

**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

**MOTION FOR WAIVER OF ARSD
20:10:22:39**

COMES NOW, the Applicant, Dakota Access, LLC, through one of its attorneys of record Brett Koenecke of May, Adam, Gerdes & Thompson LLP, and requests the Commission waive ARSD 20:10:22:39 to the extent it requires the filing of written testimony with its SDCL 49-41B application. In support of this Motion the Applicant states as follows:

1. On December 15, 2014 Dakota Access LLC filed an application pursuant to SDCL 49-41B to construct and operate the Dakota Access Pipeline Project, a proposed 1,134 mile pipeline that will connect the Bakken and Three Forks crude oil production areas in North Dakota to existing pipeline infrastructure in Illinois.
2. ARSD 20:10:22:39 requires that “an applicant shall also file all ...related testimony which the applicant intends to submit in support of its application. The application shall specifically show the witnesses supporting the information contained in the application.”
3. Dakota Access LLC intends to submit complete and robust written testimony from the appropriate witnesses to support its application. However, it requests the opportunity to file said testimony at a later date pursuant to a Commission Scheduling Order.
4. To facilitate complete and effective written testimony, Dakota Access LLC proposes to submit written testimony after working with the Commission Staff and the public to identify particular areas of concern or question.

WHEREFORE, the above captioned Applicant respectfully requests the Commission enter an order waiving the requirement in ARSD 20:10:22:39 that written testimony be filed with the application and ordering the Applicant to submit written testimony pursuant to any scheduling order issued by this Commission.

Dated this 17 day of December, 2014.

MAY, ADAM, GERDES & THOMPSON, LLP

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