

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

IN THE MATTER OF THE APPLICATION OF )  
DAKOTA ACCESS, LLC FOR AN ENERGY )  
FACILITY PERMIT TO CONSTRUCT THE )  
DAKOTA ACCESS PIPELINE )

ORDER GRANTING MOTION )  
TO WITHDRAW; ORDER )  
GRANTING MOTIONS TO )  
APPROVE PUBLIC LIAISON )  
OFFICER AND THIRD PARTY )  
MONITOR )

HP14-002

On December 15, 2014, the South Dakota Public Utilities Commission (Commission) received an energy facility permit application (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 miles. The Pipeline also would include one pump station in South Dakota located in Spink County.

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 after learning of family ownership of land on the proposed Pipeline route. On January 14, 2015, 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 December 14, 2015, the Commission issued its Final Decision and Order granting the permit, subject to conditions. The permit conditions require Dakota Access to file with the Commission its proposed public liaison officer's credentials and third-party monitor's credentials for approval by the Commission prior to the commencement of construction. On January 27, 2016, Dakota Access filed a Motion for Approval of Public Liaison Officer. On February 12, 2016, Dakota Access filed a Motion to Withdraw its Motion for Approval of Public Liaison Officer. On February 18, 2016, Dakota Access filed a Motion for Approval of Public Liaison Officer and a Motion for Approval of Third Party Compliance Monitor. Dakota Access requested approval of Eric Munz as Public Liaison Officer and Ryan Coleman as Third Party Compliance Monitor. On February 24, 2016, Commission Staff filed Sarah Metcalf's Letter of Recommendation for Eric Munz. On February 29, 2016, Peggy Hoogestraat filed comments on the Motion for Approval of Third Party Compliance Monitor. On March 1, 2016, the Commission issued an Order for and Notice of Motions Hearing setting the hearing on these motions to be heard on March 15, 2016, and requiring responses to the motions to be filed by March 9, 2016. On March 7, 2016, Commission Staff filed its Response to Motion for Approval of Public Liaison Officer. On March 9, 2016, Commission Staff filed its Response to Motion for Approval of Third Party Compliance Monitor. On March 11, 2016, Dakota Access filed a description of the scope and responsibilities of the third-party monitoring program.

At its March 15, 2016, meeting, the Commission considered the motions. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B. The Commission voted unanimously to grant the Motion to Withdraw. Both Eric Munz, Dakota Access's choice for Public Liaison Officer, and Ryan Coleman, Dakota Access' choice for third Party Monitor, were present and answered a number of questions from the Commission regarding their qualifications and how they would fulfill the responsibilities of the positions. Following the questioning, the Commission voted unanimously to grant the Motion for Approval of Public Liaison Officer and the Motion for Approval of Third Party Compliance Monitor.

It is therefore

ORDERED, that the Motion to Withdraw is granted. It is further

ORDERED, that the Motion for Approval of Public Liaison Officer is granted. It is further

ORDERED, that the Motion for Approval of Third Party Compliance Monitor is granted.

Dated at Pierre, South Dakota, this 16th day of March, 2016.

**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: Polynne Wiest

Date: 3-16-16

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Gary Hanson

GARY HANSON, Commissioner

Richard L. Sattgast

RICHARD L. SATTGAST, Acting Commissioner