



CEDAR RAPIDS, IOWA
VERMILLION, SOUTH DAKOTA

May 11, 2009

BY: E-FILE

Patricia Van Gerpen
Executive Director
Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Avenue
Pierre, SD 57501-5070

Re: HP09-001 – Motion for Extension of Time to File Applications for Party Status

Dear Ms. Van Gerpen:

Please find attached the following documents for filing in the above captioned matter:

- Motion for Extension of Time to File Application for Party Status; and
- Certificate of Service therefore.

Thank you for your attention to this matter.

Very truly yours,

Paul C. Blackburn

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

IN THE MATTER OF THE APPLICATION BY)	DOCKET NUMBER HP09-001
TRANSCANADA KEYSTONE PIPELINE, LP)	
FOR A PERMIT UNDER THE SOUTH)	MOTION FOR EXTENSION OF
DAKOTA ENERGY CONVERSION AND)	TIME TO FILE APPLICATION
TRANSMISSION FACILITIES ACT TO)	FOR PARTY STATUS
CONSTRUCT THE KEYSTONE XL PROJECT)	

COMES NOW Dakota Rural Action ("DRA"), by and through its counsel of record pursuant to ARSD 20:10:01:14 hereby moves the South Dakota Public Utilities Commission ("Commission") for an order to extend the time in which parties may file applications for party status in the above captioned matter. By its order dated April 6, 2009, the Commission noticed the Application of Transcanada Keystone Pipeline, LP ("TransCanada") to construct the Keystone XL crude oil pipeline project ("KXL Project"), and ordered that applications for party status be filed with the Commission on or before May 11, 2009. For the reasons described herein, DRA herein requests that the Commission extend this deadline for 30 days.

1. DRA has received a number of inquiries from landowners who are uncertain about if or how they should participate in the KXL Project application Hearing. In particular, it appears that there is some confusion about whether or not landowners may intervene in this process, the intervention deadline, the potential benefits and responsibilities of intervention, and the process for intervention.

2. Some landowners have been unable to attend the Commission's public input hearings to learn more about the Commission's KXL Project hearing process due to a very difficult calving season caused by unusually harsh weather. As such, some landowners were not

able to leave their herds to learn more about KXL project, the Commission's evidentiary hearing process, the meaning of and deadline for intervention, or their legal right to participate in this process, all of which were discussed at these public input hearings. In addition, some landowners have found it difficult to access notary publics as the nearest may be over 30 miles from their homes.

3. A reason for confusion among landowners may arise from the Commission's apparent change in notice procedure, in which landowners may have received notice of the Commission's proceedings only from TransCanada, which notice did not include any information about the Commission's hearing process, other than the initial public input hearings, landowners' rights to participate in this process, or about the nature of the KXL Project or its potential impacts on landowners families, lands, and businesses.

4. DRA is concerned that the Commission has not provided adequate information to landowners about its hearing process as required by SDCL § 1-26-17 and § 49-41B-5.2, the Constitution of the South Dakota, the Constitution of the United States.

5. An extension of time is appropriate and necessary to ensure that impacted landowners have a reasonable basis on which to understand their rights to participate in this matter and then investigate and make a reasoned judgment about whether or not to become parties to this matter.

6. Given the Commission's liberal rules for intervention and the early stage of this proceeding, neither the Commission nor TransCanada would appear to be prejudiced by the requested extension.

7. For the above reasons, DRA respectfully requests that the Commission:

- a. extend the period for submission of applications for party status for 30 days until June 10 2009, or for such other time period as may be appropriate;
- b. investigate its obligation to provide notice to landowners pursuant to SDCL § 1-26-17 and § 49-41B-5.2, the Constitution of the South Dakota, the Constitution of the United States; and
- c. for such other relief as the Commission may find appropriate.

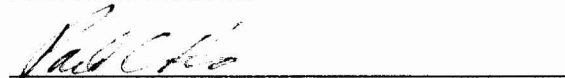
Respectfully submitted this 11th day of May, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that the above Motion for Extension of Time to File Application for Party Status was served upon all of the parties listed on the attached Service List on the 11th day of May, 2009, either electronically or by mailing a true and correct copy thereof to them by first class mail, postage prepaid, at their last known address.

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