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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION BY)
TRANSCANADA KEYSTONE PIPELINE, LP)
FOR A PERMIT UNDER THE SOUTH DAKOTA)
ENERGY CONVERSION AND TRANSMISSION)
FACILITIES ACT TO CONSTRUCT THE)
KEYSTONE PIPELINE PROJECT)

SCHEDULING AND PROCEDURAL ORDER

HP07-001

On April 27, 2007, TransCanada Keystone Pipeline, LP, (Applicant) filed a siting permit application for the South Dakota portion of the Keystone Pipeline Project (Project). The Project will transport crude oil starting in Hardisty, Alberta, Canada and ending in Patoka, Illinois. The proposed 30 inch diameter pipeline will have a nominal capacity of 435,000 barrels of oil per day (bpd) with a possible expansion to 591,000 bpd. The proposed route will enter South Dakota at the North Dakota/South Dakota border in Marshall County and extend in a southerly direction, exiting the state at the South Dakota/Nebraska border in Yankton County. The length of the pipeline in South Dakota will be approximately 220 miles and it will cross the counties of Marshall, Day, Clark, Beadle, Kingsbury, Miner, Hanson, McCook, Hutchinson and Yankton. The Project also includes four pump stations in South Dakota located in Day, Beadle, Miner and Hutchinson counties along with 15 mainline valves with an average spacing of 15 miles between valves.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-41B, specifically 49-41B-2, 49-41B-16 and 49-41B-17 and ARSD 20:10:01:39 through 20:10:01:43.

At its regularly scheduled meeting of August 7, 2007, the Commission considered whether to require parties who intend to present evidence in the case to file pre-filed testimony and whether to issue a scheduling order. The Commission heard comments and argument from Applicant, certain intervenors who appeared and Staff. The Commission decided to require parties who intend to present evidence in the case to file pre-filed testimony and to issue a scheduling order based upon hearing dates of December 3-14, 2007. Following the Commission's August 7 meeting, on August 8, 2007, the North Dakota Public Service Commission issued a Notice of Hearing Continuation on Keystone for additional hearings to be held on September 5-6, 2007, and on August 10, 2007, the United States Department of State issued the Draft Environmental Impact Statement and Keystone Pipeline Public Comment Meeting Schedule scheduling public comment meetings throughout the Project area from September 4-20, 2007. In recognition of these additional conflicting dates, the Commission has determined that somewhat later dates for filing testimony are justified than those proposed by the Commission's Counsel at the August 7 meeting.

It is therefore

ORDERED that parties who intend to present evidence in this case must pre-file their testimony and supporting exhibits in writing with the Commission in accordance with the following procedural schedule;

ORDERED that the parties shall comply with the following procedural schedule except as the Commission shall otherwise order:

September 21, 2007	Applicant's Direct Testimony filed and served
November 2, 2007	Intervenors' and Staff's Direct Testimony filed and served
November 16, 2007	Applicant's Rebuttal Testimony filed and served
December 3-14, 2007	Evidentiary hearing, Rm. 412, State Capitol Bldg., Pierre, SD – 9:30 a.m. on Dec. 3 and Dec. 10; following Commission meeting on December 4; 8:30 a.m. all other days
December 6, 2007	Public Input Hearing, Rm. 412 State Capitol Bldg., Pierre, SD – 7:00 p.m. – 11:00 p.m.

If a party believes they will be unable to meet these deadlines due to circumstances beyond their control, they may move the Commission for relief from the deadline which the Commission will grant only if the Commission finds good cause has been demonstrated for the extension.

ORDERED that filing of testimony shall be through the Commission E-Filing system to the extent possible; and it is further

ORDERED that all parties shall serve by mail their testimony, exhibits, motions and other pleadings and documents upon all persons listed on the Service List on the Commission's web page for Docket HP07-001, a copy of which shall be served upon all parties in conjunction with the service of this order.

Dated at Pierre, South Dakota, this ____ day of September, 2007.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

DUSTIN M. JOHNSON, Chairman

GARY HANSON, Commissioner

STEVE KOLBECK, Commissioner