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

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

**JOINT MOTION TO STRIKE
PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

HP14-001

COME NOW Yankton Sioux Tribe, Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, Standing Rock Sioux Tribe, Indigenous Environmental Network, Dakota Rural Action, Intertribal Council on Utility Policy, and Bold Nebraska (collectively, “Movants”), and hereby move the Public Utilities Commission (“Commission”) for an order striking Applicant’s Proposed Findings of Fact and Conclusions of Law. As grounds for this motion, Movants assert the following.

1. The Commission issued an order establishing a post-hearing briefing schedule in this proceeding on August 12, 2015.
2. On October 1, 2015, TransCanada Keystone Pipeline, LP (“Applicant”), without requesting leave from the Commission to do so, filed Applicant’s Proposed Findings of Fact and Conclusions of Law in conjunction with its post-hearing brief.
3. The August 12, 2015 order included no provision for the filing of proposed findings of fact and conclusions of law.
4. Pursuant to ARSD 20:10:01:25, “[i]f requested by the commission, the parties shall file proposed findings of fact. The requested findings must be stated separately and numbered.” (Emphasis added).

5. Neither the rules nor the statutes contains a provision for the filing of proposed findings of fact and conclusions of law absent a request from the Commission.

6. The Commission has not requested that the parties file proposed findings of fact and conclusions of law.

7. It is therefore inappropriate for the Commission to consider Applicant's proposed findings of fact and conclusions of law.

WHEREFORE, Movants respectfully request that the Public Utilities Commission enter an order striking Applicant's Proposed Findings of Fact and Conclusions of Law from the record.

Dated this 4th day of November, 2015.

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