

RECEIVED

OCT 01 2014

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

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

**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.**

**APPLICATION FOR
PARTY STATUS**

HP14-001

Pursuant to SDCL § 49-41B-17(2), The Rosebud Sioux Tribe - Tribal Utility

Commission petitions the South Dakota Public Utilities Commission to be granted party status in the above-referenced facility permit proceeding. The Rosebud Sioux Tribe Tribal Utility Commission is a government agency as described in SDCL § 49-41B-17(2).

The Rosebud Sioux Tribe is a federally recognized Indian Tribe recognized by the 1868 Fort Laramie Treaty, whose reservation is located within the state of South Dakota. The Rosebud Sioux Tribe - Tribal Utility Commission is a tribal regulatory authority established in 1994 pursuant to the adoption of Title 20 of the Rosebud Sioux Law & Order Code. Title 20 extended the jurisdiction of the Rosebud Sioux Tribe to all utilities located within the jurisdiction of the Tribe. The Tribal Utility Commission is vested by the Tribe with the enforcement of Title 20. In the adoption of Title 20, the Rosebud Sioux Tribal Council, the legislative body of the Tribe, stated that there is a consensual relationship between utilities and their customers on the reservation. Rosebud Sioux Law & Order Code 20-1-101(8), in discussing the regulatory authority of the Tribe exercised through its Tribal Utility Commission, states in pertinent part:

Consensual Relations Between Utilities Operating Within the Reservation and the Tribe, Tribal Members and Nonmembers: The Council finds that every utility which enters and operates within the reservation, enters into consensual relations, commercial dealings and contracts with residents of the

1 Reservation, Indian and non-Indian, and with the Tribe, to provide services,
2 operate facilities, construct and erect pipelines, transmission lines, poles, towers
3 and other improvements upon and across Reservation lands owned by Indians,
4 non-Indians and the Tribe.

5 It appears from maps and legal descriptions of the path of the Keystone XL Pipeline,
6 proposed construction will fall within the jurisdiction of the Rosebud Sioux Tribe, and therefore
7 within the regulatory authority of the Rosebud Sioux Tribe Tribal Utility Commission. Based on
8 the estimated location of the Keystone XL Pipeline, the Rosebud Sioux Tribal Utility
9 Commission presents this application for party status in the above-cited regulatory action.

10 Dated this 29 Day of September, 2014.

11
12 

13 Tony Rogers, Director
14 Rosebud Sioux Tribe - Tribal Utility Commission
15 153 South Main Street, Mission, South Dakota 57555
16 Tel: (605)856-2727 Fax: (605)856-2965
17 email: tuc@rosebudsiouxtribe-nsn.gov

18
19
20 Subscribed and sworn to be this 29 day of September, 2014.

21
22
23 
24 Notary Public

25 My Commission Expires: 8/12/19

