

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION )  
BY TRANSCANADA KEYSTONE PIPELINE, )  
LP FOR A PERMIT UNDER THE SOUTH )  
DAKOTA ENERGY CONVERSION AND )  
TRANSMISSION FACILITIES ACT TO )  
CONSTRUCT THE KEYSTONE XL )  
PROJECT )

HP 09-001

**RESPONSE TO  
MOTION TO EXTEND TIME**

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COMES NOW TransCanada Keystone Pipeline, L.P., "the Applicant", and responds to the Motion of Dakota Rural Action, an applicant for Intervention in the above captioned docket.

The Applicant opposes the request made by Dakota Rural Action. The Motion filed speaks about "landowners" in a number of allegations, none of which are supported by any specific facts. However, the Commission has rules in place to deal with any interventions filed in an untimely manner. As to any of those allegations, should potential parties seek to intervene in an untimely manner, utilizing the Commission's existing rules would give full consideration to the actual potential parties, based on their own individual situations, and would save the Commission and the parties from speculating as to the facts.

There are a number of procedural developments which must take place prior to an Evidentiary Hearing in this matter. To delay those developments, at the request of a potential party which did file to intervene in a timely manner, seems more likely to prejudice the parties who did timely file, and especially so when rules exist for the very situation which is alleged.

The Applicant is not prejudging any potential untimely intervention petitions at this point. In the event that any such petitions would be filed, the Applicant's position would be considered at that time.

WHEREUPON the Applicant requests that the Commission deny the request made by DRA and rely on the Commission rules regarding late filed petitions to intervene, which are in place.

Dated this 15<sup>th</sup> day of May, 2009.

MAY, ADAM, GERDES & THOMPSON LLP

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