

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
)SS	
COUNTY OF HUGHES)	SIXTH JUDICIAL CIRCUIT
IN THE MATTER OF PUBLIC)	CIV. 16-20
UTILITIES COMMISSION DOCKET)	
NO. HP14-002, DAKOTA ACCESS)	MOTION TO EXTEND
PIPELINE LLC)	BRIEFING SCHEDULE
)	

Dakota Access, LLC, by and through its undersigned counsel, hereby moves that the Court enter an order extending the time for serving briefs pursuant to SDCL § 1-26-33.2.

SDCL § 1-26-33.2 provides

Unless otherwise ordered by the circuit court, the appellant shall serve a brief within thirty days after the delivery of the transcript of the contested case hearing to counsel for the parties or to the parties if unrepresented by counsel or within thirty days after the agency record is transmitted to the circuit court pursuant to § 1-26-33, whichever event occurs later. The appellee shall serve a brief within thirty days after the service of the brief of appellant, or in the case of multiple appellants, within thirty days after service of the last appellant's brief. The appellant may serve a reply brief within ten days after service of appellee's brief, or in the case of multiple appellees, within ten days after service of the last appellee's brief. Pursuant to § 15-6-5(d), briefs may not be made a part of the record.

The South Dakota Public Utilities Commission filed the administrative record with the Clerk of Courts on February 9, 2016. See Attachment A, Certification of Record. Therefore, unless otherwise ordered by this Court, Appellant's brief is due thirty days after the record was filed on February 9, 2016, or thirty days after delivery of the transcript, whichever is later. The date on which the latter was completed is unknown to Dakota Access at this time.

Dakota Access filed a Motion to Dismiss on February 2, 2016. That Motion is scheduled to be heard by this Court on April 12, 2016. Should that Motion be granted, as Dakota Access

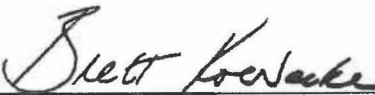


requests, it would not be necessary for any party to submit appellate briefs. Therefore, it is in the best interest of judicial economy and of all of the parties that the time for filing briefs not begin to run until the Motion to Dismiss has been addressed and decided.

WHEREFORE, for the foregoing reasons, Dakota Access respectfully requests this Court enter an Order establishing the time for filing briefs as beginning upon service of the Court's order ruling on the Motion to Dismiss.

Dated this 23rd day of February, 2016.

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CERTIFICATE OF SERVICE

Brett Koenecke of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 23rd day of February, 2016, he electronically filed the foregoing and electronically served a true and correct copy of the foregoing in the above-captioned action to the following, to-wit:

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