

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

IN THE MATTER OF TRANSCANADA
KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET HP09-001
TO CONSTRUCT THE KEYSTONE XL
PIPELINE

ROSEBUD SIOUX TRIBE'S
STATEMENT IN SUPPORT
OF DAKOTA RURAL ACTION
AND ICOUP'S STATEMENTS
AND OBJECTIONS WITH
RESPECT TO SUBMISSION OF
WRITTEN TESTIMONY AND
RST OBJECTION TO REQUIRING
PREFILED TESTIMONY

HP14-001

Comes now, the Rosebud Sioux Tribe, by and through counsel, Matthew L. Rappold, and issues its statement in support of Dakota Rural Action (DRA) and Intertribal COUP's Statement and Objections with Respect to Submission of Written Testimony.

Dakota Rural Action and the Intertribal COUP filed their Statement and Objections with Respect to Submission of Written Testimony with the Public Utilities Commission on April 2, 2015. Both DRA and ICOUP objected to the PUC requirement for filing of pre-filed written testimony on the grounds that such requirement is not consistent with enumerated sections of South Dakota Codified law and is in excess of the PUC's statutory authority to promulgate rules regarding proceedings before the commission.

The Rosebud Sioux Tribe, through counsel, submits its statement that the Rosebud Sioux Tribe supports and joins in the objections made by DRA and ICOUP regarding PUC's Administrative Rule 20:10:01:22.06 as being a rule that is in excess of its statutory authority of SDCL 49-1-11 which provides that "the Public Utilities Commission may promulgate rules pursuant to SDCL 1-26 concerning.....(4) regulation of proceedings before the commission, including forms, notices, applications, pleadings, orders to show cause and the service thereof,

all of which shall conform to those used in South Dakota courts;... .” ARSD 20:10:01:01.2 requires the Commission to “use the rules of civil procedure as used in the circuit courts of the state in its proceedings.” Accordingly, SDCL 15-6 applies in its entirety to this proceeding. There is no rule of civil procedure that provides any basis to require any party to pre-file written testimony prior to any hearing. To the contrary, SDCL 15-6-43(a) provides that “in all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by this chapter or by the South Dakota Rules of Evidence.” Not only is Administrative Rule 20:10:01:22.06 in excess of the PUC’s statutory authority it is also contrary to the spirit and intent of the South Dakota Rules of Civil Procedure.

The Rosebud Sioux Tribe hereby objects to the requirement to pre-file written testimony with the Public Utilities Commission. On this basis, to the extent that the Public Utilities Commission requires any party to submit written testimony prior to the hearing, the Public Utilities Commission has exceeded its statutory authority.

Dated this 6th day of April, 2015.

RESPECTFULLY SUBMITTED:

/s/ Matthew L. Rappold
Matthew L. Rappold
Rappold Law Office
816 Sixth Street
PO Box 873
Rapid City, SD 57709
(605) 828-1680
Matt.rappold01@gmail.com

CERTIFICATE OF SERVICE

I certify that on this 7th day of April, 2015, the original of this Statement in Support of DRA and ICOWPS Statement and Objections With Respect to Submission of Written Testimony on behalf of the Rosebud Sioux Tribe in Case Number HP-14-001 was filed on the Public Utilities Commission of the State of South Dakota e-filing website and also that on this day and a true and correct copy was sent via email and/or U.S. Mail first class postage prepaid to the following persons, as designated:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us
(605) 773-3201 - voice

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us
(605) 773-3201 - voice

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us
(605) 773-3201- voice

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us
(605) 773-3201 - voice

Mr. James E. Moore - Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117

james.moore@woodsfuller.com

(605) 336-3890 - voice

(605) 339-3357 - fax

Mr. Bill G. Taylor - Representing: TransCanada Keystone Pipeline, LP
Attorney

Woods, Fuller, Shultz and Smith P.C.

PO Box 5027

Sioux Falls, SD 57117

bill.taylor@woodsfuller.com

(605) 336-3890 - voice

(605) 339-3357 - fax

Mr. Paul F. Seamans

27893 249th St.

Draper, SD 57531

jackknife@goldenwest.net

(605) 669-2777 - voice

Mr. John H. Harter

28125 307th Ave.

Winner, SD 57580

johnharter11@yahoo.com

(605) 842-0934 - voice

Ms. Elizabeth Lone Eagle

PO Box 160

Howes, SD 57748

bethcbest@gmail.com

(605) 538-4224 - voice

Serve both by email and regular mail

Mr. Tony Rogers

Rosebud Sioux Tribe - Tribal Utility Commission

153 S. Main St.

Mission, SD 57555

tuc@rosebudsiouxtribe-nsn.gov

(605) 856-2727 - voice

Ms. Viola Waln

PO Box 937

Rosebud, SD 57570

walnranh@goldenwest.net

(605) 747-2440 - voice

Ms. Jane Kleeb
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org
(402) 705-3622 - voice

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org
(402) 783-0377 - voice

Mr. Byron T. Steskal & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net
(402) 924-3186 - voice

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com
(402) 709-2920 - voice

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com
(402) 278-0942 - voice

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com
(605) 208-0606 - voice

Ms. Carolyn P. Smith
305 N. 3rd St.
Plainview, NE 68769
peachie_1234@yahoo.com
(402) 582-4708 - voice

Mr. Robert G. Allpress
46165 Badger Rd.

Naper, NE 68755
bobandnan2008@hotmail.com
(402) 832-5298 - voice

Mr. Jeff Jensen
14376 Laflin Rd.
Newell, SD 57760
jensen@sdplains.com
(605) 866-4486 - voice

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net
(402) 984-7548 - voice

Mr. Peter Capossela, P.C. - Representing: Standing Rock Sioux Tribe
Attorney at Law
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com
(541) 505-4883 - voice

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com
(605) 787-6779 - voice

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com
(605) 828-8391 - voice

Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abbnebraska.com
(402) 244-5348 - voice

Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886

wrexie.bardaglio@gmail.com

(607) 229-8819 - voice

Mr. Cyril Scott

President

Rosebud Sioux Tribe

PO Box 430

Rosebud, SD 57570

cscott@gwtc.net

ejantoine@hotmail.com

(605) 747-2381 - voice

Mr. Eric Antoine

Attorney

Rosebud Sioux Tribe

PO Box 430

Rosebud, SD 57570

ejantoine@hotmail.com

(605) 747-2381 - voice

Ms. Paula Antoine

Sicangu Oyate Land Office Coordinator

Rosebud Sioux Tribe

PO Box 658

Rosebud, SD 57570

wopila@gwtc.net

paula.antoine@rosebudsiouxtribe-nsn.gov

(605) 747-4225 - voice

Mr. Harold C. Frazier

Chairman

Cheyenne River Sioux Tribe

PO Box 590

Eagle Butte, SD 57625

haroldcfrazier@yahoo.com

(605) 964-4155 - voice

Mr. Cody Jones

21648 US HWY 14/63

Midland, SD 57552

(605) 843-2827 - voice

Ms. Amy Schaffer

PO Box 114

Louisville, NE 68037

amyannschaffer@gmail.com
(402) 234-2590

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552
(605) 843-2264

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtdt@goldenwest.net

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com
(605) 716-5147 - voice

Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com
(605) 964-3813

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com
(605) 384-3804 - voice

Ms. Thomasina Real Bird - Representing - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com
(303) 673-9600 - voice
(303) 673-9155 - fax

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701

chasjewett@gmail.com
(605) 431-3594 - voice

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201
duncan@350.org
(518) 635-0350 - voice

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org
(605) 716-2200 - voice

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org
(605) 697-5204 - voice
(605) 697-6230 - fax

Mr. Bruce Ellison
Attorney
Dakota Rural Action
518 Sixth St. #6
Rapid City, SD 57701
belli4law@aol.com
(605) 716-2200 - voice

Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619
ien@igc.org
(218) 760-0442 - voice

Mr. Dallas Goldtooth
38371 Res. HWY 1
Morton, MN 56270
goldtoothdallas@gmail.com
(507) 412-7609

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758
(605) 748-2422 - voice

Ms. Bonny Kilmurry
47798 888 Rd.
Atkinson, NE 68713
bjkilmurry@gmail.com
(402) 925-5538 - voice

Mr. Robert P. Gough
Secretary
Intertribal Council on Utility Policy
PO Box 25
Rosebud, SD 57570
bobgough@intertribalCOUP.org
(605) 441-8316 - voice

Mr. Terry & Cheryl Frisch
47591 875th Rd.
Atkinson, NE 68713
tcfrisch@q.com
(402) 925-2656 - voice

Ms. Tracey Zephier - Representing: Cheyenne River Sioux Tribe
Fredericks Peebles & Morgan LLP
Ste. 104
910 5th St.
Rapid City, SD 57701
tzephier@ndnlaw.com
(605) 791-1515 - voice

Mr. Robin S. Martinez - Representing: Dakota Rural Action
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
robin.martinez@martinezlawn.net

Ms. Mary Turgeon Wynne, Esq.
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov
(605) 856-2727 - voice

Mr. Matthew L. Rappold - Representing: Rosebud Sioux Tribe
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com
(605) 828-1680 - voice

Ms. April D. McCart - Representing: Dakota Rural Action
Certified Paralegal
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
april.mccart@martinezlawn.net
(816) 415-9503 - voice

Mr. Paul C. Blackburn - Representing: Bold Nebraska
Attorney
4145 20th Ave. South
Minneapolis, MN 55407
paul@paulblackburn.net
(612) 599-5568 - voice

Ms. Kimberly E. Craven - Representing: Indigenous Environmental Network (IEN)
Attorney
3560 Catalpa Way
Boulder, CO 80304
kimecraven@gmail.com
(303) 494-1974 - voice

/s/ Matthew L. Rappold
Matthew L. Rappold