

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent Counties
Siting Application

Case No. PU-06-421

AFFIDAVIT OF SERVICE REGULAR OR ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Janet Marquart deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 4th day of **September, 2008**, she deposited in the United States Mail, Bismarck, North Dakota, 28 envelopes by first class mail, fully prepaid, 19 envelopes by inside mail, all securely sealed and each containing a photocopy, and 39 addressees electronically mailed a copy of:

Fifth Supplemental Order

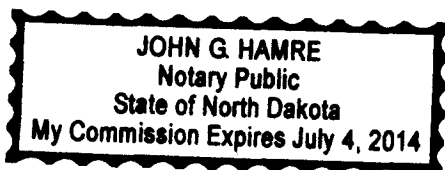
The envelopes and electronic mails respectively were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me
this 4th day of **September, 2008**.

SEAL



Janet Marquart

John G. Hamre

Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/Cavalier to Sargent
Counties
Siting Application**

Case No. PU-06-421

FIFTH SUPPLEMENTAL ORDER

August 27, 2008

On February 21, 2008, the Commission issued Findings of Fact, Conclusions of Law and Order (Order) granting to TransCanada Keystone Pipeline, LP (Keystone) Certificate of Corridor Compatibility No. 101 and Route Permit No. 111 for a 218 mile, 30-inch crude oil pipeline (Keystone Pipeline) in Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent Counties of North Dakota.

The Commission's May 23, 2008 First Supplemental Order granted First Amended Route Permit Number 111 for a route between mileposts 168 and 170 also known as the Sheyenne River crossing area, for a number of route refinements, and for five conditional route refinements.

The Commission's May 30, 2008 Second Supplemental Order granted First Amended Certificate of Corridor Compatibility Number 101 and Second Amended Route Permit Number 111 for tree clearing plans, additional construction work space plans, stream crossing plans, Keystone's Tree and Shrub Sampling Plan for Native Growth Areas, and a conditional route refinement known as the Novak-Sticha reroute.

The Commission's June 19, 2008 Third Supplemental Order granted Third Amended Route Permit 111 for a conditional route refinement known as the Capp reroute.

The Commission's July 2, 2008 Fourth Supplemental Order granted Second Amended Certificate of Corridor Compatibility Number 101 and Fourth Amended Route Permit 111 for an increase from 50 feet clearing up to 65 feet clearing at certain shelterbelt crossings along the route.

On July 30, 2008 Keystone filed a motion requesting approval of additional work space at six forested stream crossings and at one forested road crossing. The July 25, 2008 affidavit of Loys A Gray III stated that additional temporary work space is necessary to install the pipeline safely and with the least environmental impact to the

streams. Gray states that Keystone will replace the trees removed from the additional temporary work space at a ratio of five trees replaced for each tree removed instead of the two trees replaced for each tree removed as required by the Tree and Shrub Mitigation Plan in this proceeding.

The issue to be considered is whether the granting of additional work space will produce minimal adverse effects on the environment, natural resources, and upon the welfare of the citizens of North Dakota?

Trees must be protected to the extent possible and Keystone Pipeline construction must, if practicable, avoid trees at all the forested crossings.

The proposal for additional work space at the six forested stream crossings and at one forested road crossing is compatible with the environmental preservation and the efficient use of resources and will result in minimal adverse effects on the environment, natural resources, and upon the welfare of the citizens of North Dakota while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

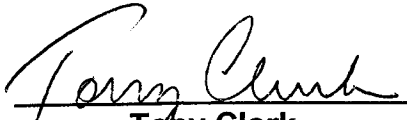
Order

The Commission orders:

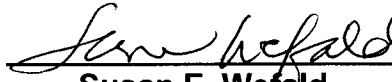
1. TransCanada Keystone Pipeline, LP's July 30, 2008 request for additional work space at the six forested stream crossings and at one forested road crossing is granted. Trees shall be protected to the extent possible and Keystone Pipeline construction shall, if practicable, avoid trees at the forested crossings.
2. TransCanada Keystone Pipeline, LP shall replace the trees removed from the additional temporary work space at a ratio of five trees replaced for each tree removed.
3. This Order is supplemental to the Commission's February 21, 2008 Findings of Fact, Conclusions of Law and Order; the May 23, 2008 First Supplemental Order; the May 30, 2008 Second Supplemental Order; the June 19, 2008 Third Supplemental Order, and the July 2, 2008 Fourth Supplemental Order.
4. TransCanada Keystone Pipeline, LP is issued Third Amended Certificate of Corridor Compatibility Number 101 and Fifth Amended Route Permit Number 111.

5. Third Amended Certificate of Corridor Compatibility Number 101 and Fifth Amended Route Permit Number 111 are effective for the life of the pipeline, but are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Susan E. Wefald
President



Kevin Cramer
Commissioner

STATE OF NORTH DAKOTA

Third Amended Certificate of Corridor Compatibility Number 101

This is to certify that the North Dakota Public Service Commission has designated a transmission facility corridor for TransCanada Keystone Pipeline, LP to construct and operate a 218-mile, 30-inch crude oil pipeline with associated facilities and pipeline interconnections in Cavalier to Sargent Counties, North Dakota.

The transmission facility corridor is designated by the Commission's February 21, 2008 Order; is amended by the Commission's May 30, 2008 Order; is amended by the Commission's July 2, 2008 Order for additional tree clearing; and is amended by the Commission's August 27, 2008 Order for additional work space at forested stream/road crossings; all in Case No PU-06-421.

This certificate is subject to the conditions and limitations in that order.

Bismarck, North Dakota, August 27, 2008.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


Commissioner

STATE OF NORTH DAKOTA

Fifth Amended Route Permit Number 111

This is to certify that the North Dakota Public Service Commission has designated a transmission facility route for TransCanada Keystone Pipeline, LP to construct and operate a 218-mile, 30-inch crude oil pipeline with associated facilities and pipeline interconnections in Cavalier to Sargent Counties, North Dakota.

The transmission facility route is designated by the Commission's February 21, 2008 Order; is amended by the Commission's May 23, 2008 Order for route refinements; is amended by the Commission's May 30, 2008 Order for a conditional route refinement; is amended by the Commission's June 19, 2008 Order for a conditional route refinement; is amended by the Commission's July 2, 2008 Order for additional tree clearing; and is amended by the Commission's August 27, 2008 Order for additional work space at forested stream/road crossings; all in Case No PU-06-421.

This permit is subject to the conditions and limitations in those orders.

Bismarck, North Dakota, August 27, 2008.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


Commissioner

Stanley Wright

Box 97
Stanley ND 58784-0097

Roger Johnson
Agriculture Department
State Capitol
Bismarck ND 58505

Arvid Barstad
Cementing Service
710 W 15th St
Williston ND 58801

Will Kaul
Cooperative Power Association
P O Box 800
Elk River MN 55330-0800

Dakota Resource Council
PO Box 1095
Dickinson ND 58602-1095

Carol Olson
Department of Human Services
State Capitol
Bismarck ND 58505

J Williams
Dome Pipeline Corporation
2959 Sierra Ct SW
Iowa City IA 52246

Jeff Engleson
Energy Development Impact Office
1707 N 9th St
Bismarck ND 58501

John Hoeven
Governor's Office
State Capitol
Bismarck ND 58505

Jay Casler
INDEPTH DATA INC
44 S Bdwy 18th Fl
White Plains NY 10601-4425

Nyle Burchill

835 8th Ave NW
Valley City ND 58072

Mike Hummel
BNI Coal, Ltd.
PO Box 897
Bismarck ND 58502-0897

Bob Fogarty
Cenex Minot Terminal
Box 429
Minot ND 58701-0429

Todd Lindquist
Corp of Engineers
PO Box 527
Riverdale ND 58565-0527

Department of Commerce
1600 E Century Ave Ste 20
Bismarck ND 58503-0649

Dept of Career and Technical Education
State Capitol
Bismarck ND 58505

M A Maki
Enbridge Pipeline (North Dakota) LLC
119 N 25th St E
Superior WI 54880-5247

Cathy Callahan
Geo Resources Inc
PO Box 1505
Williston ND 58801-1505

Historical Society
North Dakota Heritage Center
Bismarck ND 58505

Indian Affairs Commission
State Capitol
Bismarck ND 58505

Harvey Ness
Lignite Energy Council
PO Box 2277
Bismarck ND 58502-2277

Bruce Imsdahl
Montana-Dakota Utilities Co
400 North 4th Street
Bismarck ND 58502-1457

Galen Anderson
Nakota Company
PO Box 1633
Bismarck ND 58502-1633

Thomas Hanson
ND Assoc of Soil Conservation Dist
3310 University Drive
Bismarck ND 58504-7564

Harlan Fuglesten
ND Association of RECs
PO Box 727
Mandan ND 58554-0727

Francis G Ziegler, P.E.
ND Department of Transportation
State Highway Building
Bismarck ND 58505

MR ED MURPHY
ND GEOLOGICAL SURVEY
INSIDE MAIL

Maren Daley
ND Job Service
P.O. Box 5507
Bismarck ND 58506-5507

Lisa K Fair-McEvers
ND Labor Dept
600 E Blvd Ave

Mike Haupt
ND Land Department
1707 N 9th St
Bismarck ND 58501

Doug Prchal
North Dakota Parks & Rec
1600 E Century Ave Ste 3
Bismarck ND 58503-0649

Wes Wiedenmeyer
NRCS
Box 1458
Bismarck ND 58502-1458

NuStar Pipeline Operating Partnership,
PO Box 781609
San Antonio TX 78278

Wayne Stenehjem
Office of Attorney General
State Capitol
Bismarck ND 58505

Maggie Olson
Office of the Attorney General
INSIDE MAIL

OMB
600 E. Boulevard Dept. 110
Bismarck ND 58505-0406

Dale Frink
State Engineer
ND Water Commission 900 East Boulevard
Bismarck ND 58505

State Health Department
State Capitol
Bismarck ND 58505

Janell Cole Capitol Reporter
The Forum
Inside Mail

Chief of Resource Management
Theodore Roosevelt National Park
P O Box 7
Medora ND 58645-0007

Valerie Naylor
Theodore Roosevelt Nat'l Park
PO Box 7
Medora ND 58645

TransCanada Pipeline

M Zschomler
U S Fish & Wildlife
3425 Miriam Ave
Bismarck ND 58501-7926

Steve Williams
U S Forest Service
240 W Century Ave
Bismarck ND 58501-1494

District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

District Engineer
US Army Engineer District Omaha
106 S 15th St
Omaha NE 68102-1618

Brian Morris
Western Area Power Administration
PO Box 1173
Bismarck ND 58502-1173

Keith Tiggelaar
Williston Basin Interstate Pplne Co
P O Box 5601
Bismarck ND 58506-5601

jjcfarm@polarcomm.com
John & Janie Capp

12466 60th Street NE
Lankin ND 58250

ndaero@nd.gov
Melinda Weninger
Aeronautics Commission
PO Box 5020
Bismarck ND 58502-5020

rharper@bepc.com
Ron Harper
Basin Electric Power Coop
1717 E Interstate Ave
Bismarck ND 58501-0564

carp1091@qwest.net
Robert Colton
Carpenters Union
217 S Mandan St
Bismarck ND 58504-5516

jmiddleider@nd.gov
John Middleider
Department of Commerce
600 East Blvd
Bismarck ND 58505

brbjella@flecklaw.com
Brian R. Bjella
Fleck Mather & Strutz, Ltd.
PO Box 2798
Bismarck ND 58502-2798

dsaggau@GREnergy.com
Davic Saggau
Great River Energy
P O Box 800
Elk River MN 55330-0800

nlange@iwla.org
Nancy Lange
Izaak Walton League of America
1619 Dayton Ave Ste 202
St Paul MN 55104

kranda@kelschlaw.com
Todd Kranda
Kelsch Kelsch Ruff & Kranda
P.O. Box 1266
Mandan ND 58554-1266

sanditabor@lignite.com
Sandi Tabor
Lignite Energy Council
PO Box 2277
Bismarck ND 58502-2277

ramonak@daktel.com
Ramona Klein

3340 123rd Ave SE
Oriska ND 58063

apbismarck@ap.org
Phyllis Mensing
Associated Press
PO Box 1018
Bismarck ND 58502-1018

colson@bepc.com
Clare Olson
Basin Electric Power Coop
1717 E Interstate Ave
Bismarck ND 58501-0564

dscheurer@bepc.com
Duane Scheurer
Dakota Gasification Company

jwmorris@flecklaw.com
John Morrison
Fleck Mather & Strutz, Ltd.
PO Box 2798
Bismarck ND 58502-2798

tgrove@greenergy.com
Terry Grove
Great River Energy
P O Box 800
Elk River MN 55330-0800

kander@ictc.com
Keith Anderson
Inter-Community Telephone Company LLC
PO Box 8
Nome ND 58062-0008

tdkelsch@kelschlaw.com
Thomas D. Kelsch
Kelsch Kelsch Ruff & Kranda
P.O. Box 1266
Mandan ND 58554-1266

jdwyer@lignite.com
John Dwyer
Lignite Energy Council
PO Box 2277
Bismarck ND 58502-2277

dloer@minnkota.com
David W. Loer
Minnkota Power Cooperative, Inc
Box 13200
Grand Forks ND 58208-3200

ronness@ndoil.org

N D Petroleum Council
PO Box 1395
Bismarck ND 58502-1395

tsteinwa@nd.gov
MR TERRY STEINWAND
ND GAME & FISH DEPT
INSIDE MAIL

carla.deutsch@thomson.com
Carla Deutsch
Netscan

asap@bis.midco.net
Allyn Sapa
North Dakota Chapter of the Wildlife Society
PO Box 1442
Bismarck ND 58505-0480

beth.jensen@transcanada.com
Beth Jensen
Northern Border Pipeline Company
PO Box 3330
Omaha NE 68103-0330

derrick@svogellaw.com
Derrick Braaten
Sarah Vogel Law Firm, PC
222 N 4th Street
Bismarck ND 58501

john.irby@bismarcktribune.com
John Irby, Editor
The Bismarck Tribune
PO Box 5516
Bismarck ND 58502-5516

news@wdaz.com

WDAZ-TV
PO Box 12639
Grand Forks ND 58208-2639

mark.nisbet@xcelenergy.com
Mark Nisbet
Xcel Energy
PO Box 2747
Fargo ND 58108-2747

jpaczkowski@state.nd.us
John Paczkowski
N D Water Commission
900 E Boulevard
Bismarck ND 58505

julie.tessier@thomson.com
Julie Tessier
Netscan

jim.melchior@coteau.com
Jim Melchior
North American Coal Corp
2000 Schafer St Ste D
Bismarck ND 58501-1204

pat@ndta.net
Patricia Gisinger
North Dakota Telephone Assoc
PO Box 2614
Bismarck ND 58502-2614

jlinderman@plainsjustice.org
Jana Linderman
Plains Justice
100 1st Street SW
Cedar Rapids IA 52404

dloer@minnkota.com
David Loer
Square Butte Elec Coop
PO Box 13200
Grand Forks ND 58208-3200

kjvannin@usgs.gov
K Vannin
U S Geological Survey

keith.tiggelaar@wbip.com
Keith Tiggelaar
Williston Basin Interstate Pplne Co
P O Box 5601
Bismarck ND 58506-5601