

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

IN THE MATTER OF THE PETITION OF)	ORDER FOR AND NOTICE OF
TRANSCANADA KEYSTONE PIPELINE, LP)	MOTION HEARING ON LESS
FOR ORDER ACCEPTING CERTIFICATION)	THAN 10 DAYS' NOTICE FOR
OF PERMIT ISSUED IN DOCKET HP09-001)	ALL MOTIONS FILED ON
TO CONSTRUCT THE KEYSTONE XL)	APRIL 7, 2015
PIPELINE)	
)	HP14-001

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada) 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 20:10:22 and 20:10:01, specifically 20:10:01:22.02 and 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. Two 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 (Order).

On April 3, 2015, the Commission issued an Order Granting in Part Motion to Amend Procedural Schedule, in which the Commission established a deadline of April 7, 2015, to file and serve motions to compel and also ordered that all outstanding pre-hearing motions be heard on April 14, 2015.

On April 7, 2015, the Commission received the following motions, all of which are available at <http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001.aspx>

1. Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery
 - a. This motion is brought pursuant to SDCL 15-6-37(a).
 - b. Dakota Rural Action (DRA) seeks an order compelling TransCanada to provide substantive, non-evasive answers to DRA's First Interrogatories and to DRA's First Request for Production of Documents.
2. Dakota Rural Action's, Rosebud Sioux Tribe's, Standing Rock Sioux Tribe's, Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Stay of Proceedings.

- a. In this motion, DRA, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, and Indigenous Environmental Network seek to stay the proceedings.
3. Gary Dorr's Motion to Compel Discovery and Preclude Keystone from Offering Evidence or Witnesses at Hearing
 - a. This motion is brought pursuant to SDCL 15-6-37(a).
 - b. Gary Dorr seeks an order from the Commission requiring TransCanada to answer certain interrogatories and to preclude TransCanada from offering witnesses or evidence at the evidentiary hearing.
4. Dakota Rural Action's, Rosebud Sioux Tribe's, Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master
 - a. In this motion, the filing parties seek to have the Commission appoint and fund a special master for the purpose of overseeing the discovery process in these proceedings.
5. Rosebud Sioux Tribe's Motion to Compel Discovery
 - a. This motion is brought pursuant to SDCL 15-6-37(a).
 - b. In this motion, the Rosebud Sioux Tribe (RST) seeks an order compelling TransCanada to respond to certain interrogatories in RST's First Set of Interrogatories and certain requests in RST's First Set of Requests for Production of Documents, as well as certain interrogatories in RST's Second Set of Interrogatories.
6. Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery
 - a. This motion is brought pursuant to SDCL 15-6-37(a).
 - b. In this motion, DRA seeks to compel Staff to answer an interrogatory to which Staff objected, requesting all communications between the Commission or Staff and TransCanada.
7. Yankton Sioux Tribe's Motion to Compel
 - a. This motion is brought pursuant to SDCL 15-6-37(a).
 - b. In this motion, Yankton Sioux Tribe seeks an order compelling TransCanada to provide answers to interrogatories and requests for production of documents.

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 the issues need to be resolved in advance of the approaching evidentiary hearing, good cause exists to hear the Motions on less than ten days' notice.

This is an adversary proceeding and every party has the right at the hearing to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing.

Any decision of the Public Utilities Commission may be appealed to the circuit court and the State Supreme Court as provided by law.

It is therefore

ORDERED, that a hearing on all of the aforementioned motions will be held by the Commission in connection with its regular meeting on April 14, 2015, beginning at 9:30 A.M. CDT in Rm. 413, Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 4th day of April, 2015.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>[Signature]</u></p> <p>Date: <u>4/18/15</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner