

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

<b>IN THE MATTER OF THE PETITION OF )</b>	<b>ORDER FOR AND NOTICE OF</b>
<b>TRANSCANADA KEYSTONE PIPELINE, LP )</b>	<b>MOTION HEARING ON LESS</b>
<b>FOR ORDER ACCEPTING CERTIFICATION )</b>	<b>THAN 10 DAYS' NOTICE</b>
<b>OF PERMIT ISSUED IN DOCKET HP09-001 )</b>	
<b>TO CONSTRUCT THE KEYSTONE XL )</b>	<b>HP14-001</b>
<b>PIPELINE</b>	

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 Chapters 20:10:01, specifically 20:10:01:22.02, 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. Two 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 (Procedural Schedule). In the Procedural Schedule, the Commission ordered parties to file pre-filed testimony by April 2, 2015. That Order was later amended by the Commission to allow Rosebud Sioux Tribe until April 10, 2015, to file pre-filed testimony.

On April 3, 2015, the Commission issued an Order amending the Procedural Schedule, in which the Commission ordered that all pre-hearing motions would be heard on April 14, 2015.

On April 2 and April 3, 2015, respectively, Dakota Rural Action and Intertribal Council on Utility Policy filed objections to the Commission's requirement that pre-filed testimony be filed. On April 6, 2015, the Commission received a motion from TransCanada to Preclude Parties from Calling Witnesses at Hearing Who Did Not File Pre-Filed Testimony (Motion).

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 good cause exists because the Commission has established a hearing date for all pre-hearing motions on April 14, 2015. Furthermore, the Commission finds that this is an issue which merits expedited resolution, as pre-filed testimony was due on April 2, 2015. Therefore, good cause exists to hear the Motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Motion to Preclude Parties from Calling Witnesses at Hearing Who Did Not File Pre-Filed Testimony will be held by the Commission in connection with its regular meeting on April 14, 2015, beginning at 9:30 A.M. CST in Rm. 413, Capitol Building.

Dated at Pierre, South Dakota, this 6<sup>th</sup> day of April, 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>Palayne West</u>
Date: <u>4-6-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Piegen

KRISTIE PIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner