

Hammarback, Dusek & Associates, PLC
712 DeMers Avenue
PO Box 4
East Grand Forks, MN 56721-0004
(218) 773-6841

November 21, 2007

VIA U.S. MAIL AND E-MAIL (ijs@nd.gov)

Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
State Capitol
Bismarck, ND 58505-0480

RE: In the Matter of the Siting Application and Application for Certificate of Public Convenience and Necessity of TransCanada Keystone Pipeline, LP (PSC Case Nos. PU-06-421 and PU-07-152; OAH File No. 20070181)

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing please find the original plus seven (7) of the following documents:

1. Motion to Continue Hearings; and
2. Affidavit of Service.

Sincerely,



Matthew F. Shimanek

Enclosures

Copies (w/ enc) via e-mail to: Service List

Administrative Law Judge Al Wahl (awahl@nd.gov)
Lynn Wolff (lynn@drcinfo.com)
Janie and John Capp (janiecapp@csb100.com)
Ramona Klein (ramonak@daktel.com)
Linette and Merle Kratochvil (lckgoats@polarcomm.com)
Mark Novak (Neptune@polarcomm.com)

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

TransCanada Keystone Pipeline, LP	:	OAH File No. 20070181
	:	
	:	
30-Inch Crude Oil Pipeline Cavalier to Sargent Counties Siting Application	:	Case No. PU-06-421
	:	
	:	
Application for Certificate of Public Convenience and Necessity	:	Case No. PU-07-152
	:	

MOTION TO CONTINUE HEARINGS

COME NOW the Intervenors Dakota Resource Council, Janie Capp, John Capp, Ramona Klein, Linette Kratochvil, Merle Kratochvil and Mark Novak (the Intervenors), by and through the undersigned counsel, with this Motion to Continue Hearings in the above-captioned matter. In support of this motion, the undersigned does hereby state as follows:

1. Counsel for the Intervenors filed a motion on November 20, 2007 requesting leave to appear as counsel on behalf of the Intervenors in the above matter. It is the understanding of said counsel that such motion will be decided upon today, November, 21, 2007.
2. Formal hearings in this matter have been scheduled for November 27 and November 28, 2007, for the purpose of hearing new evidence pursuant to the Order on Motions to Intervene and Reopen dated November 7, 2007.
3. Previous counsel for the Intervenors was not granted leave to withdraw as counsel in this matter until November 16, 2007. Until that date, Intervenors did not have certain knowledge as to whether previous counsel would continue to represent them in this matter, or whether alternate counsel would be required. Previous counsel for the Intervenors had attempted to withdraw as counsel prior to the formal hearings in this

matter held on September 5 and September 6, 2007. Permission for such withdrawal was denied at that time. Previous counsel for the Intervenors continued to represent the Intervenors throughout the formal hearings held on September 5 and September 6, 2007 and for the purpose of preparing and filing a post-hearing brief on October 15, 2007. Upon previous counsel for the Intervenors finally being granted permission to withdraw, the Intervenors acted promptly to obtain alternate counsel, and said counsel filed a motion requesting permission to appear in this matter on November 20, 2007. Although the Intervenors acted in a timely manner to obtain alternate counsel, current counsel for the Intervenors is now left with less than one week to prepare for formal hearings in this matter. It should be additionally noted that the Thanksgiving holiday weekend falls in the middle of that week, further hampering timely and effective preparations prior to the scheduled hearings. The applicable rules of the State of North Dakota governing the withdrawal of legal representation contemplate that such withdrawal be allowed only where it will not have material adverse impact on the interests of the client or clients being represented. If hearings in this matter proceed on November 27 and November 28, 2007, the interests of the Intervenors will have been materially prejudiced by counsel for the Intervenors withdrawing only a week prior to said hearings and Intervenors having to locate and retain new counsel to represent their interests within a matter of just a few days.

4. This short timeframe has worked substantial and material prejudice on the ability of current counsel for the Intervenors to effectively prepare for the upcoming formal hearings. A copy of the attorney case file in this matter was only sent to the individual Intervenors via U.S. Mail on November 16, 2007, after previous counsel for the

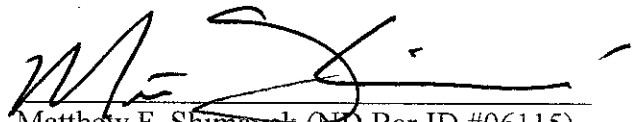
Intervenors was given leave to withdraw. Said case file was not received by the individual Intervenors until November 19, 2007 and was not in the hands of current counsel for the Intervenors until November 21, 2007. Although previous counsel for the Intervenors appears to have forwarded said case file to the individual Intervenors in a timely manner after being permitted to withdraw, current counsel for the Intervenors will not have sufficient opportunity to review said file prior to formal hearings in this matter scheduled less than one week from the receipt of said file.

5. The right of the Intervenors to full and effective participation as parties to this matter will be substantially and materially prejudiced if formal hearings are held within this short timeframe, in violation of Intervenors' right to due process under the Constitution of North Dakota and the U.S. Constitution. It is anticipated that new evidence will be entered onto the record by the Applicant, TransCanada Keystone Pipeline, LP, and the recent Intervenor, the City of Fargo. As parties to this matter, the Intervenors have the right to fully participate in these new hearings and the making of a new record, a right which is independent of Intervenors' participation in previous hearings in this matter. Just as the Applicant TransCanada Keystone Pipeline, LP now has a right to offer evidence for the re-opened record, in spite of having had the opportunity to participate in previous hearings on the record, the Intervenors have the same right to participate and offer evidence into the re-opened record and to respond to the evidence offered by other parties. This right cannot be meaningfully exercised given the very recent withdrawal of previous counsel for the Intervenors only one week prior to formal hearings in this matter, as well as the extremely short timeframe current counsel for the Intervenors now has to prepare to provide representation.

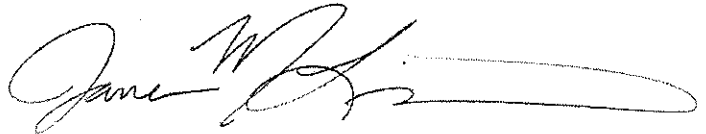
WHEREFORE, the Intervenors Dakota Resource Council, Janie Capp, John Capp, Ramona Klein, Linette Kratochvil, Merle Kratochvil and Mark Novak do hereby move that the hearings scheduled in this matter for November 27 and November 28, 2007 be continued until a later date to allow the Intervenors and counsel for the Intervenors sufficient time to prepare for said hearings and to effectively participate as parties in this matter.

Dated this 21st day of November, 2007

Respectfully submitted,



Matthew F. Shimarek (ND Bar ID #06115)
Hammarback, Dusek & Associates, PLC
712 DeMers Avenue
PO Box 4
East Grand Forks, MN 56721-0004
Phone: (218) 773-6841
Facsimile: (218) 773-2845
E-mail: matt@hdalawyers.com



Jana M. Linderman (IA #AT00004750)
Plains Justice
100 1st Street SW
Cedar Rapids, IA 52404
Phone: (319) 362-2120
Facsimile: (866) 484-2373
E-mail: jlinderman@plainsjustice.org

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

TransCanada Keystone Pipeline, LP	:	OAH File No. 20070181
	:	
	:	
30-Inch Crude Oil Pipeline	:	Case No. PU-06-421
Cavalier to Sargent Counties	:	
Siting Application	:	
	:	
Application for Certificate of	:	Case No. PU-07-152
Public Convenience and Necessity	:	

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the Motion to Continue Hearings to which this Certificate is attached were served on the 21st day of November, 2007 by e-mail addressed to:

Thomas D. Kelsch
Todd D. Kranda
Kelsch, Kelsch, Ruff & Kranda
tdkelsch@kelschlaw.com
kranda@kelschlaw.com

Erik R. Johnson
City of Fargo
ejohnson@lawfargo.com

William W. Binek
Chief Counsel
North Dakota Public Service Commission
wbinek@nd.gov



Matthew F. Shimanek