

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE)
APPLICATION OF DAKOTA)
ACCESS, LLC FOR AN ENERGY)
FACILITY PERMIT TO CONSTRUCT)
THE DAKOTA ACCESS PIPELINE)
PROJECT)

HP14-002

OBJECTION TO YANKTON SIOUX
TRIBE'S MOTION FOR LEAVE TO FILE
OUT OF TIME

COMES NOW Dakota Access, LLC, (Dakota Access) by and through its attorneys of record, Brett Koenecke and Kara Semmler of May, Adam, Gerdes & Thompson LLP and respectfully objects to Yankton Sioux Tribe's (YST) Motion for Leave to File Out of Time. Dakota Access supports its objection as follows:

1. The procedural schedule regarding prefilled testimony was issued on March 11, 2015, it is unclear from YST's Motion why it did not have sufficient notice to plan for a timely submission of Testimony.

2. Dakota Access questions the relevance of the late filed testimony as well. To date, YST has refused to answer discovery intended to determine why and based on what authority consultation with the YST is required in connection with this PUC siting docket. Based on the rationale that Jason Cooke offers, all governmental entities in the state should have been consulted. That is simply not how the statutes are written. The proposed pipeline will not cross or touch the Yankton Sioux Tribe which has a diminished reservation. See *SD v. Yankton Sioux Tribe*, 522 U.S.329 (1998)


3. Dakota Access engaged in discovery with YST in an attempt to understand what YST anticipates to be unique and direct impacts within its reservation boundaries. Despite Dakota Access' multiple attempts, YST did not communicate any useful information. Dakota

Access is unable to identify, let alone mitigate any such alleged impact if YST will not communicate. YST continues to respond with argument, but has not provided any concrete list of impacts unique to the tribe, which would not otherwise be addressed as the Commission contemplates the impacts of the proposed pipeline on the state of South Dakota as a whole.

WHEREFORE, Dakota Access respectfully requests the Commission deny the Motion to File Out of Time.

Dated this 19 day of August, 2015.

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