

**Zeimer, Lisa D.**

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**From:** Janie Capp [JanieCapp@csb100.com]  
**Sent:** Monday, October 15, 2007 9:13 AM  
**To:** Fahn, Patrick J.; Wahl, Al  
**Cc:** -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities; tdkelsch@kelschlaw.com; Todd Kranda; Nicholas R. Delaney  
**Subject:** RE: TransCanada Keystone Pipeline, LLC- Case No. PU-06-421 and PU-07-152 - Consideration of Information not presented at a Hearing

To those Concerned:

It is unfortunate that all this information was not present at the hearings, we had asked for more time which would of given additional time for this info and it may have given more time for the Health Dept and Water Commission to do in-depth study of the route and look at other routes that my have less risk to shallow & better sites for river crossings. Also I still believe it is in the best interest of ND, to review the final EIS before the PSC rules n the sitting of the TransCanada Keystone Pipeline

Janie Capp

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**From:** Fahn, Patrick J. [mailto:pfahn@nd.gov]  
**Sent:** Friday, October 12, 2007 10:43 AM  
**To:** Al Wahl  
**Cc:** -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities; tdkelsch@kelschlaw.com; Todd Kranda; Nicholas R. Delaney; Janie Capp  
**Subject:** TransCanada Keystone Pipeline, LLC- Case No. PU-06-421 and PU-07-152 - Consideration of Information not presented at a Hearing

Judge Wahl,

At its October 12 Special Meeting, the Commission considered the attached October 11 staff memorandum and agreed that the issue described should be referred to you for determination.

The question that needs to be addressed is how should information that is filed after the hearings have been completed be considered from an evidentiary standpoint by the Commission. The Commission specifically would like to know what options there are for bringing late filed information into the record as evidence that can be considered by the Commission in making its decision.

Please consider, in your determination, the various ways this late information is filed with the Commission, including correspondence by mail and email from intervenors (but not filed via counsel), correspondence from persons that have not intervened but testified under oath at one of the hearings, correspondence from persons that have not intervened or testified under oath at one of the hearings, correspondence from governmental agencies and political subdivisions, and information that staff has found in the course of investigating a comment from one of the persons mentioned.

What procedures are required to bring this information into the record as evidence to be considered by the Commission?

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North Dakota Public Service Commission