

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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HP 14-001

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,	: : : : : : :	KEYSTONE'S RESPONSE TO DAKOTA RURAL ACTION, ROSEBUD SIOUX TRIBE, CHEYENNE RIVER SIOUX TRIBE, AND INDIGENOUS ENVIRONMENTAL NETWORK'S JOINT MOTION FOR APPOINTMENT OF SPECIAL MASTER
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Several intervenors have asked the Commission to appoint a special master to resolve discovery disputes. For the following reasons, TransCanada Keystone Pipeline, LP ("Keystone") respectfully requests that the motion be denied.

1. As argued by Staff, the Commission lacks statutory authority to appoint a special master. Keystone joins in Staff's argument.

2. The motion is untimely. Hearing is set to begin on May 5, 2015. A motions hearing is set for April 14, 2015. The Scheduling Order has been in place since December 17, 2014. The only purpose of filing such a motion at this late date is to delay the proceedings.

3. The appointment of a special master is unnecessary. The Commission is able to resolve discovery disputes, as it has done before in other dockets with the assistance of its General Counsel. There are only five discovery motions pending against Keystone, one against Staff, and two filed by Keystone (one related to the argument that prefiled testimony is not authorized, which is clearly a matter for the Commission). There is no reason that the

Commission, which has set aside ample time for hearing on April 14, cannot timely resolve
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outstanding discovery issues. Moreover, the Commission is familiar with the issues in the case, and should be the decisionmaker on discovery issues given its history with the case and its responsibility to conduct the hearing.

Keystone respectfully requests that the motion be denied.

Dated this 9th day of April, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Response to Dakota Rural Action, Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master, to the following:

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