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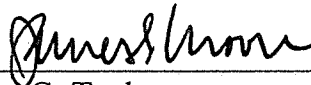
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Whether the intervening party is the Tribe or the Tribal Utility Commission, however, it is clear that neither has jurisdiction over Keystone or the Keystone XL Pipeline. Under § 20-4-101(2) of the Tribal Code, the Tribal Utility Commission has certain enumerated powers. The Code states that the Tribal Utility Commission may thereby “assume regulatory authority over one, or more classes of utilities *within the Reservation.*” (*Id.* (emphasis added).) The Code section cited in the application for party status, § 20-1-101(8), similarly states that the Rosebud Sioux Tribe has the sovereign power to regulate every utility “which enters and operates *within the reservation*” and which provides services, operates facilities, or constructs and erects pipelines “upon and across Reservation lands.” (*Id.* (emphasis added).) Keystone will not operate within the Rosebud Indian Reservation, the Keystone XL Pipeline will not be constructed or operated on Reservation lands, and to the knowledge of Keystone does not cross and will not be operated on land owned by or held in trust for the Rosebud Sioux Tribe. Notably, neither the Rosebud Sioux Tribe nor the Tribal Utility Commission were parties to the underlying docket, HP09-001.

Therefore, Keystone does not object to the Rosebud Sioux Tribe being granted party status, but disputes that Keystone and/or the Keystone XL Pipeline is subject to the jurisdiction of either the Rosebud Sioux Tribe or the Tribal Utility Commission.

Dated this 15th day of October, 2014.

WOODS, FULLER, SHULTZ & SMITH P.C.

By 
William G. Taylor
James E. Moore
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Phone (605) 336-3890
Fax (605) 339-3357
Email james.moore@woodsfuller.com
bill.taylor@woodsfuller.com
Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2014, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Response to Application of Party Status of the Rosebud Sioux Tribe - Tribal Utility Commission, to the following:

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
patty.vangerpen@state.sd.us

Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
kristen.edwards@state.sd.us

Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
brian.rounds@state.sd.us

Tony Rogers, Director
Rosebud Sioux Tribe - Tribal Utility
Commission
153 South Main Street
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov

Jane Kleeb
1010 North Denver Avenue
Hastings, NE 68901
jane@boldnebraska.org

Terry Frisch
Cheryl Frisch
47591 875th Road
Atkinson, NE 68713
tcfrisch@q.com

Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com

Robert G. Allpress
46165 Badger Road
Naper, NE 68755
bobandnan2008@hotmail.com

Darren Kearney
Staff Analyst South Dakota Public
Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
darren.kearney@state.sd.us

Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com

Byron T. Steskal
Diana L. Steskal
707 E. 2nd Street
Stuart, NE 68780
prairierose@nntc.net

Arthur R. Tanderup
52343 857th Road
Neligh, NE 68756
atanderu@gmail.com

Carolyn P. Smith
305 N. 3rd Street
Plainview, NE 68769
peachie-1234@yahoo.com

Jeff Jensen
14376 Laflin Road
Newell, SD 57760
jensen@sdplains.com

Amy Schaffer
PO Box 114
Louisville, NE 68037

Benjamin D. Gotschall
6505 W. Davey Road
Raymond, NE 68428
ben@boldnebraska.org

Elizabeth Lone Eagle
593 Bridger/PO Box 160
Howes, SD 57748
bethcbest@gmail.com

John H. Harter
28125 307th Avenue
Winner, SD 57580
johnharter11@yahoo.com

Peter Capossela
Peter Capossela, P.C.
PO Box 10643
Eugene, OR 97440
pscapossela@nu-world.com

South Dakota Wildlife Federation
PO Box 7075
Pierre, SD 57501
sdwf@mncomm.com

Jerry P. Jones
22584 US Hwy 14
Midland, SD 57552

Debbie J. Trapp
24952 US Hwy 14
Midland, SD 57552
mtdt@goldenwest.net

Louis T. (Tom) Genung
902 E. 7th Street
Hastings, NE 68901
tg64152@windstream.net

Nancy Hildring
6300 West Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com

Paul F. Seamans
27893 249th Street
Draper, SD 57531
jackknife@goldenwest.net

Viola Waln
PO Box 937
Rosebud, SD 57570
walnranh@goldenwest.net

Wrexie Lainson Bardaglio
9748 Arden Road
Trumansburg, NY 14886
wrexie.bardaglio@gmail.com

Kevin C. Keckler
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625
kevinckeckler@yahoo.com

Cody Jones
21648 US Hwy 14/63
Midland, SD 57552

Gena M. Parkhurst
2825 Minnewsta Place
Rapid City, SD 57702
gmpggb@hotmail.com

Douglas Hayes
Sierra Club
1650 38th St., Suite 102W
Boulder, CO 80301
doug.hayes@sierraclub.org

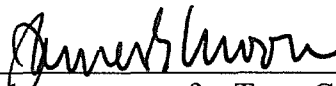
Duncan Meisel
20 Jay St., #1010
Brooklyn, NY 11201
duncan@350.org

Bruce Ellison
Attorney for Dakota Rural Action
518 6th Street #6
Rapid City, SD 57701
belli4law@aol.com

Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com

The Yankton Sioux Tribe
Robert Flying Hawk, Chairman
PO Box 1153
Wagner, SD 57380
robertflyinghawk@gmail.com
Thomasina Real Bird
Attorney for Yankton Sioux Tribe
trealbird@ndnlaw.com

Chastity Jewett
1321 Woodridge Drive
Rapid City, SD 57701
chasjewett@gmail.com



One of the attorneys for TransCanada