

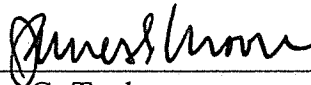


Whether the intervening party is the Tribe or the Tribal Utility Commission, however, it is clear that neither has jurisdiction over Keystone or the Keystone XL Pipeline. Under § 20-4-101(2) of the Tribal Code, the Tribal Utility Commission has certain enumerated powers. The Code states that the Tribal Utility Commission may thereby “assume regulatory authority over one, or more classes of utilities *within the Reservation.*” (*Id.* (emphasis added).) The Code section cited in the application for party status, § 20-1-101(8), similarly states that the Rosebud Sioux Tribe has the sovereign power to regulate every utility “which enters and operates *within the reservation*” and which provides services, operates facilities, or constructs and erects pipelines “upon and across Reservation lands.” (*Id.* (emphasis added).) Keystone will not operate within the Rosebud Indian Reservation, the Keystone XL Pipeline will not be constructed or operated on Reservation lands, and to the knowledge of Keystone does not cross and will not be operated on land owned by or held in trust for the Rosebud Sioux Tribe. Notably, neither the Rosebud Sioux Tribe nor the Tribal Utility Commission were parties to the underlying docket, HP09-001.

Therefore, Keystone does not object to the Rosebud Sioux Tribe being granted party status, but disputes that Keystone and/or the Keystone XL Pipeline is subject to the jurisdiction of either the Rosebud Sioux Tribe or the Tribal Utility Commission.

Dated this 15<sup>th</sup> day of October, 2014.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of October, 2014, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Response to Application of Party Status of the Rosebud Sioux Tribe - Tribal Utility Commission, to the following:

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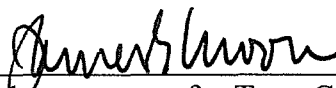
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