

**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 DENYING
MOTION TO DISMISS**

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 November 9, 2015, the Commission received a Joint Motion to Dismiss. In their Motion to Dismiss, John H. Harter, Elizabeth Lone Eagle, Paul F. Seamans, Cindy Myers, Diana L. Steskal, Byron T. Steskal, Arthur R. Tanderup, Lewis GrassRope, Carolyn P. Smith, Nancy Hilding, Gary F. Dorr, Wrexie L. Bardaglio, Joye Braun, Chastity Jewett, Dallas Goldtooth, Bonny J. Kilmurry, Viola Waln, Louis T. Genung, Terry Frisch, Cheryl Frisch, Dakota Rural Action, the Indigenous Environmental Network, the Intertribal Council on Utility Policy, Bold Nebraska, the Rosebud Sioux Tribe, Yankton Sioux Tribe, Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe (Movants) request that the Commission enter an order (a) dismissing the petition for certification filed by TransCanada Keystone Pipeline, LP, and (b) revoking the permit for construction of the proposed Keystone XL Pipeline through South Dakota which was granted by the Commission on June 29, 2010 in its Amended Final Decision and Order.

At its regularly scheduled meeting on December 22, 2015, the Commission considered both the Joint Motion to Dismiss and the Motion to Revoke. The Commission voted unanimously to deny both motions. It is therefore

ORDERED, that the Joint Motion to Dismiss is denied. It is further

ORDERED, that the Motion to Revoke is denied.

Dated at Pierre, South Dakota, this 29th 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