BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF TRANSCANADA KEYSTONE PIPELINE, LP FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE	)	**ORDER GRANTING MOTION *IN LIMINE* TO STRIKE THE ARTICLE BY LINDA BLACK ELK AND RESTRICT HER TESTIMONY**
	)	**HP14-001**

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 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. 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. On July 10, 2015, the Commission received Keystone's Motion *in Limine* to Strike Article by Linda Black Elk and Restrict Her Testimony (Motion). In its Motion, Keystone sought an order precluding the article filed as the rebuttal testimony of Standing Rock Sioux Tribe witness Linda Black Elk.

At its regularly scheduled meeting on July 21, 2015, the Commission considered the Motion. Finding that the rebuttal testimony at issue addresses issues previously ruled by the Commission to be beyond the scope of the proceeding and that the proffered witness failed to file proper pre-filed testimony, the Commission voted unanimously to grant the Motion. It is therefore

ORDERED, that Keystone's Motion *in Limine* to Strike the Article by Linda Black Elk and Restrict Her Testimony is granted.

Dated at Pierre, South Dakota, this 22nd day of July, 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: _____

Date: 7/22/15

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

CHRIS NELSON, Chairman

KRISTIE FIEGEN, Commissioner

GARY HANSON, Commissioner