

RECEIVED

MAY 21 2009

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

)ss

COUNTY OF JONES

Kelcy Nash _____, of said County and State, being duly sworn, on oath says: THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in MURDO, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said THE MURDO COYOTE is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonified subscribers; that I, the undersigned am _____ Editor _____, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Public Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 9th day of April, 2009, and the last publication on the 23rd day of April _____ 2009, that \$ 449.28 being the full amount of the fee for publication of the annexed notice solely to the benefit of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 23rd day of April, 2009.



Notary Public, State of South Dakota
My Commission Expires
January 24, 2014

**NOTICE OF PUBLIC HEARING
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
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
DOCKET HP09-001**

WHEN/WHERE:

Monday, April 27, 2009: 12:00 noon CDT at Winner Community Playhouse, 7th and Leahy Boulevard, Winner, SD

Monday, April 27, 2009: 7:00 p.m. MDT at Fine Arts School, 330 Scottie Avenue, Philip, SD

Tuesday, April 28, 2009: 6:00 p.m. MDT at Harding County Recreation Center, 204 Hodge Street, Buffalo, SD

Pursuant to SDCL 49-41B-15 and 49-41B-16, the South Dakota Public Utilities Commission (Commission) will hold public input hearings at the above times and places on an application filed by TransCanada Keystone Pipeline, LP (Keystone) seeking approval of its proposed crude oil pipeline. On March 12, 2009, Keystone filed a siting permit application for the South Dakota portion of the proposed Keystone XL Project (Project). The Project will transport crude oil starting in Hardisty, Alberta, Canada and ending in Port Arthur and East Houston areas of Texas. The proposed 36 inch diameter pipeline will have a nominal capacity of 900,000 barrels of oil per day. The proposed route will enter South Dakota at the Montana/South Dakota border in Harding County. It will extend in a southeasterly direction through portions of Harding, Butte, Perkins, Meade, Pennington, Haakon, Jones, Lyman, and Tripp counties. It will exit the state at the South Dakota/Nebraska border in Tripp County. The length of pipeline through South Dakota is approximately 313 miles. The Project also includes seven pump stations in South Dakota located in Harding (2), Meade, Haakon, Jones, and Tripp (2) counties along with 16 mainline valves. Mainline valves are proposed at each pump station and along the right-of-way with spacing intervals based upon the location of the pump stations, water bodies greater than 100 feet in width, high consequence areas and other considerations.

At the hearing, interested persons may appear and present their questions, views and comments regarding the application. Pursuant to SDCL 49-41B-15(5), the application is on file in the following County Auditor Offices: Harding County, Butte County, Perkins County, Meade County, Pennington County, Haakon County, Jones County, Lyman County and Tripp County. The application is also on file in the Commission's office in the Capitol Building in Pierre, and the application and all other documents in the case may also be accessed on the Commission's web site at www.puc.sd.gov under "Commission Actions," "Commission Dockets," "Hydrocarbon Pipeline Dockets," "2009 Hydrocarbon Pipeline Dockets," "HP09-001."

The parties to this proceeding are currently Keystone and the Commission. Pursuant to SDCL 49-41B-17, any person residing in the area of the project, each municipality, county, and governmental agency in the project area, any non-profit organization formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the project area, or any interested person, may be granted formal party status in this proceeding by making written application to the Commission as provided in ARSD 20:10:22:40 on or before May 11, 2009. Application forms for party status will be available at all public input hearings listed above.

For approval, TransCanada must show that the proposed energy conversion facility will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether the permit should be granted, denied or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds are appropriate.

The parties will have the right to appeal the final decision in this case to the appropriate Circuit Court by serving and filing a notice of appeal of the decision in accordance with SDCL 1-26-31, within thirty (30) days after the date of service of the notice of entry of decision in this case.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Commission at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you. The Commission's contact information is: ph (800) 332-1782; fax (866) 757-6031; www.puc.sd.gov; 500 E. Capitol Ave., Pierre, SD 57501.