

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION ) HP 07-001  
BY TRANSCANADA KEYSTONE PIPELINE, )  
LP FOR A PERMIT UNDER THE SOUTH )  
DAKOTA ENERGY CONVERSION AND ) **MOTION TO STRIKE**  
TRANSMISSION FACILITIES ACT TO ) **TESTIMONY OF**  
CONSTRUCT THE KEYSTONE PIPELINE ) **PERRY RAHN**  
PROJECT )

COMES NOW the Applicant, TransCanada Keystone Pipeline, LP who moves the Commission for an Order striking the testimony of Perry Rahn, PhD.

Perry Rahn's testimony was filed November 27, 2007. It is direct testimony of an expert witness offered by the Intervenor WEB Water which was due on October 31, 2007 in keeping with the scheduling order imposed by the Commission and which was agreed to by the Intervenor WEB Water.

Subsequently, WEB Water was unable to secure the testimony of a number of experts in time for the October 31, 2007 date and said date was extended to November 13, 2007. Now, for reasons which are unclear, WEB Water has offered the testimony of yet another expert witness almost two weeks after the original deadline and after the deadline for filing rebuttal testimony.

This represents a lack of regard for the Commission's scheduling order, for the Applicant, and for staff and should be stricken.

Not only is the Rahn testimony untimely, it is also apparently in conflict with the testimony of Curt Hohn in that it appears not to propose that the I-29 corridor be utilized for Keystone Pipeline but instead proposes yet a third corridor thought to be approximately eight (8) miles east of the pipeline's planned location through some of the northern counties. This late testimony raises new issues seeking to route the pipeline in yet a different place is practically unable to be responded to by the Applicant coming on the first day of re-hearings in North Dakota and six (6) days prior to the opening of the South Dakota hearings. It should be stricken for the above reasons.

Dated this 29th day of November, 2007.

MAY, ADAM, GERDES & THOMPSON LLP

BY:   
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