

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

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)

Docket No. HP 14-001

**STANDING ROCK SIOUX TRIBE
MOTION TO AMEND ORDER SETTING PROCEDURAL SCHEDULE**

COMES NOW the Standing Rock Sioux Tribe, by and through undersigned counsel, and moves for an Order amending the *Order Setting Procedural Schedule* entered herein on December 17, 2014, as follows:

Close of discovery	May 11, 2015
Pre-filed testimony	June 2, 2015
Rebuttal testimony	June 23, 2015
Filing of exhibits	June 23, 2015
Hearing	July 14-17, 2015

The proposed amended schedule is necessary because (1) the Standing Rock Sioux Tribe lacked sufficient time to procure expert witness assistance and for the Tribe's expert to prepare and submit testimony by April 2, 2015; and (2) TransCanada violated South Dakota law with respect to the requirements of discovery, *see SRST Motion for Discovery Sanctions on file herein*, and consequently, additional time is required and warranted for the Tribe's preparation for the hearing in this matter.¹

The undersigned hereby certifies that the Tribe initiated consultation and engaged in a teleconference with counsel for TransCanada on February 24, 2015, and made a good faith effort to negotiate a stipulation regarding discovery and scheduling, and avoid the filing of this motion. The undersigned further certifies this motion is filed for the exclusive purpose of obtaining sufficient time to present evidence at the

¹ The Tribe's *Motion for Discovery Sanctions* may obviate the need to conduct the hearing in any event.

hearing and assist the Commission in reaching a just and proper result, and not for undue delay or any other improper purpose.

Accordingly, the Tribe seeks an order amending the Scheduling Order and continuing discovery, the pre-filing of testimony and exhibits, and the hearing in this matter, as set out above. Such an order will not prejudice TransCanada in any respect, and will result in a more just and equitable process, that will remain in compliance with the one-year time frame prescribed in SDCL §49-41B-24, to the extent that time frame may apply to this proceeding. In any event, an order providing relief from the April 2, 2015 deadline is requested by the Tribe for the submittal of expert testimony; otherwise the Tribe's economist lacks sufficient time to prepare testimony. It is requested that this motion be heard on an expedited basis, at the meeting of the Commission on March 31, 2014.

This Motion is based upon the Affidavit of Peter Capossela, SDCL §§49-41B-1 – 49-41B-38, and the pleadings and papers on file herein.

DATED this 27th day of March, 2015

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