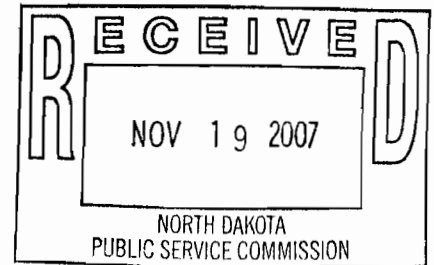


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# MEMORANDUM

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**DATE:** November 16, 2007  
**TO:** Illona Jeffcoat-Sacco, Executive Director  
Public Service Commission  
**FROM:** Al Wahl  
**RE:** TransCanada Keystone Pipeline, LP  
30-Inch Crude Oil Pipeline  
Cavalier to Sargent Counties  
Siting Application



Enclosed for filing is the prehearing order for the captioned matter.

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

OAH File No. 20070181

TransCanada Keystone Pipeline, LP  
30-Inch Crude Oil Pipeline  
Cavalier to Sargent Counties  
Siting Application

Case No. PU-06-421

**PREHEARING ORDER**

Upon a prehearing conference for this matter held November 16, 2007; Thomas D. Kelsch and Todd D. Kranda, Kelsch Kelsch Ruff & Kranda, appearing for TransCanada Keystone Pipeline, LP; Nicholas R. Delaney, Rinke Noonan, appearing for Rinke Noonan; William W. Binek, Chief Counsel, with Patrick K. Fahn, Utility Analyst, North Dakota Public Service Commission, appearing for the Commission, Erik R. Johnson, Erik R. Johnson & Associates, Fargo, North Dakota, with John M. Dingess, Duncan, Ostrander and Dingess, Denver, Colorado, appearing for the City of Fargo; Intervenors Mark Novak, Merle Kratochvil and Linette Kratochvil, Ramona Klien, and Janie Capp, each appearing pro se; and Lynn C. Wolff with Jana Linderman, attending for Dakota Resource Council, it is determined and hereby

Ordered, that upon finding that this prehearing conference is in substantial compliance with the requirements of N.D.C.C. § 98-02-02-18(2) for the consideration of the motion of Rinke Noonan for leave to withdraw as counsel for the intervenors Dakota Resource Council, Mark Novak, Merle Kratochvil and Linette Kratochvil, Ramona Klien, John Capp and Janie Capp, (collectively, "Intervenors") for all further proceedings in this matter, and due consideration of the motion, the motion is granted; provided, however, that Rinke Noonan shall promptly provide to each Intervenor complete copies of the Notice of Intent to Consider Information Not Presented at a Hearing, issued November 7, 2007; Order on Motion to Intervene and Reopen Hearing,

issued November 7, 2007; Order for Hearing, issued November 8, 2007; and the Notice of Further Hearing on Expedited Time Frame, issued November 8, 2007; and it is further

Ordered, that the parties shall respond to all pending discovery requests by e-mail not later than five o'clock p.m., November 23, 2007 (provided, however, that service of discovery, any notice, or other copy of communication to the administrative law judge need not be separately made to Thomas D. Kelsch and Todd D. Kranda, or Eric R. Johnson and John M. Dingess, as counsel, or to Merle Kratocvil and Linette Kratocvil, or John Capp and Janie Capp, as Intervenors), and it is further

Ordered, that counsel and the parties shall each reasonably cooperate in good faith for the prompt response to all discovery requests, both those pending and any that may be informally made by counsel or any party ("party" including any of Intervenors except Dakota Resource Council, unless it shall act by counsel as allowed by law); and it is further

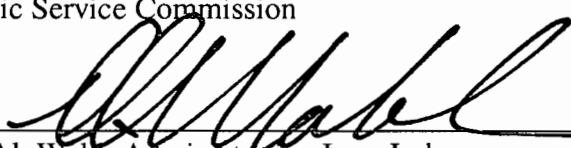
Ordered, that for the further hearing of this matter to be held beginning at eight o'clock a.m., November 27, 2007, the City of Fargo shall open and go forward with the offer of its evidence, followed by Intervenors, and TransCanada Keystone Pipeline, LP, shall close with its offer of evidence; and it is further

Ordered, that any of Intervenors who will participate for the hearing to cross-examine witnesses and offer evidence shall notify by e-mail each other pro se party, counsel, and the administrative law judge of his or her intent to do so not later than nine o'clock a.m., November 26, 2007.

Dated at Bismarck, North Dakota, this 16<sup>th</sup> day of November, 2007.

State of North Dakota  
Public Service Commission

By: \_\_\_\_\_

  
Al. Wahl, Administrative Law Judge  
Office of Administrative Hearings  
1707 North 9th Street  
Bismarck, North Dakota 58501  
(701) 328-3260, awahl@nd.gov

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

OAH File No. 20070181

TransCanada Keystone Pipeline, LP  
30-Inch Crude Oil Pipeline  
Cavalier to Sargent Counties  
Siting Application

Case No. PU-06-421

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the **PREHEARING ORDER** to which this Certificate of Service is attached were served on the 16th day of November, 2007, by email addressed to:

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OFFICE OF ADMINISTRATIVE HEARINGS

  
Al. Wahl, Administrative Law Judge