

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

IN THE MATTER OF THE PETITION OF)	ORDER DENYING GARY)
TRANSCANADA KEYSTONE PIPELINE, LP)	DORR'S MOTION TO COMPEL)
FOR ORDER ACCEPTING CERTIFICATION)	DISCOVERY AND PRECLUDE)
OF PERMIT ISSUED IN DOCKET HP09-001)	KEYSTONE FROM OFFERING)
TO CONSTRUCT THE KEYSTONE XL)	EVIDENCE OR WITNESSES AT)
PIPELINE)	HEARING)
))
))
)	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 20:10:01, specifically 20:10:01:22.01, 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. 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 (Procedural Schedule). In the Procedural Schedule, the Commission ordered parties to file pre-filed testimony by April 2, 2015. On April 3, 2015, the Commission issued an Order Granting in Part Motion to Amend Procedural Schedule, in which the Commission ordered that all pre-hearing motions would be heard on April 14, 2015. On April 10, 2015, the Commission issued an Order Granting Motion to Reconsider and Amending in Part Procedural Schedule amending the Procedural Schedule to allow Rosebud Sioux Tribe until April 24, 2015, to file pre-filed expert witness testimony.

On April 8, 2015, intervenor Gary Dorr filed Gary Dorr's Motion to Compel Discovery and Preclude Keystone from Offering Evidence or Witnesses at Hearing (Motion). In his Motion, Mr. Dorr requested an order from the Commission compelling TransCanada to disclose answers to certain questions, as well as an order precluding TransCanada from offering evidence or witnesses relating to rural water system pipelines and Keystone XL pipeline easements, rural water system pipeline maps, and tribal consultation at the evidentiary hearing.

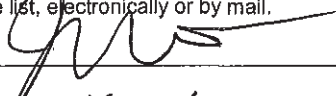
At its regular Commission meeting on April 14, 2015, the Commission considered the Motion and briefs submitted as well as arguments presented by parties at the meeting. Finding

that TransCanada had provided sufficient information to answer Gary Dorr's discovery requests and that information that was not provided was publically available, the Commission voted unanimously to deny the Motion.

It is therefore

ORDERED, that Gary Dorr's Motion to Compel Discovery and Preclude Keystone from Offering Evidence or Witnesses at Hearing is hereby denied.

Dated at Pierre, South Dakota, this 22nd day of April, 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></u>
Date: <u>4/22/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner