

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

<b>IN THE MATTER OF THE PETITION OF ) TRANSCANADA KEYSTONE PIPELINE, LP ) FOR ORDER ACCEPTING CERTIFICATION ) OF PERMIT ISSUED IN DOCKET HP09-001 ) TO CONSTRUCT THE KEYSTONE XL ) PIPELINE )</b>	<b>ORDER GRANTING IN PART ) AND DENYING IN PART ) KEYSTONE'S MOTION TO ) EXCLUDE TESTIMONY OF ) RICHARD KUPREWICZ )  HP14-001 )</b>
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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, the Commission received a Motion to Exclude Testimony of Richard Kuprewicz (Motion) from TransCanada. In its Motion, TransCanada sought an order from the Commission that excludes all of Richard Kuprewicz's testimony except for his opinion on pages 2-3 of Exhibit 9 that the Keystone XL Pipeline does not pose a substantial risk to the Rosebud Sioux Tribe's water supply.

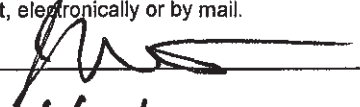
At its regularly scheduled meeting on June 11, 2015, the Commission considered the Motion. The Commission considered all written submissions related to the Motion and oral arguments made during the meeting. Finding that the Commission does not have the authority to order a reroute of the pipeline and finding that portions of Kuprewicz's testimony may be relevant to this proceeding, the Commission voted unanimously to grant the Motion, in part, only to the extent Kuprewicz's testimony relates to rerouting of the pipeline, and deny, in part, the rest of the Motion in its entirety.

It is therefore

ORDERED, that Keystone's Motion to Exclude the Testimony of Richard Kuprewicz is granted, in part, for the portions of Kuprewicz's testimony that relates to rerouting of the pipeline. It is further

ORDERED, that the remaining portions of Keystone's Motion to Exclude the Testimony of Richard Kuprewicz is denied in its entirety.

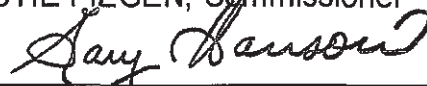
Dated at Pierre, South Dakota, this 15<sup>th</sup> day of June, 2015.

<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></u>
Date: <u>6/15/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

  
CHRIS NELSON, Chairman

  
KRISTIE FIEGEN, Commissioner

  
GARY HANSON, Commissioner