

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. OP-0003
TransCanada Keystone Pipeline, L.P.,)
Calgary, Alberta, seeking approval for Route)
Approval of the Keystone XL Pipeline)
Project pursuant to the Major Oil Pipeline
Siting Act.

JOINT PETITION FOR DECLARATORY RULING

Bold Alliance (Bold), the Sierra Club Nebraska Chapter (Sierra Club), the Ponca Tribe of Nebraska, and the Yankton Sioux Tribe, formal intervenors in this matter, by and through their respective counsel of record, jointly Petition the Nebraska Public Service Commission for a Declaratory Ruling pursuant to Chapter 291, Title 1, Rule 019, including its subparts, of the Commission. The above-named formal Intervenors seek a Declaratory Ruling related to the following matters:

1. LB 263, passed by the Legislature on April 24, 2017 by a vote of 49 to 0, amended Neb. Rev. Stat. section 75-110 as follows: For purposes of granting or denying a petition for intervention, the commission shall be exempt from section 84-912.02. (Emphasis added). The Governor signed it into law on April 27, 2017. The emergency clause applied to section 80 of LB 263; therefore, it went into effect on the date it was signed. On its face, this provision states that the Commission is exempt from the provisions of the Administrative Procedures Act related to Petitions for Intervention. However, the Orders of the Hearing Officer have repeatedly cited the Administrative Procedures Act as a basis for its rulings on intervention.
2. Neb. Rev. Stat. Section 57-1407(2) provides: “The commission may hold additional public meetings for the purpose of receiving input from the public at locations as

close as practicable to the proposed route of the major oil pipeline. The commission shall make the public input part of the record.” The Commission has conducted three public meetings to date and has scheduled a fourth meeting for July 26, 2017. The Commission also has a public comment form on its website. The above-named formal Intervenor seek a ruling on the record-keeping process and evidentiary weight to be granted such public input in the Commission’s evaluation of whether the proposed pipeline route is in the public interest.

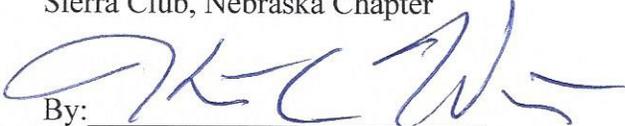
3. Attorney for Intervenor Bold Alliance and Sierra Club Kenneth C. Winston has contacted Applicant’s attorneys regarding this Petition.

Wherefore, the above-named formal Intervenor respectfully Petition the Nebraska Public Service Commission for a Declaratory Ruling on the following: 1. The impact of the passage of LB 263 on the status and rights of formal intervenors in proceedings before the Commission; and 2. The record-keeping process and weight to be granted input from the public, including input which is made part of the record as required by section 57-1407(2) in the evaluation of whether the proposed route is in the public interest.

The above-named formal Intervenor request that proceedings related to this Petition, including any hearings pursuant to Rule 019.02, be expedited in order to enable all parties to appropriately prepare for the evidentiary hearings before the Commission commencing August 7, 2017.

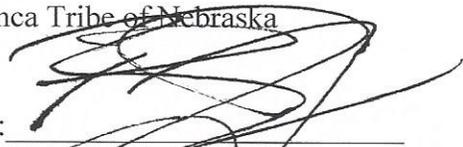
Respectfully submitted this 5th day of July 2017.

Bold Alliance
Sierra Club, Nebraska Chapter

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CERTIFICATE OF SERVICE

Pursuant to 291 Neb. Admin Code, Title 1, section 019.02, this Petition was served upon the Acting Executive Director of the Commission and pursuant to 291 Neb. Admin Code section 015.0 (b), and the orders in this matter related to service, a true copy of the foregoing was served upon all parties of record to this proceeding or their attorneys of record on July 5, 2017 by email using the Commission's official service list.

A handwritten signature in blue ink, appearing to read 'K-C Winston', is written above a horizontal line.

Kenneth C. Winston