

These opinions are not relevant to the issue in this case, which is whether, under SDCL § 49-41B-27, Keystone can continue to meet the conditions on which the permit was granted. Instead, Cahill's opinions concern Keystone's burden of proof under SDCL § 49-41B-22(2) ("The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area."). The Commission has previously stated that the scope of this proceeding is more limited than was the initial permit proceeding in Docket HP09-001, and that this docket is not an opportunity to relitigate whether the permit should have been granted. Because Cahill's opinions are beyond the scope of this proceeding, his testimony is not relevant and should be excluded.

Keystone respectfully requests that its motion be granted.

Dated this 10th day of July, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

James E. Moore
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Phone (605) 336-3890
Fax (605) 339-3357
Email James.Moore@woodsfuller.com

- and -

William Taylor
2921 E. 57th Street, #10
Sioux Falls, SD 57108
Phone 605-212-1750
Bill.Taylor@williamgtaylor.com

Attorneys for Applicant TransCanada