

Al Wahl

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RECEIVED

MAR 2 2009

PUBLIC SERVICE COMMISSION

March 2, 2009

Mr. Bruce Gerhardson  
Otter Trail Corporation  
P. O. Box 496  
Fergus Falls, MN 56538

Mr. Michael J. Bradley  
Moss & Barnett  
4800 Wells Fargo Center  
90 South 7<sup>th</sup> Street  
Minneapolis, MN 55402

Mr. Richard J. Johnson  
Moss & Barnett  
4800 Wells Fargo Center  
90 South 7<sup>th</sup> Street  
Minneapolis, MN 55402

Mr. Richard J. Savelkoul  
Felhaber Larson Fenlon & Vogt, P.A.  
444 Cedar Street, Suite 2100  
St. Paul, MN 55101

Mr. Jacob C. Hendricks  
Felhaber Larson Fenlon & Vogt, P.A.  
220 South 6<sup>th</sup> Street, Suite 2200  
Minneapolis, MN 55402

Re: In the Matter of Ottertail Corporation Electric Rate Increase Application  
North Dakota Public Service Commission Case No. PU-08-862  
OAH File No. 20090063

Dear Counsel:

I am the administrative law judge designated by the Office of Administrative Hearings (OAH), upon temporary appointment, pursuant to the request of the North Dakota Public Service Commission to serve as the hearing officer for the captioned matter. I enclose for your information and file a copy of the commission's request for designation and Judge Hoberg's designation letter which appears to have been sent only to Mr. Gerhardson.

I notice that the designation letter refers to "West Ottertail Corporation." That reference is, of course, erroneous, and I have had the OAH files corrected.

I also notice that the designation letter instructs that relevant documents for the hearing be sent to me in care of OAH. That advice is erroneous. Documents sent to me by courier or the U. S. Postal Service should be sent to the address shown above.

I am a retired administrative law judge, and I have neither an office nor regular office hours. The most efficient way to communicate with me is by e-mail, using the address shown above. You may send me documents as attachments to e-mail using either .doc or .pdf format. This e-mail account is available only to me and is used only for my work as an administrative law judge. You may also, of course, telephone me using the number shown above.

58 PU-08-862 Filed: 3/3/2009  
Letter re. Contact Information

Pages: 4

Mr. Bruce Gerhardson, Mr. Michael J. Bradley,  
Mr. Richard J. Johnson, Mr. Richard J. Savelkoul,  
and Mr. Jacob C. Hendricks

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March 2, 2009

Re: In the Matter of Ottertail Corporation Electric Rate Increase Application  
North Dakota Public Service Commission Case No. PU-08-862  
OAH File No. 20090063

I will advise OAH staff if I will be unavailable at any time for more than 24 hours, and in that case you will receive a response to e-mail sent to me advising that I am unavailable. More specific information concerning my availability may be obtained from OAH staff. As you know, in my absence Judge Hoberg can act for me for any urgent matter.

I will appreciate your e-mail confirmation of this letter so that I will have your e-mail address. Please also include your telephone number, and if you do not do your own scheduling, please also advise me of the name and telephone number of the person who should be contacted to schedule matters such as a prehearing conference, a motion hearing, and the like. And, of course, please advise me as necessary to correct any error for the use of your name, firm name, or post office address.

Thank you for your assistance. I look forward to working with you for the conduct of this hearing.

Sincerely,



Al Wahl  
Temporary Administrative Law Judge

enc: request for designation and  
designation letter

pc: Ms. Annette Bendish  
North Dakota Public Service Commission



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the hearing in Case No. PU-08-862 Otter Tail Corporation, Electric Rate Increase, Application to be held April 27, 2009 at 9:00 a.m. in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY Public Service Commission	Address 600 E Boulevard Ave Dept 408 Bismarck ND 58505	Telephone Number 701-328-2400
Representation Ilona A. Jeffcoat-Sacco, General Counsel	Address Same as Above	Telephone Number 701-328-2407
PARTY Otter Tail Corporation dba Otter Tail Power Co.	Address 215 S Cascade St Fergus Falls MN 56537	Telephone Number 218-739-8200
Representation Bruce Gerhardson, Asst. General Counsel	Address Same as Above	Telephone Number 218-998-7108
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 The hearing will be tape recorded and a court reporter may be present.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Ilona A. Jeffcoat-Sacco, General Counsel	Date 2-23-09
Signature of Requesting Person X	Telephone Number 701-328-2407



## OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA  
1707 North 9th Street  
Bismarck, North Dakota 58501-1882

Allen C. Hoberg  
DIRECTOR

February 24, 2009

701-328-3260  
Fax 701-328-3254  
oah@nd.gov  
[www.nd.gov/oah](http://www.nd.gov/oah)

Illona A. Jeffcoat-Sacco  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

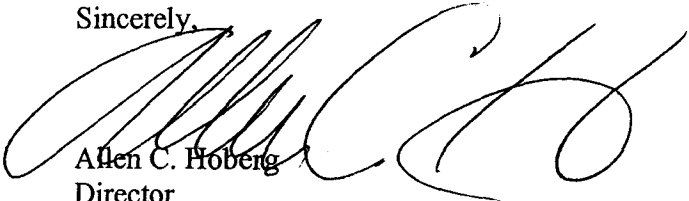
Dear Ms. Jeffcoat-Sacco:

Thank you for your February 23, 2009, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of West Ottertail Corporation, PU-08-862. I hereby designate Al Wahl to be assigned as an temporary administrative law judge to conduct the hearing in regard to this matter. Because the temporary administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will be making the final administrative decision in regard to this matter (*i.e.*, the commission) must be in attendance at the hearing.

Please send all additional relevant documents (correspondence, and other pleadings and documents) to the designated temporary administrative law judge in care of the Office of Administrative Hearings, 1707 North 9th Street, Bismarck, North Dakota 58501-1882. I understand the hearing is scheduled for April 27, 2009, beginning at 9:00 a.m., in the Commission Hearing Room, State Capitol, Bismarck, North Dakota. Because the temporary administrative law judge is requested to conduct the hearing only, the agency must give proper notice of the hearing.

**Your request has been assigned OAH File No. 20090063. Please include this number on all future documents and correspondence filed for this matter with the Office of Administrative Hearings.**

Sincerely,

  
Allen C. Hoberg  
Director

ACH/lmw

cc: Al Wahl, Temporary Administrative Law Judge  
Bruce Gerhardson, Otter Tail Corporation