



On July 7, 2015, DRA filed its witness and exhibit lists with the Commission. This exhibit list identifies 1,073 documents, the vast bulk of which have never been produced in discovery.

In the evening of July 9, 2015, after regular business hours, DRA e-mailed Applicant and other intervenors advising that through a “supplemental discovery response” it was posting 1,100 files containing 1.5 gigabytes of information on a website to which restricted and confidential access would be granted. As of this writing, Applicant has not yet reviewed any of the documents. Applicant does not yet know to what extent the supplemental document production corresponds to the exhibit list.

DRA’s belated production of more than 1,000 documents, the bulk of which may not have been produced in discovery, is a breach of the Commission’s discovery order, a blatant attempt to sand-bag Applicant and other parties. The Commission should accordingly enter an order prohibiting DRA from offering any exhibit or any testimony regarding the exhibits not otherwise produced in its discovery responses into evidence.

Applicant, on obtaining access to the July 9, 2015, after-hours production, and after reviewing the documents, will supplement this motion.

Dated this 10th day of July, 2015.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of July, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Protective Motion in Limine Regarding Dakota Rural Action's Exhibit List Dated July 7, 2015, to the following:

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