

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

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IN THE MATTER OF TRANSCANADA	)	MOTION IN SUPPORT
KEYSTONE PIPELINE, LP	)	OF AMENDING
FOR ORDER ACCEPTING CERTIFICATION	)	THE PROCEDURAL
OF PERMIT ISSUED IN DOCKET HP09-001	)	ORDER
TO CONSTRUCT THE KEYSTONE XL	)	HP14-001
PIPELINE	)	

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COMES NOW, the Indigenous Environmental Network (IEN), by and through counsel, Kimberly E. Craven, admitted *pro hac vice*, and moves to support Intervenor Parties’, the Standing Rock Sioux Tribe (SRT) and the Rosebud Sioux Tribe (RST), Motions to Amend the Procedural Schedule. As grounds the Indigenous Environmental Network states:

1. The South Dakota Legislature has charged the South Dakota Public Utilities Commission with the responsibility of regulating the pipeline siting process because it “affects the welfare of the population, the environmental quality, the location and growth of industry, and the use of the natural resources of the state.” SDCL 49-41B-1.
2. Further, the statute states, “Therefore, it is necessary to ensure that the location, construction, and operation of facilities will produce ***minimal adverse effects on the environment and upon the citizens of this state*** by providing that a facility may not be constructed or operated in this state without first obtaining a permit from the commission.” SDCL 49-41B-1.
3. The South Dakota Codified Statutes also that: “that if such construction, expansion and improvement commences more than four years after a permit has been issued, then the ***utility must certify to the Public Utilities Commission that such facility continues to meet the conditions upon which the permit was issued.*** SDCL 49-41B-27.
4. In its certification to the SD PUC filed in October 2014, TransCanada provided **30 Changed Conditions** in addition to the 50 Special Permit Conditions.
5. Intervenor Parties have been conducting discovery on these **30 Changed Conditions** as well as the 50 Special Permit Conditions in compliance with the Commission’s Order Limiting the Scope of Discovery as requested by TransCanada.
5. That to ensure that the welfare of the people of South Dakota as well as the environmental quality of the State is protected from an adverse pipeline impacts, a thorough deliberative process ensuring transparency, fairness and Due Process must be adhered to by the Commission and its staff.
6. Two federally recognized Tribes have requested additional time from the Commission

to allow for the resolution of pending discovery issues including a request to the Commission to compel TransCanada to provide documentation and a request for sanctions because it is alleged TransCanada has not in good faith complied with the Standing Rock Sioux Tribe's discovery requests.

7. Any perceived judicial prejudice by either the Commission staff or TransCanada Keystone, a foreign corporation, is far outweighed by the liberty and property interests of the SRT, RST and the people of South Dakota.

8. Granting the requested continuance is a just use of the Commission's discretion and advances the administration of justice.

WHEREFORE, Kimberly Craven respectfully requests that the South Dakota Public Utility Commissioners enter an Order Amending the Procedural Schedule to allow more time for the discovery of information on the recertification of the Keystone XL pipeline permit that may greatly impact the welfare of the people of South Dakota as well as the environmental quality of South Dakota's natural resources.

Dated this 31<sup>st</sup> Day of March 2015.

/s/Kimberly Craven

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## Certificate of Service

I certify that true and correct copies of the Indigenous Environmental Network's Motion to Support the Standing Rock Sioux Tribe's and Rosebud Sioux Tribe's Motions to Amend the Procedural Schedule and Certificate of Service were served electronically today, March 30<sup>th</sup>, 2015, to the parties listed below.

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Dated this 31<sup>st</sup> Day of March 2015.

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