

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

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IN THE MATTER OF:	)	
	)	Docket HP 14-001
	)	
PETITION OF TRANSCANADA	)	<b>Notice of Request for a Time</b>
KEYSTONE PIPELINE, LP FOR ORDER	)	<b>Certain for an Expert Rebuttal</b>
ACCEPTING CERTIFICATION OF	)	<b>Witness for the Intertribal Council</b>
PERMIT ISSUED IN DOCKET HP09-001	)	<b>On Utility Policy</b>
TO CONSTRUCT THE KEYSTONE XL	)	
PIPELINE	)	

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Comes now the Intertribal Council On Utility Policy (COUP), by and through counsel, Robert P. Gough, to request and reserve a Time-Certain on Friday, May 8<sup>th</sup>, after the lunch break, for at least 45 to 60 minutes, beginning at or about 1:30 PM for our first Rebuttal Witness, Dr. James Hansen, to offer his expert testimony, either via an appropriate audio-visual medium (such as, Skype, Go-To-Meeting, or the like, if technically feasible) or otherwise, if not feasible, then, telephonically, on the following grounds:

1. That Rebuttal testimony must naturally and logically be assigned to *follow* the case-in-chief and all supportive evidence and testimony, and subsequent cross-examinations of the same;
2. That Intertribal COUP has previously disclosed to TransCanada Keystone Pipeline, LP ("TransCanada") our list of expert witnesses, who will testify in rebuttal to evidence and testimony in the existing and still developing record of this proceeding, which consists of Dr. James Hansen, Dr. George Seielstad and Dr. Robert Oglesby,

3. That both Dr. George Seielstad, Dr. Robert Oglesby, are presently scheduled to appear in person for the hearing;
4. That written Rebuttal Testimony, to the extent possible prior to all developing testimony and evidence, will be duly and timely filed;
5. That during the week of May 5<sup>th</sup>, our third Rebuttal Witness, world renowned climate scientist Dr. James Hansen, has previously scheduled professional commitments in Europe and will not be returning to New York City, until the very end of the week (late on May 7<sup>th</sup>), and thus will not be able to be physically appear in South Dakota during any of the days scheduled for this hearings without extreme personal exhaustion;
6. That Dr. James Hansen, formerly Director of the NASA Goddard Institute for Space Studies, is an Adjunct Professor at Columbia University's Earth Institute, where he directs a program in Climate Science, Awareness and Solutions;
7. That Dr. Hansen will testify on: A) the potential impact of the Tar Sands development to the planet's narrowing atmospheric carbon budget; B) the role of the proposed Keystone XL pipeline in the economic development of the Tar Sands, and C) the 'changes in the level and significance our national understanding' of climate change over the past four years since the granting of the SD PUC HP09 001 permit to TransCanada in this matter;

8. That following the drawn-out proceedings on April 14<sup>th</sup>, very serious concerns were raised as to how these entire proceedings, with the case-in-chief, SD PUC staff testimony, and two score Interveners, participating, could possibly be completed within four (4) eight to ten hour days;
9. That such concerns led Intertribal COUP to proactively inquire of PUC staff as to whether the hearing might be extended through Monday May 11<sup>th</sup>, so as to allow our witness to personally appear on May 11<sup>th</sup> or thereabouts;
10. That after such inquiry on the part of Intertribal COUP into the possibility of extending the hearing through Monday May 11<sup>th</sup>, Intertribal COUP was advised by PUC staff that it was very unlikely that the hearing would be carried over in the following week;
11. That the PUC has denied repeated requests, suggestions and motions to consider either continuing or extending the hearing schedule at this point;
12. That following-up on the afternoon conference call on April 21, 2015, with John Smith and PUC staff, it was agreed that Intertribal COUP could notice a request to reserve a Time Certain for the telephonic testimony of our Rebuttal Witness, Mr. James Hansen;
13. That Dr. Hansen's testimony will be presented through questions from COUP co-counsel for this witness, Mr. Dan Galpern;

14. That Intertribal COUP hereby advises and notices that, in reliance upon the representation made by PUC staff, that considerations of alternative dates during the week of May 11<sup>th</sup> are now no longer available for either our legal representation or expert witnesses;
15. That this request for a Time Certain on the afternoon of the last day of the presently scheduled hearing is predicated upon the representation that the hearing will only go for the scheduled four days and not be extended across the weekend and into the following week;
16. That this request comes with the proviso that should the hearing be continued for any reason or in any manner after the week of May 11<sup>th</sup>, then Intertribal COUP reserves the right to call any or all of our witnesses to appear in person at some later workable date.

In submitting the names of Intertribal COUP's Rebuttal Witnesses and the scope of our rebuttal testimony, COUP does not waive any rights or objections as to these witnesses or to any other potential witness or for the submission of witness and exhibit lists as may be allowed.

Submitted this 24th day of April 2015

Respectfully submitted,



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