

**Zeimer, Lisa D.**

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**From:** Jeffcoat-Sacco, Illona  
**Sent:** Friday, January 18, 2008 2:08 PM  
**To:** Zeimer, Lisa D.  
**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

For docketing

*Illona A. Jeffcoat-Sacco*  
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**From:** John W. Breen Jr. [<mailto:jwbreen2@bis.midco.net>]  
**Sent:** Friday, January 18, 2008 12:58 PM  
**To:** Wahl, Al; Anderson, Lori D.; Jeffcoat-Sacco, Illona; Binek, William W.  
**Cc:** Dan Kuntz; Todd Guerrero; Mark Bring; Bruce Gerhardson; Carrie La Seur; David Schlissel; Mark Trechock  
**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

ALJ Al Wahl,

I have reached David Schlissel ad Atty La Seur,  
Mr. Schlissel has substantive testimony to introduce to the PSC on the changes in the BS2 proposal.  
Mr Schlissel is unavailable to testify on the suggested dates of May 27, 28, 29, in that one of his daughters is graduating  
From college in that period and he will be attending.

Mr. Schlissel and Intervenors are available to proceed on June 3, 4 and 5, 2008 and request those dates as recommended by the ND PSC commissioners.  
This email is sent to all counsel and parties of record.  
I request that all counsel acknowledge receipt.

Very truly yours.

Jack Breen 1-18-2007

Attorney John W. Breen Jr  
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This information is legally client privileged mail. If you receive this mail in error, please delete same and notify me by email at [jwbreen2@bis.midco.net](mailto:jwbreen2@bis.midco.net)

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**From:** Wahl, Al [<mailto:awahl@nd.gov>]  
**Sent:** Wednesday, January 16, 2008 3:24 PM  
**To:** Daniel S. Kuntz; Todd J. Guerrero; John W. Breen Jr.; Binek, William W.

273 PU-06-482 Filed 01/18/2008 Pages: 2  
Email from Atty Breen to ALJ Wahl re  
Supplemental Hearing Dates  
Montana-Dakota Utilities Co., a Division of MDU  
Resources Group, Inc.

**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.