

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

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**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**

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STAFF'S RESPONSE TO ROSEBUD'S  
MOTION *IN LIMINE* TO EXCLUDE  
TESTIMONY

**HP14-001**

COMES NOW, Staff ("Staff") of the Public Utilities Commission ("Commission") and files this Response to the Motion *in Limine* to Exclude Testimony, filed by Rosebud Sioux Tribe ("Rosebud"). Rosebud requests an order excluding the rebuttal testimony of Keystone witnesses Heidi Tillquist, Meera Kothari, and Jeff Mackenzie. In support of its Motion, Rosebud states that it does not intend to call Ian Goodman, Brigid Rowan, or Richard Kuprewicz as witnesses, and the Commission should, therefore, exclude the testimony filed in rebuttal to those witnesses.

Staff concurs with Rosebud's argument to the extent that those rebuttal witnesses are testifying in rebuttal to witnesses that are not called. However, if any party opens the door to such testimony, it is properly admissible. Therefore, Staff recommends the Commission grant the Motion as it applies to testimony rebutting any witness that is not ultimately called but allow the rebuttal testimony to be entered to the extent that it is responsive to any testimony offered at hearing.

Dated this 13<sup>th</sup> day of July, 2015.



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