

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

HP14-001

IN THE MATTER OF THE APPLICATION BY |
TRANSCANADA KEYSTONE PIPELINE, LP |
FOR A PERMIT UNDER THE SOUTH |
DAKOTA ENERGY CONVERSION AND |
TRANSMISSION FACILITIES ACT TO |
CONSTRUCT THE KEYSTONE XL |
PROJECT |

GARY DORR'S STATEMENT IN SUPPORT OF
DAKOTA RURAL ACTION AND ICOUP'S
STATEMENTS AND OBJECTIONS WITH
RESPECT TO SUBMISSION OF WRITTEN
TESTIMONY AND MY OBJECTION TO
REQUIRING PREFILED TESTIMONY

I am fully in support of Dakota Rural Action (DRA) and Intertribal COUP's statement and objections with respect to submission of written testimony.

I support and join in the objections made by DRA and ICOUP regarding PUC's Administrative rule 20:10:01:22.06 as being a rule that is in excess of its statutory authority of SDCL 49-1-11 which provides that the PUC may "promulgate rules pursuant to SDCL 1-26 concerning (4) regulation of proceedings before the commission, including forms, notices, applications, pleadings, orders to show cause and the service thereof, all of which shall conform to those used in South Dakota Courts" SDCL 15-6-43(a) states that "in all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by this chapter or the South Dakota Rules of evidence. I further question the order of operations set forth by the PUC whereby as an individual intervener I am placed in the middle of conflicting scheduling issues with respect to providing written testimony before I have even submitted my list of witnesses. This precarious position has had a far reaching effect in that it is a giant Catch-22 because Keystone has requested discovery of my witnesses prior to the deadline for submittal of my witness list. The result is that I have felt compelled to give an answer and I am not represented by an attorney so I had no idea initially how to handle this situation on my own. The issue of submitting written testimony prior to the Commission's own deadline has been now used against me in a motion to compel and preclude me from offering evidence and testimony at Hearing. I still object to the PUC's order requiring written testimony, I only offer this explanation as to how as an individual intervener, I have been placed into a no-man's-land of uncertainty as to which order to comply to.

7 April, 2015

Respectfully submitted
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