

Hamre, John G.

From: Dawson, Timothy J.
Sent: Monday, May 24, 2021 2:37 PM
To: Mahlberg, Patrick; lynnbughey@midconetwork.com
Cc: Smith, Mollie; 'Boughey Law Firm'; Johnson, Brian L.; Hamre, John G.
Subject: RE: Kessler v. Minnesota Power - PU-20-194 - OAH File No. 20200211 upcoming briefing schedule

The request of Mr. Boughey to extend the briefing deadlines is approved. The simultaneous initial briefing is due on June 14, 2021, and the simultaneous responses with any proposed findings of fact, conclusions of law, and order are due June 24, 2021.

ALJ Dawson

From: Mahlberg, Patrick <PMahlberg@fredlaw.com>
Sent: Monday, May 24, 2021 2:19 PM
To: lynnbughey@midconetwork.com; Dawson, Timothy J. <tjdawson@nd.gov>
Cc: Smith, Mollie <msmith@fredlaw.com>; 'Boughey Law Firm' <bougheyfirm@midconetwork.com>; Johnson, Brian L. <brljohanson@nd.gov>; Wetzel, Louise M. <lmwetzel@nd.gov>
Subject: RE: Kessler v. Minnesota Power - PU-20-194 - OAH File No. 20200211 upcoming briefing schedule

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Dear Judge Dawson:

Minnesota Power has reviewed Mr. Boughey's correspondence requesting an extension of the briefing deadlines. Minnesota Power does not oppose Mr. Boughey's request for an extension of the briefing deadline to accommodate his schedule.

Pat

Patrick D.J. Mahlberg
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
Direct Dial: 612.492.7419
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152 PU-20-194 Filed 05/24/2021 Pages: 4

Emails regarding extension of briefing deadlines with ALJ approval email
Timothy Dawson, ALJ - Office of Administrative Hearings

From: lynnboughey@midconetwork.com <lynnboughey@midconetwork.com>

Sent: Monday, May 24, 2021 10:37 AM

To: 'Dawson, Timothy J.' <tjdawson@nd.gov>

Cc: Smith, Mollie <msmith@fredlaw.com>; 'Boughey Law Firm' <bougheylawfirm@midconetwork.com>; 'Johnson, Brian L.' <brljohanson@nd.gov>; Mahlberg, Patrick <PMahlberg@fredlaw.com>; 'Wetzel, Louise M.' <lmwetzel@nd.gov>

Subject: RE: Kesslers v. Minnesota Power - PU-20-194 - OAH File No. 20200211 upcoming briefing schedule

[EXTERNAL E-MAIL]

Dear Judge Dawson (et al.):

As you are aware, the deadlines for the final briefing were based on whenever we would receive the transcripts. And email with the transcripts was sent the previous Friday, that is on Friday, May 14. That would make the first reef to on Friday, May 28, and the 2nd brief 10 days thereafter, which would be June 3.

As luck (or the opposite of luck) would have it, we were closed on May 14, and I received a brief when I opened my emails on Monday, May 17. I am in Billings Montana all last week (the week of May 17) and this week (the week of May 24) in conjunction with my twin daughters graduating from high school. As you can imagine, the entire 10 days starting last Wednesday and going through this upcoming Sunday involves numerous events, including dance recitals, final choir and band concerts, Wednesday night mass with awards presentations, numerous graduation parties at various homes (including the one for my twin daughters), and of course graduation is this Sunday.

Although I am spending the days trying to complete those things due this week, there is simply no way I will have an opportunity to review the final transcript or prepare the brief by this Friday. I would therefore request that we move everything 2 weeks from when I will return to my normal schedule starting May 31, so that the simultaneous **initial briefing** is due on **June 14**, and our simultaneous **responses** due **June 24**.

Obviously we were not in a position to foresee when the transcripts would actually arrive, or that they would arrive exactly when I was leaving town!

I thank all of you for your consideration and courtesy in this regard,

Lynn

Cc: as noted

Lynn M. Boughey
Boughey Law Firm
P O Box 1202
Mandan ND 58554
701-751-1485
lynnboughey@midconetwork.com

From: Dawson, Timothy J. <tjdawson@nd.gov>
Sent: Wednesday, May 12, 2021 7:19 AM
To: Mahlberg, Patrick <PMahlberg@fredlaw.com>
Cc: Smith, Mollie <msmith@fredlaw.com>; lynnboughey@midconetwork.com; 'Boughey Law Firm' <bougheylawfirm@midconetwork.com>; Johnson, Brian L. <brljohnson@nd.gov>
Subject: RE: Kesslers v. Minnesota Power - PU-20-194 - OAH File No. 20200211

Mr. Mahlberg,
You are correct. I will make the proper corrections. The deadlines are as you describe below.
ALJ Dawson

From: Mahlberg, Patrick <PMahlberg@fredlaw.com>
Sent: Tuesday, May 11, 2021 4:23 PM
To: Dawson, Timothy J. <tjdawson@nd.gov>
Cc: Smith, Mollie <msmith@fredlaw.com>; lynnboughey@midconetwork.com; 'Boughey Law Firm' <bougheylawfirm@midconetwork.com>; Johnson, Brian L. <brljohnson@nd.gov>
Subject: Kesslers v. Minnesota Power - PU-20-194 - OAH File No. 20200211

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Dear Judge Dawson:

Good afternoon. We received a copy of your correspondence to Mr. Hamre with the documents received at the 3/25 and 4/22 hearings in the Kesslers/Minnesota Power matter. That letter also states that the opening briefs would be due on May 6, with each party's response briefs and proposed FoF, CoL, and Order due on May 17. We believe the deadlines set at the conclusion of the 4/22 hearing were opening briefs due 14 days from receipt of the transcript, with the response briefs and the proposed FoF, CoL, and Orders due 10 days after that. As of now, we have not received the transcript from the 4/22 hearing, so the deadlines (as we understand them) would not have been set in motion yet.

I think all are on the same page on this (since no briefs were filed by May 6), but I thought I would send this email so as to confirm and avoid any confusion. If I have anything incorrect in here, please advise.

Thanks, and have a nice evening, all.

Pat

cc: Mollie Smith
Lynn Boughey
Brian Johnson

Patrick D.J. Mahlberg
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