

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

IN THE MATTER OF THE PETITION OF)	Docket 14-001
TRANSCANADA KEYSTONE PIPELINE, LP)	
FOR ORDER ACCEPTING CERTIFICATION)	EXPEDITED MOTION FOR
OF PERMIT ISSUED IN DOCKET HP09-0001)	EXTENSION OF TIME
TO CONSTRUCT THE KEYSTONE XL PIPELINE)	TO RESPOND TO
)	MOTION TO DEFINE SCOPE OF
)	DISCOVERY AND FOR
)	CONTINUANCE OF HEARING

COMES NOW Dakota Rural Action (“DRA”), by and through Counsel and, pursuant to SDCL § 15-6-6(b)(1), moves that the Public Utilities Commission of the State of South Dakota (the “Commission”) issue an Order extending time for intervening parties to respond to the Motion filed by TransCanada Keystone Pipeline, LP (“Keystone”) to Define the Scope of Discovery, and for a continuance of the scheduled November 25, 2014 hearing on that motion. In support of this motion, DRA states as follows:

1. On October 30, 2014, Keystone filed its Motion to Define the Scope of Discovery under SDCL § 49-41B-27. Keystone’s motion seeks to significantly limit the scope of discovery in these proceedings. It is considered by DRA to be an extremely important motion.

2. On November 5, 2014, the Commission entered its Order directing the intervening parties to file responses to Keystone’s motion on before November 17, 2014. The Commission’s November 5, 2014 Order also set the hearing date on Keystone’s motion for November 25, 2014.

3. On that date, DRA’s counsel Bruce Ellison underwent surgery which required several days of hospitalization and remains in recovery at home with limited ability over the next two weeks to begin to responsibly review Keystone’s Motion and professionally prepare a response thereto. Attorney Ellison was DRA’s only attorney at the time of the Commission’s Order of November 5, 2014.

4. On or about November 13, 2014, attorney Robin Martinez submitted pleadings to appear *pro hac vice* on behalf of DRA and as co-counsel for Mr. Ellison. Assuming Mr. Martinez’s admission *pro*

hac vice as of today, this contemporaneously leaves the full burden of hastily preparing a response on behalf of DRA on Mr. Martinez, but further providing only four days to do so.

5. On November 13, 2014, the Commission held a prehearing scheduling conference in which counsel for Keystone, the Commission, Commission staff, and numerous intervenor-parties and their counsel participated. It became clear during the course of the prehearing scheduling conference that the issues in these proceedings are sufficiently complex to warrant more careful deliberation by all the intervening parties and the Commission – including consideration of Keystone’s motion to limit discovery.

6. Given the short period of time in which DRA has to respond to Keystone’s motion, an Order from the Commission expanding the time for DRA and other intervenor-parties to respond to Keystone’s motion, and a corresponding continuance of the hearing date on the motion is appropriate. DRA 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).

7. Although attorneys for Keystone refused to stipulate to granting an extension of time, Keystone will not be prejudiced by granting this motion, nor will it be prejudiced in any way by a continuance of the proposed hearing date on its motion. In light of the scope of Keystone’s proposed project and its potential impact on the lives of South Dakota residents and land owners, permitting sufficient time for an exhaustive and careful review of all issues is in the best interest of all affected parties, not just the intervening parties and the family farmers and ranchers served by DRA.

8. DRA hereby joins in the argument and authority contained in any motion filed by any other party to these proceedings to extend time within which to respond to Keystone’s Motion to Define Scope of Discovery and to continue the hearing on Keystone’s motion.

WHEREFORE, Dakota Rural Action prays that the Commission sustain its motion for an extension of time in which to respond to Keystone's motion to limit discovery and to continue the November 25, 2014 hearing date, and that it issue an Order (a) granting intervening parties until December 8, 2014, to file responses to Keystone's motion, (b) affording Keystone until December 29, 2014 to file replies, and (c) continuing the hearing date on Keystone's motion to January 6, 2015 (or the Commission's next subsequent available meeting date).

Respectfully submitted,

/s/ Bruce Ellison

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and (pending admission *pro hac vice*)

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