

Nebraska Public Service Commission

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JEFFREY L. PURSLEY

May 10, 2017

CERTIFICATION

To Whom It May Concern:

I, Jeffrey L. Pursley, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed OP-0003 on the 10th day of May 2017. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Nichole Mulcahy, Natural Gas Deputy Director, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 10th day of May 2017.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Pursley".

Jeffrey L. Pursley
Executive Director



JLP:rp

Enclosure

cc: Service Lists: U.S. Mail and Email

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. OP-0003
of TransCanada Keystone Pipeline,)
L.P., Calgary, Alberta, seeking) ORDER GRANTING MOTION TO
approval for Route Approval of the) WITHDRAW, AND MODIFYING
Keystone XL Pipeline Project) CASE MANAGEMENT PLAN AND
Pursuant to the Major Oil Pipeline) INTERVENTION ORDER
Siting Act.)
) Entered: May 10, 2017

BY THE HEARING OFFICER:

On Friday May 5, 2017, James P. Cavanaugh, attorney for the Sierra Club, Nebraska Chapter ("Sierra Club"), filed a motion to withdraw as the attorney for the Sierra Club in the above-captioned proceeding. The Commission on the same date, received a Notice of Appearance from Mr. Kenneth C. Winston on behalf of the Sierra Club. The Hearing Officer finds the motion by Mr. Cavanaugh should be granted.

It has come to the Hearing Officer's attention that there are certain inconsistencies between the body of the Case Management Plan ("CMP") issued in this proceeding on April 5, 2017, and Appendix A attached to the Order. Namely, ten (10) business days were allotted to respond to discovery by the recipient in paragraph 14 of the Order and only ten (10) calendar days were shown in Appendix A. Therefore, the following modified procedural schedule is hereby adopted. The underlined dates have been changed, the other dates remain unchanged.

PROCEDURAL SCHEDULE

February 16, 2017	Application Filed
March 22	Intervention Deadline
April 5 - May 5	Discovery Requests by Formal Intervenors filed on Applicant
<u>May 19</u>	Deadline for Applicant to file Discovery Responses on Formal Intervenors
<u>May 22</u>	Deadline for Formal Intervenors to file Motions to Compel Responses by Applicant
<u>May 30</u>	Testimony, exhibits, workpapers, and witness lists of Formal Intervenors Filed
May 15 - June 16	Discovery Requests by Applicant filed on Formal Intervenors
<u>June 30</u>	Deadline for Formal Intervenors to file Discovery Responses on Formal Intervenors
July 3	Deadline for Applicant to file Motions to Compel Responses by Formal Intervenors
July 7	Deadline to conduct Depositions

July 14	Rebuttal Testimony and exhibits of Applicant filed
July 24	Deadline to filed written objections/Pre-hearing Motions
July 31	Pre-hearing Conference, Oral Arguments on Objections/Motions, Filing of Consolidated Hearing Exhibit List/Settlements
August 7 - August 11	Hearing beginning at 9 a.m. on August 7 and continuing through Friday, August 11
August 18	Deadline for receiving expedited Transcript
August 28	Post-Hearing Briefs Due
September 4	Post-Hearing Reply Briefs Due

Further, after careful and thoughtful deliberation and reflection on the variety of public comment received by the Commission at the May 3, 2017 Public Meeting in York, Nebraska, the Hearing Officer has determined to exercise his authority to modify interventions.¹ Therefore, the March 31, 2017 Order regarding Interventions is modified as follows:

- 1) The Formal Intervenor group comprised of the Social and Cultural Interest Petitioners shall be allowed to present the testimony of two (2) witnesses at the Public Hearing scheduled in August;
- 2) The Formal Intervenor group comprised of the Natural Resources Petitioners shall be allowed to present the testimony of two (2) witnesses at the Public Hearing scheduled in August; and
- 3) The Formal Intervenor group comprised of the Economic Interest Petitioners shall be allowed to present the testimony of two (2) witnesses at the Public Hearing scheduled in August.

All three (3) of the above modifications are in addition to the ability to bring an additional witness regarding the Keystone I Alternate Route as detailed in the March 31, 2017 Order. Finally, all witnesses will be required to abide by all the requirements and deadlines in the CMP, including pre-filing written testimony by the deadlines as established in the CMP and modified by this order above.

¹ See Neb. Rev. Stat. § 84-912.02(4) and Title 291 NAC Ch. 1, § 020.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the above-referenced motion be, and is hereby, granted.

IT IS FURTHER ORDERED that the procedural schedule attached to the April 5, 2017 Order containing the Case Management Plan is modified as stated above.

IT IS FURTHER ORDERED that the March 31, 2017 Hearing Officer Order regarding Interventions is modified as outlined above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 10th day of May, 2017.

BY:



Tim Schram
HEARING OFFICER

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