

**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 PIPELINE PROJECT )	NOTICE OF AND ORDER FOR TAKING JUDICIAL NOTICE  HP07-001
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On April 27, 2007, TransCanada Keystone Pipeline, LP, (Applicant) filed a siting permit application for the South Dakota portion of the Keystone Pipeline Project (Project). The formal evidentiary hearing in the case was held on December 3-11, 2007. Initial briefs and proposed findings and conclusions by all parties wishing to submit them were due by January 11, 2008. Reply briefs and revisions to proposed findings and conclusions are due from all parties wishing to submit them on or before January 31, 2008.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-41B, specifically 49-41B-2, 49-41B-16 and 49-41B-17 and ARSD 20:10:01:39 through 20:10:01:43.

On January 11, 2008, the Commission received a copy on disk of the final Environmental Impact Statement (EIS) prepared by the United States Department of State (USDOS) for the Project in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. The Commission hereby gives notice to all parties who were present at the hearing in conformity with SDCL 1-26-19(3) that the Commission will take judicial notice of the EIS and will include it in the evidentiary record in the docket. The EIS is available through the link provided on the Commission's web site at [www.puc.sd.gov](http://www.puc.sd.gov) under "Commission Actions," "Commission Dockets," "Hydrocarbon Pipeline Dockets," "2007 Hydrocarbon Pipeline," "HP07-001."

It is therefore:

ORDERED that the Commission will take judicial notice of the final EIS, including the appendices thereto, as an official government document filed with the United States Department of State as required by law and the EIS will be included in the evidentiary record in this docket.

Dated at Pierre, South Dakota, this 15<sup>th</sup> of January, 2008.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Aldine Kolbo</i></u>
Date: <u>1/15/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Chairman

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner