

February 10, 2009

HAND DELIVERED

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

RECEIVED

FEB 10 2009

PUBLIC SERVICE COMMISSION

**RE: SADDLE BUTTE PIPELINE LLC
CASE NO. PU-08-923**

Dear Mr. Nitschke:

Please find enclosed herewith for filing an original and seven copies of the CONSOLIDATED MOTION FOR EXTENSION OF TIME TO RESPOND TO THE REQUEST OF THREE AFFILIATED TRIBES FOR FORMAL HEARING; TO RESPOND TO ARROW PIPELINE, LLC COMMENTS; AND, FOR CONTINUANCE OF INFORMAL HEARING SET FOR FEBRUARY 11, 2009. Also enclosed herewith is a disk containing the same.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/leo

Enclosure

cc: Three Affiliated Tribes – (w/enc.)
Brian Bjella – (w/enc.)
Mr. John Earley – (w/enc.)

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**Consolidated Motion for Extension of Time to
Respond & for Continuance of Informal Hearing**

Saddle Butte Pipeline LLC

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

CASE NO. PU-08-923

**IN THE MATTER OF THE APPLICATION OF
SADDLE BUTTE PIPELINE LLC, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY FOR ITS SADDLE BUTTE
NATURAL GAS AND CRUDE OIL
GATHERING SYSTEM LOCATED IN
MCKENZIE AND DUNN COUNTIES, NORTH
DAKOTA.**

**CONSOLIDATED MOTION FOR EXTENSION OF TIME
TO RESPOND TO THE REQUEST OF THREE AFFILIATED TRIBES
FOR FORMAL HEARING; TO RESPOND TO ARROW
PIPELINE, LLC COMMENTS; AND, FOR CONTINUANCE OF
INFORMAL HEARING SET FOR FEBRUARY 11, 2009**

Saddle Butte Pipeline LLC (“Saddle Butte”), hereby moves the North Dakota Public Service Commission (“PSC”) for an extension of time to respond to the comments of the Three Affiliated Tribes (the “Tribes”) set forth in a letter dated February 9, 2001 and their request for a formal hearing; to respond to the comments of Arrow Pipeline, LLC (“Arrow”) set forth in the letter dated February 6, 2009; and, for a continuance of the informal hearing set for February 11, 2009. In support of its motion, Saddle Butte states as follows:

1.

On or about December 31, 2008 the PSC provided Notice of Opportunity for Hearing for the above-captioned matter and thereafter set an informal hearing for February 11, 2009.

2.

On or about February 9, 2009, Arrow filed with the PSC a letter dated February 6, 2009 setting forth its comments with respect to the application of Saddle Butte herein.

3.

On or about February 9, 2009, the Tribes filed with the PSC a letter dated February 9, 2009 setting forth its comments with respect to the application of Saddle Butte herein and requesting a formal hearing.

4.

Representatives of Saddle Butte have scheduled a meeting with representatives of the Tribes to address, *inter alia*, the comments set forth in the Tribes' letter and the reason for the application of Saddle Butte herein.

5.

Saddle Butte will be in a better position to respond to the comments set forth in the Arrow letter, the Tribes' letter and the request for a formal hearing by the Tribes after that meeting scheduled for next week.

6.

Until such time as representatives of the Tribes and Saddle Butte meet, Saddle Butte is not in a position to support or oppose the request of the Tribes for a formal hearing or respond to the comments of the Tribes or Arrow.

7.

Until the parties have an opportunity to meet, Saddle Butte sees little value in moving forward with the informal hearing scheduled for February 11, 2009.

WHEREFORE, Saddle Butte respectfully requests the following:

- a. That the informal hearing of the Commission scheduled for February 11, 2009 be continued until further order of the PSC;
- b. That Saddle Butte shall have until March 9, 2009 to serve and file, if any, a response to the comments and requests by the Tribes and Arrow.
- c. That the PSC shall hold in advance any decision with respect to settling for a hearing (either formal or informal) until sometime after March 30, 2009.

DATED this 10th day of February, 2009.

FREEMANSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
Attorneys for Applicant, Saddle Butte Pipeline LLC
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P. O. Box 1855
Bismarck, ND 58502-1855
Phone: (701) 221-4020

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document was on the 10th day of February, 2009 served by placing the same in the United States mail, postage prepaid, properly addressed to the following:

Three Affiliated Tribes
Legal Department
Tribal Administration Building
404 Frontage Road
New Town, ND 58763

Brian Bjella
Attorney at Law
400 E. Broadway Ave., Ste. 600
P.O. Box 2798
Bismarck, ND 58502-2798



LAWRENCE BENDER