

**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 FOR AND NOTICE OF HEARING ON LESS THAN 10 DAYS' NOTICE HP14-001
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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 Chapters and 20:10:01 and 20:10:22.

An evidentiary hearing was held beginning on Monday, July 27, 2015 in Room 414 of the State Capitol Building. The hearing was extended to include Saturday, August 1, 2015 by order dated July 30, 2015, and then continued from August 3 to August 5, 2015. The evidentiary hearing was conducted by Commission General Counsel John J. Smith, who acted as Hearing Examiner. Commissioners Chris Nelson and Gary Hanson attended the hearing in person. Due to medical treatment, Commissioner Kristie Fiegen elected under SDCL § 1-26-24 to participate by reviewing the hearing transcript.

Cindy Myers filed pre-filed testimony on April 2, 2015, and testified at the hearing on August 3, 2015. Keystone objected to several aspects of her testimony, but offered to file a motion after the hearing in the interest of time. On September 21, 2015, the Commission received Keystone's Motion to Strike Testimony and Exhibits of Cindy Myers (Motion to Strike).

At its regular meeting on October 29, 2015, the Commission considered the Motion to Strike. Chairman Nelson moved to grant the Motion to Strike with the clarifications discussed at the hearing. After a majority of the Commission voted to deny Commissioner Hanson's motion to amend Chairman Nelson's motion by removing Cindy Myers's Exhibit 6001 from the exclusion list, the Commission voted unanimously to grant Chairman Nelson's motion and grant Keystone's Motion to Strike.

On November 4, 2015, Commissioner Hanson filed a Request for Reconsideration of the Commission's action on the Motion to Strike.

Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days notice if the Commission determines good cause exists therefor. The Commission finds that, because existing scheduling conflicts with later possible hearing dates, good cause exists to hear the Motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Request for Reconsideration of the Commission's action on the Motion to Strike will be held by the Commission at its regularly scheduled meeting on November 12, 2015, beginning at 1:30 P.M. CDT in Rm. 413, Capitol Building, Pierre, SD. It is further

ORDERED, that replies must be submitted by 5:00 P.M. CDT, on November 10, 2015.

Dated at Pierre, South Dakota, this 5th day of November, 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>Rolayne West</u>
Date: <u>11-5-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Flegen

KRISTIE FLEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner