

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 MOTION FOR INTERVENTION TO APPEAR AS A PARTY AND
MOTIONS TO REOPEN THE HEARING RECORDS**

TransCanada Keystone Pipeline, LP, (Keystone) hereby files its objection to the Motion for Intervention to Appear as a Party and Motion to Reopen the Hearing Records filed herein by the City of Fargo (Fargo) on October 24, 2007. Fargo filed its motion almost two months after the close of the public hearings in this proceeding, which were held in late July and early September, 2007. Fargo had notice of the hearings, yet chose not to participate. Now, Fargo seeks to delay timely resolution of this proceeding, by raising issues that were fully addressed at the public hearings. Fargo has not demonstrated good cause for its failure to intervene in a timely manner, as required by Section 69-02-02-05 of the North Dakota Administrative Code. Moreover, Fargo has not alleged that material changes in fact or law have occurred since the close of the hearing, nor has it demonstrated that the public interest requires reopening the proceeding, as required by Section 69-02-06-01 of the Code. Further, the Commission already has the ability to consider the concerns raised by Fargo without granting the requested late intervention or reopening the proceeding. In these circumstances, Keystone submits that granting Fargo's motions would be profoundly unfair and would establish bad administrative precedent. Equally important, because the issues raised by Fargo have been addressed at the hearing and there is an existing process for considering the concerns alleged in Fargo's motions, the denial of Fargo's motions would in no way prejudice the citizens of Fargo.