

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION) HP 09-001
BY TRANSCANADA KEYSTONE PIPELINE,)
LP FOR A PERMIT UNDER THE SOUTH)
DAKOTA ENERGY CONVERSION AND) **PROOF OF NOTICE**
TRANSMISSION FACILITIES ACT TO) **NOTICE TO LANDOWNERS**
CONSTRUCT THE KEYSTONE XL)
PROJECT)

Brett Koenecke, of May, Adam, Gerdes & Thompson LLP, hereby certifies that he is the attorney of record for TransCanada Keystone Pipeline, LP in the above noted action. Consistent with applicable statutes, TransCanada has provided notice of the extension of the intervention period said in the above captioned matter, in the attached format by Certified Mail sent May 21, 22 and 26, 2009, to all 318 landowners within the statutory proposed pipeline area.

Dated this 2 day of June, 2009.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

BRETT KOENECKE

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May 21, 2009

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Dear Land Owner :

On behalf of TransCanada Keystone Pipeline, L.P. I am giving you notice of recent action by the South Dakota Public Utilities Commission regarding your right to intervene in the formal proceedings held by the PUC concerning the proposed KeystoneXL pipeline project. You are receiving this notice because you are the landowner of record for property within the affected area in Harding, Butte, Perkins, Meade, Pennington, Haakon, Jones, Lyman and Tripp Counties in South Dakota, where the proposed underground KeystoneXL pipeline is to be sited.

Pursuant to SDCL 49-41B, Keystone must have a siting permit from the PUC prior to beginning construction of the proposed pipeline. Accordingly, the Public Utilities Commission will hold further formal proceedings concerning Keystone's application for a siting permit. The Commission voted to extend the deadline to May 31st, for people like yourself to become formal parties to that legal proceeding. This hearing will be unlike the public meetings recently held West River, and instead will be an adversary proceeding, at which the rules of evidence will be applied. Any formal party has the right to be present, and to be represented by a lawyer. Additionally any formal party could appeal from an adverse decision of the PUC, to Circuit Court and the State Supreme Court. Those rights would be forfeited if not exercised.

The date and place for that formal hearing has not yet been set. At that hearing, witnesses will provide sworn testimony and be examined by lawyers for the parties. Additionally, there will be intermediate steps taken prior to that hearing for the parties to prepare, including discovery in the form of written interrogatories and depositions.

You should also be aware that the PUC has a professional staff of lawyers and analysts and engineers to review the application, engage in discovery and take evidence. The PUC staff acts in the interest of the public. The PUC staff will also contract with a number of outside expert witnesses, including some contracted technical experts and experts from other state agencies. Those people will help the PUC staff review the application, and will be witnesses and provide evidence to the Commissioners, on behalf of the public, including people like yourself. The cost of the staff's time and their expert witnesses is paid for by Keystone, as required by law.

We have filed copies of our Application with the Auditors of the affected Counties and the Applications can be viewed there. You can learn more by calling the PUC at 605-773-3201, or by accessing a copy of the Application online at the South Dakota Public Utilities Commission website:
<http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2009/hp09-001.aspx>

Very truly yours,

Brett Koenecke
May Adam Gerdes and Thompson, LLP
Attorneys for TransCanada Keystone Pipeline, L.P.

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HP 09-001

CERTIFICATE OF SERVICE

I hereby certify that the Proof of Notice, Notice to Landowners was served upon all of the parties listed below on the 2nd day of June, 2009, either electronically or by mailing a true and correct copy thereof to them by first class mail, postage prepaid, at their last known addresses, to-wit:

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I hereby certify that the Response to Motion to Extend Time was served upon all of the parties listed below on the 2nd day of June, 2009 by mailing a true and correct copy thereof to them by first class mail, postage prepaid, at their last known addresses, to-wit:

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