

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

**IN THE MATTER OF THE PETITION
OF TRANSCANADA KEYSTONE
PIPELINE, LP FOR ORDER
ACCEPTING CERTIFICATION OF
PERMIT ISSUED IN DOCKET HP09-
001 TO CONSTRUCT THE KEYSTONE
XL PIPELINE**

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MOTION FOR JUDICIAL NOTICE

HP14-001

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) by and through its undersigned counsel and hereby files this Motion for Judicial Notice. Staff respectfully requests that the Commission take judicial notice of the following:

1. The evidentiary record in Docket No. HP09-001;
2. Final Environmental Impact Statement;
3. Final Supplemental Environmental Impact Statement; and
4. SDCL Chapter 49-41B, in its entirety.

Dated this 9th day of July, 2015.



Kristen N. Edwards
Staff Attorney
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500 East Capitol Avenue
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JUDICIAL NOTICE 1.

The evidentiary record in Docket No. HP09-001;

These pdfs are located at: <http://puc.sd.gov/Dockets/HydrocarbonPipeline/2009/hp09-001hearing.aspx>

- Nov. 2, 2009
 - Morning Hearing
 - Afternoon Hearing
 - Transcript
- Nov. 3, 2009
 - Morning Hearing
 - Afternoon Hearing
 - Transcript
 - Public Input Meeting (6:00 -10 :00 p.m.)
 - TransCanada presentation
 - Transcript of Public Input Hearing
- Nov. 4, 2009
 - Morning Hearing
 - Afternoon Hearing
 - Transcript
- TransCanada Exhibits Admitted
 - TC-1
 - Application
 - Exhibit A
 - Mapbook 1 (Landuse / Landcover)
 - Mapbook 2 (Soil Map Units)
 - Mapbook 3 (Extra Workspaces)
 - Exhibit B (Construction, Mitigation and Reclamation Plan)
 - Exhibit C (Waterbody Crossings)
 - Harding County Map
 - Meade & Haakon County Map
 - Lyman County Map
 - TC-2 (Updated Testimony of Robert Jones)
 - TC-3 (Direct Testimony of Richard Gale)
 - TC-4 (Updated Testimony of Jon Schmidt)
 - TC-5 (Rebuttal Testimony of Jon Schmidt)
 - TC-6 (Direct Testimony of Steve Hicks)
 - TC-7 (Rebuttal Testimony of Steve Hicks)
 - TC-8 (Updated Testimony of Meera Kothari)
 - TC-9 (Rebuttal Testimony of Meera Kothari)
 - TC-10 (Updated Testimony of Donald Scott)
 - TC-11(Updated Testimony of John W. Hayes)
 - TC-12 (Updated Testimony of Heidi Tillquist)
 - TC-13 (Direct Testimony of Tom Oster)
 - TC-14 (Data Request No. 1)
 - Geological Map and Survey
 - Mapbook 1 Landuse / Landcover

- Mapbook 2 Soil Map Units
 - Mapbook 3 Extra Workspaces
 - Waterbody Crossings
 - TC-15 (Data Request No. 2)
 - TC-16 (Data Request No. 3)
 - TC-17 (Data Request No. 4)
- Dakota Rural Action Exhibits Admitted
 - DRA-15 (Direct Testimony of Heidi Tillquist, HP07-001, Sept. 2007)
- Staff Exhibits Admitted
 - S-1 (Direct Testimony of Tim Binder)
 - S-2 (Direct Testimony of Michael Madden)
 - S-3 (Direct Testimony of Patrick Robblee)
 - S-4 (Direct Testimony of James Arndt)
 - S-5 (Direct Testimony of Ross Hargrove)
 - S-6 (Supplemental Testimony of Ross Hargrove)
 - S-7 (Direct Testimony of William Walsh)
 - S-8 (Supplemental Testimony of William Walsh)
 - Exhibit B Confidential (Not available to the public)
 - S-9 (Direct Testimony of Jenny Hudson)
 - S-10 (Direct Testimony of William Mampre)
 - S-11 (Supplemental Testimony of William Mampre)
 - S-12 (Direct Testimony of David Schramm)
 - S-13 (Direct Testimony of Michael Kenyon)
 - S-14 (Direct Testimony of Paige Hoskinson Olson)
 - S-15 (Direct Testimony of Tom Kirshenmann)
 - S-16 (Direct Testimony of Derric Iles)
 - S-17 (Direct Testimony of Brian Walsh)
 - S-18 (Direct Testimony of Kimberly McIntosh)
 - S-19 (Resume of Daniel Flo)

JUDICIAL NOTICE 2.
Final Environmental Impact Statement;

Attached is a CD which contains the "Final Environmental Impact Statement" dated August 26, 2011.

I hereby certify that the attached is a true and correct copy of the Final Environmental Impact Statement dated August 26, 2011.

Dated this 1st day of March, 2016.



Tina Douglas
Custodian of Record

Sworn to and subscribed before me this 1st day March, 2016.



Notary Public

My Commission expires:

07.24.19



JUDICIAL NOTICE 3.
Final Supplemental Environmental Impact Statement;

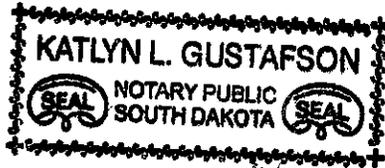
Attached is a CD which contains the "Final Supplemental Environmental Impact Statement" dated January 2014.

I hereby certify that the attached is a true and correct copy of the Final Environmental Impact Statement dated January 2014.

Dated this 29th day of February, 2016.


Tina Douglas
Custodian of Record

Sworn to and subscribed before me this 29 day February, 2016.




Notary Public

My Commission expires:

Katlyn L. Gustafson
My Commission Expires
May 13, 2016

JUDICIAL NOTICE 4.

SDCL Chapter 49-41B, in its entirety

These statutes are located at:

http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=49-41B

CHAPTER 49-41B

ENERGY CONVERSION AND TRANSMISSION FACILITIES

- 49-41B-1 Legislative findings--Necessity to require permit for facility.
- 49-41B-1.1 Repealed.
- 49-41B-2 Definition of terms.
- 49-41B-2.1 Transmission facility defined.
- 49-41B-2.2 Modified facility defined.
- 49-41B-3 Ten-year plan required of utility planning to own or operate energy conversion facilities--Updating of plan--Contents.
- 49-41B-4 Permit required before construction of facility after certain date.
- 49-41B-4.1 Trans-state transmission facility--Permit and legislative approval required.
- 49-41B-4.2 Trans-state transmission line--Criteria required.
- 49-41B-4.3 Seasonal diversity exchange of electric power.
- 49-41B-4.4 Trans-state transmission facility--Eminent domain--Acquisition of fee in land contiguous to right-of-way--Divestiture of agricultural land.
- 49-41B-4.5 Foreclosure on nondivested agricultural land.
- 49-41B-4.6 Corporate ownership of agricultural land.
- 49-41B-4.7 Divestiture of less than fair market value not required.
- 49-41B-4.8 Repealed.
- 49-41B-5 Notification of intent to apply for permit required before filing application--Time--Prefiling conference if applicant requests.
- 49-41B-5.1 Posting of signs on proposed site--Time for posting--Contents.
- 49-41B-5.2 Notification of area landowners by mail--Publication of notice of proposed facility--Time for notification.
- 49-41B-6 Designation of affected area by commission after notification of intent filed--Local review committee designated, composition.
- 49-41B-7 Assessment by local review committee--Factors included.
- 49-41B-8 Employment of personnel by committee--Expenses--Information furnished by commission.
- 49-41B-9 Financing of committee expenses.
- 49-41B-10 Final report of committee.
- 49-41B-11 Applications for permit--Filing deadline--Form--Contents.
- 49-41B-12 Deposit required--Disposition--Minimum and maximum fees--Environmental impact fee.
- 49-41B-13 Denial, return, or amendment of application--Grounds--Applicant permitted to make changes.
- 49-41B-14 Further data provided prior to hearings if required--Prehearing conference.
- 49-41B-15 Procedure followed by commission following receipt of application for permit.
- 49-41B-16 Public hearings held within thirty days after notice.
- 49-41B-17 Parties to proceedings under chapter.
- 49-41B-17.1 County auditor as agent for service of process on party--Request for personal service.

- 49-41B-18 Repealed.
- 49-41B-19 Evidence from state or local agencies relative to environmental, social and economic conditions.
- 49-41B-20 Final report heard by commission at final hearing--Decision on application--Adoption of committee's report.
- 49-41B-21 Environmental impact statement.
- 49-41B-22 Applicant's burden of proof.
- 49-41B-22.1 Reapplication for permit--Applicant's burden of proof--Environmental impact statement not required.
- 49-41B-22.2 Reapplication for permit--Discussion of commission as to applicant's burden of proof.
- 49-41B-22.3 Reapplication for permit--Deposits and fees required.
- 49-41B-23 Waiver of compliance with chapter on grounds of urgency, disaster, or civil disorder.
- 49-41B-24 Permit for energy conversion facilities, AC/DC conversion facilities, or transmission facilities--Complete findings by commission required within year of application.
- 49-41B-25 Permit for wind energy facility--Complete findings by commission required within six months of application--Notice of decision.
- 49-41B-25.1 Notice to commission of planned construction of certain wind energy projects.
- 49-41B-26 Accounting for expenditures of applicant's deposit--Refund of unused moneys.
- 49-41B-27 Construction, expansion, and improvement of facilities.
- 49-41B-28 Supersession of local land use controls by facility permit upon finding by commission.
- 49-41B-29 Transfer of permit--Commission approval--Rules.
- 49-41B-30 Circuit court review of commission decision by aggrieved party--Procedures.
- 49-41B-31 Order not stayed by appeal--Stay or suspension by court.
- 49-41B-32 Surety bond required if order stayed or suspended--Other security.
- 49-41B-33 Revocation or suspension of permit--Grounds.
- 49-41B-34 Violation of permit requirements as misdemeanor--Civil penalty--Continuing offense.
- 49-41B-35 Promulgation of rules.
- 49-41B-36 Authority to route or locate facilities not delegated to commission.
- 49-41B-37 Citation of chapter.
- 49-41B-38 Indemnity bond for damage to roads and bridges.

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TRANSCANADA KEYSTONE PIPELINE, LP)
FOR ORDER ACCEPTING CERTIFICATION)
OF PERMIT ISSUED IN DOCKET HP09-001)
TO CONSTRUCT THE KEYSTONE XL)
PIPELINE)**

CERTIFICATE OF SERVICE

HP14-001

I hereby certify that true and correct copies of Motion for Judicial Notice and Certificate of Service were served electronically to the Parties listed below, on the 9th day of July, 2015, addressed to:

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And on July 9, 2015, a true and accurate copy of the foregoing was mailed via U.S. Mail, first class postage prepaid, to the following:

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