

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

<b>IN THE MATTER OF THE PETITION OF )</b>	<b>ORDER GRANTING IN PART</b>
<b>TRANSCANADA KEYSTONE PIPELINE, LP )</b>	<b>AND DENYING IN PART</b>
<b>FOR ORDER ACCEPTING CERTIFICATION )</b>	<b>MOTION <i>IN LIMINE</i></b>
<b>OF PERMIT ISSUED IN DOCKET HP09-001 )</b>	<b>(DRA Exhibits)</b>
<b>TO CONSTRUCT THE KEYSTONE XL )</b>	
<b>PIPELINE )</b>	<b>HP14-001</b>

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada or Keystone) filed with the South Dakota Public Utilities Commission (Commission) a Petition for Order Accepting Certification under SDCL §49-41B-27 seeking an order accepting certification of the energy facility permit issued in Docket HP09-001 for construction of the Keystone XL Pipeline. On June 29, 2010, the Commission issued an Amended Final Decision and Order; Notice of Entry granting a permit to TransCanada for construction of the Keystone XL Pipeline. TransCanada now seeks an order accepting certification pursuant to SDCL 49-41B-27. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, specifically 15-6-26(e), and 49-41B, specifically 49-41B-27, and ARSD Chapters 20:10:01, specifically 20:10:01:01.02, and 20:10:22.

On September 18, 2014, the Commission electronically transmitted notice of the filing and the intervention deadline of October 15, 2014, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. Applications for Party Status were received from forty-three persons, and on November 4, 2014, the Commission issued an Order Granting Intervention and Party Status to forty-two of the applicants. Three parties have since been granted withdrawal of party status. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule. On May 5, 2015, the Commission issued an Order Amending Procedural Schedule. Per the Order Amending Procedural Schedule, parties were required to file witness lists and exhibit lists by July 7, 2015, and motions *in limine* by July 10, 2015.

On July 7, 2015, Dakota Rural Action (DRA) and several other parties submitted exhibit lists. DRA's exhibit list identified approximately 1,073 exhibits it intended to potentially introduce at the evidentiary hearing.

On July 10, 2015, the Commission received Keystone's Protective Motion *in Limine* Regarding Dakota Rural Action's Exhibit List Dated July 7, 2015 (Motion). In its Motion, Keystone sought an order prohibiting DRA from offering any exhibit or testimony regarding exhibits containing information not timely produced in supplementary discovery responses.

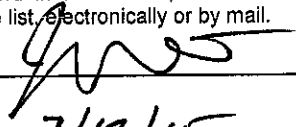
At an ad hoc meeting on July 17, 2015, the Commission considered the Motion. The Commission considered written and oral arguments presented by the parties. The Commission found that Keystone would be unduly prejudiced by the admission of exhibits 29-37, 39-65, 67-128, 397-409, 1058-1062, and 1063-1073.

It is therefore

ORDERED, that the Motion is granted with respect to exhibits 29-37, 39-65, 67-128, 397-409, 1058-1062, 1063-1073. It is further

ORDERED, that the Motion is denied with respect to all other exhibits submitted by Dakota Rural Action.


Dated at Pierre, South Dakota, this 17<sup>th</sup> day of July, 2015.

<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 or by mail.
By: <u></u>
Date: <u>7/17/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

  
CHRIS NELSON, Chairman

  
KRISTIE FIEGEN, Commissioner

  
GARY HANSON, Commissioner