

**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)	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 (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. Pursuant to SDCL 49-41B-24, the Commission has one year from the date of application to render a decision on the Application. 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). Pursuant to ARSD 20:10:22:40, the Notice set February 13, 2015, as the deadline for filing an Application for Party Status. On December 17, 2014, Dakota Access filed a Motion for Waiver of ARSD 20:10:22:39.

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

On December 18, 2014, the Commission electronically transmitted the Notice 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. On December 18 and 19, 2014, the Notice was served on the County Auditors of each of the thirteen counties on the proposed Pipeline route and on the governing bodies of each county and municipality wholly or partially within the area of the proposed Pipeline. 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. On December 23, 2014, Dakota Access filed a revised Application and revised Exhibits A and C. On December 30, 2014, the Commission issued an Order Assessing Filing Fee.

On January 8, 2015, Commissioner Fiegen, after learning of family ownership of land on the proposed Pipeline route, filed a letter delivered to Governor Dennis Daugaard advising of a conflict of interest and disqualification under SDCL 49-1-9. 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 January 21, 2015, the Commission held public input hearings in Bowdle and Redfield, South Dakota. On January 22, 2015, the Commission held public input hearings in Iroquois and Sioux Falls, South Dakota. On February 18, 2015, the Commission issued an Order Granting Waiver and Intervention and Party Status granting intervenor party status to all

parties that had filed on or before February 12, 2015. The Commission received additional applications for party status on and after February 13, 2015. On February 25, 2015, the Commission issued a Prehearing Scheduling Conference Order (Order).

On February 24, 2015, the Commission's staff (Staff) served upon all parties on the service list and those persons with pending Applications for Party Status a notice via email, and via mail to those parties not having email notice as a service option, notice of a proposed telephonic prehearing scheduling conference tentatively scheduled for 1:15 p.m. on March 3, 2015, with the date and time subject to change if parties had issues with this date and time. No parties indicated to Staff that they had an objection to this date and time. At its regular meeting on March 2, 2015, the Commission voted unanimously to grant intervention and party status to all persons who had filed Applications for Party Status. As directed in the Order, Commission Counsel held a telephonic prehearing scheduling conference with those parties who appeared either in person or telephonically at the date and time set forth in Staff's notice. The participating parties tentatively agreed on a procedural schedule covering discovery, pre-filed testimony, and witness list and exhibit list filing and service that would match up with the hearing dates reserved by the Commission of September 29 through October 8, 2015. Commission Counsel agreed to circulate a draft procedural scheduling order reflecting such agreed schedule for review by the parties prior to issuance. No objections to such agreed schedule were received by the Commission or Commission Counsel.

The schedule agreed to by the parties is as follows (All dates are 2015):

First round of discovery requests served by all parties (may include more than one set of discovery requests)	April 1
First round of discovery responses served by all parties	May 1
Second round of discovery requests served by all parties (may include more than one set of discovery requests)	May 22
Second round of discovery responses served by all parties	June 15
Pre-filed direct testimony served and filed by all parties	June 26
Additional discovery requests pertaining to issues raised by pre-filed testimony and exhibits or a change in circumstances (responses due within thirty days after the date of service of the request as provided in SDCL 15-6-33(a) except those in response to requests served after August 22 (may include more than one set of discovery requests))	June 27 - Sept. 1
Pre-filed rebuttal testimony served and filed by all parties	August 14
Final discovery responses served by all parties	Sept. 21
Witness list and exhibit list served and filed by all parties	Sept. 23
Hearing	Sept. 29 – Oct. 8

It is therefore

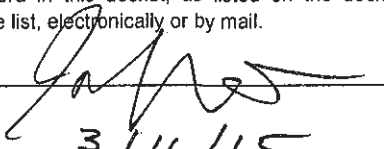
ORDERED, that the parties shall follow the procedural schedule as set forth above except as otherwise ordered by the Commission.

ORDERED that the filing of testimony, exhibits, motions, other pleadings, and other documents shall be through the Commission's e-filing system to the extent possible.

ORDERED that all parties shall serve their testimony, exhibits, motions, and other pleadings and filings with the Commission upon all persons listed on the "Service List" link on the Commission's web page for Docket HP14-002.

ORDERED, that pursuant to ARSD 20:10:01:22.01, discovery requests and responses thereto shall be governed by SDCL 15-6-5(g) and are not subject to the filing and service requirements of this order except as such documents may become filings or evidence in the case pursuant to SDCL 15-6-5(g) or by order of the Commission

Dated at Pierre, South Dakota, this 11th day of March, 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:	<u>3 / 11 / 15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



GARY HANSON, Commissioner



RICHARD L. SATTGAST, Acting
Commissioner