

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

IN THE MATTER OF:)	Docket HP 14-001
)	
PETITION OF TRANSCANADA KEYSTONE)	MOTION REQUESTING
PIPELINE, LP FOR ORDER ACCEPTING)	AN EXTENSION OF TIME
CERTIFICATION OF PERMIT ISSUED IN)	FOR RESPONSE TO
DOCKET HP09-0001 TO CONSTRUCT THE)	TRANSCANADA'S MOTION TO
KEYSTONE XL PIPELINE)	LIMIT DISCOVERY AND FOR
)	CONTINUANCE OF HEARING

COMES NOW the Intertribal Council On Utility Policy (“Intertribal COUP”), Intervener in this matter, by and through its secretary and legal counsel, Robert P. Gough, to move the Public Utilities Commission of the State of South Dakota (the “Commission”) issue an Order extending time for intervening parties to respond to the Motion filed by TransCanada Keystone Pipeline, LP (“TransCanada”) to Define the Scope of Discovery. In support of this Motion, Intertribal COUP states as follows:

1. On October 30, 2014, TransCanada filed its Motion to Define the Scope of Discovery under SDCL § 49-41B-27. TransCanada’s motion seeks to significantly limit the scope of discovery in these proceedings.
2. On November 5, 2014, the Commission entered its Order directing intervening parties to file responses to TransCanada’s motion on before November 17, 2014. The Commission’s November 5, 2014 Order also set the hearing date on TransCanada’s motion for November 25, 2014.

3. On November 13, 2014, the Commission held a pre-hearing scheduling conference in which counsel for TransCanada, the Commission, Commission staff, and numerous interveners and their counsel participated. During the course of the prehearing scheduling conference it became obvious that the issues in these proceedings are sufficiently complex to warrant more careful deliberation by all the interveners and the Commission – including consideration of TransCanada’s pending motion to limit discovery.

4. TransCanada’s motion and proposed schedule provides the very short period of time in which a number of the interveners would have to respond to TransCanada’s motion, review the existing record, secure counsel and any necessary experts to review discovery, and participate in a meaningful way, an Order from the Commission expanding the time for interveners to respond to TransCanada’s motion, and a corresponding continuance of the hearing date on the motion, is both necessary and appropriate.

5. Intertribal COUP respectfully suggests the following alternative schedule with respect to TransCanada’s motion:

- a. Intervening parties be granted at least until December 8, 2014 to file responses in opposition to TransCanada’s motion.
- b. TransCanada then be granted until December 29, 2014 to file a written reply to any responses in opposition to its motion.
- c. The Commission’s hearing on TransCanada’s motion should be continued to at least January 6, 2015 (or the Commission’s next subsequent available meeting date).

6. TransCanada was given full opportunity to comment and was requested to stipulate to a proposed continuance, but refused to do so during the pre-hearing. However, TransCanada made no argument that it would be prejudiced by an extension of time, and it does not appear that TransCanada would, in fact, be prejudiced by the Commission's granting this motion for an extension of time, nor will it be prejudiced in any way by a continuance of the proposed hearing date on its motion. Given the potential significance and duration of TransCanada's proposed project and the significant potential negative impact it may have on the lives and livelihoods of South Dakota communities, Tribes, residents and land owners, and the environment and water resources at risk from the construction and operation of this project, allowing sufficient time for a full and careful review of all issues involved in this certification is in the best interest of all affected parties, not just the interveners.

WHEREFORE, The Intertribal Council On Utility Policy prays that the Commission sustain this motion requesting an extension of time in which to respond to TransCanada's motion to limit discovery, and that it issue an Order (a) granting intervening parties at least until December 8, 2014, to file responses to TransCanada's motion, (b) affording TransCanada until December 29, 2014 to file replies, and (c) continuing the hearing date on TransCanada's motion to at least January 6, 2015 (or the Commission's next subsequent available meeting date).

Dated this 14th Day of November 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. P. Gough', enclosed in a thin black rectangular border.

Robert P. Gough, SD SB# 620
Secretary of, and Attorney for,
Intertribal Council On Utility Policy
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