

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

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| <b>IN THE MATTER OF THE PETITION OF )</b>    |                                |
| <b>TRANSCANADA KEYSTONE PIPELINE, LP )</b>   | <b>AMENDED</b>                 |
| <b>FOR ORDER ACCEPTING CERTIFICATION )</b>   | <b>ORDER FOR AND NOTICE OF</b> |
| <b>OF PERMIT ISSUED IN DOCKET HP09-001 )</b> | <b>MOTION HEARING</b>          |
| <b>TO CONSTRUCT THE KEYSTONE XL )</b>        |                                |
| <b>PIPELINE )</b>                            | <b>HP14-001</b>                |

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 Chapter 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. On October 1, 2014, the Commission issued an Order Assessing Filing Fee. 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. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule.

On April 27, 2015, Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Dakota Rural Action, Indigenous Environmental Network, Intertribal Council on Utility Policy (COUP) and Bold Nebraska filed a Motion to Exclude Evidence and Testimony by TransCanada (Joint Motion). The Joint Motion seeks preclusion for alleged discovery response violations by TransCanada.

On May 1, 2015, Gary Dorr filed a Motion to Join the Joint Motion of Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Indigenous Environmental Network, COUP, and Bold Nebraska to Exclude Evidence and Testimony by TransCanada (Motion to Join).

On April 27, 2015, COUP filed a Notice of Request for a Time Certain for an Expert Rebuttal Witness for the Intertribal Council on Utility Policy. On April 27, 2015, TransCanada filed an Objection to COUP's Request for a Time Certain and Motion to Preclude Witnesses (Motion to Preclude). In its Motion to Preclude, TransCanada seeks to preclude COUP's

proffered witness from testifying as a rebuttal witness, arguing that the witness will not be offering testimony within the meaning of rebuttal testimony and did not file pre-filed direct testimony.

It is therefore

ORDERED, that a hearing on the Joint Motion, Motion to Join, and the Motion to Preclude will be held by the Commission in connection with its regular meeting on May 26, 2015, beginning at 9:30 A.M. CDT in Rm. 413, Capitol Building, Pierre, SD. It is further

ORDERED, that all written responses to the Joint Motion, Motion to Join, and Motion to Preclude must be filed no later than 5:00 p.m. CDT, May 19, 2015.

Dated at Pierre, South Dakota, this 11<sup>th</sup> day of May, 2015.

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| <b>CERTIFICATE OF SERVICE</b>   |
| 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>[Signature]</u>  |
| Date: <u>5/11/15</u>  |
| (OFFICIAL SEAL)   |

BY ORDER OF THE COMMISSION:

[Signature: Chris Nelson]  
CHRIS NELSON, Chairman

[Signature: Kristie Fiegen]  
KRISTIE FIEGEN, Commissioner

[Signature: Gary Hanson]  
GARY HANSON, Commissioner