

Erik R. Johnson  
City Attorney



Patricia A. Roscoe  
Assistant City Attorney

OFFICE OF THE CITY ATTORNEY

December 20, 2007

Illona A. Jeffcoat-Sacco  
Executive Director  
Public Service Commission  
State Capitol  
Bismarck, ND 58505



**Re: Keystone Pipeline**  
**Case No. PU-06-421**  
**Case No. PU-07-152**

Dear Executive Director Jeffcoat-Sacco:

Please find enclosed for filing with the Commission in the above-captioned matter, the City of Fargo's Motion to Withdraw as Party Intervenor and Brief in Support Thereof. Thanks for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "ERJ".

Erik R. Johnson

ERJ/jmf

Enclosure

cc: Thomas D. Kelsch  
John Dingess

329 PU-06-421

Pages: 4

Motion to Withdraw as Party Intervenor and  
Brief in Support  
by City of Fargo by Erik R. Johnson  
12/26/2007



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                )     OAH FILE No. 20070181

**MOTION TO WITHDRAW AS PARTY INTERVENOR  
AND BRIEF IN SUPPORT THEREOF**

**COMES NOW**, the City of Fargo, and through its attorney, does hereby move to withdraw as a party intervenor which status was originally granted by the Commission by its order of November 7, 2007.

As grounds for this motion, the City of Fargo asserts that by the Settlement Stipulation between TransCanada Keystone Pipeline, LP, and the City of Fargo dated December 18, 2007, and filed herein, the City of Fargo's concerns are addressed and, in accordance with said stipulation, supports Keystone's route and corridor in the Lake Ashtabula/Sheyenne River area. The Settlement Stipulation also calls for the City of Fargo to withdraw as a party intervenor. As a result of said settlement and this motion to withdraw, the City of Fargo will not be submitting any brief, proposed findings of fact and conclusions of law, or other post-hearing argument (after the hearing of November 27-28, 2007) and, to the extent the Commission might expect the City of Fargo to file any such brief or argument, relief from such obligation is also requested.

[remainder of page blank]

Respectfully submitted this 20th day of December, 2007.



---

Erik R. Johnson ND Bar #03901  
City Attorney--Fargo  
505 Broadway St. N., Suite 206  
Fargo, ND 58102  
Ph: 701-280-1901  
Fax: 701-280-1902  
Email: [ejohnson@lawfargo.com](mailto:ejohnson@lawfargo.com)

John M. Dingess ND Bar #06123  
Duncan, Ostrander & Dingess, P.C.  
3600 S. Yosemite Street, Suite 500  
Denver, CO 80237-1829  
T: 303-779-0200  
F: 303-779-3662  
Attorneys for the City of Fargo

CERTIFICATE OF SERVICE BY U.S. MAIL

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF CASS )

RE: TRANSCANADA KEYSTONE PIPELINE, LP  
CASE NO. PU-06-421  
CASE NO. PU-07-152

Kaye Loe, being first duly sworn, deposes and says that on the 20th day of December, 2007, she served the attached MOTION TO WITHDRAW AS PARTY INTERVENOR AND BRIEF IN SUPPORT THEREOF by placing a true and correct copy thereof in an envelope, addressed as follows:

Thomas D. Kelsch  
Kelsch Kelsch Ruff & Kranda  
103 Collins Avenue  
P.O. Box 1266  
Mandan ND 58554-1266

Todd D. Kranda  
Kelsch Kelsch Ruff & Kranda  
103 Collins Avenue  
P.O. Box 1266  
Mandan, ND 58554-1266

Mark Novak  
P.O. Box 122  
Lankin, ND 58250

John and Janie Capp  
12466 60<sup>th</sup> St NE  
Lankin, ND 58250

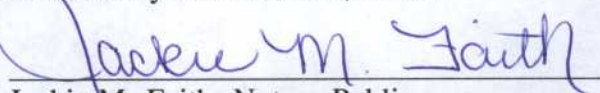
Linette and Merle Kratochvil  
6355 County Rd 14  
Lankin, ND 58250

Judge Al Wahl  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street  
Bismarck, ND 58501-1882

and depositing the same, with postage prepaid, in the United States mail.

  
KAYE LOE

Subscribed and sworn to before me this 20th day of December, 2007.

  
Jackie M. Faith, Notary Public  
Cass County, North Dakota  
My Commission Expires: 02/18/2010

( S E A L )

