

EXHIBIT A

**DAKOTA RURAL ACTION'S APPLICATION FOR AN EXTENSION OF TIME
TO FILE APPELLANT'S REPLY BRIEF**

IN THE SUPREME COURT OF SOUTH DAKOTA

**In the Matter of PUC Docket HP 14-0001, Order
Accepting Certificate of Permit issued in Docket
HP 09-001 to Construct the Keystone XL Pipeline
(Dakota Rural Action Appeal)**

Case No. 28333

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE APPELLANT’S REPLY BRIEF**

The undersigned counsel for Dakota Rural Action (“DRA”) hereby applies to the Chief Justice of the Supreme Court for an extension of time in which to file its reply brief in the above-captioned action:

1. Pursuant to SDCL § 15-26A-75(3), DRA’s reply brief is “due for service and filing within fifteen days after service of the appellee’s brief, or in the case of multiple appellees, within fifteen days after service of the last appellee’s brief.”

2. SDCL § 15-26A-76 provides for an extension of time via stipulation for filing the appellant’s and appellees’ initial briefs, but thereafter any extension of time must be “upon application and notice.” SDCL § 15-26A-76 further provides that “[t]he application shall be made to the Chief Justice of the Supreme Court and shall be allowed only for good cause.”

3. The undersigned counsel suggest that good cause for an extension of time exists. Attorney Bruce Ellison has been engaged in hearings and a heavy briefing schedule in U.S. District Court for the District of North Dakota in the case of *United States of America v. Red Fawn Fallis*, Case No. CR 17-00016-DHL-1. Co-counsel Robin Martinez has been engaged in significant commercial real estate transactional work prompted by the proposed tax legislation in the U.S. Congress, which has resulted in developers seeking to close transactions prior to the end of 2017. Having been engaged in these matters, which have involved a substantial allocation of time by counsel, should be deemed good cause for granting an extension of time to file DRA’s reply brief.

4. Appellee TransCanada Keystone Pipeline would not be prejudiced by granting DRA an extension of time. Given the uncertainties posed by the recent decision by the State of Nebraska’s Public

Service Commission prompting a potential re-route of the proposed Keystone XL Pipeline, as well as the undoubted appeals through the Nebraska courts with respect to that decision, construction is unlikely to commence in the near future.

5. An extension of time through and including January 22, 2018, would be sufficient for counsel to complete preparation and filing of a reply brief.

WHEREFORE, the undersigned counsel on behalf of DRA respectfully request that the Chief Justice grant this application for an extension of time to file DRA's reply brief on or before January 22, 2018.

Dated this 19th day of December 2017.

/s/ Bruce Ellison

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