



100 1<sup>st</sup> Street SW  
Cedar Rapids, Iowa 52404

Sender's Telephone: (319) 362-2120  
Sender's E-mail: jlinderman@plainsjustice.org

April 23, 2008

**RECEIVED**

APR 24 2008

**PUBLIC SERVICE COMMISSION**

VIA HAND DELIVERY

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

**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:

- (1) Objection to Notice of Hearing and Request for Expedited Ruling on Request to Reschedule Oral Argument

Thank you for your attention to this matter. Please contact me if you have any questions.

Very truly yours,

Jana M. Linderman

Copies to: Service List

**435 PU-06-421** Filed: 4/24/2008 Pages: 6  
**APPEAL Objection to Notice of Hearing and Request for Expedited Ruling**

Appellants/Intervenors

Jana Linderman, Plains Justice

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

---

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.

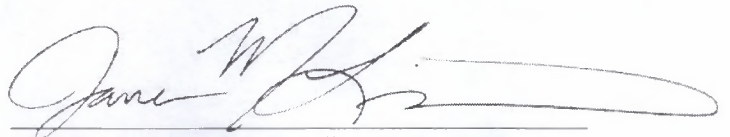
**THEREFORE**, Appellants submit this objection to the Notice of Oral Argument in this matter dated April 21, 2008, request that the court schedule an expedited conference with counsel in this matter to rule on this objection, and further request that the court set a new date and time to hear arguments 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 1<sup>st</sup> Street SW

Cedar Rapids, IA 52404

Phone: (319) 362-2120

Facsimile: (866) 484-2373

E-mail: [jlinderman@plainsjustice.org](mailto:jlinderman@plainsjustice.org)

ATTORNEYS FOR APPELLANTS

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,

Appellants

vs.

Public Service Commission, and  
TransCanada Keystone Pipeline, LP,

Appellees

Case No. 08-08-C-00814

Agency Case No. PU-06-421

**AFFIDAVIT OF SERVICE**

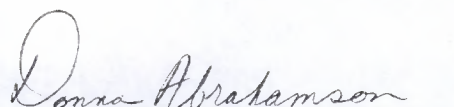
On April 23, 2008, I, Donna Abrahamson served the party(s) described below with the attached documents by depositing such documents in the United States mail (at Bismarck, North Dakota), with postage prepaid. The address of each party served is the last reasonably ascertainable post office address of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

**Names of Parties Served:**

✓ **Ilona 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



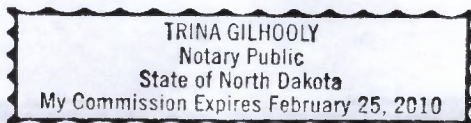
Donna Abrahamson

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