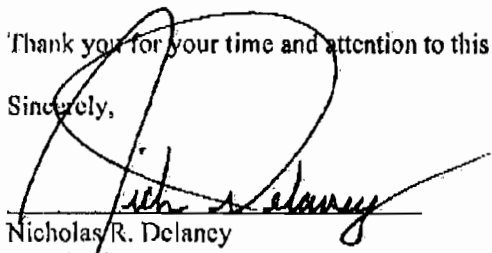
Enclosed you will find a Subpoena along with the witness fee of \$25.00 (NDCC 31-01-16), we request you sign and serve upon Jim Horner. In the event that the hearing is not concluded on September 5, 2007 and Mr. Horner is needed on another day, we would ask for the Subpoena to be effective for the continued date. If necessary, another check for \$25.00 will be tendered.

Jim Horner works for the Department of Health. The Department of Health did a review of the pipeline project and its impact, if any, on North Dakota waterways and aquifers. The purpose of calling Mr. Horner would be to discuss the Department of Health's involvement, in any, in the permitting process (Section 401 and 404 of the Clean Water Act or otherwise). He would also discuss what the department received by way of documentation from TransCanada, the review process the department undertook, any environmental concerns that arose through that review process, and a general discussion of the potential environmental impact and/or impact to North Dakota water.

I have spoke with Lyle G. Witham, Assistant Attorney General, at the Office of Attorney General located at the State Capital, 600 East BLVD Ave Dept. 125, Bismarck, ND 58505, who indicated to me that he would accept service on behalf of Mr. Horner and make him available on September 5; 2007.

Thank you for your time and attention to this matter.

Sincerely,



Nicholas R. Delancy

NRD/amb

Enclosure

cc: Dakota Resource Council

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P5D:\1A\23555001\Letter Administrative Law Judge Al Wahl 08 27 2007.wpd amb

RINKE NOONAN, EMILY DEER, COLOMBIA WIANI, VAN KIRFF & HOBS LTD

D. Michael Noonan  
William A. Smolay<sup>1</sup>  
Kurt A. Duna<sup>1</sup>  
Robert L. Columbus  
James L. Wiant

Garold W. Van Kierff  
Sharon G. Hobbs  
David J. Mayers<sup>2,3,4</sup>  
John J. Mouras  
Roger C. Justin<sup>5</sup>

John J. Bithneck  
Jill A. Acker  
Igor G. Lunzner<sup>4</sup>  
Gary R. Lantier<sup>6,7</sup>  
John C. Kelly

Scott G. Hattak  
Frieda A. Stockman<sup>1</sup>  
Stanley L. Brown  
Tonya T. Hinkemeyer  
Ryan J. Halton<sup>1</sup>

Benjamin B. Bohner<sup>8</sup>  
Tim A. Sosa<sup>7</sup>  
James A. Magers  
Nicholas R. Delancy<sup>9</sup>

Clad D. Miller  
Arthur A. Ruppel  
David L. Miller  
Garah E. Lister

1. Qualified to practice law in all states. 2. Admitted to practice law in Minnesota. 3. Admitted to practice law in Wisconsin. 4. Admitted to practice law in North Dakota. 5. Admitted to practice law in South Dakota. 6. Admitted to practice law in Illinois. 7. Admitted to practice law in Virginia.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

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

**Case No. PU-06-421**

**SUBPOENA**

**TO: JIM HORNER, DEPARTMENT OF HEALTH, STATE CAPITAL, BISMARCK, ND  
58505.**

You are hereby commanded laying aside all and singular your business and excuses to appear in person at the place, date, and time specified below to testify at PSC HEARING as a witness in the above captioned case.

**PLACE OF PSC HEARING:**

Commission Hearing Room  
State Capital  
12<sup>th</sup> Floor  
Bismark, ND 58505

**DATE AND TIME:**

Wednesday, September 5, 2007, at 9:00 a.m.  
or as soon as thereafter as counsel can be heard.

<p><b><u>ISSUING OFFICER'S SIGNATURE AND TITLE:</u></b></p>   <p>_____  <b>Hearing Officer</b>  Office of Administrative Hearing  1707 North 9<sup>th</sup> Street  Bismarck, ND 58501</p>	<p><b>DATE:</b></p>
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RINKE, NOONAN, SMOLEY,  
DETER, COLOMBO, WIANT  
VON KORFF, & HOBBS, LTD.  
P.O. BOX 1497  
SAINT CLOUD, MN 56302

53986  
17-2/810 282

DATE 8/28/05

PAY  
TO THE  
ORDER OF

Jim Horner

\$ 25.00

THE SUM 25 DOLLARS & CENTS

DOLLARS



usbank.com

COSTS ADVANCED ACCOUNT

FOR Witness for ZUSSS - 1 NRD/AMB

⑈0000053986⑈ ⑆091000022⑆ 121073905014⑈