

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

32CIV16-33

**MOTION TO SUPPLEMENT THE
RECORD ON APPEAL**

Under SDCL § 1-26-33, Appellee TransCanada Keystone Pipeline, LP (“Keystone”), moves that the Court permit the administrative record to be supplemented with the addition of the Department of State’s Record of Decision and National Interest Determination dated March 23, 2017 (attached as Exhibit A), and the Presidential Permit dated March 23, 2017 (attached as Exhibit B). The addition is appropriate because the documents are relevant to one of the arguments raised by the Appellants on appeal, namely, that Keystone cannot comply with Condition 2 of the Public Utilities Commission’s Amended Final Decision and Order because its previous application for a Presidential Permit was denied on November 6, 2015. This motion is based on a supporting brief.

Dated this 24th day of March, 2017.

WOODS, FULLER, SHULTZ & SMITH P.C.

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Certificate of Service

I hereby certify that on the 24th day of March, 2017, I electronically served a true and correct copy of the foregoing Motion to Supplement the Record on Appeal using the Odyssey File & Serve System, which will automatically send e-mail notification of such service to the following:

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