

**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 ROSEBUD
SIOUX TRIBE'S MOTION TO
COMPEL DISCOVERY**

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. 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 (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, Rosebud Sioux Tribe filed Rosebud Sioux Tribe's Motion to Compel Discovery (Motion). In its Motion, Rosebud Sioux Tribe requested an order from the Commission compelling TransCanada to provide answers to certain interrogatories and provide certain documents. At its regularly scheduled meeting on April 14, 2015, the Commission considered the Motion, briefs submitted, and arguments presented at the meeting. Finding that TransCanada had provided sufficient information to answer Rosebud Sioux Tribe's discovery requests, a majority of the Commission voted to deny the Motion, with Commissioner Hanson dissenting. It is therefore

ORDERED, that Rosebud Sioux Tribe's Motion to Compel Discovery is denied.

Dated at Pierre, South Dakota, this 22nd day of April, 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>[Signature]</u>
Date: <u>4/22/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

GARY HANSON, Commissioner,
dissenting