

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

IN THE MATTER OF THE PETITION OF))	ORDER GRANTING MOTION
TRANSCANADA KEYSTONE PIPELINE, LP))	TO JOIN AND DENYING JOINT
FOR ORDER ACCEPTING CERTIFICATION))	MOTION TO EXCLUDE
OF PERMIT ISSUED IN DOCKET HP09-001))	EVIDENCE AND TESTIMONY
TO CONSTRUCT THE KEYSTONE XL))	BY TRANSCANADA
PIPELINE))	
)	HP14-001

On September 15, 2014, TransCanada Keystone Pipeline, LP (TransCanada) 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. On October 1, 2014, the Commission issued an Order Assessing Filing Fee. 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 of the intervenor parties have 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 April 17, 2015, the Commission issued an Order Granting in Part and Denying in Part Dakota Rural Action's Motion to Compel Discovery from TransCanada, an Order Granting in Part and Denying in Part Standing Rock Sioux Tribe's Motion for Discovery Sanctions or to Compel, and an Order Granting in Part and Denying in Part Yankton Sioux Tribe's Motion to Compel Discovery From TransCanada. On April 27, 2015, Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Dakota Rural Action, Indigenous Environmental Network, Intertribal COUP, and Bold Nebraska filed a Motion to Exclude Evidence and Testimony by TransCanada (Joint Motion). The Joint Motion seeks preclusion for alleged discovery response violations by TransCanada.

On May 1, 2015, Gary Dorr filed a Motion to Join the Joint Motion of Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Indigenous Environmental Network, Intertribal COUP, and Bold Nebraska to Exclude Evidence and Testimony by TransCanada (Motion to Join).

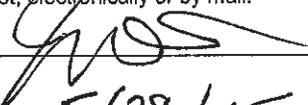
At its regularly scheduled meeting on May 26, 2015, the Commission considered the Joint Motion, as well as Gary Dorr's Motion to Join. A majority of the Commission voted to grant the Motion to Join, with Commissioner Nelson dissenting. Finding that TransCanada had produced a very large volume of documents in response to intervenor discovery requests and the Commission's Orders to Compel and that movants had not demonstrated that TransCanada had acted in bad faith or with willfulness or fault, the Commission voted unanimously to deny the Joint Motion.

It is therefore

ORDERED, that Gary Dorr's Motion to Join is granted. It is further

ORDERED, that the Joint Motion to Exclude Evidence and Testimony by TransCanada is hereby denied.

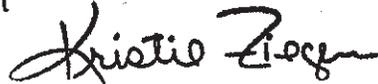
Dated at Pierre, South Dakota, this 28th day of May, 2015.

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></u>
Date: <u>5/28/15</u>
(OFFICIAL SEAL)

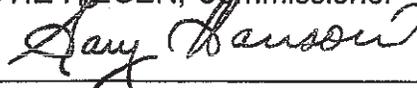
BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman, dissenting
in part



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner