

DUNCAN, OSTRANDER & DINGESS, P.C.
Attorneys and Counselors at Law

Robert R. Duncan
Donald M. Ostrander
John M. Dingess
Austin Hamre

3600 S. Yosemite Street, Suite 500
Denver, Colorado 80237-1829
Telephone: (303) 779-0200
Telefax: (303) 779-3662
dodpc@dodpc.com
www.dodpc.com

Special Counsel
James Birch
T. Daniel Platt
Paul C. Rufien, P.C.
Robert E. Schween, P.C.
Teri L. Pettitt
Stephanie J. Neitzel
Patricia A. Madsen
Richard F. Rodriguez
Elizabeth D. Rubinstein

Lynn B. Ostrander 2008

RECEIVED

AUG 08 2008

PUBLIC SERVICE COMMISSION

August 8, 2008

Illona Jeffcoat-Sacco
Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: PSC Case No. PU-08-194, In the Matter of the Application for Certificate of Public Convenience and Necessity of NuStar Pipeline Operating Partnership L.P.

Dear Ms. Jeffcoat-Sacco:

Attached for filing in the above-captioned matter, please find the City of Fargo's:

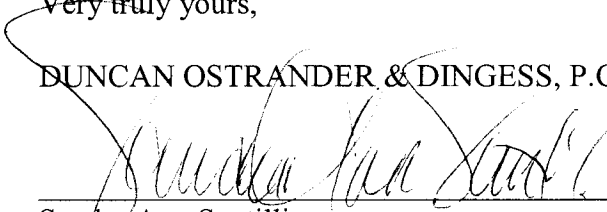
- Request for Approval of Stipulated Extension of Time to Respond to Request to Withdraw Application for Certificate of Public Convenience and Necessity.

Thank you for your assistance.

Very truly yours,

DUNCAN OSTRANDER & DINGESS, P.C.

By:


Sandra Ann Santilli
Legal Assistant to
John M. Dingess, Esq.

:sas

Enclosures

Cc: Thomas D. Kelsh, Esq.
Arlen M. Ruff, Esq.
Todd D. Kranda, Esq.
Will W. Binek, Esq.
Al Wahl, Esq.
Erik R. Johnson, Esq.

21 **PU-08-194** Filed: 8/8/2008 Pages: 3

Request for Approval of Stipulated Extension of Time to Respond to Request to Withdraw Application to PC&N

City of Fargo

Duncan, Ostrander & Dingess, P.C.

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**NuSTAR PIPELINE OPERATING PARTNERSHIP L.P.)
NORTHERN PRODUCT SYSTEM) Case No. PU-08-194
PUBLIC CONVENIENCE AND NECESSITY)**

**REQUEST FOR APPROVAL OF STIPULATED EXTENSION OF TIME TO
RESPOND TO REQUEST TO WITHDRAW APPLICATION FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

APPEARANCES

Commissioners Susan E. Wefald (President), Tony Clark, and Kevin Cramer

Thomas D. Kelsch, Arlen M. Ruff and Todd D. Krands, Kelsch, Kelsch, Ruff & Kranda, 103 Collins Avenue, P. O. Box 1266, Mandan ND 58554-7266, as Attorneys for NuStar Pipeline Operating Partnership, L.P.

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, Bismarck, ND 58505, on behalf of the Public Service Commission

Al Wahl, Office of Administrative Hearings, 1707 North 9th Street, Bismarck, ND 58501, and/or 138 East Edmonton Drive, Bismarck ND 58501, as Procedural Hearing Officer

Erik R. Johnson, Erik R. Johnson & Assoc, Ltd., 505 Broadway, Suite 206, Fargo, ND 58102, as Fargo City Attorney

John M. Dingess, Duncan Ostrander & Dingess, P.C., 3600 S Yosemite St, Suite 500, Denver, CO 80237-1829, as Special Counsel to the City of Fargo

GROUND

Or about April 13, 2008, NuStar Product System (NuStar) filed an Application for a Certificate of Public Convenience and Necessity.

On May 21, 2008, the North Dakota Public Service Commission issued a Notice of Opportunity for Hearing in the above matter.

On June 25, 2008, the City of Fargo filed a Request for Hearing and a Petition to Intervene as a Party in the above matter.

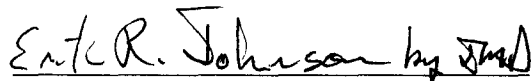
On July 8, 2008, counsel for Fargo and NuStar agreed that NuStar would respond to Fargo's Request and Petition on or before July 31, 2008, and this Commission approved said extension.

On July 31, 2008, NuStar filed a Request to Withdraw Application for Public Convenience and Necessity.

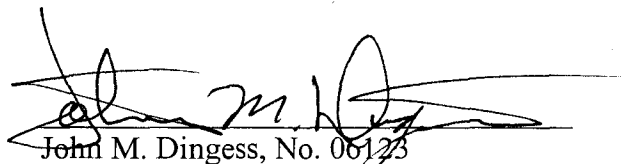
The reason for the requested time is that this office received a copy of the Motion to Withdraw August 6, 2008, and received copies of the Commission case referred to therein, *Williston Basin Pipeline Company v. Koch Industries, Inc.*, PU-552-92-442, on August 7, 2008. The *Williston* materials are voluminous.

Counsel for City of Fargo contacted counsel for NuStar who has agreed to the date of August 20, 2008 as the date by which Fargo will respond to the Motion to Withdraw.

Respectfully submitted this 8th day of August, 2008.



Erik R. Johnson, No. 03901
Erik R. Johnson & Associates, Ltd.
505 Broadway, Suite 206
Fargo, ND 58103
Telephone: (701) 280-1901
ejohnson@lawfargo.com
Fargo City Attorney



John M. Dingess, No. 06123
Duncan Ostrander & Dingess, P.C.
3600 So. Yosemite Street, Suite 500
Denver, CO 80237-1829
Telephone: (303) 779-0200
jdingess@dodpc.com
Special Counsel