

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING IN PART
TRANSCANADA KEYSTONE PIPELINE, LP)	MOTION FOR
FOR ORDER ACCEPTING CERTIFICATION)	RECONSIDERATION OF
OF PERMIT ISSUED IN DOCKET HP09-001)	ORDER GRANTING MOTION
TO CONSTRUCT THE KEYSTONE XL)	TO EXCLUDE TESTIMONY OF
PIPELINE)	KEVIN E. CAHILL, PH.D.
)	
)	
)	HP14-001

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 Exclude Testimony of Kevin E. Cahill, Ph.D. (Motion). On July 21, 2015, The Commission voted unanimously to grant the Motion. On July 23, 2015, the Commission issued an Order Granting Motion to Exclude Testimony of Kevin E. Cahill, Ph.D. (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 Standing Rock Sioux Tribe filed Standing Rock Sioux Tribe Motion to Reconsider Order Granting Motion in Limine to Preclude Kevin E. Cahill Ph.D. (Motion for Reconsideration). In its Motion for Reconsideration, Standing Rock Sioux Tribe requested that the Commission reconsider its Order Granting Motion to Exclude Testimony of Kevin E. Cahill, Ph.D. issued on July 22, 2015.

On July 27, 2015, the Commission considered the Motion for Reconsideration. Finding that a portion of the proffered testimony was responsive to witness Brian Walsh's testimony, the Commission voted unanimously to grant the Motion for Reconsideration to the extent that such testimony is responsive to the pre-filed testimony of Staff witness Brian Walsh.

It is therefore

ORDERED, that the Standing Rock Sioux Tribe Motion to Reconsider Order Granting Motion *in Limine* to Preclude Kevin E. Cahill Ph.D. is granted with respect to that portion of the testimony that is responsive to Staff witness Brian Walsh's pre-filed testimony.

Dated at Pierre, South Dakota, this 1st 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>[Signature]</u>
Date: <u>9/1/15</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature: Chris Nelson]
CHRIS NELSON, Chairman

[Signature: Gary Hanson]
GARY HANSON, Commissioner