

**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**

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**ORDER FOR AND NOTICE OF
MOTION HEARING ON LESS
THAN 10 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.

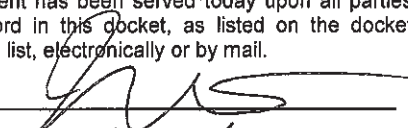
On August 17, 2015, Yankton Sioux Tribe filed Yankton Sioux Tribe's Motion for Leave to File out of Time (Motion). The Motion requests Commission approval of Yankton Sioux Tribe's late filing of pre-filed rebuttal testimony for Yankton Sioux Tribe Business and Claims Committee Member Jason Cooke due to a scheduling conflict for Mr. Cooke. The pre-filed testimony was filed by Yankton Sioux Tribe on August 17, 2015, as an Exhibit to the Motion. In the Prehearing Scheduling Order issued by the Commission on March 11, 2015, the Commission set August 14, 2015, as the due date for filing and serving pre-filed rebuttal testimony.

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 this matter must be resolved so parties can prepare their cases, good cause exists to hear the Motion on less than ten days' notice.

It is therefore


ORDERED, that a hearing on Yankton Sioux Tribe's Motion for Leave to File out of Time will be held by the Commission in connection with its regular meeting on August 20, 2015, beginning at 9:30 A.M. CDT in the Governor's Large Conference Room, Capitol Building, Pierre, South Dakota.

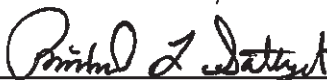
Dated at Pierre, South Dakota, this 18th day of August, 2015.

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: <u></u>
Date: <u>8/18/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


CHRIS NELSON, Chairman


GARY HANSON, Commissioner


RICHARD L. SATTGAST, Acting Commissioner