

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION BY)	ORDER GRANTING MOTION
TRANSCANADA KEYSTONE PIPELINE, LP)	TO ESTABLISH
FOR A PERMIT UNDER THE SOUTH DAKOTA)	PROCEDURAL SCHEDULE
ENERGY CONVERSION AND TRANSMISSION)	AND ORDER GRANTING
FACILITIES ACT TO CONSTRUCT THE)	PARTY STATUS
KEYSTONE XL PROJECT)	HP09-001

On March 12, 2009, TransCanada Keystone Pipeline, LP, (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.

On April 6, 2009, the Commission issued its Notice of Application; Order for and Notice of Public Input Hearings; and Notice of Opportunity to Apply for Party Status in this docket. The notice provided that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, each municipality, county, and governmental agency in the area where the facility is proposed to be sited; 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 area in which the facility is to be sited; or any interested person, may be granted party status in this proceeding by making written application to the Commission on or before May 11, 2009.

Mary Jasper (Jasper) filed an Application for Party Status on April 29, 2009. Paul F. Seamans (Seamans) filed an Application for Party Status on May 4, 2009. Darrell Iversen (D. Iversen) filed an Application for Party Status on May 5, 2009. The City of Colome (Colome) and Glen Iversen (G. Iversen) filed Applications for Party Status on May 8, 2009. Jacqueline Limpert (Limpert), John H. Harter (Harter), Zona Vig (Vig), Tripp County Water User District (TCWUD), Dakota Rural Action (DRA) and David Niemi (David Niemi) filed Applications for Party Status on May 11, 2009. On May 11, 2009, the Commission received a Motion for Extension of Time to File Application for Party Status from DRA requesting that the intervention deadline be extended to June 10, 2009. Debra Niemi (Debra Niemi) and Lon Lyman (Lyman) filed Applications for Party Status on May 12, 2009. On May 15, 2009, the Commission received a Response to Motion to Extend Time from Keystone and a Motion to Establish a Procedural Schedule from Commission Staff.

At its regularly scheduled meeting of May 19, 2009, the Commission voted unanimously to grant party status to Jasper, Seamans, D. Iversen, Colome, G. Iversen, Limpert, Harter, Vig, TCWUD, DRA, David Niemi, Debra Niemi and Lyman. The Commission also voted to deny the

Motion for Extension of Time to File Application for Party Status, and in the alternative, the Commission extended the intervention deadline to May 31, 2009. Ruth M. Iversen (Iversen) and Martin R. Lueck (Lueck) filed Applications for Party Status on May 29, 2009.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-21, 49-41B-22, 49-41B-26, 49-41B-33, 49-41B-38, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting of June 9, 2009, the Commission considered the Motion to Establish a Procedural Schedule and the Applications for Party Status. The Commission voted unanimously to grant the Motion to Establish a Procedural Schedule. Further, the Commission finds, pursuant to ARSD 20:10:01:15.05 that good cause exists to allow intervention to Iversen and Lueck. It is therefore

ORDERED, that the Motion to Establish a Procedural Schedule is hereby granted. It is further

ORDERED, that party status be granted to Iversen and Lueck.

Dated at Pierre, South Dakota, this 24th day of June, 2009.

<p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Melaine Kolbe</u></p> <p>Date: <u>6/26/09</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner