

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

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| IN THE MATTER OF THE PETITION OF) | ORDER GRANTING |
| TRANSCANADA KEYSTONE PIPELINE, LP) | INTERVENTION AND PARTY |
| FOR ORDER ACCEPTING CERTIFICATION) | STATUS |
| OF PERMIT ISSUED IN DOCKET HP09-001) | |
| TO CONSTRUCT THE KEYSTONE XL) | HP14-001 |
| PIPELINE) | |

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada) filed with the South Dakota Public Utilities Commission (Commission) a Petition for Order Accepting Certification under SDCL §49-41B-27 (Petition) seeking an order accepting certification of the energy facility permit issued in Docket HP09-001 for construction of the Keystone XL Pipeline. On June 29, 2010, the Commission issued an Amended Final Decision and Order; Notice of Entry granting a permit to TransCanada for construction of the Keystone XL Pipeline. TransCanada now seeks an order accepting certification pursuant to SDCL 49-41B-27.

On September 18, 2014, the Commission electronically transmitted notice of the Petition and the intervention deadline of October 15, 2014, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. Applications for Party Status and comments were received from forty-three individuals and organizations.

On October 15, 2014, TransCanada filed Keystone's Response to Application of Party Status of the Rosebud Sioux Tribe – Tribal Utility Commission. In this response, TransCanada argued that, because the Rosebud Sioux Tribe had also filed an Application for Party Status, the proper party was the Rosebud Sioux Tribe, rather than the Tribal Utility Commission.

On October 22, 2014, TransCanada filed Keystone's Response to Applications of Party Status of Cindy Myers, R.N., Jane Kleeb, Diana L. Steskal, Byron T. Steskal, Benjamin D. Gotschall, Amy Shaffer, Robert G. Allpress, Carolyn P. Smith, Arthur R. Tanderup, Terry and Cheryl Frish, Louis T. (Tom) Genung, Bruce Boettcher, Wrexie Lainson Bardaglio, RoxAnn Boettcher, and Bonny Kilmurry. In this response, TransCanada objected to the Applications for Party Status submitted by each of the aforementioned applicants on the grounds that they did not reside within the State of South Dakota nor did they adequately identify their peculiar interest in the matter and, therefore, did not meet the criteria to be considered an interested person.

On October 23, 2014, TransCanada filed Keystone's Response to Application of Party Status of 350.org. In this response, TransCanada argued that the organization 350.org should not be granted intervention on the basis that the issue presented by 350.org was neither within the jurisdiction of the Commission nor the scope of SDCL 49-41B-27.

On October 23, 2014, TransCanada filed Keystone's Response to Applications of Party Status of Tom BK Goldtooth and Dallas Goldtooth, arguing that the grounds upon which Tom BK Gold Tooth and Dallas Goldtooth sought intervention are not within the jurisdiction of the Commission and not within the issues presented in the certification request under SDCL 49-41B-27.

On October 23, 2014, TransCanada filed Keystone's Response to Application of Party Status of the Intertribal Council on Utility Policy, arguing that the Intertribal Council on Utility Policy is concerned with the route of the proposed Keystone XL Pipeline, which TransCanada asserted is not within the jurisdiction of the Commission.

At its regularly scheduled meeting on October 28, 2014, the Commission considered whether to grant intervention to those persons seeking party status. At the meeting, it was clarified that the applications for party status submitted by Jane Kleeb and Benjamin D. Gotschall were intended to be on behalf of Bold Nebraska, rather than as individual parties. It was also clarified that the application submitted by Tom BK Goldtooth was intended to be an application on behalf of the organization Indigenous Environmental Network.

Pursuant to SDCL § 49-41B-17, the Commission voted unanimously to grant intervention to all those having filed applications for party status with the clarifications noted above. It is therefore

ORDERED, that intervention be granted to John H. Harter, Rosebud Sioux Tribe – Tribal Utility Commission, Elizabeth Lone Eagle, Paul F. Seamans, Viola Waln, Cindy Myers, R.N., Bold Nebraska, Diana L. Steskal, Cheryl Frisch, Terry Frisch, Standing Rock Sioux Indian Tribe, Byron T. Steskal, Arthur R. Tanderup, Lewis GrassRope, Carolyn P. Smith, Robert G. Allpress, Jeff Jensen, Amy Schaffer, Louis T. Genung, Nancy Hilding, Gary F. Dorr, Bruce Boettcher, Rosebud Sioux Tribe, Wrexie Lainson Bardaglio, South Dakota Wildlife Federation, Cheyenne River Sioux Tribe, Jerry D. Jones, Cody Jones, Debbie J. Trapp, Gena M. Parkhurst, Sierra Club, Joye Braun, 350.org, Yankton Sioux Tribe, Dakota Rural Action, Chastity Jewett, Indigenous Environmental Network, Dallas Goldtooth, RoxAnn Boettcher, Bonny Kilmurry, Ronald Fees, and Intertribal Council on Utility Policy.

Dated at Pierre, South Dakota, this 4th day of November, 2014.

| CERTIFICATE OF SERVICE | |
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| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically. | |
| By: | <u>Joye Ashley</u> |
| Date: | <u>11.4.14</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner