

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



Case No. PU-20-194

Keith and Deanna Kessler  
v Minnesota Power, a division of ALLETE, Inc.  
Complaint

**SUMMARY OF PREHEARING CONFERENCE  
AND SCHEDULING ORDER**

**OAH File No. 20200211**

On June 11, 2020 at 1:30 p.m. the parties participated in a telephonic prehearing conference. Participating at the prehearing conference were:

Lynn Boughey, Attorney at Law for Keith and Deanna Kessler, Complainants  
Mollie Smith, Attorney at Law for Minnesota Power, a Division of ALLETE, Inc.,  
John Schuh, General Counsel and Brian Johnson, Legal Counsel for the North Dakota  
Public Service Commission  
Keith Kessler listened telephonically

Minnesota Power was served the Complaint on June 1 and would have until June 22 to answer or file a motion to dismiss but the Mr. Boughey agreed to file an amended simplified complaint by June 22 and Ms. Smith agreed to and was allowed to provide an answer and any motion to dismiss by July 13.

In addition, the parties discussed the amount of discovery, allowing discovery before depository motions, simplifying the issue, the scope of remedies, and the timing of a protective order. In addition, the timing for motions includes fourteen days to respond and seven days to reply unless otherwise ordered by the administrative law judge.

Unless the parties agree to a timeline for the orderly completion of the prehearing matters in this case and the agreed upon schedule is ordered by the administrative law judge or is otherwise ordered by the administrative law judge, the scheduling order is as follows:

Although discovery may start immediately, there will be no delay in allowing the motion to dismiss to allow for discovery. The discovery period ends September 14, 2020. The parties are encouraged to shorten the time of discovery as much as possible and are ordered to report to the administrative law judge when discovery is completed by each party.

The dispositive motion deadline September 14, 2020

Another prehearing conference will be scheduled on or about the week of August 10, 2020 or earlier if the circumstances allow, to discuss any required alternation to this schedule, scheduling the hearing, the statement of the issue, and any protective order, if not previously requested.

The hearing is expected to take place no later than October 30, 2020.

The preceding is meant to be the longest period of time allowed and improved timeliness is encouraged to bring this matter before the Public Service Commission.

Dated at Bismarck, North Dakota, this 16<sup>th</sup> day of June 2020.

State of North Dakota  
Public Service Commission

By: 

Timothy J. Dawson  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, North Dakota 58503  
Telephone: (701) 328-3200

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**CERTIFICATE OF SERVICE**

**OAH File No. 20200211**

The undersigned certifies that the original of the **SUMMARY OF PREHEARING CONFERENCE AND SCHEDULING ORDER** was mailed, inside mail, at the State Capitol, on the 16 day of June 2020, to:

John Hamre  
Public Service Commission  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

and that true and correct copies of the above document was mailed, regular mail, on the 16 day of June 2020, to:

Lynn Boughey  
Boughey Law Firm  
PO Box 1202  
Mandan, ND 58554-1202

Mollie Smith  
Fredrikson & Byron, PA  
200 South 6th Street - Suite 4000  
Minneapolis, MN 55402-1425

and that a true correct copy of the above document was mailed, inside mail, at the State Capitol on the 16 day of June 2020, to:

John Schuh  
Public Service Commission  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
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Louise Wetzel