

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 MOTION TO CONTINUE HEARING

August 31, 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.

Public Hearings on this application were held July 23, 2007 at the Valley City Auditorium in Valley City, ND and on July 24, 2007 at the City Office Building in Park River, ND. The hearing was not completed and was continued by the Commission to a later date.

On August 1, 2007, the Commission scheduled a further public hearing on this matter beginning Wednesday, September 5, 2007 at 9:00 a.m. CDT in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 59505. The Notice of Continued hearing was served on the parties as required by law and was published in the official newspapers of the affected counties

On August 29, 2007, the Intervenor, Janie Capp filed a motion for continuance of the hearing scheduled for September 5, 2007 for the reason that it will cause a hardship on them because of harvest that has been delayed because of rains.

On August 30, 2007, TransCanada filed a response opposing the requests of the Intervenor. TransCanada states that the attorneys for all parties were consulted to confirm availabilities for the September 5 hearing date. TransCanada states that a delay would cause substantial prejudice to TransCanada because witnesses have already made travel arrangements to appear for the hearing. Furthermore, the individuals requesting the continuance have all testified at the hearings held on July 22 and 23, 2007. TransCanada also states that the request is untimely. The Intervenors waited until the last week before the hearing date to make their request. The hearing date was coordinated and scheduled in late July, and the formal notice was issued by the Commission on August 1, 2007.

The Commission has considered the motion for continuance and finds that it is untimely and that under the circumstances good cause does not exist for granting of the motion.

ORDER

The Commission orders the Intervenor's request to continue the hearing scheduled for September 5 and 6, 2007 is **DENIED**.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner

Absent - Not Voting

Susan E. Wefald
President



Kevin Cramer
Commissioner