

**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 JOINT) MOTION <i>IN LIMINE</i> TO EXCLUDE) EVIDENCE PERTAINING TO) KEYSTONE'S PROPOSED) CHANGES TO FINDINGS OF FACT) 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 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. 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 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. On May 5, 2015, the Commission issued an Order Amending Procedural Schedule.

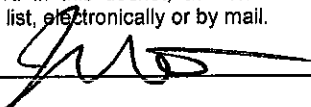
On July 10, 2015, the Commission received a Joint Motion *in Limine* to Exclude Evidence Pertaining to Keystone's Proposed Changes to Findings of Fact (Joint Motion) from Yankton Sioux Tribe, Cheyenne River Sioux Tribe, Bold Nebraska, Rosebud Sioux Tribe, Indigenous Environmental Network, and Dakota Rural Action. The Joint Motion sought an order precluding Keystone from presenting any testimony, evidence, or exhibits to support the Tracking Table of Changes at the Evidentiary Hearing.

At its regularly scheduled meeting on July 21, 2015, the Commission considered the Motion. Finding that the testimony at issue is relevant to the proceeding and that amending the findings of fact in Docket HP09-001 is not requested, the Commission voted unanimously to deny the Motion.

It is therefore

ORDERED, that the Joint Motion *in Limine* to Exclude Evidence Pertaining to Keystone's Proposed Changes to Findings of Fact is denied.

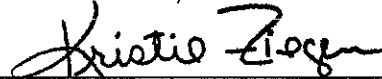
Dated at Pierre, South Dakota, this 22nd day of July, 2015.

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>7/22/15</u>
(OFFICIAL SEAL)	

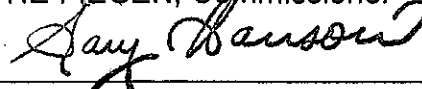
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner