

**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 IN PART  
MOTION TO AMEND  
PROCEDURAL SCHEDULE**

**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 (Procedural Schedule).

On May 5, 2015, the Commission received a Motion to Compel Discovery from Yankton Sioux Tribe. On May 13, 2015, the Commission issued an Order Granting in Part and Denying in Part Yankton Sioux Tribe's Motion to Compel.

On May 8, 2015, the Commission received Yankton Sioux Tribe's, Rosebud Sioux Tribe's, Indigenous Environmental Network's, and Dakota Rural Action's Joint Motion to Amend Procedural Schedule (Joint Motion). On May 11, 2015, the individual intervenors filed a Joinder in the Joint Motion. On May 11, 2015, the Commission issued an Order for and Notice of Motion Hearing (May 11 Order), setting the Joint Motion for hearing at the Commission's regular meeting on May 26, 2015. On May 12, 2015, Yankton Sioux Tribe, Rosebud Sioux Tribe, Indigenous Environmental Network, and Dakota Rural Action filed a Joint Motion for Reconsideration of Order Dated May 11, 2015, requesting that the Commission reconsider the May 11 Order and reschedule the Joint Motion for hearing prior to May 22, 2015. On May 12, 2015, the Commission issued an Order for and Notice of Motion Hearing on Less Than Ten

Days Notice setting the Joint Motion for hearing on reconsideration on May 14, 2015. Following hearing on the reconsideration question, on May 14, 2015, the Commission issued an Order Granting Motion to Reconsider and Order for and Notice of Hearing on Less Than Ten Days Notice setting the Joint Motion for hearing on May 19, 2015.

At an ad hoc Commission meeting on May 19, 2015, the Commission considered the Joint Motion. After consideration of the Joint Motion and briefs submitted, as well as arguments presented at the meeting, the Commission voted unanimously to grant joinder in the Joint Motion to the intervenor parties to the Joinder in the Joint Motion and to amend the procedural schedule: 1) to change the due date for second round discovery requests for parties who issued first round discovery requests to May 29, 2015, with responses due on June 22, 2015; 2) to change the date for all parties to file pre-filed direct testimony to July 6, 2015; and 3) to leave all other dates as set forth in the Procedural Schedule prior to amendment.

It is therefore

ORDERED, that intervenor parties to the Joinder in the Joint Motion are joined as parties to the Joint Motion. It is further

ORDERED, that the deadline for second round discovery requests to be served by parties who served first round discovery requests is May 29, 2015. It is further

ORDERED, that responses to those discovery requests served on May 29, 2015, as provided above, are due on June 22, 2015. It is further

ORDERED, that pre-filed direct testimony is due for all parties on July 6, 2015. It is further

ORDERED, that all other dates set forth in the Procedural Schedule shall remain the same.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of May, 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: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



GARY HANSON, Commissioner



RICHARD L. SATTGAST, Acting  
Commissioner