

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

<b>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 )</b>	<b>ORDER GRANTING IN PART AND DENYING IN PART MOTION <i>IN LIMINE</i> TO STRIKE PAULA ANTOINE'S REBUTTAL TESTIMONY  HP14-001</b>
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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 Keystone's Motion *in Limine* to Strike Paula Antoine's Rebuttal Testimony (Motion). Its Motion, Keystone sought an order striking the June 26 pre-filed statement of Paula Antoine from the record, arguing that it is irrelevant, calls for legal conclusions, and is an improper attempt at impeachment of the 2010 Commission Order.

At its regularly scheduled meeting on July 21, 2015, the Commission considered the Motion. Finding that the testimony relating to the Spirit Camp is irrelevant, the Commission voted unanimously to grant the Motion only as it relates to the Spirit Camp.

It is therefore

ORDERED, that Keystone's Motion *in Limine* to Strike Paula Antoine's Rebuttal Testimony is granted as it relates to the Spirit Camp. It is further

ORDERED, that Keystone's Motion is denied as it relates to the remainder of Paula Antoine's testimony.

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:	<u>[Signature]</u>
Date:	<u>7/22/15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature]

CHRIS NELSON, Chairman

[Signature]

KRISTIE FIEGEN, Commissioner

[Signature]

GARY HANSON, Commissioner