

**Zeimer, Lisa D.**

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**From:** Binek, William W.  
**Sent:** Tuesday, January 22, 2008 3:38 PM  
**To:** -Grp-PSC Commissioners; -Grp-PSC Public Utilities  
**Cc:** -Grp-PSC Legal  
**Subject:** FW: Otter Tail Corporation and Montana-Dakota Utilities Co. Advance Determination of Prudence Applications, PSC Case Nos. PU-06-481 and PU 06-482  
**Attachments:** DOCS-#2507104-v1-Ltr\_to\_Judge\_Wahl\_re\_proposed\_schedule.DOC

Lisa: Please docket this.

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**From:** Todd J. Guerrero [<mailto:tguerrero@lindquist.com>]  
**Sent:** Monday, January 21, 2008 5:31 PM  
**To:** Wahl, Al; Kuntz, Dan; John W. Breen Jr.; Binek, William W.  
**Cc:** Mark Bring; Carrie La Seur; Jeffcoat-Sacco, Illona; Don\_Ball@MDU.com; mark@drcinfo.com  
**Subject:** RE: Otter Tail Corporation and Montana-Dakota Utilities Co. Advance Determination of Prudence Applications, PSC Case Nos. PU-06-481 and PU 06-482

Judge Wahl and parties, please see the attached letter in which the Applicants propose an alternative schedule for supplemental hearings.

Thank you.

Todd J. Guerrero  
Partner  
Lindquist & Vennum P.L.L.P.  
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**LINDQUIST&VENNUM**

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**From:** Wahl, Al [<mailto:awahl@nd.gov>]  
**Sent:** Wednesday, January 16, 2008 3:24 PM  
**To:** Kuntz, Dan; Todd J. Guerrero; John W. Breen Jr.; Binek, William W.  
**Cc:** Mark Bring; Carrie La Seur; Jeffcoat-Sacco, Illona; Don\_Ball@MDU.com; mark@drcinfo.com  
**Subject:** Otter Tail Corporation and Montana-Dakota Utilities Co. Advance Determination of Prudence Applications, PSC Case Nos. PU-06-481 and PU 06-482

Counsel, I am informed that the Commission is able to hold supplemental hearings for the captioned cases May 27, 28 and 29, and June 3, 4 and 5. Again, I would schedule the hearings May 27 and 28, or, alternatively, June 3 and 4, reserving in either instance the following Thursday against an unexpected continuance. But I welcome any suggestion for other scheduling using those dates.

I am not advised by Mr. Kuntz nor do I have the commissioners' thoughts from Ms. Jeffcoat-Sacco concerning the intervenor's proposal to postpone further proceedings for these cases until after the Minnesota Public Utilities Commission decision for the advance determination of prudence for Big Stone II, but I expect that the commissioners will not favorably consider the proposal, and in the circumstances I am constrained to follow the commissioners' lead. So, let's proceed with scheduling. If my expectation is unfounded, we have only wasted a little time.

I would schedule the proceedings preliminary to the supplemental hearings as follows: If the supplemental hearings would begin May 27, applicant's prefiled testimony would be filed and served April 7, followed by advocacy staff's and intervenor's prefiled rebuttal testimony on April 28, and applicants' prefiled rebuttal testimony on May 12. Simultaneous briefs would be served and filed on the first Monday after the 14th day following the receipt of the transcript of the hearings (if a transcript is ordered) or the service of all late-filed evidence received for the hearings, whichever is later, and rebuttal briefs 10 days thereafter. Again, I welcome any suggestion for other scheduling, but please provide some reason for any proposal which would support a finding of good cause. Regards, Al Wahl.

#### NOTICES

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