

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

IN THE MATTER OF THE APPLICATION OF)	PREHEARING SCHEDULING
DAKOTA ACCESS, LLC FOR AN ENERGY)	CONFERENCE ORDER
FACILITY PERMIT TO CONSTRUCT THE)	
DAKOTA ACCESS PIPELINE)	HP14-002

On December 15, 2014, the South Dakota Public Utilities Commission (Commission) received an energy facility permit application from Dakota Access, LLC (Dakota Access) pursuant to SDCL 49-41B-4 to construct the South Dakota portion of the proposed Dakota Access Pipeline (Pipeline). The Pipeline will begin in North Dakota and terminate in Patoka, Illinois, traversing 13 counties in South Dakota. The proposed 12- to 30-inch diameter pipeline will have an initial capacity of 450,000 barrels of oil per day with a total potential of up to 570,000 barrels per day. The proposed route will enter South Dakota in Campbell County at the North Dakota/South Dakota border and will extend in a southeasterly direction, exiting the state at the South Dakota/Iowa border in Lincoln County. The length of the Pipeline through South Dakota is approximately 272.3 miles. The Pipeline also would include one pump station in South Dakota located in Spink County. On December 16, 2014, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status (Notice). On December 17, 2014, Dakota Access filed a Motion for Waiver of ARSD 20:10:22:39. On December 23, 2014, Dakota Access filed a revised application and revised Exhibits A and C. On January 21, 2015, the Commission held public input hearings in Bowdle and Redfield, S.D. On January 22, 2015, the Commission held public input hearings in Iroquois and Sioux Falls, S.D.

On December 18, 2014, the Commission electronically transmitted the Notice and the intervention deadline to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv and filed the application with the County Auditor of each county wholly or partially within the project area. Notice of the application and opportunity to apply for party status was also published in newspapers of general circulation in each county wholly or partially within the area of the proposed Pipeline route. As required by ARSD 20:10:22:39, a deadline for filing a request for party status was set for February 13, 2015. On December 30, 2014, the Commission issued an Order Assessing Filing Fee.

On January 8, 2015, Commissioner Fiegen filed a letter delivered to Governor Dennis Daugaard advising of a conflict of interest under SDCL 49-1-9 arising from family ownership of land on the proposed Pipeline route. On January 14, Governor Daugaard filed a letter to Secretary of State Shantel Krebs appointing State Treasurer Rich Sattgast to serve as Acting Commissioner in place of Commissioner Fiegen pursuant to SDCL 49-1-9.

On February 18, 2015, the Commission issued an Order Granting Waiver and Intervention and Party Status granting intervention and party status to the thirty-four persons who had filed Applications for Party Status by February 12, 2015. An additional fifteen Applications for Party Status have been received by the Commission since February 12, 2015, and will be considered by the Commission at its regular meeting on March 2, 2015. On February 24, 2015, the Commission's staff attorney conducted an email exchange with the parties and pending applicants for party status regarding an acceptable date for a prehearing scheduling conference.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-17 and ARSD Chapter 20:10:22.

Finding that a prehearing scheduling conference would be beneficial to enable parties to the docket to offer their views on an appropriate schedule for the proceedings in this case, the Commission directs its Commission Counsel, John Smith, to hold a telephonic prehearing scheduling conference on Tuesday, March 3, 2015, at 1:15 P.M. CST. Notice of the prehearing conference call-in details shall be provided to all parties.

It is therefore

ORDERED, that Commission Counsel, John Smith, shall hold a telephonic prehearing scheduling conference on Tuesday, March 3, 2015, at 1:15 P.M. CST. Notice of the prehearing conference call-in details shall be provided to all parties.

Dated at Pierre, South Dakota, this 25th day of February, 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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>[Signature]</u>
Date:	<u>2/25/15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
GARY HANSON, Commissioner

[Signature]
RICHARD L. SATTGAST, Acting
Commissioner