

February 11, 2008

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Re: TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent City
Siting Application
Case Nos.: PU-06-421

On February 11, 2008, Lynn Wolff sent an e-mail to all three Public Service Commissioners and some commission staff members, which included a Feb. 8, 2008 Associated Press news article entitled "SD Governor: Multiple Pipelines Possible." Mr. Wolff is a representative of Dakota Resource Council, a party to the case. There is no indication on the e-mail that the communication was served on other parties. Consequently, the e-mail is an ex parte communication, prohibited by N.D.C.C. section 28-32-37(3).

This ex parte does not concern an issue in the case and e-mail has been docketed in the captioned case and by enclosure with this letter, a copy is being served on the other parties to the case. Since the communication is not factual in nature, it is not being made part of the record evidence and we do not believe the notice and rebuttal requirements of N.D.C.C. section 28-32-37(6) apply. If you disagree or have other concerns about this conclusion, please inform the Commission as soon as possible. Copies of the statute are attached.

Parties are reminded that ex parte communications are prohibited under North Dakota law. Parties cannot communicate directly or indirectly with the Commission on a pending case without notice to other parties and an opportunity for other parties to participate in the communication.

If you have questions, please do not hesitate to call or e-mail.

Sincerely,

Ilonna A. Jeffcoat-Sacco
Executive Director

Enclosure

cc: Thomas Kelsch