

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT

Job Site: SOUTH SPREAD

Date: 10-14-08

Location and Operations Observed: MP 146.2 TO 148.3 BORING UNDER
I-94 & RR

607 PU-06-421 Filed 10/15/2008 Pages: 5
Keystone Independent South Spread Report -
Kadmas Lee & Jackson
David Opdahl

General Notes: AN E-MAIL FROM RAMONA KLEIN WAS
RECEIVED THIS MORNING. IN HER E-MAIL
SHE LISTED SEVERAL CONCERNS REGARDING
ACTIVITIES ON HER LAND. THE BASIS FOR HER
CONCERN IS THE WET CONDITIONS AND THE
POTENTIAL FOR IRREPARABLE DAMAGE TO
HER LAND.

VISITED THE SITE AND FOUND THAT
THE ONLY ACTIVITY WAS BORING THE INTERSTATE
AND RAILROAD. SPOKE BY PHONE WITH
PRESTON NELSON (KEYSTONE); AND TOLD HIM
OF THE CONCERNS. HE SAID THAT IT WOULD BE

Vadmas
Lee &
Jackson
Engineers Surveyors
Planners

DAILY REPORT (Cont.)

Date 10-14-08

Page 2 of 3

CHECKED OUT AND SOME BODY WOULD GET
BACK TO ME.

AT APPROX. 2:15 HAROLD HUTCHENS (UNIVERSAL
ENSCO) CONTACTED ME AND WE SPOKE OF THE
CONCERNS. HE TOLD ME THAT NO ACTIVITY (OTHER THAN BORING) WAS PLANNED UNTIL CONDITIONS DRY OUT. THE FIRST ACTIVITY PLANNED IS THE COMPLETE STRIPPING OF TOPSOIL.

A COPY OF RAMONA KLEIN'S E-MAIL IS ATTACHED TO AND IS PART OF THIS REPORT.

PSC CASE NUMBER: PU-06-421

Kadmas
Lee &
Jackson

Engineers Surveyors
Planners

DAILY REPORT (Cont.)

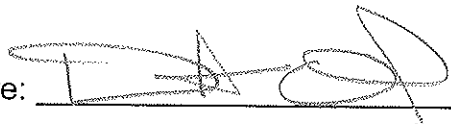
Date 10-14-08

Page 3 of 3

The following deviations from the finding of facts were found:

- NONE -

Signature:



Print Name:

DAVE OPDAHL

Dave Opdahl

From: Fahn, Patrick J. [pfahn@nd.gov]
Sent: Tuesday, October 14, 2008 10:00 AM
To: dave.opdahl@kljeng.com
Subject: FW: TransCanada soil problem

Patrick Fahn

Utility Analyst
Email: pfahn@nd.gov
Phone: (701) 328-4077

North Dakota Public Service Commission
600 E Boulevard
Bismarck ND 58505-0480
Fax: (701) 328-2410

From: Ramona Klein [mailto:ramonak@daktel.com]
Sent: Monday, October 13, 2008 10:30 PM
To: Fahn, Patrick J.
Cc: 'Todd Kranda'; John Gosbee
Subject: TransCanada soil problem

Hello Patrick. I need the help of you and the PSC.

TransCanada's attorney notified us this afternoon that they plan to come on my land as early as tomorrow, Tuesday, October 14th, for the purpose of boring activity, stringing out the pipe, and welding the pipe sections after it is strung. They need to put those operations off for drier weather AFTER they have met the conditions for conserving topsoil.

My easement stipulates that I can request how I want the topsoil stripped; I have requested that it be stripped from the whole easement area. Since I last spoke to you, they have done nothing to remove the topsoil from my easement area, other than the original removal of 14'3" or so above the pipe area. They did come in quickly last Friday, and they installed a dewatering device, apparently a "dewatering sock," without notifying me specifically about it, or even mentioning it when we negotiated a settlement. Where my black dirt went from that area is a mystery.

Your order #16 in the Findings of Fact indicate that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken. We have had over 3.5 inches of rain since Friday; the ground was already saturated before that. Water is pooling in the easement area across the road. There is no way to avoid mixing of the black dirt and clay under these conditions. They would also be leaving huge ruts, etc. I believe this would be the "irreparable damage."

I would like the PSC to step in and enforce their rules No. 16 and also 19.

Please advise before they destroy my area.

Thank you. Ramona Klein

10/14/2008

701-845-3149

-----Original Message-----

From: Ramona Klein [mailto:ramonak@daktel.com]

Sent: Monday, October 13, 2008 19:14

To: John Gosbee

Subject: can i send this to pat fahn?

Hello Patrick. I need the help of you and the PSC. TransCanada's attorney has notified us this afternoon that they plan to come on my land as early as tomorrow, Tuesday, October 14th, for the purpose of boring activity, stringing out the pipe and welding the pipe sections after it is strung. They need to put that off for drier weather AFTER they have met the conditions for conserving topsoil.

My easement stipulates that I can request how I want the topsoil stripped; I have requested that it be stripped from the whole easement area. Since I last spoke to you, they have done nothing to remove the topsoil from my easement area, other than the original removal of 14'3" or so above the pipe area. They did come in quickly last Friday, and they installed a dewatering device without notifying me specifically about it. Where my black dirt went is a question.

Your order #16 in the Findings of Fact indicate that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken. We have had over 3.5 inches of rain since Friday; the ground was already saturated. Water is pooling in the easement area across the road. There is no way to avoid mixing of the black dirt and clay under these conditions. They would also be leaving huge ruts, etc. I believe this would be the "irreparable damage."

I would like the PSC to step in and enforce their rules No. 16 and also 19. Please advise before they destroy my area. Thank you. Ramona Klein
701-845-3149

10/14/2008