

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application

Case No. PU-14-842
OAH File No. 20160629

**SUMMARY OF SECOND PREHEARING CONFERENCE
AND ORDER**

A prehearing conference was held on August 3, 2017, in the matter of Dakota Access, LLC (PU-14-842 and OAH File No. 20160629) on the Hearing on Investigation scheduled for August 17, 2017.

The prehearing conference was attended by Zachary Pelham, Pearce & Durick, Advisory Counsel for the Public Service Commission ("Commission"); John Schuh, Attorney for Advocacy Staff for the Commission; Illona Jeffcoat-Sacco, Advisory Counsel to the Commission; Sara Cardwell, Public Utility Analyst for the Commission; Pat Fahn, Director of the Public Utilities Division for the Commission; Steve Kahl, Information Technology for the Commission; Lawrence Bender, Fredrikson and Byron P.A., Counsel for Dakota Access, LLC, by telephone; and William Leone, Norton Rose Fulbright US LLP, Counsel for Dakota Access, LLC, by telephone; Mike Futch, Energy Transfer Partners, by telephone; and Keegan Peiper, an associate of Mr. Leone by telephone.

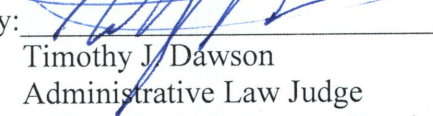
The parties agreed to the following order and the following is ordered by the undersigned administrative law judge:

1. The scope of the Hearing on Investigation is contained in the advocacy staff memorandum dated July 21, 2017, entitled Staff Memorandum in Response to Opened Investigation and the four topics contained in the memorandum, which are:
 - a. Tree and shrub removal.
 - b. Top soil removal and reclamation.
 - c. Reroutes outside of the order to show cause.
 - d. Spill prevention plan.
2. Dakota Access, LLC was notified that the Commission, advisory staff, and advocacy staff may ask questions concerning the memorandum, including questions about the information in a through i in the memorandum.
3. If the Commission asks questions outside of the scope of the hearing, Dakota Access, LLC is not expected to have an answer, but may answer the question or provide the information later.
4. The Commission will provide information to Dakota Access, LLC as to topics outside the scope of the hearing from third parties as the Commission becomes aware of these topics.
5. The order of the hearing will begin with Dakota Access, LLC providing witnesses, subject to cross examination, and presenting exhibits followed by the Advocacy Staff for the Commission having the opportunity to do the same.
6. Witness lists will be exchanged no later than 5:00 p.m. on August 8, 2017. The parties will provide witness lists as soon as possible.

7. Exhibit lists will be exchanged no later than 5:00 p.m. on August 11, 2017, and any exhibits not included in the first Exhibit List will be supplemented by 5:00 p.m. on August 14, 2017. The parties will provide the first Exhibit List as soon as substantially completed and as soon as possible.
8. The parties agree to work towards making the memorandum dated July 21, 2017, and the documents referred to in the memorandum part of the record before the hearing. If this is not completed by 5:00 p.m. on August 11, 2017, Dakota Access, LLC shall provide a status update as to the completion of this task.
9. Dakota Access, LLC agrees to answer previous discovery requests for the Order to Show Cause by 5:00 p.m. on September 8, 2017.

Dated at Bismarck, North Dakota, this 4th day of August 2017.

State of North Dakota
Public Service Commission

By: 

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, North Dakota 58503

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **SUMMARY OF SECOND PREHEARING CONFERENCE AND ORDER** was mailed, regular mail, on the 4 day of August 2017, to:

Lawrence Bender
Fredrikson & Byron P A
1133 College Drive – Suite 1000
Bismarck, ND 58501

William Leone
Norton Rose Fulbright US LLP
1200 17th Street – Suite 1000
Denver, CO 80202

Zachary Pelham
Pearce & Durick
P O Box 400
Bismarck, ND 58502-0400

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 4 day of August 2017, to:

Illona Jeffcoat-Sacco
General Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

and that the original of the above document was mailed, inside mail, at the State Capitol on the 4 day of August 2017, to:

John Hamre
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS
Timothy J. Dawson, Administrative Law Judge



Louise Wetzel