

**BEFORE THE PUBLIC SERVICE COMMISSION
OF NORTH DAKOTA**

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|-----------------------------|---|-------------------|
| Dakota Resource Council, |) | |
| Neil and Laura Tangen, |) | |
| Myron and Nancy Eberts, and |) | |
| Frank and Lucy Hurt, |) | |
| Complainants, |) | Case No. RC-09-32 |
| |) | |
| vs. |) | |
| |) | |
| GTLE Dakota Plant 1 LLC |) | |
| Respondent. |) | |

MOTION FOR PREHEARING CONFERENCE

Dakota Resource Council, Neil and Laura Tangen, Myron and Nancy Eberts, and Frank and Lucy Hurt, together Complainants, by their attorneys and pursuant to N.D.C.C. § 28-32-29 and N.D.A.C. § 69-02-03-03, hereby move that the Public Service Commission conduct a prehearing conference to discuss and establish a schedule for the following:

- A. discovery, admissions, or stipulations of fact and authenticity of documents, pursuant to N.D.C.C. § 28-32-33, N.D.A.C. §§ 69-02-05-03, 69-02-05-05, and the North Dakota Rules of Civil Procedure;
- B. prehearing motions, in as much as paragraph 16 of Respondent’s Answer avers that the Complaint is barred by the doctrines of estoppel, waiver and laches, and paragraph 17 of Respondent’s Answer avers that the Complaint fails to state a claim upon which relief might be granted; complainant anticipates that it may also submit a pre-hearing motion to resolve this matter;
- C. a hearing and anticipated number of witnesses;
- D. post-hearing briefing; and
- E. other matters as may be necessary and desirable to expedite the proceeding.

Respectfully submitted,

Dated this 11th day of March, 2009.

SARAH VOGEL LAW FIRM, P.C.



By: Derrick Braaten (ID 06394)
Sarah Vogel Law Firm, PC
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Bismarck, ND 58501-4004
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Attorneys for Complainants

Dated this 11th day of March, 2009.

PLAINS JUSTICE



By: Paul Blackburn (*Seeking Rule 6.1
Admission*)
Plains Justice
P.O. Box 251
Vermillion, SD 57069
Phone: 605-675-9268
Fax: (866) 484-2373
Attorneys for Complainants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR PREHEARING CONFERENCE** was on March 11, 2009, mailed and emailed to the following:

Brian Bjella
Crowley Fleck, PLLP
P.O. Box 2798
Bismarck, ND 58502

With courtesy copies mailed and emailed to:

Al Wahl
Administrative Law Judge
138 East Edmonton Drive
Bismarck, ND 58503-0384

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



Derrick Braaten
Sarah Vogel Law Firm, P.C.