

April 8, 2009

HAND DELIVERED

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

RECEIVED

APR 08 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 JOINT CONSOLIDATED MOTION FOR EXTENSION OF TIME TO RESPOND TO THE COMMENTS AND REQUEST FOR FORMAL HEARING OF THE THREE AFFILIATED TRIBES AND TO THE COMMENTS OF ARROW PIPELINE, LLC AND FOR CONTINUANCE OF HEARING. 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.)

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 (“APPLICATION”)

JOINT CONSOLIDATED MOTION FOR EXTENSION OF TIME TO RESPOND TO THE COMMENTS AND REQUEST FOR FORMAL HEARING OF THE THREE AFFILIATED TRIBES AND TO THE COMMENTS OF ARROW PIPELINE, LLC AND FOR CONTINUANCE OF HEARING

Saddle Butte Pipeline, LLC (“Saddle Butte”) and the Three Affiliated Tribes (“Tribes”) hereby jointly move the North Dakota Public Service Commission (“Commission”) to grant this Joint Consolidated Motion for Extension of Time (“Motion”) for Saddle Butte to respond to the comments and request for formal hearing of the Tribes set forth in that certain letter to the Commission dated February 9, 2009 and to respond to the comments of Arrow Pipeline, LLC (“Arrow”) set forth in that certain letter to the Commission dated February 6, 2009. Furthermore, Saddle Butte and the Tribes additionally request and move the Commission to grant this Motion to indefinitely continue the informal hearing originally scheduled for February 11, 2009 and the Commission’s decision with regard to the Tribes request for formal hearing until further order of the Commission or until otherwise notified by Saddle Butte or the Tribes, whichever is the earlier to occur.

In support of this Motion, Saddle Butte and the Tribes jointly state as follows:

FACTUAL BACKGROUND

1. On or about December 31, 2008 the Commission 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 a letter with the Commission dated February 6, 2009 setting forth its comments with respect to the Application filed by Saddle Butte.

3. On or about February 9, 2009, the Tribes filed a letter with the Commission dated February 9, 2009 setting forth its comments with respect to Saddle Butte's Application and therein requesting a formal hearing upon such Application.

4. On or about February 10, 2009, Saddle Butte filed a motion for extension of time with the Commission requesting an extended period of time to respond to the comments and requests of the Tribes, the comments of Arrow and for a continuance of the informal hearing set for February 11, 2009.

5. On or about February 11, 2009, a motion was issued moving the Commission to grant Saddle Butte's motion for extension by extending the deadline for Saddle Butte's response to the comments and requests of the Tribes and to the comments of Arrow until March 9, 2009 and by delaying until at least March 30, 2009 a decision on the pending request for hearing.

6. On or about March 11, 2009, a motion was issued with regard to Saddle Butte's second request for extension moving the Commission to grant Saddle Butte's motion for extension by extending deadline for Saddle Butte's response to the comments and requests of the Tribes and the comments of Arrow to April 9, 2009 and by delaying a decision on the Tribes request for hearing until at least May 6, 2009.

FACTUAL SUPPORT FOR THIS MOTION FOR EXTENSION

7. Saddle Butte and the Tribes are currently in discussions with one another with regard to a mutually acceptable resolution to the comments and requests made by the Tribes to the Commission.

8. Saddle Butte will be in a better position to respond to the comments and requests of the Tribes and the comments of Arrow when Saddle Butte's discussions with the Tribes have come to a conclusion.

9. Until the conclusion of the current discussions between the Tribes and Saddle Butte, Saddle Butte is not in a position to support or oppose the comments or requests of the Tribes or the comments of Arrow.

10. Until the Tribes and Saddle Butte conclude their current discussions neither the Tribes nor Saddle Butte believe it would be beneficial for the Commission to issue a decision with regard to the Tribe's request for hearing.

11. Upon the conclusion of the discussions between the Tribes and Saddle Butte or if either the Tribes or Saddle Butte should determine proceeding with a decision by the Commission with regard to the Tribe's request for hearing is appropriate then either the Tribes or Saddle Butte will notify the Commission of such decision and therein request for the Commission to schedule a date for a decision upon the Tribes request for hearing.

12. Nevertheless, until either the Tribes or Saddle Butte should notify the Commission their discussion have concluded or request scheduling of such hearing both the

Tribes and Saddle Butte feel it is in the best interest of all parties involved for (i) the deadline for Saddle Butte's response to the comments and requests of the Tribes and the comments of Arrow to be postponed and (ii) for the Commission's decision on the Tribes request for formal hearing to be postponed.

WHEREFORE, Saddle Butte and the Tribes, jointly, respectfully request the following:

- a. That the informal hearing of the Commission originally scheduled for February 11, 2009 be continued indefinitely until further order of the Commission.
- b. That Saddle Butte's deadline to serve and file, if any, a response to the comments and requests of the Tribes and Arrow, respectively, be postponed until the earlier to occur of the following: (i) fifteen (15) days following receipt of notice from either the Tribes or Saddle Butte that discussions between the two parties have concluded or (ii) June 15, 2009.
- c. That the Commission shall postpone any decision with respect to the Tribe's request for formal hearing until the earlier to occur of the following: (i) receipt of written notice from the Tribes or Saddle Butte informing the Commission that discussions have concluded between the two parties; or (ii) receipt of written notice from either the Tribes or Saddle Butte requesting that the Commission schedule a date for the Commission's decision with regard to the Tribes request for formal hearing; or (iii) further order of the Commission.

AGREED TO, ACCEPTED BY AND DATED this 3rd day of April, 2009.

THREE AFFILIATED TRIBES

By 

Damon Williams
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Phone: (701) 627-4781

FREDERICKSON & BYRON P.

By 

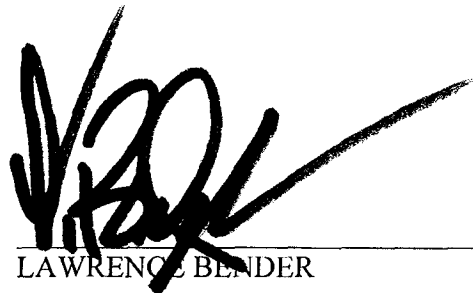
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document was on the 8th day of March, 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