

**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) FOR RECONSIDERATION OF) ORDER GRANTING MOTION <i>IN</i>) <i>LIMINE</i> TO PRECLUDE) REBUTTAL TESTIMONY OF) JENNIFER GALINDO AND WASTÉ) WIN YOUNG) HP14-001
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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, Keystone filed Keystone's Motion *in Limine* to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young (Motion). On July 21, 2015, The Commission voted unanimously to grant the Motion. On July 22, 2015, the Commission issued an Order Granting Motion *in Limine* to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young (Order). In its Order, the Commission held that the testimony was not relevant to the proceeding and should, therefore, be excluded.

On July 24, 2015, the Commission the Standing Rock Sioux Tribe filed Standing Rock Sioux Tribe Motion to Reconsider and Modify Order Granting Motion in *Limine* to Preclude Rebuttal Testimony of Jennifer Galindo and Waste Win Young. (Motion for Reconsideration). In its Motion for Reconsideration, Standing Rock Sioux Tribe requested that the Commission reconsider its July 22, 2015 Order.

On July 27, 2015, the Commission considered the Motion for Reconsideration. Finding that the Commission correctly determined that the proffered testimony is not relevant to the proceeding in its Order Granting Motion *in Limine* to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young, the Commission voted unanimously to deny the Motion for Reconsideration.

It is therefore

ORDERED, that the Standing Rock Sioux Tribe Motion to Reconsider and Modify Order Granting Motion *in Limine* to Preclude Rebuttal Testimony of Jennifer Galindo and Waste Win Young is denied.

Dated at Pierre, South Dakota, this 31st day of August, 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: 

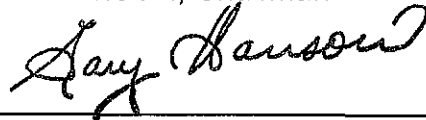
Date: 8/31/15

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



GARY HANSON, Commissioner