

**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 MOTION FOR
ADMINISTRATIVE NOTICE AND
SUPPLEMENTING THE
ADMINISTRATIVE RECORD

HP14-001

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada or Keystone) 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 Chapters and 20:10:01 and 20:10:22.

An evidentiary hearing was held beginning on Monday, July 27, 2015 in Room 414 of the State Capitol Building. The hearing was extended to include Saturday, August 1, 2015 by order dated July 30, 2015, and then continued from August 3 to August 5, 2015.

On December 18, 2015, Dakota Rural Action (DRA) filed a Motion to Supplement Administrative Record (Motion). In its Motion, DRA asks the Commission to take administrative notice of a Notice of Probable Violation (NOPV) filed by the Pipeline and Hazardous Material Safety Administration (PHMSA) on November 20, 2015, and supplement the administrative record with the same. On December 21, 2015, Keystone filed its response, stating that it did not object to DRA's request but requested that the Commission also supplement the record with Keystone's response to the NOPV, which was submitted to PHMSA on December 18, 2015.

At its regular meeting on December 22, 2015, the Commission considered the Motion. The Commission has jurisdiction over this matter pursuant to SDCL 49-41B-27 and ARSD 20:10:01:24.03. The Commission voted unanimously to take administrative notice of the NOPV and grant DRA's request to supplement the record. Finding that Keystone's response to the NOPV was hearsay, the Commission did not grant Keystone's request to supplement the record with its response. It is therefore,

ORDERED, that the Commission takes administrative notice of the Notice of Probable Violation issued by PHMSA on November 20, 2015. It is further

ORDERED, that the administrative record is hereby supplemented with the Notice of Probable Violation issued by PHMSA on November 20, 2015.

Dated at Pierre, South Dakota, this 21st day of December, 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>Rolayne West</u>
Date: <u>12-29-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner