IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

)	FILE NO.
)	
IN THE MATTER OF PUC DOCKET)	
HP 14-0001, ORDER ACCEPTING)	
CERTIFICATION OF PERMIT ISSUED)	
IN DOCKET HP 09-001 TO)	
CONSTRUCT THE KEYSTONE XL)	
PIPELINE)	APPELLANT'S DOCKETING
)	STATEMENT
)	
)	
)	
)	

SECTION A. TRIAL COURT

- 1. The circuit court from which the appeal is taken: $\underline{\text{Sixth}}$ Judicial Circuit
- 2. The county in which the action is venued at the time of appeal: $\underline{\text{Hughes}}$
- 3. The name of the trial judge who entered the decision appealed: Honorable John L. Brown

PARTIES AND ATTORNEYS

4. Identify each party presently of record and the name and address of the attorney for each party.

Adam de Hueck Counsel for SD Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501

William Taylor Counsel for TransCanada Keystone Pipeline 2921 E. 57th Street Sioux Falls, SD 57108

James Moore Counsel for TransCanada Keystone Pipeline PO Box 5027 Sioux Falls, SD 57117

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Robin Martinez Counsel for Dakota Rural Action 616 W. 26th Street Kansas City, MO 64108

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Jennifer Baker Counsel for Yankton Sioux Tribe 1900 Plaza Drive Louisville, CO 80027

Peter Capossela Counsel for Individual and Family Appellants PO Box 10643 Eugene, OR 97440

SECTION B. TIMELINESS OF APPEAL

- 2. The date notice of entry of the judgment or order was served on the $\underline{}$ 20th of June, $\underline{}$ 2017.
- 3. State whether either of the following motions was made:
 - a. Motion for judgment n.o.v., SDCL 15-6-50(b):
 ____ YES _x_NO
 - b. Motion for new trial, SDCL 15-6-59:
 ___ YES _x_NO

NATURE AND DISPOSITION OF CLAIMS

4. State the nature of each party's separate claims, counterclaims of cross-claims and the trial court's disposition of each claim.

This case involves the challenge made by Appellant and other intervenors to TransCanada Keystone Pipeline, LP's (hereinafter, "TransCanada") petition for certification under SDCL § 49-41B-27 of the South Dakota Public Utility Commission's (hereinafter, the "PUC") Amended Final Decision and Order of June 29, 2010, for construction of the proposed Keystone XL Pipeline. Appellant and other intervenors appealed the PUC's decision to grant certification under SDCL § 49-41B-27 to the trial court. The trial court affirmed the PUC's decision.

- 5. Appeals of right may be taken only from final, appealable orders. See SDCL § 15-26A-3 and 4.
 - a. Did the trial court enter a final judgment or order that resolves all of each party's individual claims, counterclaims, or cross-claims?

_x YES ___NO

b. If the trial court did not enter a final judgment or order as to each party's individual claims, counterclaims, or cross-claims, did the trial court make a determination and direct entry of judgment pursuant to SDCL 15-6-54(b)?

____YES ___ NO N/A

6. State each issue to be presented for review. (Parties will not be bound by these statements.)

Did the PUC err when it shifted the burden of proof required in SDCL 49-41B-22 and ARSD 20:10:01:15.01, thereby requiring appellants to prove that appellee cannot comply with the conditions of the original permit instead of requiring appellee to prove that it continues to meet the conditions for certification.

Date: _	7/19/2017	Traces Zephies
		Tracey Źephier

Attached is a copy of any memorandum opinion and findings of fact or conclusions of law supporting the judgment or order appealed from. See SDCL § 15-26A-4(2).