

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-06-421

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Claire Tipton deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **31st day of January, 2008**, she deposited in the United States Mail, Bismarck, North Dakota, **five** envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Intent to Consider Information Not Presented at a Hearing

The envelopes were addressed as follows:

Todd Kranda
Kelsch Kelsch Ruff & Kranda
PO Box 1266
Mandan, ND 58554-1266

Thomas D. Kelsch
Kelsch Kelsch Ruff & Kranda
PO Box 1266
Mandan, ND 58554-1266

Matt F. Shimanek
Attorney at Law
P.O. Box 4
East Grand Forks, MN 56721


Jana Linderman, Esq.
Plains Justice
100 First Street SW
Cedar Rapids, IA 52404

John & Janie Capp
12466 60th St. NE
Lankin, ND 58250

Each post office address shown is the respective addressee's last reasonably ascertainable mailing address.

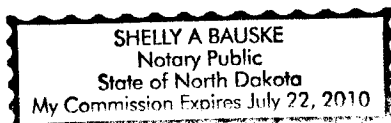


Subscribed and sworn to before me
this **31st day of January, 2008**.



Notary Public

SEAL



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

WAIVER OF 500 FOOT BUFFER ZONE

AVOIDANCE AREA REQUIREMENT

The undersigned hereby agrees and consents to waive the five hundred foot buffer zone requirement for the statutory avoidance area as set forth in Section 69-06-08-02(2)(e) of the North Dakota Administrative Code with respect to the existence of the undersigned's residence in connection with the TransCanada Keystone Pipeline so long as said pipeline as installed is placed at a minimum of 425 feet from the undersigned's residence. Therefore, to the extent that the undersigned's residence is located within that five hundred foot range from the proposed TransCanada Keystone Pipeline location, the undersigned expressly waives the required five hundred foot buffer zone distance so long as said pipeline as installed is placed at a minimum of 425 feet from the undersigned's residence.

Dated this 25th day of January, 2008

Albert K Wittenberg, POA
Albert H. Wittenberg by Albert K. Wittenberg, POA

Gloria J. Wittenberg
Gloria J. Wittenberg

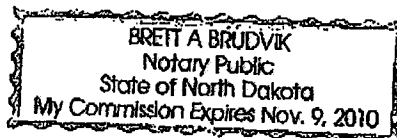
Address: 2908 122nd Avenue SE
Valley City, ND 58072

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BARNES)

On the 25th day of January, 2008 before me personally appeared Albert H. Wittenberg by Albert J. Wittenberg, POA and Gloria J. Wittenberg, husband and wife, known to me to be the same person described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same.

(SEAL)

[Signature]
Notary Public, State of North Dakota





DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned Albert H. Wittenberg, of 2908 122nd 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 122nd Ave. S.E., Valley City, North Dakota 58072, or my son, Kurt Wittenberg, of 12206 128th 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 16th day of July, 2007.

Albert H. Wittenberg

Albert H. Wittenberg

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

On this 16th 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
Notary Public
State of North Dakota
My Commission Expires May 8, 2011
(SEAL)

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