

STATE OF SOUTH DAKOTA)
) :SS
 COUNTY OF HUGHES)

IN CIRCUIT COURT
 SIXTH JUDICIAL CIRCUIT

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IN THE MATTER OF PUBLIC UTILITIES :
 COMMISSION DOCKET NO. HP14-001,
 ORDER ACCEPTING CERTIFICATION OF :
 PERMIT ISSUED IN DOCKET HP09-001 TO
 CONSTRUCT THE KEYSTONE XL :
 PIPELINE :
 :

32CIV16-33

**MOTION TO TAKE JUDICIAL
 NOTICE**

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Under SDCL Ch. 19-10, Appellee TransCanada Keystone Pipeline, LP (“Keystone”), moves that the Court take judicial notice of the Presidential Memorandum Regarding Construction of the Keystone XL Pipeline dated January 24, 2017 (attached as Exhibit A), and Keystone’s Application for Presidential Permit for Keystone XL Pipeline Project dated January 26, 2017 (attached as Exhibit B). Judicial notice is appropriate because the documents are relevant to one of the arguments raised by the Appellants on appeal, namely, that Keystone cannot comply with Condition 2 of the Public Utilities Commission’s Amended Final Decision and Order because its previous application for a Presidential Permit was denied on November 6, 2015. This motion is based on a supporting brief.

Dated this 6th day of March, 2017.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

James E. Moore
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Phone (605) 336-3890
Fax (605) 339-3357
Email James.Moore@woodsfuller.com

William Taylor
TAYLOR LAW FIRM
4820 E. 57th Street
Sioux Falls, SD 57108
Phone (605) 782-5304
Email bill.taylor@taylorlawsd.com
Attorneys for TransCanada Keystone Pipeline, LP

Certificate of Service

I hereby certify that on the 6th day of March, 2017, I electronically served a true and correct copy of the foregoing Motion to Take Judicial Notice using the Odyssey File & Serve System, , which will automatically send e-mail notification of such service to the following:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Patty.vangerpen@state.sd.us

Robert P. Gough
Secretary
Intertribal Council on Utility Policy
PO Box 25
Rosebud, SD 57570
Gough.bob@gmail.com

