

**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](mailto: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](mailto:dan.kuntz@mduresources.com)

255 PU-06-482 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