

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

TRANSCANADA KEYSTONE PIPELINE, LP     )  
30-INCH PIPELINE / CAVALIER TO         )  
SERGEANT COUNTIES SITING APPLICATION )

Case No. PU-06-421

APPLICATION FOR CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY             )

Case No. PU-07-152

**RESPONSE OF CITY OF FARGO TO DAKOTA RESOURCE COUNCIL'S  
MOTION TO CONTINUE HEARINGS**

Commissioners Susan E. Wefald, Tony Clark, and Kevin Cramer

Thomas D. Kelsch and Todd D. Kranda, Kelsch Kelsch Ruff & Kranda, 103 Collins Avenue, Mandan, ND 58554, on behalf of the Applicant TransCanada Keystone Pipeline, LP

Matthew F. Shimanek, Esq, Hammarback, Dusek & Associates, PLC, 712 DeMers Ave, PO Box 4, East Grand Forks, MN 56721-0004, on behalf of Dakota Resources Council, Ramona Klein, Merle and Linette Kratochvill, Janie and John Capp, and Mark Novak

William W. Binck, Chief Counsel, Public Service Commission, State Capitol, Bismarck, ND 58505, on behalf of the Public Service Commission

Al Wahl, Office of Administrative Hearings, 1707 N 9<sup>th</sup> Street, Bismarck, ND 58501, as Procedural Hearing Officer

Erik R. Johnson, Esq., Erik R. Johnson & Assoc. Ltd., 505 Broadway, Suite 206, Fargo, ND 58102-4907 on behalf of Intervenor City of Fargo, North Dakota

John M. Dingess, Patricia Madsen, Duncan Ostrander & Dingess, P.C., 3600 S Yosemite St, Ste 500, Denver, CO 80237-1829, on behalf of Intervenor City of Fargo, North Dakota

**RESPONSE**

The city of Fargo, North Dakota (Fargo), Intervenor herein, respectfully requests the Public Service Commission (PSC) deny the Motion to Continue Hearings filed by Intervenors Dakota Resource Council, Janie Capp, John Capp, Ramona Klein, Linette Kratochvil, Merle Kratochvil, and Mark Novak (DRC Intervenors). In the alternative, should the PSC be inclined

to grant DRC Intervenors' Motion, Fargo respectfully requests the PSC order that DRC Intervenors be responsible for the costs that Fargo will incur resulting from rescheduling of travel and lodging for witnesses and legal counsel if DRC Intervenors' Motion is granted.

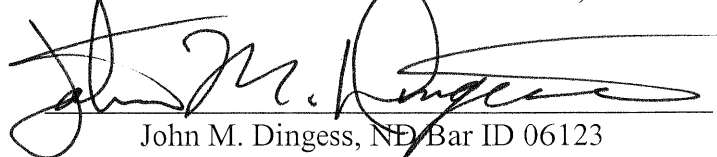
Fargo was allowed to intervene and these proceedings were reopened to address specific issues raised by Fargo pursuant to the PSC's Order of November 7, 2007 (11/07/07 Order). The DRC Intervenors have been parties to this proceeding since its nascent stages and multiple references to their past participation appear in the record of this matter. Following the 11/07/07 Order, the PSC, through its Administrative Law Judge, and in cooperation with the parties to this matter, established the dates of November 27 and 28, 2007, as the time for hearing concerning the issues set forth in the 11/07/07 Order. Since receiving those hearing dates, Fargo has made substantial efforts to prepare for the scheduled hearing. The delay requested by DRC Intervenors would add significant time and expense to Fargo's participation, and Fargo therefore requests said Motion be denied. Fargo would further point out that the scope of the November 27-28 proceedings are limited, and it has been Fargo's observation through its review of the records in this proceeding that notwithstanding their previous participation in this matter, DRC Intervenors have not heretofore focused on the issues to be presented by Fargo.

In order to prepare for the scheduled hearing, Fargo has used the services of various witnesses who are located in the state of Minnesota. At the November 27-28 proceedings, Fargo will present these witnesses and other witnesses who do not live in the Bismarck area. Further, Fargo's undersigned special counsel is located in Colorado. All of Fargo's witnesses and counsel have made travel and lodging arrangements so that they might be present for the November 27-28 proceedings. Canceling and rescheduling hotel reservations and airline travel will likely result in additional fees and charges incurred by Fargo. Accordingly, should the PSC be inclined to grant DRC Intervenors' Motion, Fargo respectfully requests and moves the PSC to include as part of any such order a requirement that DRC Intervenors reimburse Fargo for any and all charges incurred for the rescheduling of travel and lodging to any continued hearing.

In conclusion, Fargo respectfully requests denial of DRC Intervenors' Motion to Continue Hearings; however, if said Motion is granted, Fargo requests that any order include provisions requiring DRC Intervenors to reimburse Fargo for travel and lodging expenses resulting from any rescheduling of the proceedings.

Respectfully submitted this 23<sup>rd</sup> day of November, 2007.

**DUNCAN OSTRANDER & DINGESS, P.C.**



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**Special Counsel, City of Fargo**

## CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of November, 2007, a true and correct copy of the foregoing **RESPONSE OF CITY OF FARGO TO DAKOTA RESOURCE COUNCIL'S MOTION TO CONTINUE HEARINGS** was filed with the Public Service Commission of the State of North Dakota and served via E-Mail to the following:

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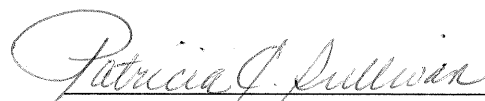
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