

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

<b>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 ) ) ) )</b>	<b>ORDER GRANTING IN PART AND DENYING IN PART YANKTON SIOUX TRIBE'S MOTION TO COMPEL DISCOVERY FROM TRANSCANADA  HP14-001</b>
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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 20:10:01:22.02, 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). In the Procedural Schedule, the Commission ordered parties to file pre-filed testimony by April 2, 2015. That Order was later amended by the Commission to allow Rosebud Sioux Tribe until April 10, 2015, to file pre-filed testimony. On April 3, 2015, the Commission issued an Order amending to the Procedural Schedule, in which the Commission ordered that all pre-hearing motions would be heard on April 14, 2015.

On April 8, 2015, the Commission received a Motion to Compel Discovery (Motion) from Yankton Sioux Tribe (Yankton). In its Motion, Yankton requested an order from the Commission compelling TransCanada to provide certain information and answer certain interrogatories to which TransCanada, in its response to Yankton's requests for discovery, raised several objections. The Tribe also requested costs and attorney's fees associated with the Motion.

At its regularly scheduled Commission meeting on April 14, 2015, the Commission considered the Motion. The Commission considered the Motion and briefs submitted, as well as arguments presented at the meeting. The Commission voted unanimously to overrule TransCanada's objections and grant the Motion with respect to interrogatories 15 and 21 and requests for production of documents numbers 2, 3, 4, 7, and 8.

It is therefore

ORDERED, that TransCanada must provide answers to Yankton's interrogatories 15 and 21 by Friday, April 17, 2015. It is further

ORDERED, that TransCanada must provide all documents with respect to Yankton's requests for production numbers 2, 3, 4, 7, and 8 by Friday, April 17, 2015. It is further

ORDERED, that Yankton's motion to compel is denied with respect to all other interrogatories and requests for production of documents. It is further

ORDERED, that Yankton's request for attorney's fees and costs is denied.

Dated at Pierre, South Dakota, this 17<sup>th</sup> 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>4/17/15</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature]

CHRIS NELSON, Chairman

[Signature]

KRISTIE FIEGEN, Commissioner

[Signature]

GARY HANSON, Commissioner