IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF PUC DOCKET HP
14-001, ORDER ACCEPTING CERTIFICATE
OF PERMIT ISSUED IN DOCKET HP 09-001
TO CONSTRUCT THE KEYSTONE XL
PIPELINE
:

Appeal No. 28333

KEYSTONE'S RESPONSE TO DAKOTA RURAL ACTION'S APPLICATION FOR AN EXTENSION OF TIME

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Appellant Dakota Rural Action ("DRA") filed a motion dated December 19, 2017, seeking an extension of time to file its reply brief until January 22, 2018.

Under SDCL § 15-26A-75, the deadline for DRA's reply brief was December 20, 2017. The statutory response time is 15 days from service, SDCL § 15-26A-75(3), so DRA is asking for 48 days to file a reply brief. That amount of time is longer than the statutory deadline for filing or responding to an initial brief. SDCL § 15-26A-75(1), (2).

Appellee TransCanada Keystone Pipeline, LP, does not object to a reasonable extension, but it has an interest in having this appeal decided without unnecessary delay. DRA's argument in paragraph 4 of its motion is dismissive of Keystone's interest in a timely proceeding.

Keystone filed its certification petition on September 15, 2014, and the Public Utilities

Commission accepted the certification on January 21, 2016, so the proceeding has already lasted over three years. Having been granted a Presidential Permit for the international border crossing almost one year ago, Keystone is making decisions about how to move forward with the Keystone XL Pipeline in 2018. This appeal, which is one of the factors that Keystone must consider, should not be unnecessarily delayed.

Keystone respectfully requests that DRA be granted a reasonable extension of time to submit its reply brief, but not until January 22, 2018.

Dated this 26th day of December, 2017.

WOODS, FULLER, SHULTZ & SMITH P.C.

Bv

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of December, 2017, I served electronically via email a true and correct copy of the foregoing Keystone's Response to Dakota Rural Action's

Application for Extension of Time via email on the following:

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