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September 16, 2009

PUBLIC SERVICE COMMISSION

**VIA E-FILING**

Darrell Nitschke  
Executive Secretary and Director of Administration  
North Dakota Public Service Commission  
State Capitol  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**Re: In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Utility Service in North Dakota**  
**Case No. PU-08-862**  
**OAH File No. 20090063**

**AND**

**In the Matter of the Application of Otter Tail Power Company's Annual Filing for Renewable Resource Cost Recovery Factor**  
**Case No. PU-08-742**  
**OAH File No. 20090063**

Dear Mr. Nitschke:

I am writing in regard to the hearing that is scheduled for September 28, 2009, in the above-referenced matters. As this hearing is being held for the purpose of considering a settlement that resolves all issues in the two cases, I discussed with other parties (Commission Advocacy Staff and the LIG Intervenors) whether there might be a way to avoid the expense of bringing consultant witnesses and other witnesses from out of the area to the hearing.

The parties are in agreement that under these circumstances, it would be preferable to avoid the expense of bringing witnesses to the hearing, and all parties agree to stipulate to the admissibility of all witnesses' pre-filed testimony for purpose of creating the record. The parties will be represented at the hearing by persons with knowledge on the subject matters of the case and specifically on the terms of the Settlement Agreement. The parties also agree that if any Commissioner or Advisory Staff has a question for an individual witness (who is not present at the hearing), that it would be preferable to contact that witness by phone during the hearing instead of bringing that witness to answer that

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question live at the hearing. If a Commissioner or Advisory Staff expects to have a lengthy line of questioning for any witness and would prefer to ask those questions live rather than by phone, the parties agree that the individual witness could be brought to the hearing. The parties would ask that if the live participation by any witness is desired that the parties be notified as soon as possible so that travel and other arrangements can be arranged.

If this approach to witness participation at the hearing is not acceptable, the parties would request that they be notified as soon as possible.

Sincerely,

*/s/ Bruce Gerhardson*  
Bruce Gerhardson  
Associate General Counsel  
BG/dm

c: Richard Savelkoul  
Annette Bendish  
Al Wahl