

Semmler, Kara

From: Curt Hohn [chohn@webwater.org]
Sent: Monday, October 15, 2007 10:05 AM
To: Semmler, Kara; Semmler, Kara
Cc: Smith, John (PUC); Van Gerpen, Patty; Reed Rasmussen; KOENECKE@MAGT.COM
Subject: Objection to New Deadline Oct. 19, 2007 Set By "Staff" 9-12-07 Request

The Scheduling Order for the hearing on TransCanada-Keystone Pipeline's permit application listed the following schedule,

Sept. 31, 2007	Applicant's Direct Testimony filed and served
Oct. 31, 2007	Interveners' and Staffs direct testimony filed and served
Nov. 14, 2007	Applicant's rebuttal testimony filed and served
Nov. 28, 2007	Interveners' rebuttal testimony filed and served
Dec. 3-14, 2007	Hearings – Room 412, State Capitol Building, Pierre, SD
Dec. 6, 2007 pm – 11 pm	Public Input Hearing, Rm 412 State Capitol Building, Pierre, SD 7

We object to a statement made in the "Interrogatories and Requests for Documents" sent out by Kara Semmler, PUC Staff Attorney dated September 19, 2007 which in the first paragraph of page 1 makes the following statement;

"Responses should be received by the Commission on or before October 19, 2007, in the event you wish to participate in the formal judicial-type hearing process. In the event your responses are not received on or before October 19, 2007, any testimony you attempt to offer at the formal judicial-type hearing will be subject to objection. "

This is contrary to the Schedule for Hearing discussed, agreed upon and approved by the PUC which lists the **deadline for Interveners testimony as October 31, 2007** (we assume 5:00 pm close of business on that date). On the face of it, the request sent out by PUC Staff Attorney Ms. Semmler attempts to move up the time table and places unreasonable burden on the interveners, many of whom are farmers and busy right now trying to get their corn and soybean harvest in.

WEB is concerned that this staff request for information will confuse the interveners. The date agreed to was Oct. 31, 2007. If documents and testimony filed on that date are rejected by SDPUC staff or the Commission because of the above referenced "staff" request, please consider this our objection in advance. Maybe her intent was to caution interveners that their testimony "may" be challenge if they fail to respond to this or any other request. I know that the PUC have told us that the Staff attorney assigned to this application is there to assist the interveners. I'm sorry, but given this and other developments, I find that hard to believe. What Ms. Semmler and PUC staff might do is use the funds and time available to explore whether all of the claims made by the applicant TransCanada are true, rather than question the interveners.

11/05/2007

EXHIBIT B