

**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 FOR AND NOTICE OF MOTION HEARING ON LESS THAN 10 DAYS' NOTICE 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 Chapters and 20:10:01 and 20:10:22.

An evidentiary hearing was held beginning on Monday, July 27, 2015 in Room 414 of the State Capitol Building. The hearing was extended to include Saturday, August 1, 2015 by order dated July 30, 2015, and then continued from August 3 to August 5, 2015. The evidentiary hearing was conducted by Commission General Counsel John J. Smith, who acted as Hearing Examiner. Commissioners Chris Nelson and Gary Hanson attended the hearing in person. Due to medical treatment, Commissioner Kristie Fiegen elected under SDCL § 1-26-24 to participate by reviewing the hearing transcript.

At the conclusion of the hearing, the Commission established a briefing schedule. By order dated August 12, 2015, initial post-hearing briefs were due October 1, and reply briefs were due October 31, 2015. On October 1, 2015, Keystone submitted its post-hearing briefs, which included as an attachment Proposed Findings of Fact and Conclusions of Law.

On November 4, 2015, the Commission received a Joint Motion to Strike Proposed Findings of Fact and Conclusions of Law that were filed by Keystone on October 1, 2015. In its Motion to Strike, Yankton Sioux Tribe, Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, Standing Rock Sioux Tribe, Indigenous Environmental Network, Dakota Rural Action, Intertribal Council on Utility Policy, and Bold Nebraska request that the Commission enter an order striking Keystone's Proposed Findings of Fact and Conclusions of Law from the record.

Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days notice if the Commission determines good cause exists therefor. The Commission finds that, because existing scheduling conflicts with later possible hearing dates, good cause exists to hear the Motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Joint Motion to Strike Proposed Finding of Fact and Conclusions of Law will be held by the Commission at its regularly scheduled meeting on November 12, 2015, beginning at 1:30 P.M. CDT in Rm. 413, Capitol Building, Pierre, SD. It is further

ORDERED, that replies must be submitted by 5:00 P.M. CDT, on November 10, 2015.

Dated at Pierre, South Dakota, this 4th day of November, 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: <u>Rolayne West</u>
Date: <u>11-4-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner