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August 30, 2007

MS ILLONA A JEFFCOAT-SACCO
EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
600 EAST BOULEVARD, DEPT 408
BISMARCK ND 58505-0480

HAND DELIVERED



Re: TransCanada - Keystone Pipeline Project
Case No: PU-06-421
OAH File No. 20070181
Our File No. 11815

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing is an original and seven copies of a Response Resisting Request for Continuance being submitted on behalf of TransCanada Keystone Pipeline, LP.

I am also enclosing an Affidavit of Service which indicates copies are being provided to Attorney Delaney who is legal counsel on behalf of the intervenors in this case. A courtesy copy is also being forwarded to ALJ Wahl.

If there is any additional information or documentation requested or required please notify me. Also, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Todd D. Kranda".

Todd D. Kranda

TK:ls
Encs

c: TransCanada Keystone
Attorney Delaney
ALJ Wahl



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)

RESPONSE RESISTING REQUEST FOR CONTINUANCE

On May 2, 2007, the Public Service Commission noticed public hearings on the above Application scheduled for Monday, July 23, 2007 in Valley City, North Dakota, and Tuesday, July 24, 2007 in Park River, North Dakota. The public hearings were held as noticed and scheduled. Testimony was received and the public was allowed to fully participate and comment. However, after allowing the public the opportunity to comment and the Intervenor the opportunity to participate and provide testimony, the hearing for the above referenced matter had to be continued and rescheduled in order to allow the Petitioner to present the remainder of its case.

On August 1, 2007, the Commission formally approved and sent a Notice of Continued Hearing which rescheduled the hearing for Wednesday, September 5, 2007 in the Commission Hearing Room at the State Capitol in Bismarck.

Prior to the rescheduling of the hearing date for September 5th, and potentially September 6th if necessary, the attorneys for the Public Service Commission (PSC), the Petitioner and for the Intervenor were consulted through the Administrative Law Judge and their availability was confirmed for the rescheduled dates in September based on the PSC schedule. In fact, the PSC rescheduled its biweekly meeting and the ALJ reorganized his schedule to accommodate the September 5th and potentially September 6th hearing dates.

Now, pursuant to a letter dated August 29, 2007, a request for continuance has been submitted by Intervenor John and Janie Capp, Mark Novak, Merle Kratochvil and Linette

Kratochvil requesting that the rescheduled September 5, 2007 hearing be continued for 3 to 4 weeks due to the harvest season for crops.

Petitioner Keystone hereby resists and opposes the request for continuance of the September 5th hearing. The request for continuance should be denied and the rescheduled hearing should proceed on September 5th as scheduled and noticed.

Pursuant to Section 69-02-04-03 of the North Dakota Administrative Code, continuances may be granted for good cause and must be submitted as far in advance as possible. It is hereby submitted that the request for continuance is untimely and good cause does not exist for the continuance of the rescheduled hearing date of September 5th.

Any delay by a continuance of the rescheduled hearing would cause substantial prejudice to the Petitioner with any delay in this Application process. The individual witnesses for the Petitioner have already made travel arrangements and revised their schedules to return and appear at this rescheduled hearing on September 5th.

More importantly, there are deadlines that exist for the PSC in this case which were taken into consideration with the rescheduled hearing date of September 5th. The Application was deemed complete on May 2, 2007 and therefore the 6 month deadline established by rule for the issuance of a determination on the Application would be November 2, 2007. A continuance of the rescheduled hearing date would significantly shorten the time period allowed for the PSC to hold work sessions and complete its review necessary prior to the deadline for issuance of a determination on the pending Application.

Each of the Intervenors whose name appears on the letter request for continuance were present and each testified at the prior hearings in July 2007. In fact, Mr. Novak appeared and testified at the Valley City hearing on July 22nd while Merle Kratochvil, Linette Kratochvil, John Capp and Janie Capp all appeared and testified at the Park River hearing on July 23rd.


Furthermore, the hearings that are held at the PSC hearing room are available to the public by internet broadcast.

Also, the Intervenor's continuance request is untimely. The harvest season is known well in advance. Their attorney of record was involved in the discussions for the rescheduling and did not oppose to the rescheduled hearing date of September 5th. These Intervenor's waited until the last week prior to the rescheduled hearing date before they submitted the request even though the hearing date was coordinated and scheduled late last month, and approved and formally noticed by the PSC on August 1, 2007.

For the foregoing reasons, Keystone objects to the request for continuance and requests that the PSC deny the request for continuance and allow the rescheduled hearing on September 5th to proceed without a delay and that the PSC continue to act with all due speed in this matter.

Dated this 30th day of August, 2007. .

Respectfully submitted,
TransCanada Keystone Pipeline, LP

By 

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

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)

STATE OF NORTH DAKOTA)
) ss. **AFFIDAVIT OF SERVICE**
COUNTY OF MORTON)

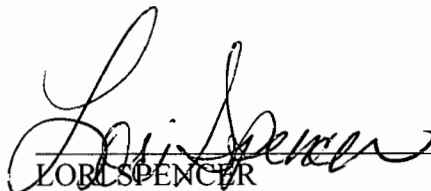
LORI SPENCER being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 30 day of August, 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:

Response Resisting Request for Continuance

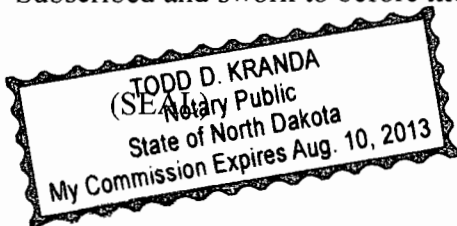
That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

NICHOLAS R DELANEY
ATTORNEY AT LAW
PO BOX 1497
ST CLOUD MN 56302-1497
Facsimile No: 320-656-3500
Email: mail@rnoon.com



LORI SPENCER

Subscribed and sworn to before me this 30 day of August, 2007.





Notary Public, State of North Dakota