

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
DAKOTA ACCESS, LLC FOR AN ENERGY)	MOTIONS
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. 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 20, 2015, the Commission issued an Order for and Notice of Evidentiary Hearing. The hearing shall begin at 1:00 P.M. CDT, with marking of exhibits to begin at 12:00 P.M. CDT, on Tuesday, September 29, 2015.

On September 16, 2015, attorney Glenn J. Boomsma filed a motion on behalf of his clients requesting that certain "Intervenor witnesses be allowed to offer telephonic testimony in this matter...." On September 18, 2015, the City of Sioux Falls filed a motion asking that the Commission enter an order "establishing a range of time (afternoon of October 6 or morning of October 7) for the testimony of witness Dustin Hansen." On September 21, 2015, the South Dakota Association of Rural Water Systems, Inc. (SDARWS) filed a Motion for Substitution of Witness. In its motion, SDARWS requested that it be allowed to substitute its previous witness, Steve Harper, with Dan Zulkosky, who is the Construction Administrator of Lewis & Clark Regional Water System. SDARWS also requested that Dan Zulkosky be allowed to testify on October 6 or 7, 2015. On September 23, 2015, the Yankton Sioux Tribe filed a Notice of Witness Unavailability and Motion for Time Certain. Yankton Sioux Tribe stated that its witnesses Jason Cooke, Faith Spotted Eagle, and Chris Saunsoci are unavailable to provide testimony on September 30, 2015, and requested that its witnesses Faith Spotted Eagle and Chris Saunsoci be allowed to testify on October 6, 2015.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-13, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-22, 49-41B-24, and 49-41B-38, and ARSD Chapter 20:10:22.

At its September 24, 2015, ad hoc meeting, the Commission considered the motions. Regarding SDARWS' Motion for Substitution of Witness, no party objected to the motion. The Commission voted unanimously to grant the motion. Regarding the motion to allow telephonic testimony, no party objected to the motion. The Commission voted unanimously to grant the motion. Regarding the City of Sioux Falls' motion to allow its witness to testify on either the afternoon of October 6 or the morning of October 7, 2015, no party objected to the motion. The Commission voted unanimously to grant the motion to allow the witness to testify the morning of October 7, 2015. Regarding the request of SDARWS that its witness be allowed to testify on October 6, or 7, 2015, no party objected to the request. The Commission voted unanimously to grant the request to allow the witness to testify on October 7, 2015. Regarding Yankton Sioux Tribe's Notice of Witness Unavailability and Motion for Time Certain, no party objected to the motion. The Commission voted unanimously to grant the motion to allow Faith Spotted Eagle and Chris Saunsoci to testify on October 6, 2015. The Commission found it unnecessary to take any action on the Yankton Sioux Tribe's Notice of Witness Unavailability, as Dakota Access will be presenting its testimony on the date in question. Glenn Boomsma, representing a number of individual witnesses, requested that all of the witnesses that he is representing be allowed to present their testimony on October 6, 2015. No party objected to hearing this request and no party objected to the granting of the request. The Commission voted unanimously to grant the request to allow the witnesses represented by Glenn Boomsma to testify on October 6, 2015, but, to the extent the witnesses are not finished testifying on October 6, testimony will be taken on October 7, 2015, or at some later point.

It is therefore

ORDERED, that SDARWS' Motion for Substitution of Witness is granted. It is further

ORDERED, that the motion to allow telephonic testimony is granted. It is further

ORDERED, that City of Sioux Falls' motion to allow its witness to testify at a time certain is granted. It is further

ORDERED, that SDARWS' request that its witness be allowed to testify at a time certain is granted. It is further

ORDERED, that Yankton Sioux Tribe's motion to allow two of its witnesses to testify at a time certain is granted. It is further

ORDERED, that Glenn Boomsma's request to allow the witnesses he is representing to testify at a time certain is granted as set forth above.

Dated at Pierre, South Dakota, this 25th day of September, 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: Polayne West

Date: 9-25-15

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Gary Hanson

GARY HANSON, Commissioner

Richard L. Sattgast

RICHARD L. SATTGAST, Acting Commissioner