

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

**IN THE MATTER OF THE PETITION OF)
TRANSCANADA KEYSTONE PIPELINE, LP)
FOR ORDER ACCEPTING CERTIFICATION)
OF PERMIT ISSUED IN DOCKET HP09-001)
TO CONSTRUCT THE KEYSTONE XL)
PIPELINE)**

**ORDER GRANTING
TRANSCANADA'S MOTION TO
PRECLUDE WITNESSES**

HP14-001

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada) filed with the South Dakota Public Utilities Commission (Commission) a Petition for Order Accepting Certification under SDCL §49-41B-27 seeking an order accepting certification of the energy facility permit issued in Docket HP09-001 for construction of the Keystone XL Pipeline. On June 29, 2010, the Commission issued an Amended Final Decision and Order; Notice of Entry granting a permit to TransCanada for construction of the Keystone XL Pipeline. TransCanada now seeks an order accepting certification pursuant to SDCL 49-41B-27. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-27, and ARSD Chapter 20:10:22.

On September 18, 2014, the Commission electronically transmitted notice of the filing and the intervention deadline of October 15, 2014, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On October 1, 2014, the Commission issued an Order Assessing Filing Fee. Applications for Party Status were received from forty-three persons, and on November 4, 2014, the Commission issued an Order Granting Intervention and Party Status to forty-two of the applicants. Three of the intervenor parties have been granted withdrawal of party status. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule.

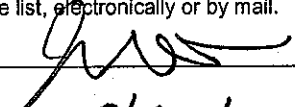
On April 27, 2015, COUP filed a Request for a Time Certain for an Expert Rebuttal Witness. Included in this Request was a description of the scope of testimony for Dr. James Hansen. On April 27, 2015, TransCanada filed an Objection to COUP's Request for a Time Certain and Motion to Preclude Witnesses (Motion to Preclude Witnesses). In its Motion to Preclude Witnesses, TransCanada sought to preclude COUP's three proffered witnesses, namely Dr. James Hansen, Dr. George Seielstad, and Dr. Robert Oglesby, from testifying as rebuttal witnesses, arguing that the witnesses will not be offering testimony within the meaning of rebuttal testimony and did not file pre-filed direct testimony.

At its regularly scheduled meeting on May 26, 2015, the Commission found the Request for a Time Certain for an Expert Rebuttal Witness to be moot given the Commission's Order Granting Joint Motion for Continuance and Relief from Scheduling Order, dated April 27, 2015. The Commission also considered the Motion to Preclude Witnesses. Finding that the testimony of the proffered witnesses was beyond the scope of the certification proceeding, the Commission voted unanimously to grant the Motion to Preclude Witnesses.

It is therefore

ORDERED, that TransCanada's Motion to Preclude Witnesses is granted.

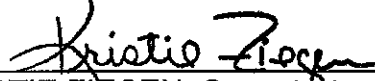
Dated at Pierre, South Dakota, this 28th day of May, 2015.

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 or by mail.	
By:	<u></u>
Date:	<u>5/28/15</u>
(OFFICIAL SEAL)	

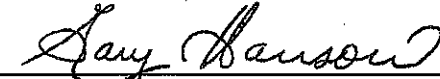
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner