

Anderson, Lori D.

From: Jeffcoat-Sacco, Illona
Sent: Friday, September 14, 2007 4:30 PM
To: -Grp-PSC Commissioners
Cc: -Grp-PSC Legal; -Grp-PSC Public Utilities
Subject: FW: NDPSC case #'s PU-06-481 and PU-06-482

Lori, please docket in prudence cases--thanks.

Illona A. Jeffcoat-Sacco
ND PSC
701-328-2407 (fax 2410)
ijs@nd.gov

From: Kuntz, Dan [<mailto:Dan.Kuntz@MDUResources.com>]
Sent: Friday, September 14, 2007 3:41 PM
To: Wahl, Al
Cc: John W. Breen Jr.; Todd J. Guerrero; Mark Bring; Aberle, Tamie; Stomberg, Andrea; Binek, William W.; Jeffcoat-Sacco, Illona
Subject: NDPSC case #'s PU-06-481 and PU-06-482

Dear Mr. Wahl,

I understand that you have been requested by the Commission to address the motion by DRC to cross examine a witness on the proposed MN CON proceeding before the MNPUC. In considering this matter, please be advised that the right to a hearing and cross examination under NDCC 28-32-25 arises only if the Commission intends to avail itself of the information in its consideration and issuance of an order. The proposed settlement was furnished as a courtesy to the Commission to keep it advised of developments in the project and not for consideration of evidence in these proceedings. Because of the ex parte rules, the information was formally submitted for filing in these two dockets. Simply filing the information does not trigger the right of hearing. The applicants did not request the Commission to avail itself of this information in deliberation of its order and the Commission has not indicated an intent to so avail itself of the information. Because the Commission has not indicated an intent to avail itself of any of the filed information, let alone designated any particular piece of information for such consideration, there is nothing upon which to be cross examined. The applicants request DRC's motion be denied unless and until the Commission designates any information for consideration under 28-32-25.

Daniel S. Kuntz
Associate General Counsel
MDU Resources Group, Inc.
P.O. Box 5650
1200 West Century Avenue
Bismarck, ND 58506-5650
(701) 530-1016, (701) 530-1731 fax
dan.kuntz@mduresources.com

250 PU-06-481 Filed 09/14/2007

Pages: 1

MDU e-mail re: denial of DRC motion
to cross examine witness on proposed MN
CON

Public Service Commission
Dan Kuntz