

**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 ALLOWING LATE  
FILED TESTIMONY**

**HP14-002**

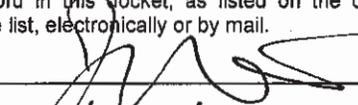
On December 15, 2014, the South Dakota Public Utilities Commission (Commission) received an energy facility permit application (Application) from Dakota Access, LLC (Dakota Access) pursuant to SDCL 49-41B-4 to construct the South Dakota portion of the proposed Dakota Access Pipeline (Pipeline). The Pipeline 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. On January 14, 2015, State Treasurer Rich Sattgast was appointed by the Governor to serve as Acting Commissioner in place of Commissioner Fiegen pursuant to SDCL 49-1-9 due to a conflict of interest.

On March 11, 2015, the Commission issued a Prehearing Scheduling Order. The Prehearing Scheduling Order provided in relevant part that prefiled rebuttal testimony was to be submitted by August 14, 2015. On August 17, 2015, Yankton Sioux Tribe filed Yankton Sioux Tribe's Motion for Leave to File out of Time (Motion). The Motion sought approval from the Commission for the pre-filed rebuttal testimony from proffered Yankton Sioux Tribe rebuttal witness Jason Cooke to be filed one business day late.

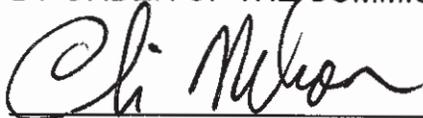
The Commission considered the Motion at its regularly scheduled meeting on August 20, 2015. Finding that no party would be prejudiced by the filing which was one business day late, the Commission voted unanimously to grant the Motion. It is therefore

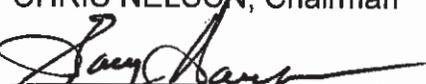
**ORDERED**, that the rebuttal testimony of Jason Cooke on behalf of the Yankton Sioux Tribe is accepted as pre-filed rebuttal testimony in this docket.

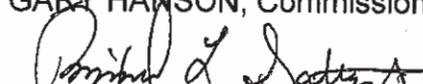
Dated at Pierre, South Dakota, this 21<sup>st</sup> day of August, 2015.

<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: 
Date: <u>8/21/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

  
CHRIS NELSON, Chairman

  
GARY HANSON, Commissioner

  
RICH SATTGAST, Acting Commissioner