

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

IN THE MATTER OF THE PETITION OF)	AMENDED
TRANSCANADA KEYSTONE PIPELINE, LP)	ORDER FOR AND NOTICE OF
FOR ORDER ACCEPTING CERTIFICATION)	MOTION HEARING
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 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. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-27, and ARSD Chapter 20:10:22.

On September 18, 2014, the Commission electronically transmitted notice of the filing 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 were received from forty-three persons, and on November 4, 2014, the Commission issued an Order Granting Intervention and Party Status to forty-two of the applicants. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule.

On March 23, 2015, TransCanada filed a Motion to Preclude Certain Intervenors (John Harter, Bold Nebraska, Carolyn Smith, Gary Dorr, and Yankton Sioux Tribe) From Offering Evidence or Witnesses at Hearing. Along with that Motion, TransCanada filed an Affidavit of James E. Moore in Support of Motion to Compel Discovery. On March 25, 2015, TransCanada amended its motion by filing an Amended Motion to Preclude Certain Intervenors from Offering Evidence or Witnesses at Hearing and to Compel Discovery. The purpose of the amended motion was to change the title of the motion to more clearly reflect the information included in, and relief sought by, the motion. No substantive changes were made.

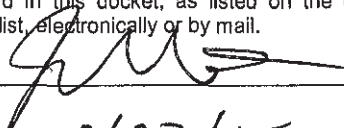
In its motion, TransCanada alleges that certain parties failed to respond to, or failed to adequately respond to, TransCanada's discovery requests. TransCanada requests an order from the Commission precluding seventeen of the intervenors from offering any testimony or evidence at the evidentiary hearing. TransCanada contends these seventeen intervenors failed to respond to discovery. TransCanada next seeks an order precluding four intervenors from making late disclosures for the first time after the close of discovery or offering witnesses or evidence at the evidentiary hearing. TransCanada contends these four intervenors did not adequately respond to discovery. TransCanada also requests an order overruling Yankton Sioux Tribe's objections to discovery requests, thereby limiting its hearing participation. Finally, TransCanada requests that the Commission order one intervenor, Cindy Myers, to disclose additional expert information if she intends to present expert testimony.

On March 25, 2015, Standing Rock Sioux Tribe (Standing Rock) filed a Motion for Discovery Sanctions or to Compel. In its Motion, Standing Rock requests an order prohibiting TransCanada from introducing evidence regarding compliance by Keystone XL with state and federal law or, alternatively, to produce certain documents requested by Standing Rock and to fully answer Standing Rock's interrogatories.

ORDERED, that a hearing on each Motion will be held by the Commission in connection with its regular meeting on April 14, 2015, beginning at 9:30 A.M. CDT in Room 413 of the State Capitol Building in Pierre, SD. It is further

ORDERED, that responses to the Motions must be submitted no later than 5:00 p.m. CDT, on April 8, 2015.

Dated at Pierre, South Dakota, this 27th day of March, 2015.

CERTIFICATE OF SERVICE	
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 or by mail.	
By: _____	
Date: _____	<u>3/27/15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIIGEN, Commissioner



GARY HANSON, Commissioner