

Sarah Vogel Law Firm, P.C.

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December 22, 2009

RECEIVED

DEC 22 2009

Darrell Nitschke
Executive Director
ND PUBLIC SERVICE COMMISSION
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

PUBLIC SERVICE COMMISSION

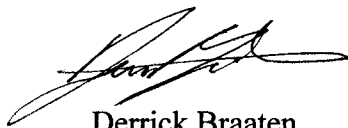
Re: Dakota Resource Council *et al.* v. GTLE Dakota Plant 1 LLC
ND PSC Case No.: RC-09-32
OAH File No.: 20090071

Dear Mr. Nitschke:

Enclosed for filing please find Complainants' Motion to Reschedule Prehearing Conference, Memorandum in Support of Motion to Reschedule Prehearing Conference, including Certificates of Service, along with 7 copies thereof. Please call with any questions.

Thank you.

Sincerely,



Derrick Braaten

Enclosures

Copy: Hon. Al Wahl
Illona Jeffcoat-Sacco
Brian Bjella

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Motion to Reschedule Prehearing Conference

Dakota Resource Council

Derrick Braaten, Sarah Vogel Law Firm

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

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 TO RESCHEDULE 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 reschedule a prehearing conference pursuant to the Administrative Law Judge’s ORDER CONTINUING PREHEARING CONFERENCE of April 13, 2009, to address and establish a schedule for the following:

- A. the formulation and simplification of the issues, including the elimination of frivolous defenses;
- B. the control and scheduling of discovery;
- C. the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings on the admissibility of evidence;
- D. the appropriate use of and timing for motions for summary adjudication under Rule 56 and any other motions;


- E. the appropriateness and timing of disclosure of witnesses and documents, the need and schedule for filing and exchanging prehearing briefs, and the date or dates for further conferences and for a hearing;
- F. the role of the Administrative Law Judge in this case and the need for adopting special procedures for managing potentially difficult legal questions;
- G. post-hearing briefing; and
- H. other matters as may be necessary and desirable to expedite this case.

In support of this motion, Complainants have attached a MEMORANDUM IN SUPPORT OF MOTION TO RESCHEDULE PREHEARING CONFERENCE, which details the history of this case and the need for a prehearing conference to address the above listed matters.

Dated this 21st day of December, 2009.

Respectfully submitted,


SARAH VOGEL LAW FIRM, P.C.



By: Derrick Braaten (ID 06394)
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Attorneys for Complainants

Dated this 21st day of December, 2009.

PLAINS JUSTICE



By: Paul Blackburn (ID 06501)
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 TO RESCHEDULE PREHEARING CONFERENCE** was on December 22, 2009, served via U.S. mail on the following:

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

With courtesy copies 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