



produced from the Alberta oil sands, development of the oil sands being contrary to its CO2 reduction objective. Note that the pipeline does not play a role in CO2 produced by oil production, rather, it transports oil once produced.

350.org's issues are not within the Commission's statutory jurisdiction, and are not issues within the scope of Keystone's re-certification request under SDCL § 49-41B-27. The scope of the current proceeding is narrow. It is limited to a determination whether the Keystone XL project "continues to meet the conditions upon which the permit was issued." SDCL § 49-41B-27. The amount of CO2 in the atmosphere is not addressed in the conditions imposed by the PUC in its Amended Final Decision and Order dated June 29, 2010.

Atmospheric CO2 from the production of oil from the Canadian oil sands played no role in the underlying proceedings and has no role in these proceedings. To obtain its permit under SDCL § 49-41B-22, Keystone had to prove, among other things, that *the pipeline, not the production of oil from the Alberta oil sands*, would not pose a threat to the environment or to the social and economic conditions and that *the pipeline, not the production of oil from the Alberta oil sands*, would not substantially impair the health, safety or welfare of South Dakotans.

Even though the scope of this proceeding is much narrower than Keystone's original burden of proof, it is clear that 350.org's interests and focus is much broader than

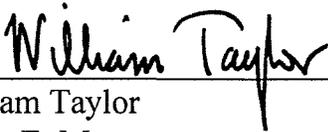
even the Commission's original inquiry when it granted a permit. Climate change is an issue addressed by the Department of State in the Final Supplemental Environmental Impact Statement. It is not an issue for the Commission.

The standard for party status in SDCL § 49-41B-17 is broad, but it is not broad enough to encompass the mission of 350.org. The statute provides party status for nonprofit organizations formed to protect the environment, § 49-41B-17(3), but the statute cannot reasonably be construed to grant party status to any environmental group, without regard to the issues seeking to be raised by that group. Rather, only those groups with an agenda related to the effects of the proposed project on the environment within the jurisdiction of the Commission, i.e., within South Dakota, meet the statutory definition.

Because 350.org does not advocate for an interest within the jurisdiction of the Commission, because its application does not meet the statutory test for party status, and because granting party status to 350.org would necessarily broaden the issues far beyond what is dictated by SDCL § 49-41B-27 and burden this proceeding with issues that are not germane, Keystone respectfully requests that the request for party status be denied.

Dated this 22<sup>nd</sup> day of October, 2014.

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### CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of October, 2014, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Keystone's Response to Applications of Party Status of 350.org, to the following:

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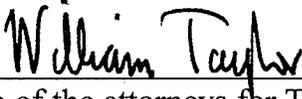
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