

Hamre, John G.

From: Bauske, Shelly A.
Sent: Monday, May 19, 2008 5:18 PM
To: Hamre, John G.
Subject: FW: PU-06-421; Comments on Motion for Approval of Reroutes; Substitution of Counsel
Attachments: PSC Filing Letter (PU-06-421) 05 19 08.pdf; Comments on Motion for Approval of Reroutes (PU-06-421) 05 19 08.pdf; Notice of Substitution of Counsel (PU-06-421) 05 19 08.pdf; Certificate of Service (PU-06-421) 05 19 08.pdf

RECEIVED

MAY 19 2008

From: Jana Linderman [mailto:jlinderman@plainsjustice.org]
Sent: Monday, May 19, 2008 4:29 PM
To: Jeffcoat-Sacco, Illona
Cc: -Info-Public Service Commission; Thomas D. Kelsch; Todd Kranda; Derrick Braaten
Subject: PU-06-421; Comments on Motion for Approval of Reroutes; Substitution of Counsel

PUBLIC SERVICE COMMISSION

Illona,

Attached for filing please find copies of the following documents:

- (1) Comments on Motion for Approval of Reroutes
- (2) Notice of Appearance and Substitution of Counsel
- (3) Certificate of Service.

Also attached is a copy of the filing letter. Paper copies of all documents will follow via mail and will be served on other parties of record pursuant to the attached Certificate of Service.

--
Jana M. Linderman
Staff Attorney
Plains Justice
100 1st Street SW
Cedar Rapids, IA 52404
(319) 362-2120 (main)
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(866) 484-2373 (facsimile)
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466 PU-06-421 Filed: 5/19/2008 Pages: 8
Comments on Motion for Approval of Reroutes,
Notice of Appearance and Substitution of Counsel



100 1st Street SW
Cedar Rapids, Iowa 52404

May 19, 2008

VIA U.S. MAIL AND E-MAIL (ijs@nd.gov)

Illona Jeffcoat-Sacco
Executive Secretary
Public Service Commission
600 E Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: In the Matter of the Siting Application of TransCanada Keystone Pipeline, LP (PSC Case No. PU-06-421)

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing please find an original plus seven (7) copies of the following documents, submitted on behalf of the Intervenor Dakota Resource Council, Janie and John Capp, Ramona Klein, Linette and Merle Kratochvil and Mark Novak:

1. Comments on Motion for Approval of Reroutes;
2. Notice of Appearance and Substitution of Counsel; and
3. Certificate of Service.

Sincerely,

Jana M. Linderman

Enclosures

Copies (w/ enc) via e-mail and U.S. mail to:

Service List

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

TransCanada Keystone Pipeline, LP	:	
	:	
30-Inch Crude Oil Pipeline	:	Case No. PU-06-421
Cavalier to Sargent Counties	:	
Siting Application	:	
	:	

COMMENTS ON MOTION FOR APPROVAL OF REROUTES

Intervenors Dakota Resource Council, John and Janie Capp, Ramona Klein, Linette and Merle Kratochvil and Mark Novak (Intervenors) hereby submit these written comments in response to the motion for approval of reroutes filed in this matter by TransCanada Keystone Pipeline, LP (TransCanada Keystone).

1. On April 16, 2008, the Public Service Commission (Commission) issued a Notice of Opportunity for Hearing and Notice of Informal Hearing to consider a Motion for Approval of Reroutes filed by TransCanada Keystone on April 7, 2008. The Notice invited written comments on the motion to be submitted on or before May 19, 2008.
2. Intervenors have set forth their objections to the route previously proposed by TransCanada Keystone in prior hearings, including public hearings in Valley City on July 23, 2007 and Park River on July 24, 2007 and formal hearings before the Commission in Bismarck on September 5 and 6, 2007 and November 27 and 28, 2007. Intervenors also presented their objections to the previously proposed route in post-hearing submissions, including post-hearing briefs filed on October 15, 2007 and January 7, 2008 and written comments filed on February 6, 2008.

3. The reroutes submitted by TransCanada Keystone after the Commission's final order in this matter on February 21, 2008 do not address the concerns that Intervenors set forth at hearing and in written submissions in this matter and do not alter Intervenors' position that the route does not comply with N.D.C.C. § 49-22-02 and related statutory requirements. Intervenors reiterate their objections to the route, including the recently proposed reroutes, and incorporate them in these comments by reference.
4. To the extent that the Commission is considering only whether the proposed reroutes will satisfy the criteria of N.D.C.C. § 49-22-02 when compared with the route approved by the Commission on February 21, 2008, the Intervenors do not offer additional comments on that limited question.
5. These comments, offered collectively on behalf of all the Intervenors, are intended be offered in addition to, and not in lieu of, any comments that may be submitted by individual Intervenors regarding specific reroutes that may impact their property.

Dated this 19th day of May, 2008.

Respectfully submitted,

SARAH VOGEL LAW FIRM, PC

By:



Derrick L. Braaten (ID 06394)

222 N 4th Street

Bismarck, ND 58501

Phone: (701) 221-2911

Facsimile: (701) 221-5842

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PLAINS JUSTICE

By:



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ATTORNEYS FOR INTERVENORS

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

TransCanada Keystone Pipeline, LP	:	
	:	
30-Inch Crude Oil Pipeline	:	Case No. PU-06-421
Cavalier to Sargent Counties	:	
Siting Application	:	
	:	

NOTICE OF APPEARANCE AND SUBSTITUTION OF COUNSEL

Notice is hereby given that attorney Derrick L. Braaten appears as counsel of record for Intervenor Dakota Resource Council, Janie and John Capp, Ramona Klein, Linette and Merle Kratochvil, and Mark Novak (Intervenors), and he shall be substituted in this action for attorney Matthew Shimanek, who hereby withdraws as counsel of record. Mr. Shimanek is leaving his current place of employment and is no longer able to serve as counsel of record in this matter. Mr. Braaten will serve as local counsel of record for attorney Jana M. Linderman, who will continue as *pro hac vice* counsel for the Intervenor. Effective immediately, all further notice and copies of pleadings, papers and other material relevant to this action should be directed to and served upon Mr. Braaten and Ms. Linderman, at the addresses indicated below.

Dated this 19th day of May, 2008.

Respectfully submitted,

SARAH VOGEL LAW FIRM, PC

By:



Derrick L. Braaten (ID 06394)

222 N 4th Street

Bismarck, ND 58501

Phone: (701) 221-2911

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ATTORNEYS FOR INTERVENORS

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

TransCanada Keystone Pipeline, LP

**30-Inch Crude Oil Pipeline
Cavalier to Sargent Counties
Siting Application**

:
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:
:
:

Case No. PU-06-421

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of May, 2008, the undersigned deposited in the United States Post Office at Cedar Rapids, Iowa, securely enclosed in an envelope and with postage prepaid, a true and correct copy of the following documents in the above-captioned matter:

- (1) Comments on Motion for Approval of Reroutes
- (2) Notice of Appearance and Substitution of Counsel

Copies to:

Thomas D. Kelsch
Todd D. Kranda
Kelsch Kelsch Ruff & Kranda
103 Collins Avenue
PO Box 1266
Mandan, ND 58554-7266



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