

Hamre, John G.

From: -Info-Public Service Commission
Sent: Wednesday, May 02, 2012 11:35 AM
To: Hamre, John G.
Subject: FW: North Central Objection to Intervention

From: Paul Sanderson [mailto:PSanderson@zkslaw.com]
Sent: Wednesday, May 02, 2012 10:45 AM
To: Hoberg, Allen C.; Deb Hoffarth; Gruman, Mark E.; bgerhardson@otpc.com; rjaybru@hotmail.com; Tracy Kolb
Cc: -Info-Public Service Commission
Subject: RE: North Central Objection to Intervention

Judge Hoberg,

Otter Tail Power Company has no objection to the Turtle Mountain Band of Chippewa Indians' Petition to Intervene for Special Appearance to Object to Jurisdiction.

Otter Tail supports the Tribe's Petition in this case. In this case, North Central asserted Otter Tail did not have standing to assert Tribal Jurisdiction over this matter and that the Tribe would need to intervene in this case to assert Tribal jurisdiction. The Tribe then filed a letter informing the Commission of its intent to exercise its inherent sovereignty to determine which utility would provide service to the Tribal facility. At the pretrial hearing, North Central asserted that this letter was not sufficient to assert the Tribe's jurisdiction in this matter. Counsel was also informed that the only way the Tribe could appear and be heard by the Commission at the May 7th hearing was if it intervened in this action. Therefore, the Tribe filed the Petition to Intervene. North Central now objects to the Tribe's Petition to Intervene seeking to preclude the Tribe from appearing before the Commission. North Central's objections are without merit. Otter Tail believes the Tribe is entitled to have its voice heard by the Commission at the May 7th hearing, as it is a party that has a legal interest that may be substantially affected by this proceeding. Otter Tail believes North Central's attempts to preclude the Tribe from appearing before the Commission is simply a procedural game so they can later argue that the Tribe never appeared in this case to assert Tribal jurisdiction. For these reasons, Otter Tail supports the Tribe's Petition to Intervene for Special Appearance to Object to Jurisdiction.

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From: Hoberg, Allen C. [mailto:ahoberg@nd.gov]
Sent: Wednesday, May 02, 2012 8:08 AM
To: Deb Hoffarth; Gruman, Mark E.; Paul Sanderson; bgerhardson@otpc.com

29 PU-11-701 Filed: 5/2/2012 Pages: 2
Email re No objection to Petition to Intervene for
Special Appearance to Object to Jurisdiction

Otter Tail Power Company

Paul Sanderson, Zuger Kirmis and Smith

Cc: -Info-Public Service Commission
Subject: RE: North Central Objection to Intervention

Ms. Hoffarth: Because the new petition to intervene is the same, except for the date and the submitting attorney, as the initial petition filed by Mr. St. Claire, am I correct to assume that you will not be filing a new objection but I should rely on your filed objection to the initial petition for the argument of your client opposing the new petition?

Other counsel: No one else filed an objection to the initial petition; am I correct in assuming that no one else will be filing an objection to the new petition?

Thanks! ALJ Hoberg

From: Deb Hoffarth [<mailto:debhoffarth@gmail.com>]
Sent: Monday, April 30, 2012 4:39 PM
To: Gruman, Mark E.; Hoberg, Allen C.; Paul Sanderson; bgerhardson@otpc.com; rjaybru@hotmail.com
Cc: -Info-Public Service Commission
Subject: North Central Objection to Intervention

Please find attached North Central Electric Cooperative's Objection to Intervention.

Sincerely,

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