

**Anderson, Lori D.**

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**From:** Binek, William W.  
**Sent:** Monday, June 18, 2007 5:08 PM  
**To:** John W. Breen Jr.; Bruce Gerhardson; Kuntz, Dan; Carrie La Seur; Todd J. Guerrero; Mark Bring; Wahl, Al  
**Cc:** -Grp-PSC Commissioners; -Grp-PSC Public Utilities; -Grp-PSC Legal  
**Subject:** FW: Document (118).pdf  
  
**Attachments:** Document (118).pdf



Document  
(118).pdf (2 MB)

Advocacy staff does not intend to respond to Applicant's Motion to Strike. The Administrative Law Judge has already issued an order pertaining to this matter. The decision as to the portions of testimony that should be stricken can be determined by the ALJ. Advocacy staff will be happy to participate in any discussions concerning the matter.

Advocacy staff has no objection to MDU's Notice of Intent to file Rebuttal Testimony.

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

**From:** John W. Breen Jr. [mailto:jwbreen2@bis.midco.net]  
**Sent:** Monday, June 18, 2007 4:12 PM  
**To:** Wahl, Al  
**Cc:** Bruce Gerhardson; Dan Kuntz; Binek, William W.; Carrie La Seur; David Schlissel; tguerrero@Lindquist.com; mbring@ottertail.com  
**Subject:** Document (118).pdf

Document (118).pdf

Administrative Law Judge Al Wahl

Please accept the attached Memorandum in Response to Applicants Motion To Strike Portions of the Testimony of Intervenors Expert Witness David Schlissel. The Motion To Strike Testimony is filed by Attorney Dan Kuntz for MDU.

Intervenor does not expect the ALJ to reconsider constitutional questions he may have already reviewed. Those argument are included for purposes of completeness.

As a practical matter it appeared to applicant and Attorney Breen, that the appropriate mechanism to decide the testimony issues was to file the proposed complete testimony of David Schlissel and allow the Applicant to Move to Stike specific portions of the Proposed Testimony of David Schlissel. The ALJ then has an opportunity to rule on specific sections of proposed testimony. This will resolve any ambiguity that remains on this expert testimony issue.

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E-mail re: advocacy staff no intention to respond  
to Motion to Strike  
Public Service Commission

If the ALJ has the opportunity to decide these issue before the start of trial on June 26, 2007 we believe the trial of the matter will be more efficient.

This PDF dOCUMENT contains Intervenors Memorandum in Oppostion, a c.v of David Schlissel and an affidavit of service by electronic mail.

Please advise.

Jack Breen 6-18-2007