

**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 NUMBER HP09-001

**MOTION TO ACCEPT
LATE- FILED BRIEF**

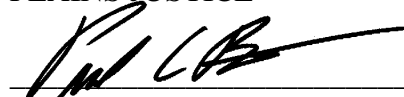
COMES NOW Dakota Rural Action (“DRA”), by and through its counsel of record pursuant to ARSD 20:10:01:14, and hereby moves the South Dakota Public Utilities Commission (“Commission”) to accept DRA’s late-filed INITIAL POST-HEARING BRIEF.

Concurrent opening briefs were due in this proceeding on January 20, 2010 at 5:00 p.m. DRA’s brief was served on the parties by e-mail at approximately 8:30 p.m. on January 20, 2010.

DRA requests that the Commission accept its late-filed brief. Counsel for DRA did not review Applicant’s or Staff’s briefs prior to filing and due to the slight delay no party was placed at a disadvantage by the late filing. Therefore, DRA requests that its motion be granted.

Respectfully submitted this 20th day of January, 2009.

PLAINS JUSTICE



By: Paul C. Blackburn

Plains Justice

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