
**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

DOCKET HP 14-001

**EXPEDITED MOTION FOR
EXTENSION OF TIME TO RESPOND
TO MOTION TO LIMIT DISCOVERY**

AND

**EXPEDITED MOTION FOR
CONTINUANCE OF HEARING**

COMES NOW, the Cheyenne River Sioux Tribe, by and through counsel, and moves that the Public Utilities Commission of the State of South Dakota (the “Commission”) (1) issue an Order pursuant to SDCL 15-6-6(b)(1) and ARSD 20:10:01:14, extending time for intervening parties to submit their responses to the motion to limit discovery filed by TransCanada Keystone Pipeline, LP (“Keystone”) and (2) issue an Order for Continuance pursuant to SDCL 15-11-6 and ARSD 20:10:01:14, rescheduling the hearing on Keystone’s motion to a later date. Specifically, the Cheyenne River Sioux Tribe requests that the Commission extends the intervening parties’ response deadline to December 8, 2014, establish December 29, 2014, as Keystone’s deadline to respond to the intervening parties’ responses, and reschedule the motion to limit discovery hearing for January 6, 2015, or the next regularly scheduled Commission meeting following Keystone’s December 29, 2014, deadline.

In support of this Motion, the Cheyenne River Sioux Tribe states as follows:

1. Keystone filed a Motion to Define the Scope of Discovery under SDCL § 49-41B-27 on October 30, 2014. Keystone’s motion seeks to substantially restrict the scope of discovery and presents complex issues of law and fact.

2. On November 5, 2014, the Commission entered an Order directing intervening parties to submit their responses to Keystone's motion on before November 17, 2014. In addition, the Commission scheduled the hearing date regarding Keystone's motion for November 25, 2014.

3. A prehearing scheduling conference was held on November 13, 2014, in which counsel for Keystone, the Commission, Commission staff, and numerous intervenors and their counsel participated. The multiple issues discussed during the conference were prohibitively complex to resolve over the course of this single meeting. Moreover, it became clear that the issues presented in Keystone's pending motion would need to be resolved before a calendar for discovery could be scheduled.

4. On the November 13, 2014 teleconference attorneys for at least one intervening party asked counsel for Keystone to stipulate to an enlargement of time in which the intervenors could respond to Keystone's motion, and counsel for Keystone refused.

5. Given the complexity of the issues presented and the significantly short period of time in which intervening parties have to submit their responses to Keystone's motion, an Order from the Commission expanding the time to respond and a corresponding continuance of Keystone's motion hearing is necessary. As such, the Cheyenne River Sioux Tribe suggests the following schedule with respect to Keystone's motion:

- a. Intervening parties be granted until December 8, 2014, to file responses in opposition to Keystone's motion.
- b. Keystone be granted until December 29, 2014, to file a written reply to any responses in opposition to its motion.

c. The Commission's hearing on Keystone's motion be continued to January 6, 2015 (or the Commission's next subsequent available meeting date).

6. Keystone will not be prejudiced by granting these two motions. Notwithstanding this fact, Keystone rejected a request to stipulate to an extension of time and continuance.

7. The project for which Keystone is requesting certification of permits will have a profound and permanent impact on the Cheyenne River Sioux Tribe and its individual tribal members. As such, the permitting process of the Commission must allow for sufficient time to conduct an exhaustive, methodical, and substantive review of all the issues.

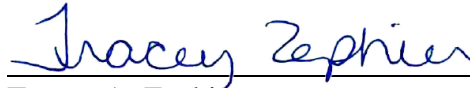
8. Finally, because of the extraordinarily short time frames involved, the Cheyenne River Sioux Tribe asks that the Commission expedite its ruling regarding Tribes' Motion to Extend Time to Respond and Motion for Continuance as quickly as possible. The deadline to file a response is Monday November 17, 2014; meaning the Cheyenne River Sioux Tribe will be forced to rush a hurried response over the weekend at significant financial expense. The very purpose of the Motion to Extend Time and Motion for a Continuance is to facilitate a careful, thorough, and exhaustive review of the issues. If the Commission fails to issue a swift ruling on these Motions then an opposite result will undoubtedly occur.

WHEREFORE, the Cheyenne River Sioux Tribe prays that the Commission sustain its Expedited Motion to Extend Time to Respond and Expedited Motion for Continuance, and that it issue an Order (1) granting intervening parties until December 8, 2014, to file responses to Keystone's motion, (2) affording Keystone until December 29, 2014, to file replies, and (3)

continuing the hearing date on Keystone's motion to January 6, 2015 (or the Commission's next subsequent available meeting date).

Dated this 13th day of November 2014.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Tracey Zephier". The signature is written in a cursive style and is positioned above a horizontal line.

Tracey A. Zephier,
Attorney for Cheyenne River Sioux Tribe, Intervenor
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