

Kelsch Kelsch Ruff & Kranda

C.F. Kelsch
1890-1987

Attorneys at Law
Mandan, North Dakota

William C. Kelsch
Retired

THOMAS F. KELSCH
ARLEN M. RUFF, P.C.
THOMAS D. KELSCH, P.C.
TODD D. KRANDA, P.C.*
WILLIAM J. DELMORE
DANIEL NAGLE

*Also Licensed in Minnesota

III MERITAS LAW FIRMS WORLDWIDE

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May 7, 2008

PUBLIC SERVICE COMMISSION

103 Collins Avenue
P.O. Box 1266
Mandan, ND 58554-7266
Phone (701) 663-9818
1-888-663-9818
Fax (701) 663-9810
Website www.kelschlaw.com

BURLEIGH COUNTY CLERK OF COURT
PO BOX 1055
BISMARCK ND 58502-1055

FILED BY FACSIMILE
221-3756

Re: Dakota Resource Council, Janie and John Capp, Ramona Klein, Linette and Merle Kratochvil,
and Mark Novak v. Public Service Commission and TransCanada Keystone Pipeline LP
Civil No. 08-08-C-0814
Our File No. 11815

Dear Clerk:

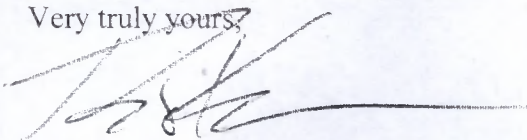
Enclosed for filing in the above-referenced matter are the following original documents:

1. Request for Rule 16 Conference for Scheduling and Case Management and Brief in Support;
2. Proposed Order for Rule 16 Scheduling Conference; and
3. Affidavit of Service.

Please present this material to Judge Hagerty for review. Also, please contact my office to set up a scheduling conference if so approved by Judge Hagerty along with the offices of Attorney Derrick Braaten, Attorney Jana M. Linderman, and Illona Jeffcoat-Sacco with the Public Service Commission.

If you have any questions, please feel free to contact me.

Very truly yours,



Thomas D. Kelsch

TDK:ls

Encs

c: The Honorable Gail Hagerty (via facsimile 222-6689)
TransCanada Keystone Pipeline



442 PU-06-421 Filed: 5/7/2008 Pages: 4
APPEAL Request for Rule 16 Conference for
Scheduling and Case Management Proposed Order
for Rule 16 Scheduling Conference
TransCanada Keystone Pipeline, LP
Thomas Kelsch/Kelsch Kelsch Ruff Kranda

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 ,

)
) CIVIL NO. 08-08-C-0814
) Agency Case No. PU-06-421
)

Appellants,)

vs.)

**REQUEST FOR RULE 16
CONFERENCE FOR SCHEDULING
AND CASE MANAGEMENT AND
BRIEF IN SUPPORT**

Public Service Commission and
TransCanada Keystone Pipeline LP,)

Appellees.)

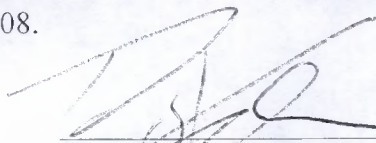
Rule 16(A) of the North Dakota Rules of Civil Procedure provides that scheduling conferences upon written request of a party shall be set before the Court. Purposes for these conferences include the expediting and disposition of an action as well as establishing early and continuing control by the Court to avoid protracted and wasteful pretrial activities.

This case is an appeal from an administrative agency determination. The Court's early intervention and setting of deadlines will be beneficial to all parties involved.

Defendant TransCanada Keystone Pipeline LP requests that this Court, in conference with parties, set deadlines for briefing and oral argument in this case.

Defendant TransCanada Keystone Pipeline LP would request that this Rule 16 scheduling conference be set as soon as possible to achieve these ends.

Dated this 7 day of May, 2008.



THOMAS D. KELSCH, State Bar ID No. 03918
TODD D. KRANDA, State Bar ID No. 04512
KELSCH, KELSCH, RUFF & KRANDA
Attorneys for Defendant TransCanada Keystone
Pipeline LP
103 Collins Avenue, P.O. Box 1266
Mandan, North Dakota 58554-7266
(701) 663-9818

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 ,

)
) CIVIL NO. 08-08-C-0814
) Agency Case No. PU-06-421
)

)
) Appellants,
)

)
) vs.
)

AFFIDAVIT OF SERVICE

)
) Public Service Commission and
) Transcanada Keystone Pipeline LP,
)

)
) Appellees.
)

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF MORTON)

LORI SPENCER, being first duly sworn, on oath, deposes and says: That she is a citizen of the United States, over the age of eighteen and not a party to the above-entitled action.

That on the 7 day of May, 2008, this affiant deposited in the United States Post Office at Mandan, North Dakota, a true and correct copy of the following document(s) in the above captioned action:

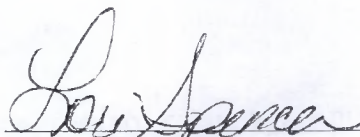
1. Request for Rule 16 Conference for Scheduling and Case Management and Brief in Support;
2. Proposed Order for Rule 16 Scheduling Conference;
3. Letter to Clerk of Court

That a copy of the above document(s) was securely enclosed in an envelope with postage duly prepaid, and addressed as follows:

DERRICK BRAATEN
ATTORNEY AT LAW
Facsimile No. 221-5842

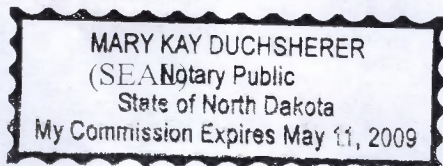
ILLONA JEFFCOAT-SACCO
EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
Facsimile No. 328-2410

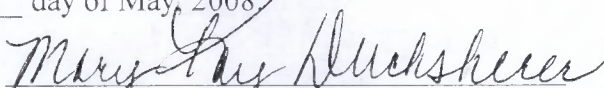
JANA M LINDERMAN
ATTORNEY AT LAW
Facsimile No. 1-866-484-2373



LORI SPENCER

Subscribed and sworn to before me this 7 day of May, 2008.





Notary Public, State of North Dakota