

**APPROVED**

DATE: 1-30-08  
SP

**MOTION**

**January 30, 2008**

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

**Case No. PU-06-421**

I move the Commission adopt the Notice of Intent to Consider Information Not Presented at a Hearing in TransCanada Keystone Pipeline, LP's application to construct a 30-inch crude petroleum pipeline in Cavalier to Sargent Counties, Case No. PU-06-421.

PJF

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

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

**Case No. PU-06-421**

**NOTICE OF INTENT TO CONSIDER INFORMATION NOT PRESENTED AT A HEARING**

**January 30, 2008**


Pursuant to N.D.C.C. §28-32-25, the Public Service Commission ("Commission") gives notice that it intends to consider information in its possession that was not presented as evidence at a hearing and that has been filed in this proceeding by TransCanda Keystone Pipeline LP ("Keystone"), Docket No. 377. The information in Docket No. 377 is identified as a copy of a waiver of the 500-foot avoidance area at a residence signed by Albert Wittenberg. A copy of Docket No. 377 is attached.

You are hereby advised that you have the right, upon written request, to examine the information or evidence and to present your own information or evidence and to cross-examine the person furnishing the information or evidence. Any such written request must be filed within ten (10) days of the date of this Notice.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; of Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify Illona A. Jeffcoat-Sacco, Executive Director at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

  
Tony Clark  
Commissioner

  
Susan E. Wefald  
President

  
Kevin Cramer  
Commissioner





**DURABLE POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That I, the undersigned **Albert H. Wittenberg**, of 2908 122<sup>nd</sup> Ave. S.E., Valley City, North Dakota 58072, have made, constituted and appointed, and by these presents do make, constitute and appoint my son, **Albert K. Wittenberg**, of 2840 122<sup>nd</sup> Ave. S.E., Valley City, North Dakota 58072, or my son, **Kurt Wittenberg**, of 12206 128<sup>th</sup> St. S.E., Valley City, North Dakota 58072, each with full authority to act individually without the signature of the other, my true and lawful attorneys for me and in my name, place and stead, to do the following;

1. To endorse, negotiate and deposit any checks, drafts, notes or instruments, for the payment of money to me, and to sign checks and withdrawal orders on any accounts, both checking, savings and time certificates at any bank, firm or depository.
2. To manage and operate all of the real estate, and personal property, both tangible and intangible, in or to which I may have an interest or claim either in my sole and individual right or as a life tenant, including the power to purchase, sell, mortgage, exchange or lease any real or personal property, including homestead property, and the power to purchase, sell, mortgage, exchange or redeem any stocks, bonds, U.S. Savings Bonds, annuities, insurance contracts and any other securities and investments of every nature.
3. To collect and receipt for all rents and monies due to me, to sign, execute and deliver leases, deeds, contracts, mortgages, options, bills of sale and such other instruments as may be necessary to carry out said powers.
4. To enter and gain access to safe deposit boxes in my name, and to remove any of the contents thereof.
5. To represent me before any office of the Internal Revenue Service or any Office of State Tax Commissioner and each of them with respect to tax matters, and to prepare and sign my tax returns of every type, including the authority to make any elections relating to tax matters.
6. To prosecute, settle, and compromise all actions and claims to which I am or may become a party.
7. To enter into contracts relating to agriculture with any officer or agency of the federal or state governments and to participate in, make commitments, and receive all payments and benefits from such agricultural programs.

- 8. To do any and all things necessary and requisite to be done and performed for the proper management, conduct and operation of my affairs and my property, including any payments and transfers to said attorneys.
- 9. To execute and file all writings, returns and documents necessary and proper to the foregoing.

That I grant and give unto my said attorneys, **Albert K. Wittenberg and Kurt Wittenberg**, full authority to do and perform all and every act or thing which may be requisite or necessary to be done, as fully, to all intents and purposes, as I might or could do if personally present. I hereby ratify and confirm all that my said attorneys shall lawfully do or cause to be done by virtue of this instrument.

This Power of Attorney shall not be affected by my subsequent disability or incapacity, or by lapse of time. It shall remain in force up to the time of the receipt by my said attorneys of a written revocation signed by me.

I hereby authorize the preparation of photocopies of this Power of Attorney, which copies shall have the same force and effect as the original.

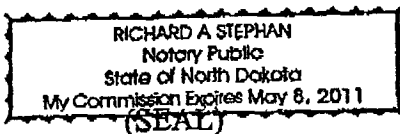
IN WITNESS WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of July, 2007.

*Albert H. Wittenberg*

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**Albert H. Wittenberg**

STATE OF NORTH DAKOTA )  
 )SS:  
 COUNTY OF BARNES )

On this 16<sup>th</sup> day of July, 2007, before me, a notary public in and for said County and State, personally appeared Albert H. Wittenberg, known to me to be the person who is described in and who executed the above and forgoing instrument and acknowledged to me that he executed the same.



*Richard A. Stephan*

Richard A. Stephan, Notary Public  
 Barnes County, North Dakota  
 My Commission Expires: May 8, 2011