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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION HP14-002
OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO CONSTRUCT
THE DAKOTA ACCESS PIPELINE

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Transcript of Proceedings
March 2, 2015

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BEFORE THE PUBLIC UTILITIES COMMISSION,
CHRIS NELSON, CHAIRMAN
GARY HANSON, COMMISSIONER
RICHARD SATTGAST, ACTING COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Karen Cremer
Kristen Edwards
Greg Rislov
Patrick Steffensen
Eric Paulson
Joseph Rezac
Brian Rounds
Darren Kearney
Katlyn Gustafson

APPEARANCES
Brett Koenecke and Kara Semmler, Dakota Access

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF PROCEEDINGS, held in the
2 above-entitled matter, at the South Dakota State Capitol
3 Building, Room 413, 500 East Capitol Avenue, Pierre,
4 South Dakota, on the 2nd day of March, 2015, commencing
5 at 1:30 p.m.

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1 CHAIRMAN NELSON: HP14-002, In the Matter of the
2 Application of Dakota Access, LLC for an Energy Facility
3 Permit to Construct the Dakota Access Pipeline.

4 And the question we have today is shall the
5 Commission grant intervention to any additional parties
6 that may have filed?

7 And our counsel has put together a list of what
8 we believe are the 14 remaining applicants.

9 Do you have copies of that, John?

10 Mr. Koenecke, Ms. Semmler, have you seen a copy
11 of this list of 14?

12 MR. KOENECKE: No, Mr. Chairman. Not of the
13 list.

14 CHAIRMAN NELSON: Okay. I will read the list,
15 first of all, because I want to make sure we're on the
16 same page who we're talking about today.

17 I'm going to say one more time to those of you
18 that are on the phone, please, put your phone on mute.
19 That would be star 6. Put your phone on mute so we don't
20 get feedback in the meeting room.

21 The names that I've got, John Wellnitz,
22 John Stratmeyer, 2012 Brass Family, LLLP,
23 Indigenous Environmental Network, Rosebud Sioux Tribe
24 Sicangu Oyate Land Office, Rosebud Sioux Tribe Sicangu
25 Lakota Treaty Office, Yankton Sioux Tribe, KKKP Property,

1 LLLP, Calvin Schreiber, DLK&M, LLC, Pederson Ag, LLC,
2 Jean Osthus, Daniel and Marcella [sic] Hoiland, and
3 Mavis A. Parry.

4 With that, I am going to go, first of all, to
5 the Applicant and specifically ask if you have any
6 comments or objections to any of these that have
7 applied.

8 MR. KOENECKE: Well, good afternoon,
9 Mr. Chairman, Commissioners, and Staff. Brett Koenecke
10 along with Kara Semmler for the Applicant.

11 We've reviewed the applications that you just
12 read off and have no objection to any of them.

13 There are some in need of a bit of
14 clarification, as there were at our last hearing. I
15 presume that Staff probably called and has got some
16 clarifying comments on some of those. So perhaps with
17 those, I'll stand down and let the meeting go where it
18 goes.

19 CHAIRMAN NELSON: With that, I will -- I will
20 turn to Staff.

21 Are there any Staff comments?

22 MS. EDWARDS: Thank you. Kristen Edwards for
23 Staff.

24 Staff has no objection to any of the
25 applications for party status. However, there are a few

1 that if they are granted status as worded on their
2 application, they would need to have attorneys so we
3 would need clarification from those parties as to what
4 their intent was.

5 The 2012 Brass Family Limited Liability
6 Partnership would need an attorney unless it was just
7 Loren Brass. So it was our assumption based on the
8 application that the party status would be granted to
9 Loren Brass. And I believe he is on the phone.

10 CHAIRMAN NELSON: He is on the line.

11 Mr. Brass, can you clarify for us whether this
12 is going to be party status for you personally or for the
13 LLLP?

14 MR. BRASS: It's really for me personally.

15 CHAIRMAN NELSON: Okay. With that understanding
16 then, we will change that to you personally.

17 Thank you for that.

18 Any other clarifications?

19 MS. EDWARDS: The other two of note would be the
20 two from the Rosebud Sioux Tribe, the Treaty Office and
21 the Land Office.

22 If the parties that filed them intend to be
23 individuals, again, they wouldn't need an attorney, but
24 our understanding is that they were intended to be for
25 those organizations. So we would just like to make

1 sure -- and I don't think they're on the phone -- that
2 they do have an attorney going forward.

3 CHAIRMAN NELSON: Okay. But so far as the names
4 of the Applicants, we're okay with that at this point; is
5 that correct?

6 MS. EDWARDS: Yes. Unless they happen to be on
7 the phone. Otherwise, that's what I would recommend.

8 CHAIRMAN NELSON: I don't believe they are.

9 Thank you. With that, this would be the time
10 when I would open it up for any of the other parties who
11 are Interveners if there's anything that you need to say.
12 But I would just tell you at this point without any
13 opposition from the company, there may not be much you
14 need to say. But I would open it up at this point.

15 Not hearing anything.

16 At this point I would close it to Commissioner
17 questions.

18 MR. WALKER: I'm sorry. I do have a question.

19 CHAIRMAN NELSON: And this is whom?

20 MR. WALKER: My name is Craig Walker from
21 Madison, South Dakota.

22 CHAIRMAN NELSON: Go ahead, Mr. Walker.

23 MR. WALKER: I had previously gotten status at
24 the last meeting, but I had not sought out legal counsel
25 at that point in time.

1 Do I need to do anything different or can I
2 bring legal counsel in to my discussions at a later date
3 or do I need to have done something with my application
4 to have legal representation, part of this, if I choose
5 to go that direction?

6 CHAIRMAN NELSON: I'm going to turn that to
7 Ms. Edwards for a quick response.

8 MS. EDWARDS: Thank you, Commissioner.

9 Thank you, Mr. Walker. Should you decide to get
10 legal representation, you can file or have your attorney
11 file at that point in time a Notice of Appearance, and
12 we'll put that in the Docket. But you certainly don't
13 need to, as you are an individual.

14 MR. WALKER: Okay.

15 CHAIRMAN NELSON: Anyone else that needs to
16 weigh in?

17 Hearing none. Hearing no Commissioner
18 questions, is there a Motion?

19 Commissioner Sattgast.

20 ACTING COMMISSIONER SATTGAST: I'll move the
21 approval for the 14 additional Applicants for party
22 status on HP14-002.

23 CHAIRMAN NELSON: Discussion on the Motion.

24 Hearing none, all those in favor will vote aye.
25 Those opposed, nay.

1 Commissioner Hanson.

2 COMMISSIONER HANSON: Aye.

3 CHAIRMAN NELSON: Acting Commissioner Sattgast.

4 ACTING COMMISSIONER SATTGAST: Aye.

5 CHAIRMAN NELSON: Nelson votes aye.

6 The Motion carries. The 14 are granted party
7 status.

8 Thank you to those who are involved in that.

9 (Concluded at 1:38 p.m.)

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STATE OF SOUTH DAKOTA)

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CERTIFICATE

COUNTY OF SULLY)

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I took in shorthand the proceedings had in the above-entitled matter on the 2nd day of March, 2015, and that the attached is a true and correct transcription of the proceedings so taken.

Dated at Onida, South Dakota this 9th day of March, 2015.

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

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