

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

IN THE MATTER OF THE PETITION OF ) TRANSCANADA KEYSTONE PIPELINE, LP ) FOR ORDER ACCEPTING CERTIFICATION ) OF PERMIT ISSUED IN DOCKET HP09-001 ) TO CONSTRUCT THE KEYSTONE XL ) PIPELINE )	ORDER DENYING ROSEBUD ) SIOUX TRIBE'S MOTION TO ) EXCLUDE TESTIMONY )  HP14-001 )
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On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada or Keystone) 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. Three parties have since been granted withdrawal of party status. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule. On May 5, 2015, the Commission issued an Order Amending Procedural Schedule. On July 10, 2015, the Commission received Rosebud Sioux Tribe's Motion *in Limine* to Exclude Testimony (Motion). In its Motion, Rosebud Sioux Tribe sought an order excluding the rebuttal testimony of Heidi Tillquist, Meera Kothari, and Jeff Mackenzie.

At its regularly scheduled meeting on July 21, 2015, the Commission considered the Motion. Rosebud Sioux Tribe and Keystone agreed that the Motion is moot. Finding that the rebuttal testimony at issue was filed in response to the prefiled testimony of previously identified witnesses who will no longer be testifying and that the Motion is therefore moot, the Commission voted unanimously to deny the Motion. It is therefore

ORDERED, that Rosebud Sioux Tribe's Motion *in Limine* to Exclude Testimony is denied.

Dated at Pierre, South Dakota, this 22<sup>nd</sup> day of July, 2015.

<b>CERTIFICATE OF SERVICE</b>	
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:	7/22/15
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

_____ CHRIS NELSON, Chairman
_____ KRISTIE FIEGEN, Commissioner
_____ GARY HANSON, Commissioner