

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

| | |
|--|---------------------------------|
| IN THE MATTER OF THE PETITION OF) | ORDER DENYING DAKOTA |
| TRANSCANADA KEYSTONE PIPELINE, LP) | RURAL ACTION'S MOTION TO |
| FOR ORDER ACCEPTING CERTIFICATION) | COMPEL DISCOVERY FROM |
| OF PERMIT ISSUED IN DOCKET HP09-001) | STAFF |
| TO CONSTRUCT THE KEYSTONE XL) | |
| PIPELINE) | 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 Chapters 20:10:01, specifically 20:10:01:22.01, and 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. 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. Two parties have since been granted withdrawal of party status. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule (Procedural Schedule) requiring parties to file pre-filed testimony by April 2, 2015. On April 3, 2015, the Commission issued an Order Granting in Part Motion to Amend Procedural Schedule, in which the Commission ordered that all pre-hearing motions would be heard on April 14, 2015. On April 10, 2015, the Commission issued an Order Granting Motion to Reconsider and Amending in Part Procedural Schedule to allow Rosebud Sioux Tribe until April 24, 2015, to file pre-filed expert witness testimony.

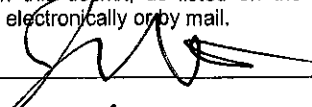
On April 7, 2015, Dakota Rural Action (DRA) filed Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery (Motion) seeking additional discovery from the Commission's staff (Staff). In its Motion, DRA requested an order from the Commission compelling Staff to provide copies of all communications between the Commission or Staff and TransCanada and its affiliates.

On April 9, 2015, Staff filed Staff's Response to Dakota Rural Action's Motion to Compel Discovery from Staff in which Staff set forth its objections to the Motion. At its regular meeting on April 14, 2015, the Commission considered the Motion, briefs submitted, and arguments presented at the meeting. Finding that Staff's objections were valid and that the discovery sought related to attorney work product, the Commission voted unanimously to deny the Motion.

It is therefore

ORDERED, that Dakota Rural Action's Motion to Compel Discovery seeking additional discovery from Commission Staff is denied.

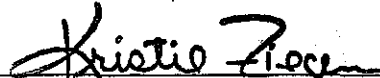
Dated at Pierre, South Dakota, this 22nd day of April, 2015.

| |
|--|
| <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u></u></p> <p>Date: <u>4/22/15</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p> |
|--|

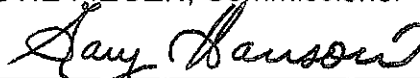
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner