

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF PUC DOCKET HP14-001, ORDER ACCEPTING CERTIFICATE OF PERMIT ISSUED IN DOCKET HP09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE

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Appeal No. 28332

**YANKTON SIOUX TRIBE'S
MOTION FOR LEAVE TO EXCEED
PAGE LIMIT IN YANKTON SIOUX
TRIBE'S REPLY BRIEF**

COMES NOW Appellant Yankton Sioux Tribe (the "Tribe"), by and through its attorneys Jennifer S. Baker and Thomasina Real Bird, Fredericks Peebles & Morgan LLP, and hereby moves this honorable Court for leave to exceed the page limit imposed by SDCL 15-26A-66(b) in its reply to *Appellee South Dakota Public Utilities Commission's Brief* and TransCanada Keystone Pipeline, LP's ("TransCanada") *Appellee's Brief*. SDCL 15-26A-66(b) provides that an appellee's reply brief shall not exceed sixteen pages. In this case, however, good cause exists to justify the Tribe's motion for leave to exceed the page limit.

The broad range of issues presented in this appeal justify an expansion of the page limit in order for the Tribe to sufficiently address the new issues raised in Appellants' response briefs. Furthermore, the Tribe must reply to not one, but two response briefs. Appellants' response briefs contain different arguments from one another, expanding the length needed for a reply. Counsel for the Tribe has conferred with counsel for Appellants. Counsel for TransCanada does not oppose this motion. Counsel for the Public Utilities Commission indicated that we "may not state their concurrence or non-opposition."

WHEREFORE, the Tribe respectfully requests that this Court grant the Tribe leave to expand the page limit for its reply brief to 25 pages.

Respectfully submitted,

FREDERICKS PEEBLES & MORGAN LLP

A handwritten signature in blue ink that reads "Jennifer S. Baker". The signature is written in a cursive style and is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December, 2017, I served electronically via email a true and correct copy of the foregoing on the following:

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