

Sarah Vogel Law Firm, P.C.

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April 24, 2008

VIA HAND DELIVERY

RECEIVED

Clerk of Court
Burleigh County Courthouse
513 East Thayer Avenue
Bismarck, ND 58502

APR 25 2008

PUBLIC SERVICE COMMISSION

Re: Dakota Resource Council vs. Public Service Commission
Civil No. 08-08-C-0814
Request to Participate in Hearing via Telephone

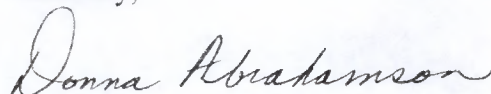
To the Burleigh County Clerk of Court:

Enclosed for filing please find the original Affidavit of Service for the following document, filed with the Court April 23, 2008 via e-mail, by Jana M. Linderman:

Objection to Notice of Hearing and Request for Expedited Ruling on
Request to Reschedule Oral Argument

Please contact me if you have any questions.

Sincerely,



Donna Abrahamson
Office Manager

DMA/dim

Enclosures

Copy: Jana M. Linderman
Illona Jeffcoat-Sacco
Wayne Stenhjem
Thomas Kelsch

432 PU-06-421 Filed: 4/25/2008 Pages: 6
Objection to Notice of Oral Argument/Request for
Expedited Ruling on Request to Reschedule Oral
Argument
Intervenors
Sarah Vogel Law Firm, PC

Sarah Vogel
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Licensed in ND

Beth A. Baumstark
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Licensed in ND, KY

Rudra Tamm
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Licensed in ND, CT, NY

Derrick Braaten
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Licensed in ND, MN

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council,
Janie and John Capp,
Ramona Klein,
Linette and Merle Kratochvil, and
Mark Novak,

Case No. 08-08-C-00814

Agency Case No. PU-06-421

Appellants

AFFIDAVIT OF SERVICE

vs.

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Public Service Commission, and
TransCanada Keystone Pipeline, LP,

APR 25 2008

Appellees

PUBLIC SERVICE COMMISSION

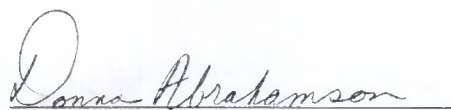
On April 23, 2008, I, Donna Abrahamson served the party(s) described below with the attached documents by depositing such documents in the United States mail (at Bismarck, North Dakota), with postage prepaid. The address of each party served is the last reasonably ascertainable post office address of such party. I am of legal age and not a party to this action.

Names of Parties Served:

Illona Jeffcoat-Sacco
Executive Secretary
Public Service Commission
600 E Boulevard Avenue
Department 408
Bismarck, ND 58505
ijs@nd.gov

Wayne Stenehjem
Attorney General
600 E Boulevard Avenue
Department 125
Bismarck, ND 58505
wstenehjem@nd.gov

Thomas Kelsch
Kelsch Kelsch Ruff & Kranda
103 Collins Avenue
PO Box 126
Mandan, ND 58554-7266
tdkelsch@kelschlaw.com



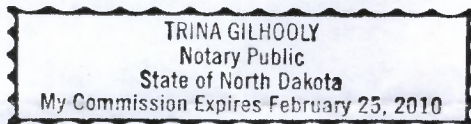
Donna Abrahamson

STATE OF NORTH DAKOTA)

) ss

COUNTY OF BURLEIGH)

On April 23, 2008, before me personally appeared Donna Abrahamson, known to me to be the same person described in and who executed the within and foregoing instrument and acknowledged to me that she executed the same.



Trina Gilhooly

Notary Public

Dakota Resource Council,)	
Janie and John Capp,)	Case No. 08-08-C-00814
Ramona Klein,)	
Linette and Merle Kratochvil, and)	Agency Case No. PU-06-421
Mark Novak,)	
)	
Appellants)	OBJECTION TO NOTICE OF ORAL
)	ARGUMENT AND REQUEST FOR
vs.)	EXPEDITED RULING ON REQUEST TO
)	RESCHEDULE ORAL ARGUMENT
Public Service Commission, and)	
TransCanada Keystone Pipeline, LP,)	
)	
Appellees)	
)	

The Appellants Dakota Resource Council, Janie and John Capp, Ramona Klein, Linette and Merle Kratochvil, and Mark Novak (“Appellants”) hereby submit this objection to the Notice of Oral Argument dated April 21, 2008, and in support thereof state:

1. On April 2, 2008, the Appellants filed a Motion to Stay Order Pending Appeal in the above docket.
2. On April 21, 2008, the Appellee TransCanada Keystone Pipeline, LP (TransCanada) filed a 47-page Return to Motion to Stay Pending Appeal and Memorandum in Support of Return, along with 14 pages of testimony and exhibits from Dean Cowling and 16 pages of testimony and exhibits from Loys A. Gray, which were not previously a part of the record in this matter.
3. Also on April 21, 2008, TransCanada served on Appellants, via e-mail, a Notice of Oral Arguments on Appellants’ Motion to Stay, setting a hearing on said Motion for

April 29, 2008 at 11:00 AM. Counsel for Appellants was not previously consulted about setting a date and time for said hearing.

4. On April 23, 2008, lead counsel for Appellants, Jana M. Linderman, contacted counsel for TransCanada, Thomas D. Kelsch, and informed Mr. Kelsch that she could not be present at the hearing scheduled for April 29, 2008. Specifically, Ms. Linderman has a prior scheduling conflict that requires her presence in Iowa for another hearing, and that prevents her travel to North Dakota at the time of the hearing in this matter. In addition, co-counsel for Ms. Linderman, Derrick Braaten is travelling and unable to prepare for or to assist in preparation for a hearing.
5. The court administrator has informed Ms. Linderman that a hearing in this matter could be rescheduled for the week of May 12-16. Ms. Linderman discussed this option with Mr. Kelsch, who was unwilling to reschedule the hearing for an available later date.
6. If the hearing on the Motion to Stay is not rescheduled for a later date, counsel for the Appellants will be unable to appear in person at a hearing that is crucial to the interests of the Appellants in this matter.
7. The Appellants are willing to reschedule the hearing for the first available time on the court's calendar, and are not with this objection seeking to unreasonably delay a hearing or decision on the pending Motion to Stay.
8. The Appellants respectfully request that the Court schedule an expedited telephone conference on this matter to resolve the dispute regarding the hearing schedule and, if needed, to schedule a new date and time for hearing on the Motion to Stay.

THEREFORE, Appellants submit this objection to the Notice of Oral Argument in this matter dated April 21, 2008, request that the court schedule an expedited conference with

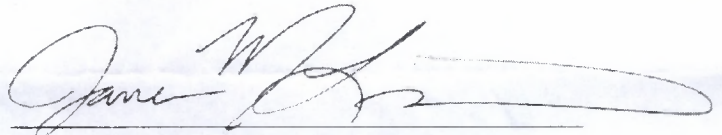
counsel in this matter to rule on this objection, and further request that the court set a new date and time to hear arguments on Appellants' Motion to Stay at the earliest available date.

Dated this 23rd day of April, 2008.

Respectfully submitted,

PLAINS JUSTICE

By:

A handwritten signature in black ink, appearing to read 'Jana M. Linderman', with a long horizontal flourish extending to the right.

Jana M. Linderman (IA # AT0004750)

100 1st Street SW

Cedar Rapids, IA 52404

Phone: (319) 362-2120

Facsimile: (866) 484-2373

E-mail: jlinderman@plainsjustice.org

ATTORNEYS FOR APPELLANTS