

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION) HP 07-001
BY TRANSCANADA KEYSTONE PIPELINE,)
LP FOR A PERMIT UNDER THE SOUTH)
DAKOTA ENERGY CONVERSION AND)
TRANSMISSION FACILITIES ACT TO) **MOTION IN LIMINE**
CONSTRUCT THE KEYSTONE PIPELINE)
PROJECT)

COMES NOW the Applicant, TransCanada Keystone Pipeline, LP, by and through its attorney, Brett Koenecke, of May, Adam, Gerdes & Thompson LLP, who moves the Commission for an Order striking and excluding all testimony and instructing all counsel and parties, and any and all witnesses to be called, to refrain from all testimony, whether pre-filed or delivered live and in person, related to, or offered for the purposes of, describing Keystone's specific landowner relations, land transactions, land acquisition efforts, condemnation lawsuits and the use of eminent domain.

This motion is offered on the grounds that no evidence related to these areas is relevant to the proceedings at hand. No statutory grant of authority has been made to the Public Utilities Commission for the airing, consideration or determination of any issues relative thereto.

WHEREUPON Keystone requests that the Commission enter its Order striking and excluding all testimony relative to the above-described areas and instructing participants as described above.

Dated this 29th day of November, 2007.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

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