

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

IN THE MATTER OF THE APPLICATION OF) DAKOTA ACCESS, LLC FOR AN ENERGY) FACILITY PERMIT TO CONSTRUCT THE) DAKOTA ACCESS PIPELINE)))	ORDER FOR AND NOTICE OF MOTIONS HEARING ON LESS THAN 10 DAYS' NOTICE HP14-002
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

On December 15, 2014, the South Dakota Public Utilities Commission (Commission) received an energy facility permit application (Application) from Dakota Access, LLC (Dakota Access) pursuant to SDCL 49-41B-4 to construct the South Dakota portion of the proposed Dakota Access Pipeline (Pipeline). The Pipeline will begin in North Dakota and terminate in Patoka, Illinois, traversing 13 counties in South Dakota. The proposed 12- to 30-inch diameter pipeline will have an initial capacity of 450,000 barrels of oil per day with a total potential of up to 570,000 barrels per day. The proposed route will enter South Dakota in Campbell County at the North Dakota/South Dakota border and will extend in a southeasterly direction, exiting the state at the South Dakota/Iowa border in Lincoln County. The length of the Pipeline through South Dakota is approximately 272.3 miles. The Pipeline also would include one pump station in South Dakota located in Spink County. Pursuant to SDCL 49-41B-24, the Commission has one year from the date of application to render a decision on the Application. Several parties have been granted intervention in this docket.

On January 8, 2015, Commissioner Fiegen filed a letter delivered to Governor Dennis Daugaard advising of a conflict of interest under SDCL 49-1-9 after learning of family ownership of land on the proposed Pipeline route. On January 14, 2015, Governor Daugaard filed a letter to Secretary of State Shantel Krebs appointing State Treasurer Rich Sattgast to serve as Acting Commissioner in place of Commissioner Fiegen pursuant to SDCL 49-1-9.

On September 16, 2015, attorney Glenn J. Boomsma filed a motion on behalf of his clients requesting that certain Intervenor witnesses be allowed to offer telephonic testimony in this matter. On September 18, 2015, the City of Sioux Falls filed a motion asking that the Commission enter an order "establishing a range of time (afternoon of October 6 or morning of October 7) for the testimony of witness Dustin Hansen." On September 21, 2015, the South Dakota Association of Rural Water Systems, Inc. (SDARWS) filed a Motion for Substitution of Witness. In its motion, SDARWS requested that it be allowed to substitute its previous witness, Steve Harper, with Dan Zulkosky, who is the Construction Administrator of Lewis & Clark Regional Water System.

Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days notice if the Commission determines good cause exists therefor. The Commission finds that because these matters should be resolved so parties can prepare their cases, good cause exists to hear the Motions on less than ten days' notice.

It is therefore

ORDERED, that a hearing on Intervenors' Motion to Allow Telephonic Testimony, the City of Sioux Falls' Motion to establish a range of time for the testimony of its witness, and SDARWS' Motion for Substitution of Witness will be held by the Commission in connection with its ad hoc meeting on September 24, 2015, beginning at 8:30 A.M. CDT in Room 414, Capitol Building, Pierre, South Dakota, and Room FADM 145, University Center, 4801 N. Career Ave., Sioux Falls, South Dakota.

Dated at Pierre, South Dakota, this 22nd day of September, 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>Kalayne West</u>
Date: <u>9-22-15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Gary Hanson

GARY HANSON, Commissioner

Richard L. Sattgast

RICHARD L. SATTGAST, Acting Commissioner