

**Semmler, Kara**

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**From:** Curt Hohn [chohn@webwater.org]  
**Sent:** Monday, October 15, 2007 11:35 AM  
**To:** Semmler, Kara  
**Cc:** Smith, John (PUC); Van Gerpen, Patty; rasmussen@sbslaw.net; KOENECKE@MAGT.COM  
**Subject:** RE: Objection to New Deadline Oct. 19, 2007 Set By "Staff" 9-12-07 Request

So the answer is NO. Thank you. The statement in your request (shown below) made it sound as though it did move the date up to 10/19/07. I know the difference between testimony and discovery....long before you enter law school.

**"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. "**

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**From:** Kara.Semmler@state.sd.us [mailto:Kara.Semmler@state.sd.us]  
**Sent:** Monday, October 15, 2007 11:32 AM  
**To:** Curt Hohn  
**Cc:** John.Smith3@state.sd.us; Patty.VanGerpen@state.sd.us; rasmussen@sbslaw.net; KOENECKE@MAGT.COM  
**Subject:** RE: Objection to New Deadline Oct. 19, 2007 Set By "Staff" 9-12-07 Request

Interrogatories do not relate to testimony in any way.  
The questions I sent are discovery, the scheduling order does not have discovery deadlines.  
My answer to your question is, therefore: **No, Staff is not changing any deadlines.**  
As you know, the deadlines are part of a Commission Order. The Order has not been changes, altered or amended in any way.  
Again, your lawyer may be better able to explain the difference between testimony and discovery if you still have questions. I am also available for further explanation at 605-773-3201.

Kara Semmler

-----Original Message-----

**From:** Curt Hohn [mailto:chohn@webwater.org]  
**Sent:** Monday, October 15, 2007 11:24 AM  
**To:** Semmler, Kara  
**Cc:** Smith, John (PUC); Van Gerpen, Patty; rasmussen@sbslaw.net; KOENECKE@MAGT.COM  
**Subject:** RE: Objection to New Deadline Oct. 19, 2007 Set By "Staff" 9-12-07 Request

I understand the discovery process Ms. Semmler and have been involved in the past. The question raised still stands, would respond please. Does the request you sent out date 9/12/07 attempt to change the deadline for interveners filing of testimony from Oct. 31, 2007 to Oct. 19, 2007.

Yes on no? Your answer will determine whether WEB instructs their legal counsel to file the necessary motion and/or other legal documents.

Curt Hohn

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**From:** Kara.Semmler@state.sd.us [mailto:Kara.Semmler@state.sd.us]  
**Sent:** Monday, October 15, 2007 10:57 AM  
**To:** Curt Hohn



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.