



100 First Street SW  
Cedar Rapids, Iowa 52404  
Tel. 319-362-2120  
Fax 866-484-2373  
info@plainsjustice.org  
<http://www.plainsjustice.org>

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that state resources will not be wasted in considering an application that may have to be revised significantly or even withdrawn in compliance with the Minnesota order.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:

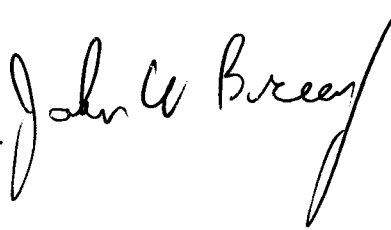
February 11, 2008	Supplemental Pre-Filed Testimony, Applicants
April 3, 2008	Rebuttal Testimony, Staff and Intervenors' David Schlissel, for intervenor , will be on vacation in March 2008
April 18	Rebuttal, All Parties
Week of May 12	Supplemental Evidentiary Hearings, Bismarck
May 30	Post-hearing Briefs 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:

Mark Bring, Bruce Gerhardson  
Associate General Counsel  
Otter Tail Corporation  
215 S.Cascade Street  
Fergus Falls, MN 56538-0496  
mbring@ottertail.com  
Daniel S. Kuntz  
Associate General Counsel  
Montana-Dakota Utilities, Co.  
P.O. Box 5650  
Bismarck, ND 58506-5650  
Dan.Kuntz@mduresources.com

Donald R. Ball  
Vice President - Regulatory Affairs  
Montana-Dakota Utilities Co.  
400 N 4th Street  
Bismarck, ND 58501  
Don.Ball@MDU.com  
Attorney Todd Guerrero  
Lindquist and Vennum  
Minneapolis, MN  
[tguerrero@lindquist.com](mailto:tguerrero@lindquist.com)  
Attorney William Binek  
[wbinek@nd.gov](mailto:wbinek@nd.gov)



mbring@ottertail.com

to

Daniel Kuntz Assistant General Counsel MDU Resources  
Group Inc.

PO Box 5650 Bismarck, ND 58506-5650

Dan.Kuntz@mduresources.com

to

Attorney William Binek of the North Dakota Public Service  
Commission

State Office Building Bismarck, ND 58505-0480

wbinek@nd.gov

to

Attorney Todd Guerrero

Lindquist and Vennum

4200 IDS Center

80 S. 8th St

Minneapolis, MN

tguerrero@Lindquist.com

to

Attorney Carrie La Seur

Plains Justice

PO Box 153

319 3<sup>rd</sup> St

Mount Veron, Iowa 52314

claseur@plainsjustice.org

to

Attorney Illana Jeffcoat-Sacco

Office of the North Dakota Public Service Commission

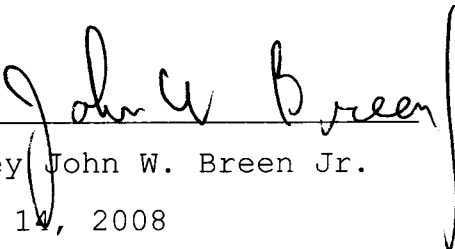
State Office Building, Bismarck ND 58505-0480

ilj@nd.gov

to Lori D Anderson  
Office of the North Dakota Public Service Commission  
State Office Building Bismarck, ND 58505-0480  
ldanderson@d.gov

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