

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL DISTRICT

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE
LP FOR AN ORDER ACCEPTING
CERTIFICATION OF PERMIT ISSUED IN
IN DOCKET HP 09-001 TO CONSTRUCT
THE KEYSTONE XL PIPELINE

32 CIV.16-000037

JOINT STATEMENT
OF ISSUES ON APPEAL

COMES NOW, Joye Braun, Dallas Goldtooth, John H. Harter, Chastity S. Jewett, Elizabeth Lone Eagle, Paul F. Seamans, Bruce Boettcher, Terry and Cheri Frisch, Arthur R. Tanderup, Wrexie Lainson Bardaglio and Gary F. Dorr, by and through undersigned counsel, and, pursuant to SDCL §1-26-31.4, hereby jointly state the issues in this appeal:

1. Whether the agency abused its discretion by accepting certification that the permittee complies with all permit conditions, although the federal presidential permit was denied by the U.S. Department of State.
2. Whether the agency's order requiring the pre-hearing filing of testimony prior to the conclusion of discovery violated intervenors' right to due process or the South Dakota Administrative Procedures Act, SDCL Chap. 1-26.
3. Whether the agency improperly excluded intervenor witness testimony, as a discovery sanction prior to the evidentiary hearing.
4. Whether the agency abused its discretion by accepting certification that the permittee complies with all permit conditions, in the absence of any evidence relating to most conditions.

DATED this 29th day of February, 2016

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Certificate of Service

The undersigned hereby certifies that, on this day, I served the afore Statement of Issues via electronic mail to –

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Dated this 29th day of February, 2016

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