

**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 FOR AND NOTICE OF  
MOTION HEARING  
ON LESS THAN TEN DAYS  
NOTICE  
  
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. Several parties have been granted intervention in this docket.

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 March 3, 2015, Commission Counsel held a telephonic prehearing scheduling conference with those parties who appeared either in person or telephonically. The participating parties tentatively agreed on a procedural schedule covering discovery, pre-filed testimony, witness and exhibit lists, and an evidentiary hearing. Commission Counsel circulated a draft procedural schedule reflecting the agreed schedule for review to the parties prior to issuance of the Scheduling Order. No objections to such agreed schedule were received. On March 11, 2015, the Commission issued a Prehearing Scheduling Order.

On May 7, 2015, Yankton Sioux Tribe, Rosebud Sioux Tribe, Indigenous Environmental Network, and Dakota Rural Action filed a Joint Motion to Amend Procedural Schedule (Motion). The Motion seeks to amend the Procedural Schedule set by the Commission in its Order dated March 11, 2015. On May 11, 2015, parties represented by Glenn Boomsma filed a Joinder of that Motion. Also on May 11, 2015, the Commission issued an Order for and Notice of Motion Hearing, ordering that the Motion would be heard at the regularly scheduled Commission meeting on May 26, 2015.

On May 12, 2015, Yankton Sioux Tribe, Rosebud Sioux Tribe, Indigenous Environmental Network, and Dakota Rural Action (Movants) filed a Joint Motion for Reconsideration of Order Dated May 11, 2015 (Joint Motion for Reconsideration). In the Joint Motion for Reconsideration, Movants seek to have the Commission hold a hearing on the Joint Motion to Amend Procedural Schedule prior to May 22, 2015.

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 the Motion which underlies the Joint Motion for Reconsideration is to be heard on May 26, 2015, which is less than ten days from today's date and the date of the filing of the Joint Motion for Reconsideration, good cause therefore exists to hear the Joint Motion for Reconsideration on less than ten days notice.

It is therefore

ORDERED, that a hearing on the Joint Motion for Reconsideration will be held by the Commission on May 14, 2015, beginning at 12:00 P.M. CDT in Rm. 413, Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 12th day of May, 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>[Signature]</u>
Date:	<u>5/12/15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature]  
CHRIS NELSON, Chairman

[Signature]  
GARY HANSON, Commissioner

[Signature]  
RICHARD SATTGAST, Acting Commissioner