

courts of this state, or as may be provided in statutes relating to the specific agency, shall be followed.” SDCL § 1-26-19(1). One set of rules applies, uniformly, to everyone. Granting Keystone’s motion would not be “a strike against democracy.” (Myers Br. at 2.) Rather, determining Keystone’s motion on the law without regard to Myers’ pro se status is nothing more or nothing less than what the Commission is required to do, and is in fact what the Commission has done throughout the proceedings in this docket.

Second, it is not in some way harmless for the Commission to allow into evidence whatever documents or testimony a lay witness offers, even if the Commission does not ultimately rely on the testimony or exhibits. Once the testimony and exhibits are in the record, they become part of the administrative record. Once a part of the record, the testimony and exhibits must be considered by the Commission, and may be considered on appeal. It is therefore important that the Commission address admissibility based on the law and the rules of evidence, not any other factors.

Finally, Ms. Myers offers no substantive response to Keystone’s motion. She offers no authority of any kind on which the Commission could decide that the testimony and exhibits to which Keystone objects are in fact compliant with the rules of evidence and therefore admissible.

Keystone respectfully requests that its motion to strike be granted.

Dated this 26th day of October, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Applicant's Reply Brief in Support of Motion to Strike Testimony and Exhibits of Cindy Myers, to the following:

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