

Jeffcoat-Sacco, Illona

From: Derrick Braaten <derrick@baumstarkbraaten.com>
Sent: Monday, May 15, 2017 4:57 PM
To: Nitschke, Darrell D.
Cc: giese.law@lawyer.com; 'lbender@fredlaw.com'; bvangrinsven@mcgeelaw.com; Schuh, John M.; zep@pearce-durick.com; Brian R. Bjella; Matt Kelly; Jeffcoat-Sacco, Illona
Subject: FW: DAP Tree Plan

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Mr. Nitschke and Counsel:

I inadvertently failed to copy all counsel on my email to Commissioner Fedorchak below and to send this to Mr. Nitschke to be docketed, so I am doing so by this email.

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From: Derrick Braaten
Sent: Monday, May 08, 2017 10:34 AM
To: 'Fedorchak, Julie L.' <jfedorchak@nd.gov>
Cc: zep@pearce-durick.com
Subject: DAP Tree Plan

Commissioner Fedorchak:

I read an article in the Tribune last week regarding the tree plan filed for Dakota Access, and the comments that we filed on behalf of our clients. Our inspectors had some issues with how the DAP contractors were conducting the tree replacements, and we wanted to provide that same input to the PSC as you considered the plan that was submitted. The article in the Tribune made it appear (to me at least) that our filing was the result of a dispute with Dakota Access. I'm writing to let you know that that is not the case, and DAP has been very good to work with on issues such as this. While we do have some concerns about how the contractor is replacing trees, I do not see it as an issue that we will not be able to resolve with Dakota Access – we simply wanted to provide some information to the PSC on the issue.

Thank you,

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E-mail notice of ex parte communication

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