

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

IN THE MATTER OF THE PETITION OF)	ORDER DENYING YANKTON
TRANSCANADA KEYSTONE PIPELINE, LP)	SIoux TRIBE'S AND
FOR ORDER ACCEPTING CERTIFICATION)	INDIGENOUS
OF PERMIT ISSUED IN DOCKET HP09-001)	ENVIRONMENTAL NETWORK'S
TO CONSTRUCT THE KEYSTONE XL)	MOTION TO PRECLUDE
PIPELINE)	IMPROPER RELIEF OR, IN THE
)	ALTERNATIVE, TO AMEND
)	FINDINGS OF FACT
)	
)	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 (Amended Decision) 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, three of whom have since been granted withdrawal. 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.

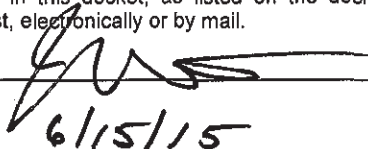
On May 26, 2015, Yankton Sioux Tribe and Indigenous Environmental Network (Movants) filed a Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact (Motion to Preclude or Amend). Movants sought an order precluding TransCanada from amending the Findings of Fact contained in the Amended Decision issued by the Commission in Docket HP09-001. In the alternative, Movants requested an order finding that the Commission has the authority to amend Findings of Fact contained in the Amended Decision and to amend Findings of Fact numbers 113 and 114. On June 2, 2015, TransCanada filed Keystone's Opposition to Joint Motion to Preclude Improper Relief. On that same date, Commission Staff filed Staff's Brief in Response to Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact.

At its regularly scheduled meeting on June 11, 2015, the Commission considered the Motion to Preclude or Amend. The Commission heard arguments from the parties. Finding that TransCanada does not seek to amend the Findings of Fact in the Amended Decision and that there exists no legal authority to amend the Amended Decision at this point in time, the Commission voted unanimously to deny the Motion to Preclude or Amend.

It is therefore

ORDERED, that Yankton Sioux Tribe's and Indigenous Environmental Network's Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact is denied.

Dated at Pierre, South Dakota, this 15th day of June, 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>6/15/15</u>
(OFFICIAL SEAL)

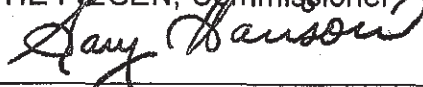
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner