

Service Date: April 9, 2010

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF TRANSCANADA) UTILITY DIVISION
KEYSTONE PIPELINE, LP, Application for)
Recognition as a Regulated Common Carrier) DOCKET NO. D2010.3.22

NOTICE OF APPLICATION AND INTERVENTION DEADLINE

On March 3, 2010, TransCanada Keystone Pipeline, LP (“Keystone Pipeline”), filed before the Public Service Commission (PSC) an application for recognition as a regulated common carrier pursuant to Title 69, MCA. Keystone Pipeline proposes to construct a 36-inch crude oil pipeline and related facilities running from Hardisty, Alberta, Canada, to the Port Arthur and east Houston areas of Texas. With respect to Montana, it will run from the Montana/Alberta international border north of Malta, Montana, to the southeast corner of Montana into South Dakota.

Keystone Pipeline acknowledged that it qualifies as a "common carrier" under several provisions of Section 69-13-101(1), MCA. Specifically, upon completion of construction and commencement of operations, Keystone Pipeline will be "engage[d] in the business of transporting crude petroleum. . . by pipelines." Section 69-13-101(l)(a), MCA. In addition, Keystone is "made a common carrier...in pursuance of the law of the United States." Section 69-13-101(1)(e), MCA. Keystone Pipeline expressly agrees in writing to the provisions of Sections 69-13-103 and 104, MCA, as required by those statutes. In Montana, a regulated common carrier has obligations under Title 69, Chapter 13 which may be implicated based on common carrier status determination.

A copy of Keystone Pipeline's application is available for inspection at the offices of the PSC, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, telephone (406) 444-6199. The Montana Consumer Counsel (MCC), 616 Helena Avenue, P.O. Box 201703, Helena, Montana 59620-1703, telephone (406) 444-2771, is available and may be contacted to assist and represent the interests of the consuming public in this matter.

Any interested person who is directly affected by this application before the PSC and who intends to protest the application as a party must intervene by filing a Petition to Intervene with the PSC at the above address no later than May 6, 2010. Any Petition for Intervention must be electronically submitted (e-filed) on the PSC's website at <http://psc.mt.gov/eDocsLogin.asp>. The filing party must also deliver or mail the original Petition for Intervention in paper format to the PSC so that it is received by the filing deadline. The PSC will upload e-filed documents to the PSC's website after the paper original has been officially received at the PSC office. One copy must be served on Keystone Pipeline and the MCC at their respective addresses. Keystone Pipeline's address is 450 1st Street SW, Calgary, Alberta, Canada, T2P 5H1. Any interested person who prefers not to formally participate in the matter as an intervenor may submit written comments on the matter to the PSC at the above address. Public comments may also be submitted to the PSC through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments/>.

The PSC's jurisdiction over this matter is provided at Title 69, MCA. The substantive and procedural law applicable is Title 69, MCA, especially at Ch. 3 (public utilities), Ch. 13 (pipeline carriers), ARM Title 38, Ch. 7 (pipeline companies), Title 2, Ch. 4, MCA (MAPA), ARM Title 38, Ch. 2 (PSC procedural rules), and any prior orders of the PSC which may bear on the issues presented.

If necessary, a procedural order governing the procedure and schedule in this matter will be issued following the deadline for intervention. If there are no intervenors in this docket the Commission may schedule a hearing on its own motion, or may rule on the application based on the information contained in the Keystone Pipeline filing.

The PSC initially notices proceedings through use of general service lists. Interested persons not intervening, but wishing to remain on the service list to receive notices and orders, must notify the PSC in writing by the date fixed for intervention. Failure to submit notification will result in removal from the service list in this Docket.

BY THE MONTANA PUBLIC SERVICE COMMISSION

GREG JERGESON, Chairman
KEN TOOLE, Vice-Chairman
GAIL GUTSCHE, Commissioner
BRAD MOLNAR, Commissioner
JOHN VINCENT, Commissioner