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RECEIVED

JEROME C. KETTLESON  
jck@pearce-durick.com  
November 17, 2008

NOV 17 2008

PUBLIC SERVICE COMMISSION

**HAND-DELIVERED**

Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard; Dept. 408  
Bismarck, ND 58505-0480

Re: *Withdrawal of Sampling Plan as Contained in Tree & Shrub Inventory Filed With PSC  
June 10, 2008 – Pillsbury-Fargo Generation Outlet Project  
Case No. PU-08-48*

Dear Mr. Nitschke:

With this letter, Minnkota Power Cooperative, Inc. submits Letter to the Members of the Public Service Commission withdrawing its sampling plan as contained within a document entitled Tree and Shrub Inventory, which was filed with the Public Service Commission on June 10, 2008 re Pillsbury-Fargo Generation Outlet Project in Case Number PU-08-48.

Pursuant to § 49-22-08 of the North Dakota Century Code, the Energy Conversion and Transmission Facility Siting Act, and rules promulgated thereunder, enclosed for filing please find:

1. Original and seven (7) copies of Letter to the Members of the Public Service Commission withdrawing Minnkota Power Cooperative's sampling plan as contained within a document entitled Tree and Shrub Inventory, which was filed with the Public Service Commission on June 10, 2008.

Should you have any questions with respect to this filing, please contact me.

Very truly yours,

PEARCE & DURICK

By

Jerome C. Kettleison  
Phone: (701) 333-0104

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**Letter Requesting Withdrawal of Sampling Plan  
Contained in Tree & Shrub Inventory**

Minnkota Power Coop., Inc.

Pearce&Durick, Jerome Kettleison

JCK/ef  
Enclosures



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**JEROME C. KETTLESON**

jck@pearce-durick.com

November 17, 2008

Members of the Public Service Commission  
North Dakota Public Service Commission  
600 E. Boulevard; Dept. 408  
Bismarck, ND 58505-0480

*Re: Withdrawal of Sampling Plan as Contained in Tree & Shrub Inventory Filed With PSC  
June 10, 2008 - Pillsbury-Fargo Generation Outlet Project  
Case Number PU-08-48*

Dear Members of the Public Service Commission:

Minnkota Power Cooperative, Inc. requests leave to withdraw its sampling plan as contained within a document entitled Tree and Shrub Inventory, which was filed with the Public Service Commission on June 10, 2008. The sampling plan, when filed, was considered as a means to count Sand Willows and like shrubs in nine areas where the density of shrubs made counting the shrubs impossible. The shrubs in the nine areas described in the plan are not being "cleared", but rather, have been cut off at ground level and will be permitted to regenerate. The Commission in paragraph 4 of Tree and Shrub Mitigation Specifications, which is part of the Public Service Commission Findings of Fact Conclusions of Law and Order dated 6-6-08, requires that in native growth areas "...shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement." Minnkota has concluded there is no need to sample the sand willows and other like species because they are not being cleared. The decision by Minnkota is consistent with the recommendation of its consultant, McCain and Associates, Inc., 2818 Gateway Avenue, Bismarck, ND. McCain recommended: "Sandbar willows should be cut flush with ground level where necessary to accommodate construction. These areas should then be allowed to regenerate naturally. No replacement or mitigation is recommended for this species." There are no other areas where a sampling method for counting trees or shrubs is necessary. The sampling plan as filed is unnecessary. Minnkota therefore ask leave to withdraw it.

Sincerely,

PEARCE & DURICK

By 

Jerome C. Kettleison

Phone: (701) 333-0104

JCK/ef

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

APPLICATION TO THE NORTH DAKOTA )  
PUBLIC SERVICE COMMISSION FOR A )  
WAIVER OF PROCEDURES AND TIMELINES, )  
AND CONSOLIDATED CERTIFICATE OF )  
CORRIDOR COMPATABILITY AND ROUTE )  
PERMIT, PILLSBURY-FARGO GENERATION )  
OUTLET PROJECT )

Docket No. PU-08-48

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF BURLEIGH )

Tahnee Purdue, being first duly sworn on oath, does depose and say: That she is over the age of eighteen years, and not a party to the above-entitled matter;

That on the 17th day of November, 2008, this affiant served a true and correct copy of the following document in the above-captioned action:

1. Letter to the Members of the Public Service Commission withdrawing Minnkota Power Cooperative's sampling plan as contained within a document entitled Tree and Shrub Inventory, which was filed with the Public Service Commission on June 10, 2008.

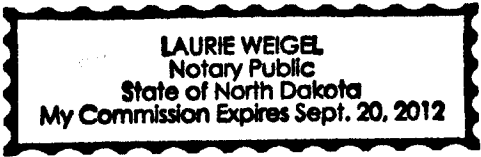
That copies of the above document were enclosed and secured in an envelope and addressed as follows:

Public Service Commission  
State Capitol Building  
600 E. Boulevard Avenue; Dept. 408  
Bismarck, ND 58505-0480

Hand-Delivered – Original and 7 Copies

To the best of affiant's knowledge, information and belief, such address as given above was the actual post office address of the party intended to be so served.

That the above documents were duly served in accordance with the provisions of the North Dakota Rules of Civil Procedure.



Tahnee Purdue  
Tahnee Purdue

Subscribed and sworn to before me this 17th day of November, 2008.

Laurie Weigel  
Notary Public