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January 14, 2008

Judge Al Wahl  
Office of Administrative Hearings  
1707 N. 9th Street  
Bismarck, ND 58501-1882

Re: PSC Case Numbers PU-06-481 and PU-06-482  
Applicants' Motion for Scheduling Conference, *etc.*

Dear Judge Wahl:

I write in response to your letter of January 11, 2008, regarding Applicants' Motion for Scheduling Conference and Request for Supplemental Hearings. We do not resist the Request for Supplemental Hearings or object to your vacating the September 26, 2007 order.

We do, however, agree with Mr. Binek and the advocacy staff that reviewing the Applicants' new testimony, conferring with expert witnesses, conducting discovery and preparing a full rebuttal will require at least six weeks.

Please note that David Schlissel, for intervenor, will be on vacation in March 2008 and will be unable to file testimony until April 3, 2008. With other trial commitments David Schlissel is unavailable to testify in March 2008. Mr Schlissel is available to testify in a scheduled proceedings the week of May 12 2008.

We believe that Applicants' proposed procedural schedule also poses the risk of wasting state resources. The Minnesota PUC is expected to hand down its decision on the Big Stone II transmission application at some point in April, shortly after the oral arguments to be presented April 10, 2008. This order could have a transformative impact on the application that ultimately reaches the ND PSC, or moot that application altogether. It would be a more prudent use of state resources for the PSC to wait to consider Applicants' Supplemental Testimony until after Minnesota has acted, so that state resources will not be wasted in considering an application that may have to be revised significantly or even withdrawn in compliance with the Minnesota order.

We therefore propose, first of all, that the PSC postpone issuing a scheduling order until

the MN PUC has ruled on the Big Stone II application. In the event that the PSC does not wish to postpone its scheduling order, we propose the following procedural schedule:

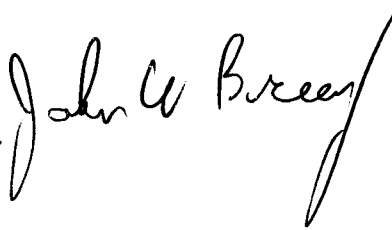
|                   |   |
|-------------------|---|
| February 11, 2008 | Supplemental Pre-Filed Testimony, Applicants  |
| April 3, 2008     | Rebuttal Testimony, Staff and Intervenors'<br>David Schlissel, for intervenor , will be on vacation in March 2008 |
| April 18          | Rebuttal, All Parties   |
| Week of May 12    | Supplemental Evidentiary Hearings, Bismarck   |
| May 30            | Post-hearing Briefs Due (concurrent)  |
| June 6            | Reply Briefs Due (concurrent)   |
| June 20           | PSC Decision  |

We believe this schedule will provide sufficient time to all parties for the necessary review.

Thank you for your consideration.

Sincerely yours,

*Carrie La Seur*  
Carrie La Seur, and John W. Breen Jr.  
*JWB*



cc:

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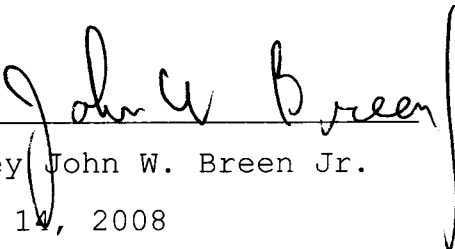
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to Lori D Anderson  
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which is the last know address of the parties.

The above letter to the ALJ Al Wahl was served by  
electronic mail on September 3, 2007 to the above parties  
at the above electronic mail addresses.

  
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Attorney John W. Breen Jr.  
January 14, 2008