

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

IN THE MATTER OF THE APPLICATION BY)	ORDER RELEASING
TRANSCANADA KEYSTONE PIPELINE, LP)	INFORMATION FILED
FOR A PERMIT UNDER THE SOUTH DAKOTA)	CONFIDENTIAL
ENERGY CONVERSION AND TRANSMISSION)	
FACILITIES ACT TO CONSTRUCT THE)	HP07-001
KEYSTONE PIPELINE PROJECT)	

On April 27, 2007, TransCanada Keystone Pipeline, LP, (Applicant) filed a siting permit application for the South Dakota portion of the Keystone Pipeline Project (Project). The Project will transport crude oil starting in Hardisty, Alberta, Canada and ending in Patoka, Illinois. The proposed 30 inch diameter pipeline will have a nominal capacity of 435,000 barrels of oil per day (bpd) with a possible expansion to 591,000 bpd. The proposed route will enter South Dakota at the North Dakota/South Dakota border in Marshall County and extend in a southerly direction, exiting the state at the South Dakota/Nebraska border in Yankton County. The length of the pipeline in South Dakota will be approximately 220 miles and it will cross the counties of Marshall, Day, Clark, Beadle, Kingsbury, Miner, Hanson, McCook, Hutchinson and Yankton. The Project also includes four pump stations in South Dakota located in Day, Beadle, Miner and Hutchinson counties along with 15 mainline valves with an average spacing of 15 miles between valves.

On June 6, 2007, Staff filed a Motion for Release of Information Filed Confidential. Numerous persons also filed requests for access to confidential information. At its ad hoc meeting held on June 12, 2007, the Commission considered a joint motion by Staff and Applicant to remove from Applicant's filing all documents not pertaining to South Dakota in order to make relevant material easier for parties to locate and access and Staff's Motion for Release of Information Filed Confidential. The Commission unanimously voted (i) to deny the joint motion of Staff and Applicant to remove all documents filed by Applicant that did not involve South Dakota; (ii) that all documents identified as non-confidential by Applicant in its June 12, 2007, letter to the Commission are determined to be non-confidential and shall be made available for public access; and (iii) that Applicant advise the Commission by letter on or before 5:00 p.m. on Friday, June 15, 2007, if Applicant is unable to re-file redacted versions of documents originally filed as confidential by 5:00 p.m. on June 15, 2007. At its regular meeting held on June 26, 2007, the Commission again considered the issue of confidential treatment of documents that were either wholly or partially filed as confidential by Applicant or by the Commission's administrative staff. After hearing from Staff and other parties who appeared, the Commission deferred action to take the matter under advisement and enable further legal research into the various categories of information that had not been fully disclosed. On August 6, 2007, Curt Hohn filed a supplemental request for access to information still filed as confidential, specifically the half-mile corridor landowner service list compiled by the Commission's administrative staff pursuant to SDCL 49-41B-15(3) and the landowner list filed by Applicant in connection with its application, which is entitled "Tract Line List, Pump Station #15 Revision" and is referred to as the "Pump Station Line List" (Line List). On August 15, 2007, the Commission's administrative staff made an administrative decision to release the half-mile corridor landowner service list to Mr. Hohn and make it available for release to others upon request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-21, 49-41B-22, 49-41B-26, 49-41B-33, 49-41B-38, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting of August 28, 2007, the Commission considered the justification for confidential treatment of the Line List. The Commission found that the landowner names, addresses and property descriptions related to South Dakota properties contained on the Line List were not entitled to confidential treatment pursuant to ARSD 20:10:01:39 and 20:10:01:42 but that it was not appropriate to post this information on the Commission's public web site, that telephone numbers, including cell phone numbers contained on the Line List were entitled to confidential treatment and that decisions regarding access to information concerning landowners of non-South Dakota lands should be made by the states having jurisdiction over such lands. The Commission unanimously voted to release the Line List upon request but not to publish it on the Commission's public web site, with telephone numbers redacted and all information concerning owners of non-South Dakota properties redacted. It is therefore

ORDERED, that the Applicant's Line List shall be released to persons upon request but not be published on the Commission's public web site, with telephone numbers redacted and all information concerning owners of non-South Dakota properties redacted.

Dated at Pierre, South Dakota, this 18th day of September, 2007.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u>Melaine Kolbe</u>
Date: <u>9/19/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner