

Fahn, Patrick J.

From: Todd Kranda [kranda@kelschlaw.com]
Sent: Friday, October 12, 2007 11:08 AM
To: Fahn, Patrick J.; Wahl, Al
Cc: -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities; tdkelsch@kelschlaw.com; 'Nicholas R. Delaney'; 'Janie Capp'
Subject: RE: TransCanada Keystone Pipeline, LLC- Case No. PU-06-421 and PU-07-152 - Consideration of Information not presented at a Hearing

Judge Wahl –

On behalf of TransCanada Keystone Pipeline, we would like the opportunity to submit a response before a ruling or determination is made regarding the questions that have been submitted to you by the PSC.

Given that today is the deadline for the simultaneous filing of the post hearing Briefs and the proposed Findings of Fact Conclusions of Law and Order, we would respectfully request that you allow until the close of business of Wednesday, October 17th for Keystone to prepare and submit a written response.

Thank you for your attention to this matter and for your consideration of this request.

Sincerely,

Todd D. Kranda

From: Fahn, Patrick J. [mailto:pfahn@nd.gov]
Sent: Friday, October 12, 2007 10:43 AM
To: Al Wahl
Cc: -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities; tdkelsch@kelschlaw.com; Todd Kranda; Nicholas R. Delaney; Janie Capp
Subject: TransCanada Keystone Pipeline, LLC- Case No. PU-06-421 and PU-07-152 - Consideration of Information not presented at a Hearing

Judge Wahl,

At its October 12 Special Meeting, the Commission considered the attached October 11 staff memorandum and agreed that the issue described should be referred to you for determination.

The question that needs to be addressed is how should information that is filed after the hearings have been completed be considered from an evidentiary standpoint by the Commission. The Commission specifically would like to know what options there are for bringing late filed information into the record as evidence that can be considered by the Commission in making its decision.

Please consider, in your determination, the various ways this late information is filed with the Commission, including correspondence by mail and email from intervenors (but not filed via counsel), correspondence from persons that have not intervened but testified under oath at one of the hearings, correspondence from persons that have not intervened or testified under oath at one of the hearings, correspondence from governmental agencies and political subdivisions, and information that staff has found in the course of investigating a comment from one of the persons mentioned.

What procedures are required to bring this information into the record as evidence to be considered by the Commission?

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