

Hamre, John G.

From: Al Wahl [aljwahl@gmail.com]
Sent: Wednesday, December 22, 2010 4:00 PM
To: Richard J. Savelkoul
Cc: Daniel S. Kuntz; Scott Skokos; Jeffcoat-Sacco, Ilona; Hamre, John G.
Subject: Re: Closing Response, NDPSC Case No. PU-10-124

Mr. Savelkoul, I agree, assuming you do not receive MDU's brief, *etc.* before December 27, Advocacy Staff's response, if any, shall be served and filed not later than Tuesday, January 4, 2011. Otherwise, as I recall our understanding following the hearing, you will count the five days (business days) for your response from your receipt of MDU's brief, *etc.*

And, yes, if, and only if, you would respond to Mr. Roaché's or Mr. Skokos's filing you must move for leave to do so (with a showing of good cause, of course) and propose a time for your response.

Again, counsel, Mr. Roaché and Mr. Skokos, I welcome your advice or question if I have overlooked or mistaken anything for the completion of the hearing, or your question if my advice seems unclear in any respect. Regards, Al Wahl.

P.S.: Mr. Hamre, please docket a copy of this e-mail.

N.B.: A copy of this e-mail will be sent December 23, 2010 to Mr. Roaché via US Postal Service.

On Tue, Dec 21, 2010 at 3:32 PM, Richard J. Savelkoul <RSavelkoul@felhaber.com> wrote:

Judge Wahl,

Advocacy Staff is seeking clarification on the deadline for Staff and MDU to file reply briefs (if any) in response to one another's initial briefs in this matter. Your correspondence below was silent on this point. It is our understanding, based on the discussion at the close of the hearing, that MDU and Staff have five business days from the filing of the initial briefs. Consequently, since the initial briefs are due on Monday, December 27, any reply briefs will be due on Tuesday, January 4, because New Years Eve is a legal holiday.

Only if reply to Mr. Raoché's and Mr. Skokos's response is desired may Staff or MDU move for leave to file a limited rebuttal brief.

Merry Christmas!

Thank you,

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Email re. Deadline for filing responsive briefs

Rich

Richard J. Savelkoul

Attorney

rsavelkoul@felhaber.com

Direct: (651) 312-6042

Fax: (651) 222-8905

Main: (651) 222-6321

444 Cedar Street
Suite 2100
St. Paul, MN 55101-2136

www.felhaber.com

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From: Al Wahl [<mailto:aljwahl@gmail.com>]

Sent: Monday, December 06, 2010 9:23 AM

To: Daniel S. Kuntz; Richard J. Savelkoul; Scott Skokos; Illona A. Jeffcoat-Sacco

Cc: John G. Hamre

Subject: Closing Response, NDPSC Case No. PU-10-124

Counsel, Mr. Roaché, and Mr. Skokos, I am informed that the transcript of the captioned hearing was filed Friday last, December 3. (I am sending a copy of this e-mail to Mr. Roaché today via US Postal Service.) I assume that copies have been provided to MDU and to Commission Advocacy Staff. Accordingly, as I recall, MDU and Commission Advocacy Staff will file and serve their respective brief, findings of fact, conclusions of law and proposed order not later than three weeks hence. (Considering the filing on Friday afternoon, I would exclude Friday last from the count, and, if the full period is required, I would also not include December 24, 25 and 26 so that I would consider that the last day for filing and service of briefs, *etc.* will be Monday, December 27.)

Mr. Roaché and Mr. Skokos, you have one week following your receipt of MDU's and Commission Advocacy Staff's briefs, *etc.* to file and serve whatever you will file as your closing response (title it as you will; a brief, closing statement, closing argument, whatever). You should count the seven days from the day you receive the last submission (*i.e.*, the day you receive the submission is not included). In your circumstance, intervening Saturdays, Sundays and a legal holiday (*i.e.*, December 24th) are not included. And if the last day of the period is a Saturday, Sunday or a legal holiday, the last day will be the next business day. "Mailing" (however it is delivered, US Postal Service, e-mail, or commercial carrier) on the last day of the period is conformance with the time allowed. (Of course, Mr. Roaché and Mr. Skokos, you may serve and file your response any time

sooner if you wish. I expect that you have substantially completed a draft of your response, or soon will have, and that you will have only to review and consider whatever MDU and Commission Advocacy Staff will submit to complete your response. And if you wish to review parts of the transcript of the hearing for your response you may do that by arranging any mutually convenient day and time to do that at the offices of the Commission. In any case, whenever you complete your response you may file and serve it—you need not wait until the last day allowed.)

Mr. Roaché, I expect that you will serve your response using the US Postal Service. If that is the case, you may send it to Mr. Kuntz, addressed to MDU Resources Group, Inc., P. O. Box 5650, Bismarck, ND 58506-5650; to Mr. Savelkoul, addressed to Felhaber, Larson Fenton & Vogt, PA, 444 Cedar Street, Suite 2100, St. Paul, MN 55101-2136; to Mr. Skokos, addressed to 103½ S. Third Street, Ste. 8, Bismarck, ND 58504; and to Ms. Jeffcoat-Sacco, addressed to North Dakota Public Service Commission, 600 E. Boulevard Ave., Dept. 408. Bismarck, ND 58505-0480. Regular mail will be sufficient. Mr. Skokos, you may, of course, serve your response upon Mr. Kuntz, Mr. Savelkoul, and Ms. Jeffcoat-Sacco by e-mail. You both should, of course, file your original, signed response (together with seven copies) in accordance with the Commission's rules. (See N.D. Admin. Code §§ 69-02-01-03, 69-02-04-10.)

While I have no reason to expect it will be necessary, Mr. Roaché and Mr. Skokos, if because of some unforeseeable event you are unable to complete your response within the time allowed, you must file and serve a motion to enlarge the time allowed for your response. If you are reasonably able to do so, the motion must be filed and served before the expiration of the time allowed.

Counsel for MDU and Commission Advocacy Staff have one week, five business days (excluding also December 24th, if applicable), after receipt of each of Mr. Roaché's and Mr. Skokos's response to move for leave to file a rebuttal brief.

Of course, counsel, Mr. Roaché and Mr. Skokos, I welcome your advice if I have overlooked or mistaken anything for the completion of the hearing of this case, or your question if my advice seems unclear in any respect. Regards, Al Wahl.

P.S.: Mr. Hamre, please docket a copy of this e-mail