

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING MOTION
TRANSCANADA KEYSTONE PIPELINE, LP)	TO PRECLUDE TESTIMONY
FOR ORDER ACCEPTING CERTIFICATION)	REGARDING MNI WICONI
OF PERMIT ISSUED IN DOCKET HP09-001)	PIPELINE EASEMENTS
TO CONSTRUCT THE KEYSTONE XL)	
PIPELINE)	HP14-001

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada) 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 and 49-41B, specifically 49-41B-27, and ARSD Chapter 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. On October 1, 2014, the Commission issued an Order Assessing Filing Fee. 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. 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, in which the Commission ordered that all substantive motions be filed by May 26, 2015, and be heard on June 11, 2015.

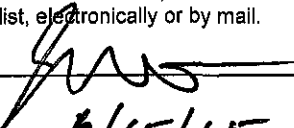
On May 26, 2015, the Commission received a Motion to Preclude Testimony Regarding Mni Wiconi Pipeline Easements (Motion) from TransCanada. In this Motion, TransCanada sought an order precluding parties from presenting testimony and argument pertaining to tribal consent to the proposed Keystone XL Pipeline's crossing of the Mni Wiconi pipeline(s).

At its regularly scheduled meeting on June 11, 2015, the Commission considered the Motion. The Commission considered all written submissions and oral arguments. Finding that tribal consent to the proposed Keystone XL Pipeline's crossing of the Mni Wiconi pipeline(s) is not relevant to this proceeding, because the Commission does not have authority over property rights, the Commission voted unanimously to grant the Motion.

It is therefore

ORDERED, that the Motion to Preclude Testimony Regarding Mni Wiconi Pipeline Easements is granted.

Dated at Pierre, South Dakota, this 15th day of June, 2015.

CERTIFICATE OF SERVICE
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>6/15/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


CHRIS NELSON, Chairman


KRISTIE FLEGEN, Commissioner


GARY HANSON, Commissioner