

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

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| IN THE MATTER OF THE PETITION OF) | ORDER FOR AND NOTICE OF |
| TRANSCANADA KEYSTONE PIPELINE, LP) | HEARING ON MOTIONS FILED |
| FOR ORDER ACCEPTING CERTIFICATION) | MAY 26, 2015 |
| OF PERMIT ISSUED IN DOCKET HP09-001) | |
| TO CONSTRUCT THE KEYSTONE XL) | HP14-001 |
| PIPELINE) | |

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 May 5, 2015, the Commission issued an Order Amending Procedural Schedule, in which the Commission ordered that all substantive motions be filed by May 26, 2015, and be heard on June 11, 2015.

On May 26, 2015, TransCanada filed a Motion to Exclude Testimony of Richard Kuprewicz (Motion to Exclude). Mr. Kuprewicz is a witness proffered by Rosebud Sioux Tribe (Rosebud). Rosebud filed prefiled testimony for Mr. Kuprewicz. In the Motion to Exclude, TransCanada seeks an order excluding any testimony by Mr. Kuprewicz on the issues of rupture due to a landslide, valve placement, risk assessment, and routing.

On May 26, 2015, the Commission received a Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rights (Motion to Preclude Consideration). In its Motion, TransCanada seeks an order precluding testimony concerning or consideration of alleged aboriginal title or usufructuary rights.

On May 26, 2015, the Commission received a Motion to Preclude Testimony Regarding Mni Wiconi Pipeline Easements (Motion to Preclude Easement Testimony) from TransCanada.

In this Motion, TransCanada seeks an order precluding parties from presenting testimony and argument pertaining to tribal consent to the proposed Keystone XL Pipeline's crossing of the Mini Wiconi pipeline(s).

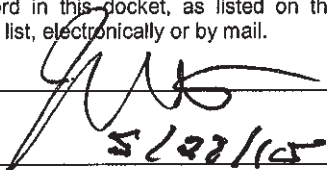
On May 26, 2015, Yankton Sioux Tribe and Indigenous Environmental Network filed a Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact (Motion to Preclude or Amend). Movants seek an order precluding TransCanada from altering the Findings of Fact contained in the Amended Final Decision and Notice of Entry of Order (Permit) issued by the Commission in Docket HP09-001. In the alternative, Movants request an order finding that the Commission has the authority to amend Findings of Fact contained in the Permit and to amend Findings of Fact numbers 113 and 114.

It is therefore

ORDERED, that a hearing on the Motion to Exclude, Motion to Preclude Consideration, Motion to Preclude Easement Testimony, and Motion to Preclude or Amend will be held by the Commission in connection with its regular meeting on June 11, 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 Motion to Exclude, Motion to Preclude Consideration, Motion to Preclude Easement Testimony, and Motion to Preclude or Amend must be filed no later than 5:00 p.m. CDT, June 2, 2015.

Dated at Pierre, South Dakota, this 27th day of May, 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: |  |
| Date: | <u>5/27/15</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner