

Individual Report for Docket Number : Civ16-33

Docket Title:

In the Matter of the Petition of TransCanada Keystone Pipeline LP for an Order Accepting Certification of Permit Issued in Notice of Appeal in Docket HP 09-001 to Construct the Keystone XL Pipeline (Dakota Rural Action)

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Attorney :

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Date Of Final Decision :

Memo :

Primary Appeal Information

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Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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Docket Notes :

02/19/16 - Filed and Docketed - M:puc/web/internet/dockets/civil/2016/civ16-33/file name.pdf
02/22/16 - Dakota Rural Action's Letter regarding Notice of Appeal - M:/ltr021916.pdf
02/19/16 - Notice of Appeal - M:/notice.pdf
02/19/16 - Exhibit A - Final Decision and Order Finding Certification Valid and Accepting Certification - M:/exhibita.pdf
02/19/16 - Certificate of Service - M:/certificateofservice.pdf
02/29/15 - Statement of Issues and Certificate of Service – M:/issue.pdf
02/29/16 - Order For Transcripts and Certificate of Service – M:/transcript.pdf
03/16/16 - PUC Staff's Letter to Hughes County Clerk of Courts – M:/ltr031616.pdf
03/16/16 - Case Filing Statement – M:/casestatement.pdf
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03/16/16 Letter to Parties – M:/ltr031616b.pdf
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- 186 - 02/13/15 - Commissioner Nelson's Response to Kristen Rohde Comments of Laura L. Keller Commissioner Nelson's Response to Laura L. Keller Comments of Bev Vaughn Commissioner Nelson's Response to Kristen Rohde Confidential (not available to the public)Comments of Laura L. Keller Confidential (not available to the public)Commissioner Nelson's Response to Laura L. Keller Confidential (not available to the public)and Comments of Bev Vaughn Confidential (not available to the public) - 1776-1778, Confidential 1779-1781 - N:/Internet/civil/2016/civ16b/Admin/1779-1781.pdf
- 187 - 02/17/15 - Sierra Club's Letter requesting Withdrawal of Party Status from the Docket- 1782
- 188 - 02/17/15 - Comments of Christopher Jerome Biewer to Commissioner Hanson Comments of Christopher Jerome Biewer to Commissioner Fiegen Comments of Christopher Jerome Biewer to Commissioner Nelson Commissioner Nelson's Response to Christopher Jerome Biewer Additional Comments of Christopher Jerome Biewer Comments of Kenneth F. and Judith A. Keller Commissioner Nelson's Response to Kenneth F. and Judith A. Keller Comments of Christopher Jerome Biewer to Commissioner Fiegen Confidential (not available to the public)Comments of Christopher Jerome Biewer to Commissioner Nelson Confidential (not available to the public)Additional Comments of Christopher Jerome Biewer Confidential (not available to the public)Comments of Kenneth F. and Judith A. Keller Confidential (not available to the public)and Commissioner Nelson's Response to Kenneth F. and Judith A. Keller Confidential (not available to the public) - 1783-1789. Confidential 1790-1794- N:/Internet/civil/2016/civ16b/Admin/1790-1794.pdf
- 189 - 02/18/15 - South Dakota Wildlife Federation's Letter requesting Withdrawal of Party Status from the Docket- 1795
- 190 - 03/02/15 - Agenda of PUC Commission Meeting - 1796-1799
- 191 - 03/02/15 - Minutes of PUC Commission Meeting - 1800-1803
- 192 - 03/03/15 - PUC Staff's Letter regarding Conference Call regarding Pre-Filed Testimony- 1804
- 193 - 03/04/15 - PUC Staff's Response to Bev Vaughn Commissioner Nelson's Response to Bev Vaughn Additional Comments of Bev Vaughn Confidential (not available to the public)PUC Staff's Response to Bev Vaughn Confidential (not available to the public)and Commissioner Nelson's Response to Bev Vaughn Confidential (not available to the public) - 1805-1806, Confidential 1807-1809 - N:/Internet/civil/2016/civ16b/Admin/1805-1806.pdf
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- 206 - 03/25/15 - TransCanada's Amended Motion to Preclude Certain Intervenors from Offering Evidence or Witnesses at Hearing and to Compel Discovery and Certificate of Service- 2004-2016
- 207 - 03/25/15 - Rosebud Sioux Tribe's Motion to Amend Procedural Schedule and Certificate of Service- 2017-2027
- 208 - 03/26/15 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice – 2028
- 209 - 03/27/15 - Amended Order for and Notice of Motion Hearing - 2029-2030
- 210 - 03/27/15 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice - 2031-2032
- 211 - 03/27/15 - Standing Rock Sioux Tribe Motion to Amend Order Setting Procedural Schedule Affidavit of Peter Capossela and Certificate of Service - 2033-2041
- 212 - 03/30/15 - Rosebud Sioux Tribe's Memorandum in Support of Motion to Amend Procedural Schedule and Certificate of Service - 2042-2056
- 213 - 03/30/15 - Staff's Memorandum in Response to Standing Rock Sioux Tribe's Motion to Amend Order Setting Procedural Schedule and Certificate of Service - 2057-2063
- 214 - 03/30/15 - Keystone's Response to Standing Rock Sioux Tribe's Motion to Amend Scheduling Order Certificate of Service Affidavit of James E. Moore and Certificate of Service and Exhibit A - Supplemental Answers to Interrogatories and Requests for Documents Propounded to the Standing Rock Sioux Tribe - 2064-2081
- 215 - 03/30/15 - Keystone's Response to Rosebud Sioux Tribe's Motion to Amend Scheduling Order and Certificate of Service Affidavit of William Taylor Exhibit A - Keystone's Responses to Rosebud Sioux Tribe's First Set of Interrogatories and Request for Production of Documents Exhibit B - Keystone's Responses to Rosebud Sioux Tribe's Second Set of Interrogatories and Request for Production of Documents Exhibit C - Rosebud Sioux

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217 - 03/31/15 - IEN's Motion in Support of Amending the Procedural Order and Certificate of Service- 2444-2449
218 - 03/31/15 - Carolyn Smith's Email regarding Witness List and Exhibit List- 2450
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228 - 04/02/15 - Prefiled Direct Testimony - Diana Steskal's Testimony (will file exhibits later) - 2619-2621
229 - 04/02/15 - Prefiled Direct Testimony - TransCanada's Testimony and Exhibits Heidi Tillquist's Testimony Exhibit A – Resume Certificate of Service Corey Goulet's Testimony Exhibit A – Resume Certificate of Service Jon Schmidt, PH.D.'s Testimony Exhibit A – Resume Certificate of Service Meera Kothari, P.ENG.'s Testimony Exhibit A – Resume Exhibit B - Media Advisory (August 5, 2010)Certificate of Service David Diakow's Testimony Exhibit A – Resume and Certificate of Service - 2622-2702
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232 - 04/02/15 - Prefiled Direct Testimony - Cindy Myers' Testimony - 2887-2893
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- 234 - 04/02/15 - Prefiled Direct Testimony - Dakota Rural Action's Testimony - Evan Vokes' Testimony Dr. Arden D. Davis, PH.D, PE's Testimony Attachment (Figure 1, 2, 3, 4, 5, 6, 7, 8, and 9) Sue Sibson's Testimony and Certificate of Service - 2897-2924
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- 236 - 04/02/15 - Prefiled Direct Testimony - Yankton Sioux Tribe's Testimony - Faith Spotted Eagle's Testimony and Certificate of Service - 2955-2982
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- 240 - 04/06/15 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice - 3079-3080
- 241 - 04/06/15 - PUC Staff's Brief in Response to Keystone's Amended Motion to Preclude Certain Intervenor from Offering Evidence or Witnesses at Hearing and to Compel Discovery and Certificate of Service- 3081-3092
- 242 - 04/06/15 - PUC Staff's Brief in Response to Standing Rock Sioux Tribe's Motion for Discovery Sanctions or to Compel and Certificate of Service- 3093-3102
- 243 - 04/06/15 - Keystone's Motion to Preclude Witnesses from Testifying at Hearing Who Did Not File Prefiled Testimony and Certificate of Service- 3103-3111
- 244 - 04/07/15 - Cindy Myers' Response to Keystone's Motion to Compel Additional Expert Information and Certificate of Service- 3112-3121
- 245 - 04/07/15 - Gary Dorr's Response Keystone's Amended Motion to Preclude Certain Intervenor from Offering Evidence or Witnesses at Hearing and to Compel Discovery and Certificate of Service- 3122-3126
- 246 - 04/07/15 - Keystone's Opposition to Standing Rock Sioux Tribe's Motion for Discovery Sanctions and Certificate of Service Affidavit of James E. Moore in Opposition to Standing Rock Sioux Tribe's Motion for Discovery Sanctions and Certificate of Service Exhibit A - Keystone's Responses to Standing Rock Sioux Tribe's First Request for the Production of Documents Exhibit B - Appendix I - Spill Prevention control and Countermeasure Plan and Emergency Response Plan and Exhibit C - TransCanada's Email to Standing Rock Sioux Tribe dated March 25, 2015 - 3127-3159
- 247 - 04/07/15 - Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery Index of Exhibits Exhibit 1 - Keystone's Responses to Dakota Rural Action's First Interrogatories to TransCanada Keystone Pipeline, LP Exhibit 2 - Keystone's Responses to Dakota Rural Action's First Request for Production of Documents Exhibit 3 - Testimony of Evan Vokes on Behalf of Dakota Rural Action Exhibit 4 - TransCanada Documents No. 0774-0784, Schedule of Pipeline Leaks and Spills Exhibit 5 - Stansbury, "Analysis of Frequency, Magnitude and Consequence of Worst-Case Spills From the Proposed Keystone XL Pipeline" Exhibit 6 - TransCanada Documents No. 0768-0773, Schedule of Tax Payments Exhibit 7 - Dakota Rural Action's First Request for Production of Documents and Certificate of Service - 3160-3353
- 248 - 04/07/15 - Dakota Rural Action's, Rosebud Sioux Tribe's, Standing Rock Sioux Tribe's, Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Stay of Proceedings Index of Exhibits Exhibit 1 - Testimony of Evan Vokes on Behalf of Dakota Rural Action Exhibit 2 - Transcript of Testimony before the Canadian Standing Senate Committee on Energy, the Environment and Natural Resources on June 6, 2013 Exhibit 3 - DeSouza, Exclusive: Canada Regulator Probing TransCanada Over Safety Allegations, Reuters, March 25, 2015 and Certificate of Service - 3354-3388
- 249 - 04/07/15 - Gary Dorr's Motion to Compel Discovery and Preclude Keystone from Offering Evidence or Witnesses at Hearing Attachment A - Gary F. Dorr's First Interrogatories and Request for Production of

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250 - 04/07/15 - Dakota Rural Action's, Rosebud Sioux Tribe's, Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master and Certificate of Service - 3452-3461

251 - 04/07/15 - Dakota Rural Action's Suggestions in Opposition to TransCanada Keystone Pipeline LP's Motions to Exclude Intervenor and Witness Testimony and Certificate of Service - 3462-3470

252 - 04/07/15 - Rosebud Sioux Tribe's Motion to Compel Discovery and Certificate of Service - 3471-3518

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256 - 04/07/15 - Jeff Jensen's Email requesting Withdrawal from the Docket- 3622

257 - 04/07/15 - Gary Dorr's Statement in Support of Dakota Rural Action and ICoup's Statements and Objections With Respect to Submission of Written Testimony and My Objection to Requiring Prefiled Testimony and Certificate of Service - 3623-3626

258 - 04/07/15 - Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery and Certificate of Service - 3627-3635

259 - 04/07/15 - Gary Dorr's Statement in Support of Dakota Rural Action's Suggestions to TransCanada Keystone Pipeline LP's Motions to Exclude Intervenor and Written Testimony and Certificate of Service- 3636-3639

260 - 04/08/15 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice - 3640-3642

261 - 04/08/15 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice - 3643-3644

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264 - 04/08/15 - Staff's Brief in Response to Dakota Rural Action's, Rosebud Sioux Tribe's Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master and Certificate of Service - 3703-3709

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266 - 04/08/15 - Nancy Hilding's Opposition to Keystone's Motion to Preclude Certain Intervenor from Offering Witnesses or Evidence at Hearing and a Joint Motion for Special Master, and/or New Motion for PUC Review and

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267 - 04/08/15 - Nancy Hilding's Stated 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 and Certificate of Service- 3744-3750

268 - 04/08/15 - Yankton Sioux Tribe's Brief in Response to Keystone's Amended Motion to Preclude Certain Intervenor from Offering Evidence or Witnesses at Hearing and to Compel Discovery Exhibit A - Order Granting Motion to Define Issues and Setting Procedural Schedule Exhibit B - Keystone's Interrogatories and Requests for Production of Documents Exhibit C - Yankton Sioux Tribe's Answers and Objections to Keystone's First Interrogatories and Requests for Production of Documents and Certificate of Service - 3751-3788

269 - 04/09/15 - This is the missing Exhibit D and E for Yankton Sioux Tribe's Brief in Response to Keystone's Amended Motion to Preclude Certain Intervenor from Offering Evidence or Witnesses at Hearing and to Compel Discovery that was filed on 4/8/15 - Exhibit D - Keystone's Letter to Yankton Sioux Tribe regarding Discovery Responses and Exhibit E - Keystone's Response to Yankton Sioux Tribe's Second Interrogatories and Request for Production of Documents - 3789-3798

270 - 04/09/15 - Keystone's Opposition to Joint Motion for Stay and Certificate of Service- 3799-3806

271 - 04/09/15 - PUC Staff's Letter regarding Response to Dakota Rural Action's Motion to Compel Discovery Attachment to Filing Letter Staff's Response to Dakota Rural Action's Motion to Compel Discovery from Staff Exhibit 1 - Staff's Response to Dakota Rural Action's First Set of Interrogatories and Data Requests Affidavit of Kristen Edwards and Certificate of Service- 3807-3872

272 - 04/09/15 - Keystone's Response to Dakota Rural Action, Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master and Certificate and Service- 3873-3878

273 - 04/09/15 - Amended Agenda of PUC Ad Hoc Commission Meeting – 3879

274 - 04/09/15 - Minutes of PUC Ad Hoc Commission Meeting – 3880

275 - 04/09/15 - Transcript of PUC Ad Hoc Commission Meeting - 3881-3897

276 - 04/10/15 - Order Granting Motion to Reconsider and Amending in Part Procedural Schedule - 3898-3899

277 - 04/10/15 - Staff's Brief in Response to Motion to Preclude Witnesses from Offering Testimony Who Did Not File Pre-Filed Testimony and Certificate of Service- 3900-3906

278 - 04/10/15 - Staff's Brief in Response to Motion for Stay of Proceedings and Certificate of Service- 3907-3914

279 - 04/10/15 - Keystone's Response to Yankton Sioux Tribe's Motion to Compel and Certificate of Service Affidavit of James E. Moore in Response to Yankton Sioux Tribe's Motion to Compel Discovery and Certificate of Service Exhibit A - Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents and Exhibit B - TransCanada's Email to Yankton Sioux Tribe regarding Discovery - 3915-3961

280 - 04/10/15 - Standing Rock Sioux Tribe Reply Brief in Support of Motion for Discovery Sanctions and Certificate of Service- 3962-3975

281 - 04/13/15 - Comments of Haakon County Board of Commissioners Commissioner Nelson's Response to Haakon County Board of Commissioners Comments of Meade County Board of Commissioners to Commissioner Nelson Commissioner Nelson's Response to Meade County Board of Commissioners - 3976-3979

282 - 04/13/15 - Cindy Myers' Response to Keystone's Motion to Compel Additional Expert Information and Certificate of Service - 3980-3989

283 - 04/13/15 - Keystone's Response to Rosebud Sioux Tribe's Motion to Compel Discovery and Certificate of Service Affidavit of James E. Moore in Response to Rosebud Sioux Tribe's Motion to Compel Discovery and Certificate of Service Exhibit A - Keystone's Responses to Rosebud Sioux Tribe's First Set of Interrogatories and Request for Production of Documents Exhibit B - Keystone's Response to Rosebud Sioux Tribe's Second Set of

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284 - 04/13/15 - Keystone's Response to Dakota Rural Action's Motion to Compel and Certificate of Service- 4098-4114

285 - 04/13/15 - Keystone's Response to Gary Dorr's Motion to Compel and Certificate of Service Affidavit of William Taylor in Response to Gary Dorr's Motion to Compel and Exhibit 1 - Keystone's Emails and Attachments to Gary Dorr- 4115-4168

286 - 04/14/15 - Comments of Joan Williams Comments of Shirley Frederick Comments of Susan Nolan Comments of Jean Bhatti Comments of Joan Williams Confidential (not available to the public)Comments of Shirley Frederick Confidential (not available to the public)Comments of Susan Nolan Confidential (not available to the public)and Comments of Jean Bhatti Confidential (not available to the public) - 4169-4172, Confidential 4173-4176 - N:/Internet/civil/2016/civ16b/Admin/4173-4176.pdf

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05/11/16 - Motion for Appointment of Substitute Judge M:/appt051116.pdf

05/11/16 - Order Appointing Substitute Judge - M:/subjudge.pdf

07/18/16 - Joint Motion for Leave to Present Additional Evidence/Remand and Motion for Stay of Proceedings M:/remand.pdf

07/19/16 - Joint Memorandum of Law in Support of Joint Motion for Leave to Present Additional Evidence - M:/memorandum.pdf

07/18/16 - Exhibit A - Corrective Action Order - M:/exhibita071916.pdf

07/18/16 - Exhibit B - March 21, 2011, PHMSA's Warning Letter to TransCanada - M:/exhibitb071916.pdf

07/18/16 - Exhibit C - Form 7 - Evaluation Report of Liquid Pipeline Construction - M:/exhibitc071916.pdf

07/18/16 - Exhibit D - September 10, 2013, PHMSA's Warning Letter to TransCanada - M:/exhibitd071916.pdf

07/18/16 - Exhibit E - Affidavit of Cindy Meyers - m:/exhibite071816.pdf

07/18/16 - Attachment - Brad Ashford's Letter to PHMSA - M:/exhibite0719162.pdf

07/18/16 - Exhibit F - Affidavit of Paul F. Seamans - M:/exhibitf071916.pdf

07/18/16 - Exhibit G - TransCanada's Report - Study of Root Cause and Contributing Factors Keystone Pipeline Corrosion Anomaly Investigation Prepared by: Accepted by: Final Report 2/13/2013 Confidential (not available to the public - N:/Internet/civil/2016/civ16b/exhibitg071916.pdf

07/19/16 - Exhibit H - Notice of Probable Violation Proposed Civil Penalty and Proposed Compliance Order - M:/exhibith071916.pdf

07/19/16 - Reply Brief to Cheyenne River Sioux Tribe's Brief - Appellee South Dakota Public Utilities Commission - M:/crstreplybrief.pdf

07/19/16 - Appendix - M:/crstappendix.pdf

07/19/16 - Certificate of Service - M:/crstcertificateofservice.pdf

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Docket Synopsis :

Individual Report for Docket Number : civ16-33b

Docket Title:

In the Matter of Public Utilities Commission Docket HP14-001, Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline (Dakota Rural Action)

Open Date : 02/19/2016

Close Date : 07/11/2018

Days Open : 873

Reopened Date :

Filing Type :

CIV

Tax ID # :

Attorney :

AD

Staff :

Date Of Final Decision :

Memo :

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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324 - 04/24/15 - Notice of Appearance for Jennifer S. Baker on Behalf of Yankton Sioux Tribe and Certificate of Service - 5128-5133

325 - 04/24/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice- 5134-5136

326 - 04/27/15 - Order Granting Joint Motion for Continuance and Relief from Scheduling Order- 5137-5138

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329 - 04/27/15 - Indigenous Environmental Network's Motion to Join Joint Motion for Continuance and Relief from Scheduling Order and Certificate of Service - 5164-5174

330 - 04/27/15 - Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Dakota Rural Action, Indigenous Environmental Network, Intertribal Coup and Bold Nebraska's Motion to Exclude Evidence and Testimony by TransCanada Exhibit A – Affidavit of James P. White Exhibit B – Affidavit of Peter Capossela Exhibit C – Thomasina Real Bird's April 23, 2015, Letter to James Moore and William Taylor Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Dakota Rural Action, Indigenous Environmental Network, Intertribal Coup and Bold Nebraska's Brief in Support of Motion to Exclude Evidence and Testimony by TransCanada and Certificate of Service- 5175-5202

331 - 04/27/15 - Intertribal Council on Utility Policy's Notice of Request for a Time Certain for an Expert Rebuttal Witness - 5203-5206

332 - 04/27/15 - Keystone's Opposition to Joint Motion to Vacate or Amend the Protective Order Affidavit of William Taylor in Opposition to Motion to Vacate Protective Order Exhibit A – Keystone's Email to Dakota Rural Action, Bold Nebraska, Rosebud Sioux Tribe, Yankton Sioux Tribe, Standing Rock Sioux Tribe and PUC Staff dated April 21, 2015 and Affidavit of James P. White Regarding Confidential Documents- 5207-5230

333 - 04/27/15 - Keystone's Objection to COUP's Request for a Time Certain and Motion to Preclude Witnesses - 5231-5237

334 - 04/27/15 - Keystone's Opposition to Joint Motion to Exclude Evidence and Testimony Affidavit of William Taylor Regarding Keystone's Document Production Exhibit A – Keystone's Supplemental Responses to Dakota Rural Action's First Request for Production of Documents Exhibit B – Keystone's Email to Dakota Rural Action, Bold Nebraska, Rosebud Sioux Tribe, Yankton Sioux Tribe, Standing Rock Sioux Tribe and PUC Staff dated April 21, 2015 Exhibit C – High Tail Site Screen Shot Exhibit D – Standing Rock Sioux Tribe's Email to Keystone dated April 15, 2015 and Exhibit E – Keystone's Responses to Intervenor's First Round of Discovery Requests Keystone's Responses to Intervenor's Second Round of Discovery Requests Keystone's Supplemental Responses- 5238-6303

335 - 04/27/15 - Agenda of PUC Ad Hoc Commission Meeting- 6304

336 - 04/27/15 - Minutes of PUC Ad Hoc Commission Meeting- 6305

337 - 04/27/15 - Transcript of PUC Ad Hoc Commission Meeting- 6306-6371

338 - 04/28/15 - Comments of Marialee Neighbours Commissioner Nelson's Response to Marialee Neighbours Comments of Marialee Neighbours Confidential (not available to the public) and Commissioner Nelson's Response to Marialee Neighbours Confidential (not available to the public)- 6372-6373, Confidential 6374-6375 -

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339 - 04/28/15 - PUC Staff's Brief in Response to Joint Motion to Vacate or, in the Alternative, to Clarify or Amend Protective Order and Certificate of Service - 6376-6384

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- 340 - 04/29/15 - PUC Staff's Letter regarding Proposed Amended Procedural Schedule - 6385-6386
- 341 - 04/29/15 - Surrebuttal Testimony - Cindy Myers' Surrebuttal Testimony and Certificate of Service- 6387-6397
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- 343 - 04/30/15 - Minutes of PUC Commission Meeting- 6402-6404
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- 345 - 05/01/15 - Gary Dorr's Motion to Join Joint Motion by Standing Rock, Cheyenne River, Rosebud and Yankton Sioux Tribes, Indigenous Environmental Network, Intertribal COUP, and Bold Nebraska to Exclude Evidence and Testimony by TransCanada
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- 347 - 05/04/15 - Order Denying in Part and Granting in Part Joint Motion to Vacate or in the Alternative, to Clarify or Amend Protective Order- 6571-6572
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- 350 - 05/05/15 - PUC Staff's Letter to Brian Walsh, Dept. of Environment and Natural Resources regarding Subpoena Brian Walsh's Subpoena and Admission of Service- 6585-6587
- 351 - 05/05/15 - PUC Staff's Letter to Derric Iles, Dept. of Environment and Natural Resources regarding Subpoena Derric Iles' Subpoena and Admission of Service- 6588-6590
- 352 - 05/05/15 - PUC Staff's Letter to Tom Kirschenmann, SD Department of Game, Fish, and Parks regarding Subpoena Tom Kirschenmann's Subpoena and Admission of Service- 6591-6593
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359 - 05/11/15 - Amended Order for and Notice of Motion Hearing- 6641-6642
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361 - 05/12/15 - Admission of Service (Tom Kirschenmann) – 6649
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364 - 05/18/15 - Intertribal COUP's Response to Keystone's Objection to COUP's Request for a Time Certain and Motion to Preclude Witnesses and Certificate of Service - 6662-6672
365 - 05/18/15 - Staff's Brief in Response to Keystone's Objection to COUP's Request for a Time Certain and Motion to Preclude Witness and Certificate of Service- 6673-6678
366 - 05/18/15 - Staff's Brief in Response to the Motion to Exclude Evidence and Testimony by TransCanada Keystone Pipeline, LP Certificate of Service- 6679-6686
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369 - 05/22/15 - Comments of Pennington County Board of Commissioners and Comments of Lyman County Board of Commissioners- 6717-6718
370 - 05/26/15 - Commissioner Nelson's Response to Lyman County Board of Commissioners and Commissioner Nelson's Response to Pennington County Board of Commissioners- 6719-6720
371 - 05/26/15 - Keystone's Motion to Exclude Testimony of Richard Kuprewicz and Certificate of Service - 6721-6731
372 - 05/26/15 - TransCanada's Motion to Preclude Testimony regarding Mni Wiconi Pipeline Easements Certificate of Service Affidavit of William Taylor in Support of Motion to Preclude Testimony Regarding Mni Wiconi Easements Certificate of Service Exhibit 1 - US Bureau of Reclamation Mni Wiconi Rural Water Supply Project Map Exhibit 2 - United States Department of the Interior, Bureau of Reclamation Design, Construction, Operation

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379 - 05/28/15 - Order Granting TransCanada's Motion to Preclude Witnesses- 6967-6968

380 - 05/28/15 - Order Granting Motion to Join and Denying Joint Motion to Exclude Evidence and Testimony by TransCanada- 6969-6970

381 - 06/02/15 - Staff's Brief in Response to Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact and Certificate of Service - 6971-6979

382 - 06/02/15 - Corrected Staff's Brief in Response to Applicant's Motion to Exclude Testimony of Richard Kuprewicz and Certificate of Service- 6980-6994

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384 - 06/02/15 - Keystone's Opposition to Joint Motion to Preclude Improper Relief and Certificate of Service Exhibit A - Indian Claims Commission's Interlocutory Order Exhibit B – Map Affidavit of Lou Thompson Certificate of Service and Exhibit A - Yankton Sioux Tribe Resolution No. 2010-102 - 7052-7073

385 - 06/02/15 - Gary Dorr's Response to Motion by TransCanada to Preclude Testimony Regarding Mni Wiconi Pipeline Easements and Certificate of Service - 7074-7084

386 - 06/02/15 - Standing Rock Sioux Tribe Opposition to Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rightsand Certificate of Service - 7085-7094

387 - 06/02/15 - Yankton Sioux Tribe's Response to Applicant's Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rights and Certificate of Service- 7095-7111

388 - 06/02/15 - Dakota Rural Action's Joinder of Rosebud Sioux Tribe's Response to TransCanada's Motion to Exclude Testimony of Richard Kuprewicz and Certificate of Service - 7112-7118

389 - 06/02/15 - Dakota Rural Action's Joinder of Yankton Sioux Tribe's Motion to Preclude Improper Relief and Certificate of Service- 7119-7124

390 - 06/02/15 - Cheyenne River Sioux Tribe's Response to Keystone's Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rights and Certificate of Service - 7125-7139

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- 391 - 06/02/15 - Cheyenne River Sioux Tribe's Response to Keystone's Motion to Exclude the Testimony of Richard Kuprewicz and Certificate of Service - 7140-7150
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- 393 - 06/09/15 - Applicant's Reply Brief - Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rights and Certificate of Service - 7161-7171
- 394 - 06/09/15 - TransCanada's Reply Brief in Support of TransCanada's Motion to Preclude Testimony regarding Mni Wiconi Pipeline Easements and Certificate of Service Supplemental Affidavit of William Taylor in Support of Motion to Preclude Testimony Regarding Mni Wiconi Easements and Certificate of Service Exhibit 1 - Mni Wiconi Project, OSRWSS Core System Crossing Criteria for the TransCanada Keystone XL Project and Exhibit 2 - Bureau of Reclamation's Letter regarding Final Crossing Criteria - 7172-7189
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- 405 - 06/16/15 - Comments of Yankton County Board of Commissioners and Resolution 15-4 - 7396-7397
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- 408 - 06/18/15 - PUC's Certificate of Service – 7405
- 409 - 06/22/15 - Comments of Andrew Weaver to Commissioner Fiegen Comments of Andrew Weaver to Commissioner Hanson Comments of Andrew Weaver to Commissioner Nelson Commissioner Nelson's Response to Andrew Weaver Additional Comments of Andrew Weaver to Commissioner Nelson Comments of Andrew Weaver to Commissioner Fiegen Confidential (not available to the public)Comments of Andrew Weaver to Commissioner Hanson Confidential (not available to the public)Comments of Andrew Weaver to Commissioner Nelson Confidential (not available to the public)Commissioner Nelson's Response to Andrew Weaver Confidential (not available to the public)and Additional Comments of Andrew Weaver to Commissioner Nelson Confidential (not available to the public)- 7406-7410, Confidential 7411-7415N:\Internet\civil\2016\civ16b\Admin\7390-7395.pdf
- 410 - 06/23/15 - Comments of Dr. James E. Hansen filed by Daniel M. Galpern Commissioner Nelson's Response

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411 - 06/24/15 - Comments of Don Reinesch, Brule County Commissioner Commissioner Nelson's Response to Don Reinesch, Brule County Commissioner Comments of Tripp County Commissioners Commissioner Nelson's Response to Don Reinesch, Brule County Comments of Don Reinesch, Brule County Commissioner Confidential (not available to the public)and Commissioner Confidential (not available to the public) - 7474-7476, Confidential 7477-7478 - N:\Internet\civil\2016\civ16b\Admin\7477-7478.pdf

412 - 06/25/15 - Rebuttal Testimony - Standing Rock Sioux Tribe's Rebuttal Testimony - Kevin E. Cahill, Ph.D.'s Rebuttal Testimony Rebuttal Expert Report of Economist Kevin E. Cahill, PH.D. on Behalf of the Standing Rock Sioux Tribe and Certificate of Service- 7479-7531

413 - 06/25/16 Resolution 2015-06 of McCook County Board of Commissioners Commissioner Nelson's Response to Tripp County Commissioners Commissioner Nelson's Response to McCook County Board of Commissioners - 7532-7534

414 - 06/26/15 - Rebuttal Testimony - Rosebud Sioux Tribe's Rebuttal Testimony - Jennifer Galindo's Rebuttal Testimony Exhibit 11 - Curriculum Vitae Jennifer Galindo Archeologist Exhibit 12 - Map from Programmatic Agreement Exhibit 13 - RST Email and Letter to Paige Olson Exhibit 14 - TransCanada's Policy regarding Native American Relations Ian Goodman and Brigid Rowan's Rebuttal Testimony Confidential (removed at the request of the party)Exhibit 15 - Changes to the Economic Costs and Benefits of the Keystone XL Pipeline for South Dakota Confidential (removed at the request of the party)Certificate of Service Confidential (removed at the request of the party)Paula Antoine's Rebuttal Testimony Exhibit 16 - Rosebud Sioux Tribe's Resolution No. 2014-42 - Amended: Petition Exhibit 17 - South Dakota Codified Laws 49-41B-1, 49-41B-11 and 49-41B-22Chief Leonard Crow Dog's Rebuttal Testimony and Certificate of Service- 7535-7558, Confidential 7559-7577 - N:\Internet\civil\2016\civ16b\Admin\7559-7577.pdf, 7578-7600.pdf

415 - 06/26/15 - Rebuttal Testimony - TransCanada's Rebuttal Testimony Corey Goulet's Rebuttal Testimony Certificate of Service Dan King's Rebuttal Testimony Dan King's Resume Certificate of Service F.J. (Rick) Perkins' Rebuttal Testimony F.J. (Rick) Perkins' Resume Certificate of Service Meera Kothari's Rebuttal Testimony Certificate of Service Jon Schmidt's Rebuttal Testimony Certificate of Service Heidi Tillquist's Rebuttal Testimony Exhibit List Exhibit 1: Diluted Bitumen-Derived Crude Oil: Relative Pipeline Impacts (Battelle 2012)Exhibit 2: Comparison of the Corrosivity to Dilbit and Conventional Crude (Been 2011) Confidential (not available to the public)Exhibit 3: Effects of Diluted Bitumen on Crude Oil Pipelines (National Academy of Sciences 2013)Exhibit 4: Crude Oil at the Bemidji Site: 25 Years of Monitoring, Modeling, and Understanding (Essaid et al. 2011)Exhibit 5: Use of Long-Term Monitoring Data to Evaluate Benzene, MTBE and TBA Plume Behavior in Groundwater at Retail Gasoline Sites (Kamath et al. 2012)Exhibit 6: Review of Quantitative Surveys of the Length and Stability of MTBE, TBA, and Benzene Plumes in Groundwater at UST Sites (Connor et al. 2015)Exhibit 7: Characteristics of Dissolved Petroleum Hydrocarbon Plumes: Results from Four Studies (Newell and Connor 1998)Exhibit 8: A Comparison of Benzene and Toluene Plume Lengths for Sites Contaminated with Regular vs. Ethanol-Amended Gasoline (Ruiz-Aguilar et al. 2003)Exhibit 9: Evaluation of the Impact of Fuel Hydrocarbons and Oxygenates on Groundwater Resources (Shih et al. 2004)Exhibit 10: Leukemia Risk Associated With Low-Level Benzene Exposure (Glass et al. 2003)Exhibit 11: United States Department of State 12.1: Keystone XL Project, Risk Analysis (Kothari, Bajnok, Tillquist)Certificate of Service Jeff Mackenzie's Rebuttal Testimony Appendix A - Jeff Mackenzie's Resume Appendix B - Final EIS 3.13.5.3 and 3.13.5.4 and Certificate of Service- 7601-7705, Confidential 7706-7734 - N:\Internet\civil\2016\civ16b\Admin\7706-7734.pdf, 7735-7965

416 - 06/26/15 - Rebuttal Testimony - Dakota Rural Action's Rebuttal Testimony - Evan Vokes' Rebuttal Testimony

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John Harter's Rebuttal Testimony and Certificate of Service- 7966-7974

417 - 06/26/15 - Rebuttal Testimony - Yankton Sioux Tribe's Rebuttal Testimony Member Of The Yankton Sioux Tribe Business & Claims Committee Consisting of Elected Members: Robert Flying Hawk, Quentin JB Brugier, Jr., Mona Wright, Justin Songhawk, Leo O'Conner, Jean Archambeau, Glenford Sam Sully, Jason Cooke, and Everdale Song Hawk's Rebuttal Testimony Exhibit A - Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents Exhibit B - Appendix S - Programmatic Agreement and Record of Tribal Contact Exhibit C - Appendix E - Amended Programmatic Agreement and Record of Consultation Faith Spotted Eagle's Rebuttal Testimony Exhibit A - Appendix S - Programmatic Agreement and Record of Tribal Contact Exhibit B - Appendix E - Amended Programmatic Agreement and Record of Consultation and Chris Saucosi's Rebuttal Testimony- 7975-8254

418 - 06/26/15 - Comments of Sierra Club Members Comments of Sierra Club Commenters Commissioner Nelson's Response to Sierra Club Members Hutchinson County Resolution No. 2015-08 Comments of Sierra Club Commenters Confidential (not available to the public) - 8255-8300, Confidential 8301-8340

419 - 06/29/15 - Rebuttal Testimony - Intertribal Council On Utility Policy - Intertribal COUP's Pre-Filing of Rebuttal Witness Testimony of Dr. James Hansen and Dr. Robert Oglesby and Certificate of Service Prefiled Testimony of Dr. Robert Oglesby Comments of Dr. James E. Hansen Appendix: James E. Hansen Comments Charts Exhibit 1 - James E. Hansen's Resume and Exhibit 2 - Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature- 8341-8402 -

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420 - 06/29/15 - Commissioner Nelson's Response to Hutchinson County Commission Comments of Sue Grant Comments of Dr. Don Kelley Comments of Sue Grant Confidential (not available to the public) and Comments of Dr. Don Kelley Confidential (not available to the public)- 8403-8407, Confidential 8408-8411 -

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421 - 07/01/15 - Comments of Basin Electric Cooperative Basin Electric's Attachment Commissioner Nelson's Response to Basin Electric Cooperative Comments of North Dakota Petroleum Council Comments of West Central Electric Co-op and West Central Electric Co-op's Board Resolution of the TransCanada Project- 8412-8418

422 - 07/02/15 - Order For and Notice of Evidentiary Hearing- 8419-8421

423 - 07/02/15 - Commissioner Nelson's Response to North Dakota Petroleum Council Commissioner Nelson's Response to West Central Electric Co-op Comments of South Dakota Oil and Gas Association Commissioner Nelson's Response to South Dakota Oil and Gas Association Comments of Ken Davis Commissioner Nelson's Response to Ken Davis Comments of Glenn Sealey Commissioner Nelson's Response to Glenn Sealey Comments of Jon & Marcia Maroon Comments of Dr. Rebecca Leas Comments of Ms. Juli Ames-Curtis Comments of Bill Gradoville Commissioner Nelson's Response to Bill Gradoville Comments of Dan Kirby Commissioner Nelson's Response to Dan Kirby Comments of Ken Davis Confidential (not available to the public) Commissioner Nelson's Response to Ken Davis Confidential (not available to the public) Comments of Glenn Sealey Confidential (not available to the public) Commissioner Nelson's Response to Glenn Sealey Confidential (not available to the public) Comments of Jon & Marcia Maroon Confidential (not available to the public) Comments of Dr. Rebecca Leas Confidential (not available to the public) Comments of Ms. Juli Ames Curtis Confidential (not available to the public) Comments of Bill Gradoville Confidential (not available to the public) Commissioner Nelson's Response to Bill Gradoville Confidential (not available to the public) Comments of Dan Kirby Confidential (not available to the public) and Commissioner Nelson's Response to Dan Kirby Confidential (not available to the public)- 8422-8439, Confidential 8440-8453 - N:\Internet\civil\2016\civ16b\Admin\8301-8340.pdf

424 - 07/06/15 - Comments of Perkins County's Board of Commissioners Commissioner Nelson's Response to Perkins County's Board of Commissioners Comments of Gloria E. Kribell Commissioner Nelson's Response to Gloria E. Kribell Comments of George C. Mohr Commissioner Nelson's Response to George C. Mohr Comments

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Docket Synopsis :

Individual Report for Docket Number : CIV16-33c

Docket Title:

In the Matter of Public Utilities Commission Docket HP14-001, Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline (Dakota Rural Action)

Open Date : 02/19/2016

Close Date : 07/11/2018

Days Open : 873

Reopened Date :

Filing Type :

CIV

Tax ID # :

Attorney :

AD

Staff :

Date Of Final Decision :

Memo :

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Individual Report for Docket Number : CIV16-33c

Docket Notes :

03/23/16 - Continuation of CIV16-33 & CIV16-33c

425 - 07/06/15 - A public input session in Pierre, S.D. - Commenter Sign In Sheet Non Commenter Sign In Sheet Commenter Sign In Sheet Confidential (not available to public)Non Commenter Sign In Sheet Confidential (not available to public)John Clifford's Comments Matt Konenkamp - Governor Dennis Daugaard's Comments John Meyer's Comments John Schmidt's Comments Kim Olson - U.S. Senator Mike Rounds' Comments Andy Peterson, Greater North Dakota Chamber's Comments Jason Cooke, Business & Claims Committee, Yankton Sioux Tribe's Comments No KXL Dakota Coalition, Indigenous Environmental Network, Dakota Rural Action, South Dakota Peace and Justice Center, BOLD Nebraska, Ihanktonwan Treaty Council, Kul Wicasta Treaty Council, Oyate Wahacanka Woecon, Rosebud Sioux Tribe, Yankton Sioux Tribe, William Kindle - Chairman of the Rosebud Sioux Tribe, William Bear Shield - Chairman of Land and Natural Resources - Rosebud Sioux Tribe, Dallas Goldtooth, Elizabeth Lone Eagle, Bud Lone Eagle, Art Tanderup, Wrexie Bardaglio, Carolyn Smith, John Harter, Faith Spotted Eagle, Carol Lynch, Brian Hemmelman, Donna J. Hess, Kimberly James, Gerald Sanftner, Laura Barnaud, Bruce A. Crisman, Elizabeth Fox, Rebecca R. Leas, Meghann Elizabeth Jarchow, Carl Kline, Paul Seamans, Emelie Haigh, Kevin Crosby, Patricia Fox, Sylvia Lambert, Sarah Peterson, Lyndsey Monroe, Jesse Monroe, Brad Hauck, Elaine Keats Noyes, Robert Allpress, Neal Olson, Kurt Seamans, Joan Trygstad, and Sue Sibson's Comments Larry Crouse's Comments Nancy Hilding's Comments John Clifford's Comments Confidential (not available to public)John Meyer's Comments Confidential (not available to public)John Schmidt's Comments Confidential (not available to public)Larry Crouse's Comments Confidential (not available to public) Nancy Hilding's Comments Confidential (not available to public)- 8491-8509, Confidential 8510-8528 - N:\Internet\civil\2016\civil16b\Admin\8510-8528.pdf, 8529-8698, Confidential 8699-8859 N:\Internet\civil\2016\civil16b\Admin\8699-8859.pdf

426 - 07/06/15 - Cindy Myers' Letter regarding Witness and Exhibits List Cindy Myers' Witness/Exhibit List Exhibit 2 - Paul Seamans' Statement re. Missouri River Water System s Exhibit 3 - Map: Missouri River Water Systems Exhibit 4 -4a - Dr. John Stansbury Study, "Analysis of Worst-Case Spills From the Proposed Keystone XL Pipeline" – Summary 4b - Excerpts by Dr. Stansbury Exhibit 11 - 11a - TransCanada Keystone Pipeline, LP's Objections to Cindy Myers' First Interrogatories and Request for Production of Documents 11b - TransCanada Keystone Pipeline, LP's Responses to Cindy Myers' First Interrogatories and Request for Production of Documents 11c - TransCanada Keystone Pipeline, LP's Supplemental Responses to Cindy Myers' First Interrogatories and Request for Production of Documents Exhibit 30 - Brad Vann, Environmental Scientist, EPA, Region 7, Email Quotes Exhibit 31 - Keystone "Oil Pipeline for Emergency Responders" Pamphlet 1533-1538 Exhibit 39 - Acute Health Effects of the Enbridge Oil Spill Exhibit 40 - Material Safety Data Sheet Naphtha Exhibit 41 - API, Diluted Bitumen Information Exhibit 44 - 44a - Staff's Response to Interrogatories and Requests for Production of Documents form Cindy Myers, R.N.44b - Questions from Cindy Myers to PUC Staff Exhibit 48 - HHS Public Access,Advances in Understanding Benzene Health Effects and Susceptibility, Published in Final Edited Form as: Annu Rev Public Health. 2010 31: 133–148.doi:10.1146/annurev.publhealth.012809.103646 Exhibit 49 - NIH Public Access, Systems Biology of Human Benzene Exposure, Published in Final Edited Form as: Annu Rev Public Health. 2010 31: 133–148. doi:10.1146/annurev.publhealth.012809.103646. Systems Biology of Human Benzene Exposure and Exhibit 52 - Paul Seamans Statement RE: Condition #40, PVC Pipe/BTEX- 8860-9091 427 - 07/07/15 - Comments of Carissa Lick Commissioner Nelson's Response to Carissa Lick Comments of Carissa Lick Confidential (not available to the public)and Commissioner Nelson's Response to Carissa Lick Confidential (not available to the public)- 9092-9093, Confidential 9094-9095 N:\Internet\civil\2016\civil16b\Admin\9094-9095.pdf

428 - 07/07/15 - Comments of Wrexie Bardaglio Attachment – Comments Additional Comments and Staff's Response to Wrexie Bardaglio- 9096-9099

429 - 07/07/15 - Keystone's Witness and Exhibit List and Certificate of Service- 9100-9106

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- 430 - 07/07/15 - Cheyenne River Sioux Tribe's Witness and Evidence List Certificate of Service Attachment A - Keystone's Responses to Cheyenne River Sioux Tribe's First Interrogatories and Request For Production of Documents and Attachment B - Keystone's Responses to Cheyenne River Sioux Tribe's Second Interrogatories and Request For Production of Documents- 9107-9167
- 431 - 07/07/15 - Dakota Rural Action's Witness List Certificate of Service and Dakota Rural Action's Exhibit List- 9168-9199
- 432 - 07/07/15 - Standing Rock Sioux Tribe's Witness List and Exhibit List for Evidentiary Hearing and Certificate of Service- 9200-9208
- 433 - 07/07/15 - Yankton Sioux Tribe's Witness and Exhibit Lists and Certificate of Service- 9209-9220
- 434 - 07/07/15 - Chas Jewett's Witness List- 9221
- 435 - 07/07/15 - Rosebud Sioux Tribe's Witness and Exhibit List and Certificate of Service- 9222-9232
- 436 - 07/08/15 - Comments of Kris Quaintance to Commissioner Hanson Commissioner Hanson's Response to Kris Quaintance Comments of Kris Quaintance to Commissioner Hanson Confidential (not available to the public)and Commissioner Hanson's Response to Kris Quaintance Confidential (not available to the public) - 9233-9234, Confidential 9235-9236 N:\Internet\civil\2016\civ16b\Admin\9235-9236.pdf
- 437 - 07/09/15 - PUC Staff's Motion for Judicial Notice and Certificate of Service- 9237-9247
- 438 - 07/10/15 - Comments of McCone County Board of Commissioners and Commissioner Nelson's Response to McCone County Board of Commissioners - 9248-9249
- 439 - 07/10/15 - Rosebud Sioux Tribe's Motion in Limine to Exclude Testimony and Certificate of Service and Exhibit 1 - Rosebud Sioux Tribe's Witness and Exhibit List- 9250-9262
- 440 - 07/10/15 - Dakota Rural Action's Supplemental Discovery and Certificate of Service- 9263-9260
- 441 - 07/10/15 - Dakota Rural Action's Notice of Filing of Exhibits and Certificate of Service- 9267-9271
- 442 - 07/10/15 - PUC's Email regarding Exhibit Marking and Preparation for Hearing- 9272-9273
- 443 - 07/10/15 - PUC Staff's Motion for Time Certain for Witness Testimony and Certificate of Service - 9274-9278
- 444 - 07/10/15 - Applicant's Motion Concerning Procedural Issues at the Evidentiary Hearing and Certificate of Service- 9279-9286
- 445 - 07/10/15 - Keystone's Motion in Limine to Exclude Testimony of Kevin E. Cahill, PH.D. and Certificate of Service- 9287-9293
- 446 - 07/10/15 - Keystone's Motion in Limine to Preclude Rebuttal Testimony of Ian Goodman and Brigid Rowan and Certificate of Service- 9294-9299
- 447 - 07/10/15 - Keystone's Motion in Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young Attachment - 1.6 Tribal and SHPO Consultation Attachment - Appendix E - Amended Programmatic Agreement and Record of Consultation and Certificate of Service- 9300-9431
- 448 - 07/10/15 - Keystone's Motion in Limine to Preclude Testimony of Chris Saucosi and Certificate of Service- 9432-9437
- 449 - 07/10/15 - Keystone's Motion in Limine to Preclude Testimony of Dr. Hansen and Dr. Oglesby and Certificate of Service - 9438-9443
- 450 - 07/10/15 - Keystone's Motion in Limine to Restrict Testimony of Leonard Crow Dog and Certificate of Service - 9444-9450
- 451 - 07/10/15 - Keystone's Motion in Limine to Restrict Testimony of Yankton Sioux Witnesses Spotted Eagle and Un-Named Member of the B&C Committee and Certificate of Service- 9451-9457
- 452 - 07/10/15 - Keystone's Motion in Limine to Strike Paula Antoine's Rebuttal Testimony and Certificate of Service- 9458-9465
- 453 - 07/10/15 - Keystone's Motion in Limine to Strike the Article by Linda Black Elk and Restrict Her Testimony and Certificate of Service- 9466-9473
- 454 - 07/10/15 - Keystone's Protective Motion in Limine Regarding Dakota Rural Action's Exhibit List Dated July 7,

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455 - 07/10/15 - Yankton Sioux Tribe, Cheyenne River Sioux Tribe, Bold Nebraska, Rosebud Sioux Tribe, Indigenous Environmental Network, and Dakota Rural Action's Joint Motion in Limine to Exclude Evidence Pertaining to Keystone's Proposed Changes to Findings of Fact Exhibit A - Amended Final Decision and Order Notice of Entry Exhibit B - Rulings on Applicants' Proposed Findings of Fact Exhibit C - Keystone's Pre-filed Testimony for Corey Goulet, David Diakow, Meera Kothari, Jon Schmidt, and Heidi Tilliquist and Certificate of Service - 9481-9620

456 - 07/13/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice (July 21, 2015) - 9621-9623

457 - 07/13/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice - 9624-9625

458 - 07/13/15 - Admission of Service (Paige Olson)- 9626

459 - 07/13/15 - Admission of Service (Kim McIntosh)- 9627

460 - 07/13/15 - Admission of Service (Brian Walsh)- 9628

461 - 07/13/15 - Admission of Service (Derric Iles)- 9629

462 - 07/13/15 - Staff's Response to Rosebud's Motion in Limine to Exclude Testimony and Certificate of Service- 9630-9634

463 - 07/13/15 - Docket HP14-001 - Dakota Rural Action's Pre-filed Exhibits (PUC Website -

<http://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001draexhibits.aspx>) - 9635-9661

464 - 07/13/15 - Dakota Rural Action's Letter regarding Pre-Filed Exhibits - Dakota Rural Action's Pre-Filed Exhibits - 1. U.S. Department of State, 2014, Final Supplemental Environmental Impact Statement, Keystone XL Project: United States Department of State, Washington, D.C. (in lieu of producing files containing entire FSEIS, DRA is submitting this exhibit as located on the following URL: <http://keystonepipeline-xl.state.gov/finalseis/index.htm>) - Judicial Notice please see page 9241 of index 2 All pre-filed testimony from Commission Docket No. HP07-001, located at the following URL:

<https://puc.sd.gov/Dockets/HydrocarbonPipeline/2007/hplinks/prefiledtestimony.aspx>PreFiled Testimony - Letter from Brett Koenecke and Certificate of Service Direct Testimony of Robert Jones Direct Testimony of Scott Ellis Direct Testimony of Brian Thomas Direct Testimony of Michael Koski Direct Testimony of Meera Kothari Direct Testimony of L. A. Gray Direct Testimony of Heidi Tilliquist Letter from Brett Koenecke and Certificate of Service Certificate of Service Direct Testimony of Ed and DeEtte Goss Direct Testimony of John M. Sieh Direct Testimony of Richard Hastings Direct Testimony of Delwin Hofer Direct Testimony of Pam Hofer Letter, Direct Testimony of James O. Edwards, Jr., East River Electric Power Cooperative, Inc., and Certificate of Service Direct Testimony of Michael Sibson Direct Testimony of Tim Hofer Direct Testimony of Scott Anderson Direct Testimony of George Piper for the Board of Directors South Dakota Resources Coalition Direct Testimony of Edward D. Miller Direct Testimony of David Wade of BDM Rural Water System, Inc. Letter from Kara Semmler Testimony of William Walsh Testimony of Jenny Hudson Testimony of David Schramm Direct Testimony of John Muehlhausen Direct Testimony of Bryan Murdock Direct Testimony of Dan Hannan Direct Testimony of Tom Janssen Direct Testimony of Brenda Winkler Limited Application Review Report Certificate of Service Direct Testimony of Curt Hohn of Web Water Development Association, Inc. Correspondence (e-mail) regarding Expert Witnesses VITA of Perry Rahn, PhD, PE Attachment 1 (Draft Programmatic Agreement Comments) Attachment 2 (DEIS Comments) Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4, Exhibit 5 Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 10 Exhibit 11, Exhibit 12, Exhibit 13, Exhibit 14, Exhibit 15 Exhibit 16, Exhibit 17, Exhibit 18, Exhibit 19, Exhibit 20 Exhibit 21, Exhibit 22, Exhibit 23, Exhibit 24, Exhibit 25 Exhibit 26, Exhibit 27, Exhibit 28, Exhibit 29, Exhibit 30 Exhibit 31, Exhibit 32, Exhibit 33, Exhibit 34, Exhibit 35 Exhibit 36, Exhibit 37, Exhibit 38, Exhibit 39, Exhibit 40 Exhibit 41 Direct Testimony of Kent Moeckley, Merl Moeckley Co, and MMP Inc. Direct Testimony of Gene Cassels Direct Testimony of Raymond and Lillian Anderson Direct Testimony of Raymond and Lillian Anderson Direct Testimony of Kim Madsen Direct Testimony of Valerie Madsen Direct Testimony of Kaley Madsen Direct Testimony of Jerry Burger Direct Testimony of Chris Hastings Direct Testimony of Kirk Madsen Direct Testimony of Jerauld Glanzer Direct

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Testimony of Ben Grote Direct Testimony of South Dakota Association of Towns and Townships Direct Testimony of Ron Schaeffer Letter from Kara Semmler Direct Testimony of Leo Sibson Direct Testimony of Arden D. Davis Ph.D., PE Direct Testimony of Perry H. Rahn Ph.D., PE Rebuttal Testimony - Rebuttal Testimony of L.A. Gray Rebuttal Testimony of Michael Koski Rebuttal Testimony of Scott Ellis Rebuttal Testimony of Heidi Tillquist Rebuttal Testimony of Meera Kothari Certificate of Service Rebuttal Testimony of Meera Kothari Rebuttal Testimony of Brian Thomas Rebuttal Testimony of Heidi Tillquist Certificate of Service Rebuttal Testimony of Lillian Anderson Surrebuttal Testimony - Letter from Kara Semmler Surrebuttal Testimony of Jenny Hudson Surrebuttal Testimony of John Muehlhausen (Part 1) and (Part2) Surrebuttal of Dan Hannan Surrebuttal of Tom Janssen Surrebuttal of Brenda Winkler Surrebuttal of William Walsh Surrebuttal of David Schramm Certificate of Service Surrebuttal Testimony of Edward D. Miller 3 All pre-filed testimony from Commission Docket No. HP14-001, located at the following URL: <https://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001prefiledtestimony.aspx> Prefiled Direct Testimony - Diana Steskal's Testimony (will file exhibits later) TransCanada's Testimony and Exhibits Heidi Tillquist's Testimony Exhibit A – Resume Certificate of Service Corey Goulet's Testimony Exhibit A – Resume Certificate of Service Jon Schmidt, PH.D.'s Testimony Exhibit A – Resume Certificate of Service Meera Kothari, P.ENG.'s Testimony Exhibit A – Resume Exhibit B - Media Advisory (August 5, 2010) Certificate of Service David Diakow's Testimony Exhibit A – Resume Certificate of Service PUC Staff's Letter regarding Testimony and Exhibits - Brian Walsh's Testimony Exhibit ___ BW-1 Derric Iles' Testimony Exhibit ___ DI-1 Kimberly McIntosh's Testimony Exhibit ___ KM-1 Tom Kirschenmann's Testimony Exhibit ___ TK-1 Daniel Flo's Testimony Exhibit ___ DF-1 Exhibit ___ DF-2 Exhibit ___ DF-2 Revised David Schramm's Testimony Exhibit ___ DS-1 Jenny Hudson's Testimony Exhibit ___ JH-1 Christopher Hughes' Testimony Exhibit ___ CH-108/03/15 - Staff's Supplemental Prefiled Testimony of Christopher Hughes Paige Olson's Testimony Exhibit ___ PO-1 Darren Kearney's Testimony Exhibit ___ DK-107/23/15 - Darren Kearney's Testimony (Amended July 23, 2015) Certificate of Service Gary F. Dorr's Testimony and Exhibit Wayne Frederick's Testimony Exhibit A – Resume Cindy Myers' Testimony Paul F. Seamans' Testimony Dakota Rural Action's Testimony Evan Vokes' Testimony Dr. Arden D. Davis, PH.D, PE's Testimony Attachment (Figure 1, 2, 3, 4, 5, 6, 7, 8, and 9) Sue Sibson's Testimony Certificate of Service Cheyenne River Sioux Tribe's Testimony Carlyle Ducheneaux's Testimony Steve Vance's Testimony Yankton Sioux Tribe's Testimony Faith Spotted Eagle's Testimony Certificate of Service Supplement to Faith Spotted Eagle Prefiled Testimony Attachment - International Treaty to Protect the Sacred From Tar Sands Projects Certificate of Service Standing Rock Sioux Tribe's Testimony Waste` Win Young's Testimony Phyllis Young's Testimony Doug Crow Ghost's Testimony Linda Black Elk's Testimony Certificate of Service Rosebud Sioux Tribe's Testimony - Richard Kuprewicz's Testimony Confidential (removed at the request of the party) RST Exhibit 8 - Richard B. Kuprewicz's Resume Confidential (removed at the request of the party) RST Exhibit 9 - Accufacts Inc.'s Letter to Rosebud Sioux Tribe Confidential (removed at the request of the party) RST Exhibit 10 - Figure 1 - South Dakota Elevation Profile with Valves And Additional Information Confidential (removed at the request of the party) Certificate of Service Confidential (removed at the request of the party) Ian Goodman's Testimony Confidential (removed at the request of the party) RST Exhibit 1 – Ian Goodman's Resume Confidential (removed at the request of the party) RST Exhibit 3 – Changes to the Economic Costs and Benefits of the Keystone XL Pipeline for South Dakota Confidential (removed at the request of the party) Brigid Rowan's Testimony Confidential (removed at the request of the party) RST Exhibit 2 – Brigid Rowan's Resume (removed at the request of the party) RST Exhibit 3 – Changes to the Economic Costs and Benefits of the Keystone XL Pipeline for South Dakota (removed at the request of the party) RST Exhibit 4 – Landslide Hazard Areas Confidential (removed at the request of the party) RST Exhibit 5 – Spill Costs Per Barrel from Comparable Crude Pipelines Confidential (removed at the request of the party) RST Exhibit 6 – Range of Worst-Case Scenario Costs for Keystone XL Using Spill Costs for Comparable Crude Oil Pipelines (with 15-minute valve shutoff) Confidential (removed at the request of the party) RST Exhibit 7 - Range of Worst-Case Scenario Costs for Keystone XL Using Spill Costs for Comparable Crude Oil Pipelines (with 30-minute valve shutoff) Confidential

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(removed at the request of the party)Certificate of Service Confidential (removed at the request of the party)Rebuttal Testimony - PUC's Rebuttal Testimony - Darren Kearney's Rebuttal Testimony Certificate of Service Standing Rock Sioux Tribe's Rebuttal Testimony- Kevin E. Cahill, Ph.D.'s Rebuttal Testimony Rebuttal Expert Report of Economist Kevin E. Cahill, PH.D. on Behalf of the Standing Rock Sioux Tribe Certificate of Service Rosebud Sioux Tribe's Rebuttal Testimony - Jennifer Galindo's Rebuttal Testimony Exhibit 11 - Curriculum Vitae Jennifer Galindo Archeologist Exhibit 12 - Map from Programmatic Agreement Exhibit 13 - RST Email and Letter to Paige Olson Exhibit 14 - TransCanada's Policy regarding Native American Relations Ian Goodman and Brigid Rowan's Rebuttal Testimony Confidential (removed at the request of the party)Exhibit 15 - Changes to the Economic Costs and Benefits of the Keystone XL Pipeline for South Dakota Confidential (removed at the request of the party)Certificate of Service Confidential (removed at the request of the party)Paula Antoine's Rebuttal Testimony Exhibit 16 - Rosebud Sioux Tribe's Resolution No. 2014-42 - Amended: Petition Exhibit 17 - South Dakota Codified Laws 49-41B-1, 49-41B-11 and 49-41B-22 Amended Rebuttal Testimony of Paula Antoine Chief Leonard Crow Dog's Rebuttal Testimony Certificate of Service TransCanada's Rebuttal Testimony Corey Goulet's Rebuttal Testimony Certificate of Service Dan King's Rebuttal Testimony Dan King's Resume Certificate of Service F.J. (Rick) Perkins' Rebuttal Testimony F.J. (Rick) Perkins' Resume Certificate of Service Meera Kothari's Rebuttal Testimony Certificate of Service Jon Schmidt's Rebuttal TestimonyCertificate of ServiceHeidi Tillquist's Rebuttal Testimony Exhibit List Exhibit 1: Diluted Bitumen-Derived Crude Oil: Relative Pipeline Impacts (Battelle 2012)Exhibit 2: Comparison of the Corrosivity to Dilbit and Conventional Crude (Been 2011) Confidential (not available to the public)Exhibit 3: Effects of Diluted Bitumen on Crude Oil Pipelines (National Academy of Sciences 2013)Exhibit 4: Crude Oil at the Bemidji Site: 25 Years of Monitoring, Modeling, and Understanding (Essaid et al. 2011)Exhibit 5: Use of Long-Term Monitoring Data to Evaluate Benzene, MTBE and TBA Plume Behavior in Groundwater at Retail Gasoline Sites (Kamath et al. 2012)Exhibit 6: Review of Quantitative Surveys of the Length and Stability of MTBE, TBA, and Benzene Plumes in Groundwater at UST Sites (Connor et al. 2015)Exhibit 7: Characteristics of Dissolved Petroleum Hydrocarbon Plumes: Results from Four Studies (Newell and Connor 1998)Exhibit 8: A Comparison of Benzene and Toluene Plume Lengths for Sites Contaminated with Regular vs. Ethanol-Amended Gasoline (Ruiz-Aguilar et al. 2003)Exhibit 9: Evaluation of the Impact of Fuel Hydrocarbons and Oxygenates on Groundwater Resources (Shih et al. 2004)Exhibit 10: Leukemia Risk Associated With Low-Level Benzene Exposure (Glass et al. 2003)Exhibit 11: United States Department of State 12.1: Keystone XL Project, Risk Analysis (Kothari, Bajnok), Tillquist Certificate of Service Jeff Mackenzie's Rebuttal Testimony Appendix A - Jeff Mackenzie's Resume Appendix B - Final EIS 3.13.5.3 and 3.13.5.4 Certificate of Service Amended Rebuttal Testimony of Heidi Tillquist Certificate of Service Exhibit List Exhibit 1: Comparison of the Corrosivity of Dilbit and Conventional Crude Exhibit 2: Effects of Diluted Bitumen on Crude Oil Pipelines Exhibit 3: Leukemia Risk Associated With Low-Level Benzene Exposure Exhibit 4: Characteristics of Dissolved Petroleum Hydrocarbon Plumes Exhibit 5: Use of Long-Term Monitoring Data to Evaluate Benzene, MTBE, and TBA Plume Behavior in Groundwater at Retail Gasoline Sites Exhibit 6: Review of Quantitative Surveys of the Length and Stability of MTBE, TBA, and Benzene Plumes in Groundwater at UST Sites Exhibit 7: A Comparison of Benzene and Toluene Plume Lengths for Sites Contaminated with Regular vs. Ethanol-Amended Gasoline Exhibit 8: Evaluation of the Impact of Fuel Hydrocarbons and Oxygenates on Groundwater Resources Exhibit 9: United States Department of State 12.1 -Keystone XL Project Risk AnalysisAmended Rebuttal Testimony of Meera Kothari Certificate of Service Dakota Rural Action's Rebuttal Testimony - Evan Vokes' Rebuttal Testimony John Harter's Rebuttal Testimony Certificate of Service Yankton Sioux Tribe's Rebuttal Testimony Member Of The Yankton Sioux Tribe Business & Claims Committee Consisting of Elected Members: Robert Flying Hawk, Quentin JB Brugier, Jr., Mona Wright, Justin Songhawk, Leo O'Conner, Jean Archambeau, Glenford Sam Sully, Jason Cooke, and Everdale Song Hawk's Rebuttal Testimony Exhibit A - Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents Exhibit B - Appendix S - Programmatic Agreement and Record of Tribal Contact Exhibit C - Appendix E - Amended Programmatic Agreement and Record of Consultation Faith Spotted

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Eagle's Rebuttal Testimony Exhibit A - Appendix S - Programmatic Agreement and Record of Tribal Contact Exhibit B - Appendix E - Amended Programmatic Agreement and Record of Consultation Chris Saucosi's Rebuttal Testimony Intertribal Council On Utility Policy Intertribal COUP's Pre-Filing of Rebuttal Witness Testimony of Dr. James Hansen and Dr. Robert Oglesby and Certificate of Service Prefiled Testimony of Dr. Robert Oglesby Comments of Dr. James E. Hansen Appendix: James E. Hansen Comments Charts Exhibit 1 - James E. Hansen's Resume Exhibit 2 - Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature Surrebuttal Testimony - Cindy Myers' Surrebuttal Testimony Certificate of Service Surrebuttal Testimony of Corey Goulet and Certificate of Service Surrebuttal Testimony of Dan King and Certificate of Service 4 TransCanada's Responses to DRA's First Interrogatories 5 TransCanada's Supplemental Responses to DRA's First Interrogatories dated March 10, 2015 6 TransCanada's Supplemental Responses to DRA's First Interrogatories dated April 17, 2015 7 CAPP Crude Oil Forecast, June 2014 8 DOE/EIA Annual Energy Outlook 2014 9 SD Route Variations - Satellite Images - KXL Doc #0470-058010 SD Route Variations Chart 11 SD Pump Stations Descriptions 12 TransCanada contact record for NRCS meeting on CON/REC units 13 RSVP rosters and sign-in sheets for first responder training in SD 14 RSVP rosters and sign-in sheets for first responder training in SD 15 SD property tax schedules - KXL Doc #0768-077316 Schedule of TransCanada Pipeline Leaks - KXL Doc #0774-078417 TransCanada landowner contact summary and communications - Heitzman 18 TransCanada landowner contact summary and communications - Sibson 19 TransCanada landowner contact summary and communications - Hofer 20 TransCanada landowner contact summary and communications - Hofer 21 TransCanada landowner contact summary and communications - Sibson 22 TransCanada landowner contact summary and communications - Sibson 23 TransCanada landowner contact summary and communications - Anderson 24 TransCanada landowner contact summary and communications - Townsend 25 TransCanada landowner contact summary and communications - Kirk - Madsen 26 TransCanada landowner contact summary and communications - Sibson 27 Public Utilities Commission Staff response to DRA First Interrogatories 28 Public Utilities Commission Staff response to Seaman Interrogatories 29 TransCanada 2015 annual meeting presentation 30 Engineering and Geoscience Professions Act, Revised Statutes of Alberta 31 National Energy Board Onshore Pipeline Regulations, 1999 (OPR-99), Final Audit Report for Integrity Management Programs, February 2014 32 Stansbury, Analysis of Frequency, Magnitude and Consequence of Worst- Case Spills From the Proposed Keystone XL Pipeline 33 Exponent - Third-Party Consultant Environmental Review of the TransCanada Keystone XL Pipeline Risk Assessment 4 Battelle - Keystone XL Pipeline: Independent Engineering Assessment - Final Report Confidential (not available to the public) 35 US Environmental Protection Agency letter to US Department of State dated February 2, 2015 36 June 6, 2013 transcript of hearings before Canadian Standing Senate Committee on Energy, the Environment and Natural Resources 37 TransCanada and PHMSA email communications concerning October 2012 Keystone 1 corrosion 38 TransCanada map of proposed KXL pipeline route through SD 39 Emergency Response Plan - Keystone Pipeline System (2009) 40 Emergency Response Plan - Keystone Pipeline System (2014) 41 Exhibits 41a-g, TransCanada 2014 ERP - Wolf Creek Response Strategy 42 Exhibits 42a-d, TransCanada 2014 ERP - James River Response Strategy 43 Exhibits 43a-c, TransCanada 2014 ERP - Missouri River (North) Response Strategy 44 April 8, 2009 letter from Walsh to Koenecke regarding ERP 45 August 27, 2009 email from Walsh to Koenecke regarding ERP 46 August 27, 2009 email communications between Walsh, Koenecke and Kothari regarding ERP 47 September 4, 2009 letter from Walsh to Koenecke regarding ERP 48 November 1, 2009 email from Koenecke to Walsh regarding ERP 49 December 10, 2009 email from Latimer (TransCanada) to Walsh regarding ERP 50 December 11, 2009 email from Walsh to Latimer and Hayes (TransCanada) regarding ERP 51 December 21, 2009 email from Hayes to Walsh with supplemental document for ERP 52 January 8, 2010 email from Walsh to Hayes regarding ERP 53 January 14, 2010 email from Hayes to Walsh regarding ERP 54 January 20, 2010 email from Walsh to Hayes regarding ERP 55 January 21, 2010 email from Hayes to Walsh with supplemental document for ERP 56 February 8, 2010 letter from Walsh to Koenecke 57 December 7, 2010 email from US Fish & Wildlife

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Service to Walsh 58 August 9, 2013 letter from Walsh to McHugh with comments on ERP 59 October 28, 2013 letter from McHugh to Walsh with response on ERP comments 60 May 15, 2014 letter from Walsh to Baumgartner (TransCanada) regarding ERP update 61 August 21, 2014 email from Walsh to Baumgartner regarding status of ERP update 62 SD-DENR spill file for Carpenter Pump Station 63 SD-DENR spill file for Roswell Pump Station 64 SD-DENR spill file for Freeman Pump Station 65 SD-DENR spill file for Ferney Pump Station 66 March 21, 2011 warning letter from PHMSA to TransCanada 67 June 29, 2009 TransCanada Keystone Spread 3B Coatings Audit 68 October 22, 2012 communications between TransCanada and PHMSA regarding re-start plan for Keystone 1 and technical memo on discovered corrosion 69 PHMSA Evaluation Report on TransCanada Gulf Coast Pipeline Construction 70 September 10, 2013 PHMSA warning letter to TransCanada on Gulf Coast Pipeline 71 March 21, 2011 TransCanada presentation on Keystone Phase 2 - Cushing Extension Lessons Learned 72 APEGGA Guidelines - Professional Member as a Witness 73 EMS presentation on corrosion and cathodic protection 74 2007 handwritten "unofficial" TransCanada manual on pipefitting for NEB- regulated pipelines 75 2012 PHMSA- Office of Pipeline Safety presentation on pipeline welding 76 Excerpt from Canadian Standards Association manual on oil and gas pipeline construction - production welding and inspection 77 TransCanada memo dated January 26, 2011 on welding procedures data sheets 78 July 28, 2009 Vokes email to Taylor (TransCanada) regarding third-party inspections 79 February 26, 2009 Vokes email communications with Taylor 80 March 5, 2009 email chain between Vokes and TransCanada employees regarding Moody's inspections 81 TransCanada policy on practice of engineering within company, January 11, 2008 82 October 2, 2010 letter from Thrasher (TransCanada) to NEB regarding failures on inspection 83 Price Waterhouse Coopers audit report on TransCanada management practices for Alberta system dated January 25, 2010 84 TransCanada internal policy on mechanized ultrasonic examination of pipeline girth welds 85 TransCanada internal policy on radiographic examination of pipeline welds 86 Acuren Group procedures document for radiographic examinations 87 Acuren Group techniques for radiographic examinations 88 TransCanada procedures for non-destructive examination (NDE) audits 89 June 23, 2009 email from Ferguson (TransCanada) to Vokes et al., regarding defects in flanges 90 September 2, 2009 email chain from Wong (TransCanada) to Vokes, et al., regarding flanges 91 June 7, 2009 email chain from Vokes on flange defects 92 July 15, 2009 email chain from Vokes on flange defects 93 February 28, 2007 Vokes email to Taylor re weld defects 94 March 5, 2007 Vokes email to Parker re welding issues 95 TransCanada specifications of welding in-service pipelines 96 May 27, 2011 TransCanada email chain regarding issues with fabrication 97 February 17, 2011 TransCanada email chain regarding welding procedures 98 April 6, 2011 Vokes email chain on welding failures 99 November 12, 2010 TransCanada email chain regarding welding issues 100 August 9, 2010 Vokes email chain regarding welding issues 101 June 28, 2010 letter from Blackburn (Plains Justice) to PHMSA regarding substandard steel in Keystone pipeline 102 June 2, 2011 Vokes email to Taylor regarding NDE in fabrication shops 103 October 25, 2011 Vokes email to Kowpak regarding quality control issues 104 October 24, 2011 Vokes email to Kowpak regarding quality control issues on Keystone 105 October 24, 2011 Vokes email chain on NDE audits 106 July 19, 2011 Wong to Vokes email chain on NDE audits 107 September 26, 2011 Lazor-Vokes email chain regarding problems with pressure vessels 108 August 5, 2011 Vokes-Gill email chain regarding TransCanada management philosophy 109 August 3, 2011 Vokes-Drew email chain regarding welding issues 110 May 27, 2011 Vokes-Zuczek email chain regarding fabrication issues 111 August 4, 2011 Vokes-Rolston email chain regarding hydrotest failures on Keystone 112 May 25, 2011 TransCanada email chain regarding weld and hydrotest issues 113 October 22, 2010 Vokes-Cantin email chain regarding welding procedures 114 June 27, 2011 Vokes-Taylor email chain - "stop investigation" 115 October 13, 2011 Ennion email to Vokes regarding Moody issues on inspections 116 July 21, 2008 Fenton email regarding systemic problems with fabrication 117 June 27, 2011 Vokes email to Lazor and Delisi on welding inspections 118 June 2011 Vokes memo to Taylor and Lazor on NDE practices 119 October 20, 2011 email chain including Taylor, Vokes, et al., regarding approach to inspections 120 TransCanada policy regarding welding of assemblies and station piping 121 January 18, 2011 Kothari email chain

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regarding selection of NDE contractor 122 October 20, 2011 Vokes-Taylor email chain regarding compliance issues 123 123a-c US Department of Transportation-Office of Pipeline Safety Daily Construction Inspection Reports 124 TransCanada welding procedure data sheet - old version 125 TransCanada welder qualification form 126 TransCanada welding procedure data sheet - new version 127 TransCanada NDE progress reports 128 TransCanada welder repair summaries 129 TransCanada information security policy 130 Pump Station 16 relocation file 131 Pump Station 21 relocation file 132 PHMSA Condition 32 valve relocation file 133 Route variation file MLV-19A 134 Route variation file MLV-22 135 Route variation file MLV-23A 136 Valve relocation and actuation file MLV-18/CK-MLV-19 137 Valve relocation file CK-MLV-19 138 Relocation file MLV-20139 Relocation file VAR-22 140 Relocation file MLV-18 141 Valve site dimension change file 142 TransCanada transmission line maps near pumping stations 143 143a-g transmission line maps on federal land 144 KXL final PHMSA conditions dated February 10, 2011 145 TransCanada Presentation - PHMSA HCA design philosophy Confidential (not available to the public) 146 Lincoln Electric - Certified Material Test Report Confidential (not available to the public) 147 TransCanada email communications regarding visit to Welspun pipe mill facility, Little Rock, Arkansas Confidential (not available to the public) 148 PHMSA special condition comparison matrix dated August 15, 2011 Confidential (not available to the public) 149 TransCanada response to Battelle independent report (Excel Format) 150 TransCanada response to Exponent independent review (Excel Format) 151 RMS weld tracking matrix Confidential (not available to the public) 152 KXL Design Basis Memorandum (DBM), v. 6, dated October 16, 2008 Confidential (not available to the public) 153 TransCanada report on causes of corrosion dated February 13, 2013 Confidential (not available to the public) 154 Horizontal Directional Drilling maps/specifications 155 TransCanada Code of Business Ethics 156 156a - Pre-Construction Notice (PCN) to US Army Corps of Engineers 156b - Wetland Delineation Report 156c - Construction Mitigation and Reclamation Plan 156d - Horizontal Directional Drilling Frac-Out Plan 156e - Nationwide Permits/Regional Conditions 156f - All mapping produced by TransCanada in response to DRA Request for Production of Documents #31 appended to the Pre- Construction Notice to US Army Corps of Engineers 157KXL South Dakota Route Variation Tracking Sheet 158 TransCanada contact record from June 7, 2010, with SD NRCS regarding CON/REC units 159 TransCanada contact record from June 8, 2010, with SD NRCS regarding CON/REC units 160 TransCanada revised proposal to SD Dept. of Game, Fish and Parks for mitigation of KXL effects on sage grouse dated November 15, 2012 161March 4, 2013 letter from SD Dept. of Game, Fish and Parks to TransCanada regarding mitigation proposal for sage grouse 162 TransCanada meeting notes from January 27, 2009, with US Fish and Wildlife Service and SD Dept. of Game, Fish and Parks regarding wildlife surveys 163 TransCanada meeting notes from May 7, 2013, with SD-DENR regarding water use from Lake Gardner during KXL construction 164 US Fish and Wildlife Service 2013 final biological opinion, appendices marked as Exhibits 164a-g 165 Spill report for Carpenter pump station - 05/21/2010 166 Spill report for Roswell pump station - 06/23/2010 166a TransCanada spill file on Roswell PS66b Roswell PS maps and drawings 167 Spill report for Hartington pump station - 08/19/2010168 Spill report for Turney pump station - 01/31/2011169 Spill report for Cushing Delivery Station - 02/03/2011 170 Spill report for Rock pump station - 02/23/2011 170a Cleanup report for KDHE 171 Spill report for Seneca pump station - 03/16/2011 171a Seneca PS cleanup report 172 Spill report for Ludden pump station - 05/07/2011 172a TransCanada maps for Ludden PS 05/07/2011 spill 172b Ludden PS spill progress report173 Spill report for Severance pump station - 05/29/2011 173a TransCanada spill file - KDHE report 173b TransCanada/URS final spill report - Severance PS 173c Severance PS laboratory analysis 174 Spill report for Nederland tank facility - 07/24/2014 175 TransCanada spill file for David City pump station 176 TransCanada spill file for Ferney pump station 177 TransCanada spill file for Freeman pump station 178 TransCanada spill file for Ludden pump station 03-08-11 179 TransCanada response to DRA interrogatory 48(a) - worst case spill scenarios Confidential (not available to the public) 180 TransCanada guidance document for determining pipeline thickness and material grade Confidential (not available to the public) 181 TransCanada directive on Fusion Bonded Epoxy (FBE) coatings Confidential (not available to the public) 182 Spread 4 IFC drawing 193-4741-03-ML-02-001 Confidential (not available to the public) 183

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Docket Synopsis :

Individual Report for Docket Number : CIV16-33d

Docket Title:

CIV16-33 - In the Matter of Public Utilities Commission Docket HP14-001, Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline (Dakota Rural Action)

Open Date : 02/19/2016**Close Date :** 07/11/2018**Days Open :** 873**Reopened Date :****Filing Type :**

CIV

Tax ID # :**Attorney :**

AD

Staff :**Date Of Final Decision :****Memo :**

Primary Appeal Information

Appeal Date :**Appellant :****Decision Date :****Appeal Location :****Current Status :****Description of Above Decision :**

Secondary Appeal Information

Appeal Date :**Appellant :****Decision Date :****Appeal Location :****Current Status :****Description of Above Decision :**

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Docket Notes :

03/24/16 - Continuation of CIV16-33, CIV16-33b, CIV16-33c
482 PCN wetlands datasheet Harding County S109HA003 483 PCN wetlands datasheet Harding County S123HA003 484 PCN wetlands datasheet Harding County S123HA006 485 PCN wetlands datasheet Harding County S124HA008 486 PCN wetlands datasheet Harding County S275HA001 487 PCN wetlands datasheet Harding County S29HA001 488 PCN wetlands datasheet Harding County S302HA001 489 PCN wetlands datasheet Harding County S302HA002 490 PCN wetlands datasheet Harding County S302HA003 491 PCN wetlands datasheet Harding County S302HA006 492 PCN wetlands datasheet Harding County S302HA007 493 PCN wetlands datasheet Harding County S302HA008 494 PCN wetlands datasheet Harding County S304HA001 495 PCN wetlands datasheet Harding County S304HA002 496 PCN wetlands datasheet Harding County S312HA001 497 PCN wetlands datasheet Harding County S312HA002 498 PCN wetlands datasheet Harding County S500HA001 499 PCN wetlands datasheet Harding County S500HA007 500 PCN wetlands datasheet Harding County S500HA009 501 PCN wetlands datasheet Harding County S500HA011 502 PCN wetlands datasheet Harding County S500HA012 503 PCN wetlands datasheet Harding County W104HA001-Upland Plot 504 PCN wetlands datasheet Harding County W104HA001-Wetland Plot 505 PCN wetlands datasheet Harding County W109HA001-Upland Plot 506 PCN wetlands datasheet Harding County W109HA001-Wetland Plot 507 PCN wetlands datasheet Harding County W302HA001 508 PCN wetlands datasheet Harding County W302HA002 509 PCN wetlands datasheet Harding County W302HA005 510 PCN wetlands datasheet Harding County W302HA006 511 PCN wetlands datasheet Harding County W302HA007 512 PCN wetlands datasheet Harding County W312HA001 513 PCN wetlands datasheet Harding County W500HA002-Upland Plot 514 PCN wetlands datasheet Harding County W500HA002-Wetland Plot 515 PCN wetlands datasheet Harding County W500HA004-Upland Plot 516 PCN wetlands datasheet Harding County W500HA004-Wetland Plot 517 PCN wetlands datasheet Harding County W500HA005-Upland Plot 518 PCN wetlands datasheet Harding County W500HA005-Wetland Plot 519 PCN wetlands datasheet Butte County S275BU001 520 PCN wetlands datasheet Butte County W302BU001 521 PCN wetlands datasheet Perkins County S275PE001 522 PCN wetlands datasheet Perkins County S312PE001 523 PCN wetlands datasheet Perkins County S5APE001 524 PCN wetlands datasheet Meade County S103ME006 525 PCN wetlands datasheet Meade County S106ME008 526 PCN wetlands datasheet Meade County S128ME001 527 PCN wetlands datasheet Meade County S275ME004 528 PCN wetlands datasheet Meade County S275ME005 529 PCN wetlands datasheet Meade County S275ME006 530 PCN wetlands datasheet Meade County S308ME001 531 PCN wetlands datasheet Meade County S312ME001 532 PCN wetlands datasheet Meade County S312ME002 533 PCN wetlands datasheet Meade County S312ME003 534 PCN wetlands datasheet Meade County S312ME004 535 PCN wetlands datasheet Meade County S312ME005 536 PCN wetlands datasheet Meade County S312ME006 537 PCN wetlands datasheet Meade County S312ME007 538 PCN wetlands datasheet Meade County S312ME008 539 PCN wetlands datasheet Meade County S312ME009 540 PCN wetlands datasheet Meade County S312ME010 541 PCN wetlands datasheet Meade County S312ME011 542 PCN wetlands datasheet Meade County S312ME012 543 PCN wetlands datasheet Meade County S312ME013 544 PCN wetlands datasheet Meade County S312ME014 545 PCN wetlands datasheet Meade County S312ME015 546 PCN wetlands datasheet Meade County S312PN001 547 PCN wetlands datasheet Meade County S567ME001 548 PCN wetlands datasheet Meade County S6AME001 549 PCN wetlands datasheet Meade County S7AME001 550 PCN wetlands datasheet Meade County S7AME005 551 PCN wetlands datasheet Meade County W312ME001 552 PCN wetlands datasheet Meade County W500ME001-Upland Plot 553 PCN wetlands datasheet Meade County W500ME001-Wetland Plot 554 PCN wetlands datasheet Meade County W567ME001 555 PCN wetlands datasheet Meade County W567ME002 556 PCN wetlands datasheet Meade County W567ME003 557 PCN wetlands datasheet Meade County W567ME004 558 PCN wetlands datasheet Meade County W8AHK002 559 PCN wetlands datasheet Pennington County S307PN001 560 PCN wetlands datasheet Pennington County S312PN001 561 PCN wetlands datasheet

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PCN wetlands datasheet Haakon County S307HK001 568 PCN wetlands datasheet Haakon County S308HK001
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Haakon County S8AHK006 575 PCN wetlands datasheet Haakon County S8AHK008 576 PCN wetlands
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PCN Photos Harding County W302HA002 004SW 711 PCN Photos Harding County W302HA002 005 WETLAND
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PCN Photos Harding County W500HA002 001NW 743 PCN Photos Harding County W500HA002 002N 744 PCN

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Photos Harding County W500HA004 001W 745 PCN Photos Harding County W500HA004 002N 746 PCN Photos Harding County W500HA004 002S 747 PCN Photos Harding County W500HA005 001SW 748 PCN Photos Harding County W500HA005 002W 749 PCN Photos Harding County W500HA005 003NW 750 PCN Photos Harding County W567HA001 001N 751 PCN Photos Harding County W567HA001 003N 752 PCN Photos Harding County W567HA001 004W 753 PCN Photos Harding County W567HA002 001E 754 PCN Photos Harding County W567HA002 001N(SHOULD BE 002) 755 PCN Photos Harding County W567HA002 002W(SHOULD BE 002) 756 PCN Photos Harding County W567HA002 003S(SHOULD BE 002) 757 PCN Photos Harding County W567HA002 004N(SHOULD BE 002) 758 PCN Photos Butte County S275BU001 001SW 759 PCN Photos Butte County S275BU001 002NW 760 PCN Photos Butte County S275BU001 003NE 761 PCN Photos Butte County W302BU001 001SE 762 PCN Photos Butte County W302BU001 002SW 763 PCN Photos Butte County W302BU001 003NW 764 PCN Photos Butte County W302BU001 004NE 765 PCN Photos Butte County W302BU001 005 CORPS PLOT 766 PCN Photos Butte County W302BU001 006 UPLAND PLOT 767 PCN Photos Perkins County S275PE001 001SW 768 PCN Photos Perkins County S275PE001 002NW 769 PCN Photos Perkins County S275PE001 003NE 770 PCN Photos Perkins County S312PE001 001S 771 PCN Photos Perkins County S312PE001 002W 772 PCN Photos Perkins County S312PE001 003E 773 PCN Photos Perkins County S312PE001 004N 774 PCN Photos Perkins County S5APE002 E 775 PCN Photos Perkins County S5APE002 N 776 PCN Photos Perkins County S5APE002 S 777 PCN Photos Meade County S103ME003 001N 778 PCN Photos Meade County S103ME003 002S 779 PCN Photos Meade County S103ME003 003E 780 PCN Photos Meade County S103ME006 001N-DOWN 781 PCN Photos Meade County S103ME006 002S-UP 782 PCN Photos Meade County S103ME006 003E-B2B 783 PCN Photos Meade County S106ME008 N 784 PCN Photos Meade County S106ME008 S 785 PCN Photos Meade County S106ME008 W786 PCN Photos Meade County S128ME001 N 787 PCN Photos Meade County S128ME001 SW 788 PCN Photos Meade County S128ME001 W 789 PCN Photos Meade County S275ME004 001N 790 PCN Photos Meade County S275ME004 002W 791 PCN Photos Meade County S275ME004 003 792 PCN Photos Meade County S275ME005 001NW 793 PCN Photos Meade County S275ME005 002NE 794 PCN Photos Meade County S275ME005 003SE 795 PCN Photos Meade County S275ME006 001W 796 PCN Photos Meade County S275ME006 002S 797 PCN Photos Meade County S275ME006 003E 798 PCN Photos Meade County S308ME001 001SW 799 PCN Photos Meade County S308ME001 002SE 800 PCN Photos Meade County S308ME001 003NW 801 PCN Photos Meade County S308ME001 004S 802 PCN Photos Meade County S312ME001 001E 803 PCN Photos Meade County S312ME001 001NE 804 PCN Photos Meade County S312ME001 002N 805 PCN Photos Meade County S312ME001 003E 806 PCN Photos Meade County S312ME001 004W 807 PCN Photos Meade County S312ME002 001NE 808 PCN Photos Meade County S312ME002 002N 809 PCN Photos Meade County S312ME002 003E 810 PCN Photos Meade County S312ME002 004SW 811 PCN Photos Meade County S312ME003 001E 812 PCN Photos Meade County S312ME003 002N 813 PCN Photos Meade County S312ME003 003S 814 PCN Photos Meade County S312ME003 004NW 815 PCN Photos Meade County S312ME004 001E 816 PCN Photos Meade County S312ME004 002N 817 PCN Photos Meade County S312ME004 003S 818 PCN Photos Meade County S312ME004 004NW 819 PCN Photos Meade County S312ME005 001E 820 PCN Photos Meade County S312ME005 002N 821 PCN Photos Meade County S312ME005 003S 822 PCN Photos Meade County S312ME005 004NW 823 PCN Photos Meade County S312ME006 001SE 824 PCN Photos Meade County S312ME006 002NE 825 PCN Photos Meade County S312ME006 003SW 826 PCN Photos Meade County S312ME006 004NW 827 PCN Photos Meade County S312ME007 001SE 828 PCN Photos Meade County S312ME007 002NE 829 PCN Photos Meade County S312ME007 003SW 830 PCN Photos Meade County S312ME007 004SW 831 PCN Photos Meade County S312ME008 001E 832 PCN Photos Meade County S312ME008 002N 833 PCN Photos Meade County S312ME008 003S 834 PCN Photos Meade County S312ME008 004W 835 PCN Photos Meade County S312ME009 001E 836 PCN Photos Meade County S312ME009 002N 837 PCN Photos Meade County

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- 470 - 07/16/15 - Diana Steskal's Motion for Time Certain for Witness Testimony- 19835
- 471 - 07/16/15 - Staff's Response to Keystone's Protective Motion in Limine Regarding Dakota Rural Action's Exhibit List Dated July 7, 2015 and Certificate of Service- 19836-19843
- 472 - 07/16/15 - Cheyenne River Sioux Tribe's Letter regarding Objection to Amended Order For and Notice of Motion Hearing dated July 15, 2015- 19844
- 473 - 07/17/15 - Order Granting in Part and Denying in Part Motion in Limine (DRA Exhibits) - 19845-19846
- 474 - 07/17/15 - Bold Nebraska's Response to Keystone's Motion Concerning Procedural Issues at the Evidentiary Hearing and Certificate of Service- 19847-19861
- 475 - 07/17/15 - Staff's Response to Keystone's Motion in Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young and Certificate of Service- 19862-19867
- 476 - 07/17/15 - Cheyenne River Sioux Tribe's Response to Keystone's Motion Concerning Procedural Issues at the Evidentiary Hearing and Certificate of Service- 19868-19883
- 477 - 07/17/15 - Staff's Response to Joint Motion in Limine to Exclude Evidence Pertaining to Keystone's Changes to Finding of Fact and Certificate of Service- 19884-19889
- 478 - 07/17/15 - Keystone's Response to Joint Motion in Limine and Certificate of Service- 19890-19896
- 479 - 07/17/15 - Keystone's Response to Rosebud Sioux Tribe's Motion in Limine and Notice of Withdrawal of Testimony and Certificate of Authority- 19897-19902
- 480 - 07/17/15 - Rosebud Sioux Tribe's Response to Keystone's Motion Concerning Procedural Issues- 19903-19909
- 481 - 07/17/15 - Rosebud Sioux Tribe's Response to Keystone's Motion in Limine to Restrict Testimony of Chief Leonard Crow Dog- 19910-19913
- 482 - 07/17/15 - Rosebud Sioux Tribe's Response to Keystone's Motion in Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Waste Win Young- 19914-19918
- 483 - 07/17/15 - Rosebud Sioux Tribe's Response to Keystone's Motion in Limine to Strike Paula Antoine's Rebuttal Testimony - 19919-19924
- 484 - 07/17/15 - Rosebud Sioux Tribe's Response to Keystone's Motion in Limine to Preclude Rebuttal Testimony of Ian Goodman and Brigid Rowan and Certificate of Service - 19925-19934
- 485 - 07/17/15 - Standing Rock Sioux Tribe's Statement in Opposition to TransCanada's Motion in Limine to Preclude the Rebuttal Testimony of Jennifer Galindo and Waste' Win Young as Applied to Waste' Win Young- 19935-19936
- 486 - 07/17/15 - Standing Rock Sioux Tribe's Brief in Opposition to TransCanada's Motion in Limine to Preclude the Expert Report of Linda Black Elk and Exhibit A - Supplemental Answers to Interrogatories and Requests for Documents Propounded to the Standing Rock Sioux Tribe- 19937-19944
- 487 - 07/17/15 - Standing Rock Sioux Tribe's Brief in Opposition to TransCanada's Motion in Limine to Preclude Rebuttal Testimony of Kevin E. Cahill Ph.D. Exhibit A - Supplemental Answers to Interrogatories and Requests for Documents Propounded to the Standing Rock Sioux Tribe and Certificate of Service- 19945-19958
- 488 - 07/17/15 - Yankton Sioux Tribe's Response to Applicant's Motion Concerning Procedural Issues at the Evidentiary Hearing Exhibit A – Manual for Complex litigation (4th) § 10.22 and Certificate of Service - 19959-19973
- 489 - 07/17/15 - Yankton Sioux Tribe's Response to Keystone's Motion to Preclude Testimony of Chris Sauncosi Exhibit A - Prefiled Rebuttal Testimony of Chris Sauncosi and Certificate of Service- 19974-19988
- 490 - 07/17/15 - Yankton Sioux Tribe's Response to Keystone's Motion to Restrict Testimony of Yankton Sioux Witnesses Spotted Eagle and Un-Named Member of the B&C Committee Exhibit A - Prefiled Testimony of Faith Spotted Eagle Exhibit B - Prefiled Rebuttal Testimony of Faith Spotted Eagle Exhibit C - Prefiled Rebuttal Testimony of Member of the Yankton Sioux Tribe Business & Claims Committee and Certificate of Service- 19989-20013

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- 494 - 07/20/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice - 20070-20071
- 495 - 07/20/15 - Comments of Debra White Plume Comments of Debra White Plume Confidential (not available to the public) - 20072-20074, Confidential 20075-20077
- 496 - 07/20/15 - Intertribal COUP's Motion for Reconsideration of May 28, 2015 Order to Preclude Rebuttal Witnesses and Objection to Keystone's July 10th Motion to Preclude and Certificate of Service- 20078-20088
- 497 - 07/20/15 - Standing Rock Sioux Tribe's Brief in Opposition to TransCanada's Motion Concerning Procedural Issues at the Evidentiary Hearing and Certificate of Service- 20089-20096
- 498 - 07/21/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice - 20097-20098
- 499 - 07/21/15 - Comments of South Dakota Trucking Association Comments of Representative Kyle Schoenfish and Comments of Representative Kyle Schoenfish Confidential (not available to the public) - 20099-20100, Confidential 20101 - N:\Internet\civil\2016\civ16b\Admin\20101.pdf
- 500 - 07/21/15 - Dakota Rural Action's Motion and Memorandum for Reconsideration of Partial Granting of Motion in Limine to Exclude Exhibits and Certificate of Service- 20102-20109
- 501 - 07/21/15 - Dakota Rural Action's Supplemental Notice Concerning Exhibits and Certificate of Service - 20110-20115
- 502 - 07/21/15 - Yankton Sioux Tribe's Motion for Time Certain for Witness Testimony and Certificate of Service- 20116-20125
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- 504 - 07/21/15 - Addendum to the Agenda of Commission Meeting – 20133
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- 506 - 07/21/15 - Transcript of PUC Commission Meeting - 20140-20300
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- 510 - 07/22/15 - Order Granting Motion In Limine to Strike the Article by Linda Black Elk and Restrict Her Testimony – 20305
- 511 - 07/22/15 - Order Granting in Part and Denying in Part In Limine to Strike Paula Antoine's Rebuttal Testimony - 20306-20307
- 512 - 07/22/15 - Order Denying in Part and Granting in Part Applicant's Motion Concerning Procedural Issues at the Evidentiary Hearing - 20308-20309
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- 516 - 07/22/15 - Order Granting Motion In Limine to Preclude Testimony of Dr. Hansen and Dr. Oglesby – 20314
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- 518 - 07/22/15 - Order Granting Motion for Time Certain for Witness Testimony – 20317
- 519 - 07/22/15 - Order Granting Motion In Limine to Preclude Testimony of Chris Sauncosi – 20318
- 520 - 07/22/15 - Order Denying Motion for Reconsideration of May 28, 2015 Order to Preclude Rebuttal Witnesses – 20319
- 521 - 07/22/15 - Order Granting Motion for Time Certain for Witness Testimony – 20320

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- 522 - 07/22/15 - Order Granting Motion In Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young – 20321
- 523 - 07/22/15 - Comments of Andrew Weaver to Commissioner Nelson Comments of Dalaine Bloom Hanson County Commission's Resolution 15-22 Comments of Andrew Weaver to Commissioner Nelson Confidential (not available to the public)and Comments of Dalaine Bloom Confidential (not available to the public) - 20322-20325, Confidential 20326-20328 - N:\Internet\civil\2016\civ16b\Admin\20326-20328.pdf
- 524 - 07/22/15 - Applicant's Notice of Filing of Exhibits Certificate of Service Exhibit 2000 - Applicant's Certification with Appendices and Attachments, as Filed Exhibit 2001 - Prefiled Direct Testimony of Corey Goulet with Attached Exhibits Exhibit 2002 - Prefiled Direct Testimony of David Diakow with Attached Exhibits Exhibit 2003 - Prefiled Direct Testimony of Meera Kothari with Attached Exhibits Exhibit 2004 - Prefiled Direct Testimony of Heidi Tillquist with Attached Exhibits Exhibit 2005 - Prefiled Direct Testimony of Jon Schmidt with Attached Exhibits Exhibit 2006 - Prefiled Rebuttal Testimony of Dan King with Attached Exhibits Exhibit 2007 - Prefiled Rebuttal Testimony of F.J. (Rick) Perkins with Attached Exhibits Exhibit 2008 - Prefiled Rebuttal Testimony of Heidi Tillquist with Attached Exhibits Exhibit 2009 - Prefiled Rebuttal Testimony of Jon Schmidt (No Exhibits)Exhibit 2010 - Prefiled Rebuttal Testimony of Corey Goulet (No Exhibits)Exhibit 2011 - Prefiled Rebuttal Testimony of Meera Kothari (No Exhibits)Exhibit 2012 - Prefiled Rebuttal Testimony of Jeff Mackenzie with Attached Exhibits and Exhibit 2013 - Route Variation Maps Produced in Discovery - 20329-21068
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- 529 - 07/23/15 - Staff's Letter regarding Staff's Prefiled Testimony of Darren Kearney (Amended July 23, 2015) Prefiled Testimony of Darren Kearney (Amended July 23, 2015)and Certificate of Service - 21078-21088
- 530 - 07/23/15 - Cindy Myers' Updated Witness/Exhibit List- 21089-21092
- 531 - 07/23/15 - Agenda of PUC Ad Hoc Commission Meeting – 21093
- 532 - 07/23/15 - Minutes of PUC Ad Hoc Commission Meeting – 21094
- 533 - 07/23/15 - Transcript of PUC Ad Hoc Commission Meeting - 21095-21135
- 534 - 07/24/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice – 21136
- 535 - 07/24/15 - Commissioner Nelson's Response to Debra White Plume Comments of Dr. Greg Hartgraves Commissioner Nelson's Response to Dr. Greg Hartgraves Commissioner Nelson's Response to Hanson County Commission Commissioner Nelson's Response to Representative Kyle Schoenfish Commissioner Nelson's Response to South Dakota Trucking Association Commissioner Nelson's Response to Debra White Plume Confidential (not available to the public)Comments of Dr. Greg Hartgraves Confidential (not available to the public)Commissioner Nelson's Response to Dr. Greg Hartgraves Confidential (not available to the public)and Commissioner Nelson's Response to Representative Kyle Schoenfish Confidential (not available to the public)- 21137-21142, Confidential 21143-21146 - N:\Internet\civil\2016\civ16b\Admin\21143-21146.pdf
- 536 - 07/24/15 - Staff's Letter regarding Exhibits Exhibit 3000 - Darren Kearney's Testimony (Amended July 23, 2015) and Exhibit Exhibit 3001 - Brian Walsh's Testimony and Exhibit Exhibit 3002 - Kimberly McIntosh's Testimony and Exhibit Exhibit 3003 - Tom Kirschenmann's Testimony and Exhibit Exhibit 3004 - Derric Iles' Testimony and Exhibit Exhibit 3005 - Paige Olson's Testimony and Exhibit Exhibit 3006 - Jenny Hudson's Testimony and Exhibit Exhibit 3007 - David Schramm's Testimony and Exhibit Exhibit 3008 - Christopher Hughes' Testimony and Exhibit Exhibit 3009 - Daniel Flo's Testimony and Exhibits Exhibit 3010 - Darren Kearney's Rebuttal Testimony and Certificate of Service - 21147-21332
- 537 - 07/24/15 - Diana Steskal's Opening Statement for Evidentiary Hearing- 21333

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- 539 - 07/24/15 - Art Tanderup's Opening Statement for Evidentiary Hearing- 21347-21348
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- 542 - 07/24/15 - Standing Rock Sioux Tribe's Motion to Reconsider Order Granting Motion In Limine to Preclude Kevin E. Cahill Ph.D. Exhibit A - Rebuttal Testimony by Kevin E. Cahill, Ph.D. and Exhibits and Certificate of Service- 22126-22182
- 543 - 07/24/15 - Standing Rock Sioux Tribe's Motion to Reconsider and Modify Order Granting Motion In Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Wasté Win Young Exhibit A - Prefiled Testimony by Wasté Win Young Tribal Historic Preservation Officer, Standing Rock Sioux Tribe and Exhibit and Certificate of Service - 22183-22195
- 544 - 07/24/15 - Cheyenne River Sioux Tribe's Notice of Filing Exhibits Exhibit 7000 - Keystone's Responses to

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0007083273387&lon=-94.57467128066176&elevFt=1030.469163&baseMap=terrainBaseMap&xmin=-10524714&ymin=5536454&xmax=-10510466&ymin=5539947&reportType=maponly&session_id=222255224634&caller=streamerExhibit Cindy34 - <http://www.vancouverobserver.com/news/first-nationscancer-linked-oil-sands-toxins-wild-food-study>Exhibit Cindy35 - <http://www.vancouverobserver.com/news/alberta-doctortells-us-canada-lying-about-tar-sands-health-effects>Exhibit Cindy36 http://m.billingsgazette.com/news/state-andregional/montana/cancer-causing-agent-detected-inwater-after-pipeline-spill/article_c39e74b3-08ec-5fce-8d18-4085c5c03ed2.html?utm_source=facebook&utm_medium=social&utm_campaign=curated&utm_content=BGKarenS&mobile_touch=trueExhibit Cindy37 - <http://www.usnews.com/news/us/articles/2015/01/21/citytries-to-repair-contaminated-water-system-after-spill>Exhibit Cindy38 - http://m.missoulian.com/news/state-andregional/yellowstone-river-sonar-shows-breachedpipeline-is-exposed-on-riverbed/article_aa9290f2-f997-52f1-9aa5-4f7d426b1f57.html?mobile_touch=trueExhibit Cindy 39 - Acute Health Effects of the Enbridge Oil Spill Exhibit Cindy 40 - Material Safety Data Sheet Naphtha Exhibit Cindy 41 - API, Diluted Bitumen Information Exhibit Cindy 44 - 44a - Staff's Response to Interrogatories and Requests for Production of Documents form Cindy Myers, R.N.44b - Questions from Cindy Myers to PUC Staff Cindy45 Map of KXL route in SD Exhibit Cindy46 - http://bismarcktribune.com/news/state-andregional/unusual-alliance-on-oil-spill-cleanup-neartioga/article_75164d8e-4b8f-11e4-bf7b-93e46e70604c.html Exhibit Cindy47 - Toxicology and Applied Pharmacology, Volume 276, Issue 2, April 15 (2014), pages 83-94 Current effects of benzene: A global concern understandings and perspectives on non-cancer health Exhibit Cindy 48 - HHS Public Access,Advances in Understanding Benzene Health Effects and Susceptibility, Published in Final Edited Form as: Annu Rev Public Health. 2010 31: 133–148.doi:10.1146/annurev.publhealth.012809.103646 Exhibit Cindy 49 - NIH Public Access, Systems Biology of Human Benzene Exposure, Published in Final Edited Form as: Annu Rev Public Health. 2010 31: 133–148. doi:10.1146/annurev.publhealth.012809.103646. Systems Biology of Human Benzene Exposure Exhibit Cindy 50 - ATSDR, "Public Health Statement for Benzene" Exhibit Cindy51 - Wikipedia, IARC Group I Carcinogens Exhibit Cindy 52 - Paul Seamans Statement RE: Condition #40, PVC Pipe/BTEX Exhibit Cindy 52 - Paul Seamans' Statement Cindy - <http://www.edmontonjournal.com/business/Company+investigating+pipeline+break/11222747/story.html> "Nexen spill discovered by worker walking by" "Company investigating why pipeline break technology did not work." By Bill Mah, Edmonton Journal July 17, 2015 Cindy - C Myers Surrebuttal Testimony in response to Kearney's Rebuttal re. Madden Analysis (Filed with PUC)Exhibit Cindy - Carol Moyer's Statement Exhibit Cindy - Kevin Schlosser's Statement and Exhibit 6015 - SD Water Treatment Plants, Phone Visits Exhibit 6016 FSEIS Index - Judicial Notice please see page 9241 of index - 22265-22786

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Surface Water Quality Assessment (2012)Exhibit 8014 - Congressional Research Service, Report for Congress, Oil Sands and the Keystone XL Pipeline: Background and Selected Environmental Issues (2012)Exhibit 8015 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application for a Segment of the PNGTS Pipeline, due to "Compliance Issues Relating to not Performing Weekly Aerial Patrols and Quarterly Ground Patrols as Required by the Special Permit Conditions..." dated June 27, 2011 w/ Enclosure Exhibit 8016 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application for a Segment of the PNGTS Pipeline, Due to "Compliance Issues Relating to not Performing Weekly Aerial Patrols and Quarterly Ground Patrols as Required by the Special Permit Conditions..." Dated June 27, 2011 w/Enclosure Exhibit 8017 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application for a Segment of the PNGTS Pipeline, Due to "Compliance Issues Relating to not Performing Weekly Aerial Patrols and Quarterly Ground Patrols as Required by the Special Permit Conditions..." Dated June 27, 2011 w/EnclosureExhibit 8018 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application for a Segment of the TCPL-ANR Pipeline, Due to "Insufficient Information in the Application Demonstrating the Adequacy of Steel Pipe Toughness Properties to Mitigate Fracture Propagation," Dated July 16, 2010 w/Enclosure Exhibit 8019 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application to Waive Compliance with the Maximum Allowable Pressure Requirements for Four Segments of the TCPL-ANR Pipeline, Due to "Line 716 Pipeline Gas Quality Issues from Gas Supply, the 1983 Internal Leak Due to Internal Corrosion, and the Presence of Pre-1970 Pipe..." Dated July 16, 2010 Exhibit 8020 - Letter of Jeffrey D. Wiese, PHMSA, to David Chattick, TransCanada Pipelines, Ltd., Re: Denial of a Special Permit Application to Waive Compliance with the Maximum Allowable Pressure Requirements for Four Segments of the TCPL-ANR Pipeline, Due to "Several Integrity and Performance History Reasons" Dated May 5, 2010 w/Enclosure Exhibit 8021 - Kinder Morgan Canada Inc., Puget Sound Emergency Response Plan (December, 2014)Exhibit 8022 - Washington State Primary Response Contracts List Exhibits 8023-8028 not filed Exhibit 8029 - Kevin E. Cahill, Pre-filed Testimony and Kevin E. Cahill, Rebuttal Expert Report and Certificate of Service - 22787-23404
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558 - 07/28/15 - TransCanada's Exhibit 2016 - Surrebuttal Testimony of Dan King and Certificate of Service-24565-24576

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Docket Synopsis :

Individual Report for Docket Number : CIV16-33e

Docket Title:

In the Matter of Public Utilities Commission Docket HP14-001, Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP 09-001 to Construct the Keystone XL Pipeline (Dakota Rural Action)

Open Date : 02/19/2016

Days Open : 873

Reopened Date :

Filing Type :

CIV

Tax ID # :

Attorney :

AD

Staff :

Date Of Final Decision :

Memo :

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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Docket Notes :

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Nelson Comments of Terry Anderson Commissioner Nelson's Response to Terry Anderson Comments of Paul
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Midstream Partners, L.P. Comments of Carmen Heidler Comments of Kay Saukerson Nelson Confidential (not
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587 - 08/05/15 - Evidentiary Hearing Exhibits – Intervenors - Dakota Rural Action -Exhibit 179 - TransCanada Response to DRA Interrogatory 48(a) – Worst Case Spill Scenarios Confidential (not available to the public)Exhibit 396 - TransCanada Response to DRA Interrogatory #56 - Worst Case Discharge into the Little Missouri, Cheyenne, and White River Crossings Confidential (not available to the public)Exhibit 1003 - A - Evan Vokes' Prefiled Testimony (Portions of Exhibit Excluded - Please Refer to Transcript)Exhibit 1003 - B - Dr. Arden D. Davis, Ph.D., P.E.'s Prefiled Testimony and Exhibits Exhibit 1003 - C - Sue Sibson's Prefiled Testimony and Exhibit 1003 - D - John Harter's Rebuttal Testimony (Portions of Exhibit Excluded - Please Refer to Transcript) Confidential 29083-29084 -N:\Internet\civil\2016\civ16b\Admin\29083-29084.pdf

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589 - 08/05/15 - Evidentiary Hearing Exhibits – Intervenors - Standing Rock Sioux Tribe -Exhibit 8001 - Phyllis Young's Prefiled Testimony (Portions of Exhibit Excluded - Please Refer to Transcript)Exhibit 8005 - Tribal Relations Community Meeting with Cheyenne River Community on November 13, 2013 Exhibit 8010 - Doug Crow Ghost's Prefiled Testimony Exhibit 8013 - The 2012 South Dakota Integrated Report for Surface Water Quality Assessment Exhibit 8014 - Congressional Research Service, Report for Congress, Oil Sands and the Keystone XL Pipeline: Background and Selected Environmental Issues (2012)Exhibit 8024 - Letter of Cynthia Giles, U.S. EPA, to Jose W Fernandez and Dr. Kerri- Ann Jones, U.S. Department of State, Re: Deficiencies in the Draft SEIS, dated June 6, 2011 Exhibit 8025 - Letter of Cynthia Giles, U.S. EPA, to Jose W Fernandez and Dr. Kerri- Ann Jones, U.S. Department of State, Re: Deficiencies in the Draft EIS, July 16, 2010 and Exhibit 8029 - Kevin E. Cahill, Ph.D's Rebuttal Testimony and Exhibits - 29117-29239

590 - 08/05/15 - Evidentiary Hearing Exhibits – Intervenors - Diana Steskal - Exhibit 5000 - Exhibit A - Property Addresses/Landowners/Witnesses Exhibit 5001 - Exhibit B - TransCanada Keystone Pipeline Easement Area Exhibit 5002 - Exhibit C1 - US Dept. of Agriculture Farm Service Agency - 28-106N-57W and Exhibit C2 - 33-106N-57W Exhibit 5003 - Exhibit D - Sue Sibson's Affidavit Exhibit 5004 - Exhibit E - Terry & Cheri Frisch Affidavit Exhibit 5005 Exhibit F1 - Reclamation of Timeline by Sue Sibson - 2009 - 2012 and Exhibit F2 - 2013 – 2014 Exhibit 5006 - Exhibit G - Sue Sibson's Easement Pictures Exhibit 5007 - Diana Steskal's Exhibits H - Addition to Sue Sibson's Timeline and Exhibit 5008 - Exhibit I - Pictures taken by S. Metcalf - 29240-29271

591 - 08/05/15 - Evidentiary Hearing Exhibits – Intervenors - Yankton Sioux Tribe - Exhibit Faith Spotted Eagle's Prefiled Testimony and Exhibits (Portions of Exhibit Excluded - Please Refer to Transcript) - 29272-29290

592 - 08/05/15 - Wrexie Lainson Bardaglio's Closing Statement and Certificate of Service- 29291-29299

593 - 08/06/15 - Commissioner Nelson's Response to Sherry Korthals Comments of Ashley Yonker Commissioner Nelson's Response to Ashley Yonker Comments of Stephen Gambill Commissioner Nelson's Response to Stephen Gambill Additional Comments of Nancy Beech Commissioner Nelson's Response to Sherry Korthals Confidential (not available to the public)Comments of Ashley Yonker Confidential (not available to the public)Commissioner Nelson's Response to Ashley Yonker Confidential (not available to the public)Comments of Stephen Gambill Confidential (not available to the public)Commissioner Nelson's Response to Stephen Gambill Confidential (not available to the public)and Additional Comments of Nancy Beech Confidential (not available to the public) - 29300-29307, Confidential 29308-29315 - N:\Internet\civil\2016\civ16b\Admin\29308-29315.pdf

594 - 08/06/15 - Elizabeth Lone Eagle's Closing Statement and Attachment- 29316-29320

595 - 08/07/15 - Comments of Day County Commissioners Commissioner Nelson's Response to Day County Commissioners Additional Comments of Sandra Dumke Comments of Mark Perrenoud Commissioner Nelson's Response to Mark Perrenoud Comments of Bruce Albrecht Commissioner Nelson's Response to Bruce Albrecht

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596 - 08/07/15 - Supplement to Faith Spotted Eagle Prefiled Testimony Attachment - International Treaty to Protect the Sacred From Tar Sands Projects and Certificate of Service- 29353-29373

597 - 08/11/15 - Amy Schaffer's Comments Challenges Associated with Proposed Tar Sands Pipelines The Keystone XL Tar Sands Pipeline Will Hurt More than Help Job Creation Mayflower, Arkansas Tar Sands Spill – 2013 and Marshall, Michigan Tar Sands Spill into Kalamazoo River - 2010- 29374-29382

598 - 08/12/15 - Order Establishing Post-Hearing Briefing Schedule – 29383

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600 - 08/21/15 - Comments of James McCormick to Commissioner Hanson Commissioner Hanson's Response to James McCormick Comments of Rob Stoesser to Commissioner Hanson Comments of Rob Stoesser to Commissioner Fiegen Comments of Rob Stoesser to Commissioner Nelson Comments of James McCormick to Commissioner Hanson Confidential (not available to the public) Commissioner Hanson's Response to James McCormick Confidential (not available to the public)Comments of Rob Stoesser to Commissioner Hanson Confidential (not available to the public)Comments of Rob Stoesser to Commissioner Fiegen Confidential (not available to the public)and Comments of Rob Stoesser to Commissioner Nelson Confidential (not available to the public) - 29388-29395, Confidential 29396-29403 N:\Internet\civil\2016\civil16b\Admin\29403.pdf

601 - 08/28/15 - Comments of Robert Colgrove Commissioner Nelson's Response to Robert Colgrove Comments of Robert Colgrove Confidential (not available to the public)and Commissioner Nelson's Response to Robert Colgrove Confidential (not available to the public) - 29404-29405, Confidential 29406-29407 - N:\Internet\civil\2016\civil16b\Admin\29406-29407.pdf

602 - 08/31/15 - Order Denying Motion for Reconsideration of Order Granting Motion in Limine to Preclude Rebuttal Testimony of Jennifer Galindo and Waste - 29408-29409

603 - 09/01/15 - Order Granting in Part Motion for Reconsideration of Order Granting Motion in to Exclude Testimony of Kevin E. Cahill, PH.D. - 29410-29411

604 - 09/09/15 - Comments of Mick Zerrand Comments of Mick Zerr Confidential (not available to the public) - 29412-29413, Confidential 29414-29415 - N:\Internet\civil\2016\civil16b\Admin\29414-29415.pdf

605 - 09/10/15 - Commissioner Nelson's Response to Mick Zerr and Commissioner Nelson's Response to Mick Zerr Confidential (not available to the public) – 29416 - N:\Internet\civil\2016\civil16b\Admin\29343-29416.pdf, Confidential 29417 N:\Internet\civil\2016\civil16b\Admin\29417.pdf

606 - 09/10/15 - Post Hearing Brief of Cindy Myers Individual Intervener and Certificate of Service- 29418-29423

607 - 09/18/15 - Comments to Commissioners Commissioner Nelson's Response to Commenters Commenters - through November 6, 2015 and Commenters - through November 6, 2015 Confidential (not available to the public) - 29424-29437, Confidential 29438-29449 N:\Internet\civil\2016\civil16b\Admin\29438-29449.pdf

608 - 09/21/15 - Applicant's Motion to Strike Testimony and Exhibits of Cindy Myers and Certificate of Service- 29450-29458

609 - 09/22/15 - PUC's Staff Letter regarding Cindy Myers Exhibits filed with the Court Reporter at the Evidentiary Hearing Cindy Myers Exhibit List- 29459-29460

610 - 09/28/15 - PUC Staff's Post-Hearing Brief and Certificate of Service- 29461-29488

611 - 09/28/15 - Comments of Joye Braun- 29489

612 - 09/30/15 - Joye Braun's Closing Statement- 29490-29491

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- 613 - 09/30/15 - Gary Dorr's Post Hearing Brief- 29492-29498
- 614 - 10/01/15 - Gary Dorr's Certificate of Service- 29499-29500
- 615 - 10/01/15 - John Harter's Closing Statement- 29501-29502
- 616 - 10/01/15 - Applicant's Post-Hearing Brief Exhibit A - Table 1 of Attachment G to the FSEIS Exhibit B - Record of Consultation Exhibit C – Judgment Exhibit D - Order Granting Motion to Enforce Settlement Agreement Applicant's Proposed Findings of Fact and Conclusions of Law and Certificate of Service- 29503-29537
- 617 - 10/01/15 - Cheyenne River Sioux Tribe's Post-Hearing Brief and Certificate of Service- 29538-29559
- 618 - 10/01/15 - Rosebud Sioux Tribe's Post Trial Brief and Certificate of Service- 29560-29575
- 619 - 10/01/15 - Dakota Rural Action's Post-Hearing Brief Exhibit A - PHMSA - Evaluation Report of Liquid Pipeline Construction Form Exhibit B - PHMSA's Warning Letter to TransCanada Exhibit C - PHMSA - Accident Report - Hazardous Liquid Pipeline Systems Dated June 8, 2011 and Certificate of Service- 29576-29666
- 620 - 10/01/15 - Yankton Sioux Tribe's Post-Hearing Brief and Certificate of Service- 29667-29685
- 621 - 10/01/15 - Closing Argument of the Intertribal Council on Utility Policy in the Hearing on the Petition for Recertification of the Keystone XL Pipeline Permit and Certificate of Service- 29686-29702
- 622 - 10/02/15 - Standing Rock Sioux Tribe, Bold Nebraska and Indigenous Environmental Network Joint Post Hearing Brief Exhibit A - Lists the Conditions and Subconditions in the Keystone XL Permit Exhibit B - EPA's Letter dated February 2, 2015 and Certificate of Service - 29703-29754
- 623 - 10/05/15 - Commissioner Fiegen's Certification of Reading the Official Transcripts for Docket HP14-001-29755
- 624 - 10/13/15 - Comments of Daniel James Bilka Daniel James Bilka's Email to Senator Parsley Senator Parsley's Reply Commissioner Nelson's Response to Daniel James Bilka Comments of Daniel James Bilka Confidential (not available to the public)Daniel James Bilka's Email to Senator Parsley Confidential (not available to the public)and Senator Parsley's Reply Confidential (not available to the public)- 29756-29764, Confidential 29765-29773 - N:\Internet\civil\2016\civ16b\Admin\29765-29773.pdf
- 625 - 10/15/15 - Order for and Notice of Motion Hearing – 29774
- 626 - 10/15/15 - Cindy Myers' Response to TransCanada's Motion to Strike Testimony and Exhibits of Cindy Myers, Individual Intervenor- 29775-29777
- 627 - 10/16/15 - Staff's Response to Applicant's Motion to Strike Testimony and Exhibits of Cindy Myers and Certificate of Service - 29778-29783
- 628 - 10/19/15 - Comments of Marlene Klinkel to Commissioner Nelson Commissioner Nelson's Response to Marlene Klinkel Comments of Marlene Klinkel to Commissioner Nelson Confidential (not available to the public)and Commissioner Nelson's Response to Marlene Klinkel Confidential (not available to the public) - 29784-29786, Confidential 29787-29789 - N:\Internet\civil\2016\civ16b\Admin\29787-29789.pdf
- 629 - 10/26/15 - Applicant's Reply Brief in Support of Motion to Strike Testimony and Exhibits of Cindy Myers and Certificate of Service- 29790-29796
- 630 - 10/27/15 - Cindy Myers' Exhibits from Her Flash Drive from the Evidentiary Hearing 6000 - Cindy Myers' Prefiled Testimony 6001 - Paul Seamans Statement Re. Missouri River Water Systems 6002 - Map Missouri River Water Systems 6003 - Stansbury, Analysis of Worst-Case Spills From the Proposed Keystone XL Pipeline 6004 - Stansbury, Excerpts from his study 6005 - Stansbury youtube video Interview, Tar Sands Pipeline Primer 6006 - Arden Davis Testimony HP14-0016007 - Madden Testimony HP09-001 6008 - FSEIS 3.3 Water Resources 6009 - FSEIS 3.13 Potential Releases 6010 - FSEIS 4.3 Water Resources 6011 - FSEIS 4.13 Potential Releases 6012 - FSEIS Appendix I, ERP 6013 - FSEIS Appendix P, Risk Assessment Confidential (not available to the public) 6014 - FSEIS Appendix Q, MSDS 6015 - FSES Index 6016 - Water Treatment Plants 6017 - TC Responses to Myers' 1st IRPD 6018 - TC Objections to 1st IRPD 6019 - TC response to 2nd IRPD 6020 - PUC Staff Response to IRPD, March 10th 6021 - PUC Staff Response to IRPD, Supplementary 6022 - Paul Seamans Statement, Mni Wiconi PVC Piping Crossed by KXL 6023 - Pamphlet, Oil Pipeline for Emergency Responders, 1533-1538 6024 -

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Brad Vann, EPA6025 - Myers' Surrebuttal 6026 - TC Supplemental Responses to 1st IRPD 6027 - Carol Moyer Statement, Colome 6028 - Kevin Schlosser, Emergency Management 6029 - HP09-001 SD PUC Docket 6030 - IARC Group 1 Carcinogens 6031 - ATSRD Public Health Statement for Benzene 6032 - Nexen Spill Discovered by Worker Walking by 6033 - SDCL 49-41 B-226034 - Michigan Dept of Health Kalamazoo Leak MI DP of Health Report 6035 - Billings Gazette, Benzene in Glendive, MT Water 6036 - EPA Benzene MCL6037 - Montana DEQ Web Page, Oil 70 Miles Downstream Plastic Water Line Survey Results, Iowa Department of Natural Resources, by Tammy Vander Bloemen and Power Point Testimony, HP 14-001, Final - 29797-30624, Confidential 30625-30706 -N:\Internet\civil\2016\civil16b\Admin\29797-30624.pdf, 30707-31061
631 - 10/28/15 - Staff's Post-Hearing Reply Brief and Certificate of Service- 31062-31071
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636 - 10/29/15 - Minutes of PUC Commission Meeting - 31096-31099
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640 - 10/30/15 - Rosebud Sioux Tribe's Reply Brief and Certificate of Service- 31208-31217
641 - 10/30/15 - Dakota Rural Action's Post-Hearing Reply Brief and Certificate of Service- 31218-31231
642 - 10/30/15 - Yankton Sioux Tribe's Certification and Certificate of Service- 31232-31241
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644 - 10/30/15 - John Harter's Rebuttal to Keystone's Post Hearing Brief- 31254-31256
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646 - 10/30/15 - Intertribal Coup's Reply to TransCanada's Post-Hearing Reply Brief and Certificate of Service- 31286-31295
647 - 11/02/15 - Comments of Casey Snyder Commissioner Nelson's Response to Casey Snyder Comments of Alberta Rouse Commissioner Nelson's Response to Alberta Rouse Comments of Lisa Canning Comments of Jill Allison 11/02/15 - Comments of Jim Johnson Comments of Casey Snyder Confidential (not available to the public) Commissioner Nelson's Response to Casey Snyder Confidential (not available to the public) Comments of Alberta Rouse Confidential (not available to the public) Commissioner Nelson's Response to Alberta Rouse Confidential (not available to the public) Comments of Lisa Canning Confidential (not available to the public) Comments of Jill Allison Confidential (not available to the public) and Comments of Jim Johnson Confidential (not available to the public) - 31296-31311, Confidential 31304-31311 - N:\Internet\civil\2016\civil16b\Admin\31304-31311.pdf
648 - 11/03/15 - Comments of S. Ann Harjes Comments of Brenda Loew Comments of Jean Heisler Comments of Laura Marciniak Comments of S. Ann Harjes Confidential (not available to the public) Comments of Brenda Loew Confidential (not available to the public) Comments of Jean Heisler Confidential (not available to the public) and Comments of Laura Marciniak Confidential (not available to the public) - 31312-31323, Confidential 31324-31327 - N:\Internet\civil\2016\civil16b\Admin\31324-31327.pdf
649 - 11/04/15 - Order for and Notice of Motion Hearing on Less than 10 Days' Notice - 31328-31329
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- Nebraska's Joint Motion to Strike Proposed Findings of Fact and Conclusions of Law and Certificate of Service - 31330-31341
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- 653 - 11/06/15 - Order Granting Keystone's Motion to Strike Testimony and Exhibits of Cindy Myers - 31345-31346
- 654 - 11/09/15 - John H. Harter, Elizabeth Lone Eagle, Paul F. Seamans, Cindy Myers, Diana L. Steskal, Byron T. Steskal, Arthur R. Tanderup, Lewis GrassRope, Carolyn P. Smith, Nancy Hilding, Gary F. Dorr, Wrexie L. Bardaglio, Joye Braun, Chastity Jewett, Dallas Goldtooth, Bonny J. Kilmurry, Viola Waln, Louis T. Genung, Terry Frisch, Cheryl Frisch, Dakota Rural Action, the Indigenous Environmental Network, Intertribal Council on Utility Policy, Bold Nebraska, Rosebud Sioux Tribe, Yankton Sioux Tribe, Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe's Intervenor's Joint Motion to Dismiss and Certificate of Service- 31347-31355
- 655 - 11/09/15 - Applicant's Opposition to Joint Motion to Strike Proposed findings of Fact and Conclusions of Law and Certificate of Service- 31356-31362
- 656 - 11/12/15 - Agenda of PUC Commission Meeting - 31363-31368
- 657 - 11/12/15 - Minutes of PUC Commission Meeting - 31369-31372
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- 662 - 12/03/15 - Comments of Marlon Mollet to Commissioner Hanson Comments of Marlon Mollet to Commissioner Hanson Confidential (not available to the public) – 31404, Confidential 31405 - N:\Internet\civil\2016\civil16b\Admin\31405.pdf
- 663 - 12/04/15 - Commissioner Hanson's Response to Marlon Mollet and Commissioner Hanson's Response to Marlon Mollet Confidential (not available to the public) – 31406, Confidential 31407 - N:\Internet\civil\2016\civil16b\Admin\31304-31407.pdf
- 664 - 12/08/15 - Applicant's Response to Intervenor's Joint Motion to Dismiss and Certificate of Service- 31408-31417
- 665 - 12/08/15 - Staff's Response to Joint Motion to Dismiss and Certificate of Service - 31418-31425
- 666 - 12/09/15 - Yankton Sioux Tribe's Proposed Findings of Fact and Conclusions of Law and Objections to Applicant's Proposed Findings of Fact and Conclusions of Law Exhibit A - Department of State Record of Decision and National Interest Determination - TransCanada Keystone Pipeline, L.P. Application for Presidential Permit and Certificate of Service - 31426-31488
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- 669 - 12/21/15 - Byron and Diana Steskal's Email regarding Joint Motion to Dismiss- 31506
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- 672 - 12/22/15 - Amended Agenda of PUC Commission Meeting - 31549-31553
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674 - 12/22/15 - Transcript of PUC Commission Meeting - 31558-31640
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05/16/16 - Brief of Appellants Joye Braun, John H. Harter, Terry and Cheri Frisch, Chastity S. Jewett, Paul F. Seamans, Cindy Myers, RN, Elizabeth Lone Eagle, Dallas Goldtooth, Bruce Boettcher, Gary F. Dorr, Arthur R. Tanderup and Wrexie Lainson Bardaglio - M:/intervenorbrief.pdf
05/16/16 - Brief of Appellants Joye Braun, John H. Harter, Terry and Cheri Frisch, Chastity S. Jewett, Paul F. Seamans, Cindy Myers, RN, Elizabeth Lone Eagle, Dallas Goldtooth, Bruce Boettcher, Gary F. Dorr, Arthur R. Tanderup and Wrexie Lainson Bardaglio – M:/intervenorbrief.pdf
05/16/16 - Final Decision and Order Finding Certification Valid and Accepting Certification Notice of Entry - HP14-001 – M:/finalorderhp14-001.pdf
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05/23/16 - Cindy Myers, RN Motion to Withdraw - m:/myerswithdraw.pdf
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05/23/16 - Certificate of Service - M:/certificateofservice052316.pdf
06/03/16 - Yankton Sioux Tribe's Supplemental Request for Oral Argument - M:/ystoralargument.pdf
06/07/16 - Corrected Certificate of Service - m:/certificateofservice060316b.pdf
06/16/16 - Order Extending Briefing Dates - M:/orderextension2.pdf
07/18/16 - Joint Motion for Leave to Present Additional Evidence/Remand and Motion for Stay of Proceedings – M:/remand.pdf
07/18/16 - Joint Memorandum of Law in Support of Joint Motion for Leave to Present Additional Evidence – M:/memorandum.pdf
07/18/16 - Exhibit A - Corrective Action Order – M:/exhibita071916.pdf
07/18/16 - Exhibit B - March 21, 2011, PHMSA's Warning Letter to TransCanada – M:/exhibitb071916.pdf

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07/18/16 - Exhibit C - Form 7 - Evaluation Report of Liquid Pipeline Construction – M:/exhibitc071916.pdf
07/18/16 - Exhibit D - September 10, 2013, PHMSA's Warning Letter to TransCanada – M:/exhibitd071916.pdf
07/18/16 - Exhibit E - Affidavit of Cindy Meyers – M:/exhibite071916.pdf
07/18/16 - Attachment - Brad Ashford's Letter to PHMSA – M:/exhibite0719162.pdf
07/18/16 - Exhibit F - Affidavit of Paul F. Seamans – M:/exhibitf071916.pdf
07/18/16 - Exhibit G - TransCanada's Report - Study of Root Cause and Contributing Factors Keystone Pipeline Corrosion Anomaly Investigation Prepared by: Accepted by: Final Report 2/13/2013 Confidential (not available to the public - N|/Internet/civil/2016/civ16b/exhibitg071916.pdf
07/18/16 - Exhibit H - Notice of Probable Violation Proposed Civil Penalty and Proposed Compliance Order – M:/exhibith071916.pdf
07/19/16 - Reply Brief to Cheyenne River Sioux Tribe's Brief - Appellee South Dakota Public Utilities Commission – M:/crstreplybrief.pdf
07/19/16 - Appendix – M:/crstappendix.pdf
07/19/16 - Certificate of Service – M:/crstcertificateofservice.pdf
07/19/16 - Reply Brief to Yankton Sioux Tribe's Brief - Appellee South Dakota Public Utilities Commission – M:/ystreplybrief.pdf
07/19/16 - Appendix – M:/ystappendix.pdf
07/19/16 - Certificate of Service – M:/ystcertificateofservice.pdf
07/19/16 - Reply Brief to Dakota Rural Action's Brief - Appellee South Dakota Public Utilities Commission – M:/drareplybrief.pdf
07/19/16 - Appendix – M:/draappendix.pdf
07/19/16 - Certificate of Service – M:/dracertificateofservice.pdf
07/19/16 - Reply Brief to Brief of Appellants Joye Braun, John H. Harter, Terry and Cheryl Frisch, Chastity S. Jewett, Paul F. Seamans, Elizabeth Lone Eagle, Dallas Goldtooth, Bruce Boettcher, Gary F. Dorr, Arthur R. Tanderup, and Wrexie Lainson Bardaglio - Appellee South Dakota Public Utilities Commission – M:/lolreplybrief.pdf
07/19/16 - Appendix – M:/lolappendix.pdf
07/19/16 - Certificate of Service – M:/lolcertificateofservice.pdf
07/19/16 - Reply Brief to Brief of Intertribal Council On Utility Policy - Appellee South Dakota Public Utilities Commission – M:/coupreplybrief.pdf
07/19/16 - Appendix – M:/coupappendix.pdf
07/19/16 - Certificate of Service – M:/coupcertificateofservice.pdf
07/20/16 - Appeal Brief of TransCanada Keystone Pipeline, LP in Response to Common Arguments of Several Appellants and Request for Oral Argument and Certificate of Service - M:/transcanadabrief1.pdf
07/20/16 - Appendix - M:/transcanadaappendix1.pdf
07/20/16 - Appeal Brief of TransCanada Keystone Pipeline, LP, in Response to Individual Appellants and Certificate of Service - M:/transcanadabrief2.pdf
07/20/16 - Appeal Brief of TransCanada Keystone Pipeline, LP, in Response to Dakota Rural Action and Certificate of Service - M:/transcanadabrief3.pdf
07/20/16 - Appeal Brief of TransCanada Keystone Pipeline, LP, in Response to Yankton Sioux Tribe and Certificate of Service - M:/transcanadabrief4.pdf
07/20/16 - Appeal Brief of TransCanada Keystone Pipeline, LP, in Response to Intertribal Council on Utility Policy and Certificate of Service- M:/transcanadabrief5.pdf

08/05/16 - Proposed Order Granting Appellants' Joint Motion for Extension of Time to File Reply Brief - M:/orderextenstion3.pdf
08/24/16 - Joint Reply Brief of Joye Braun, John H. Harter, Terry and Cheri Frisch, Chastity S. Jewett,

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Paul F. Seamans, Elizabeth Lone Eagle, Dallas Goldtooth, Bruce Boettcher, Gary F. Dorr, Arthur R. Tanderup and Wrexie L. Bardaglio and Certificate of Service - M:/intervenorsreplybrief.pdf
08/25/16 - Appellant's Reply Brief for Dakota Rural Action - M:/drareplybrief082516.pdf
08/26/16 - Cheyenne River Sioux Tribe Response Brief - M:/crstreplybrief082516.pdf
08/26/16 - Certificate of Service - M:/certificateofservice082516.pdf
08/26/16 - Appellant Intertribal Council On Utility Policy Reply Brief and Certificate of Service - M:/coupreplybrief082516.pdf
08/26/16 - Yankton Sioux Tribe's Reply Brief, Certificate of Compliance and Certificate of Service - M:/ystreplybrief082516.pdf
10/14/16 - Keystone's Brief in Opposition to Joint Motion for Leave to Present Additional Evidence and Certificate of Service - M:/opposition.pdf
10/14/16 - Exhibit A - PHMSA's Letter to TransCanada- M:/exhibita101416
10/14/16 - Notice of Appearance (Kristen N. Edwards) - M:/edwardsnoticeofappearance.pdf
10/14/16 - Case Filing Statement- M:/edwardscasestatement.pdf
10/14/16 - certificate of Service - M:/certificateofservice101416.pdf
10/17/16 - Order Granting Leave of Court and Motion to Withdraw - M:/orderwithdraw.pdf
10/14/16 - 10/14/16 - Civil Hearing Transcript (Draft) - M:\PUC\WEB\Intranet\2016\transcript\civ16-33101416.pdf
10/26/16 - Affidavit of Howard Lee Romack in Support of Keystone's Resistance to Motion to Remand - M:/affidavit.pdf
10/26/16 - Certificate of Service - M:/certificateofservice102616.pdf
11/07/16 - Joint Reply Brief in Support of Motion for Leave to Present Additional Evidence - M/replybrief.pdf
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03/07/17 - Motion to Take Judicial Notice and Certificate of Service - M:/judicialnotice.pdf
03/07/17 - Exhibit A - TransCanada Keystone Pipeline, LP's Letter and Application to U.S. Department of State/Bureau of Energy Resources - M:/exhibita030717.pdf
03/07/17 - Exhibit B - Presidential Memorandum Regarding Construction of the Keystone XL Pipeline - M:/exhibitb030717.pdf
03/07/17 - Brief in Support of Motion to Take Judicial Notice and Certificate of Service - M:/judicialnoticebrief.pdf
03/24/17 - TransCanada Keystone Pipeline, LP's Motion to Supplement the Record on Appeal and Certificate of Servicesupplemental.pdf
03/24/17 - Brief in Support of Motion to Supplement the Record on Appeal and Certificate of Service - M:/briefmotionsupplement.pdf
03/24/17 - Exhibit A - Department of State Record of Decision and National Interest Determination - M-/exhibita032417.pdf
03/24/17 - Exhibit B - Presidential Permit - M:/exhibitb032417.pdf
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04/07/17 - Yankton Sioux Tribe's Brief in Opposition to Motion to Supplement the Record on Appeal - M:/briefopposition.pdf
04/07/17 - Certificate of Service - M:/certificateofservice040717.pdf
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07/19/17 - Appellant's Docketing Statement - M:/docketingstatement.pdf
07/19/17 - Attachment - Memorandum Opinion and Findings of Fact or Conclusions of Law Supporting the Judgment or Order Appealed - M:/attachments.pdf
07/19/17 - Certificate of Service - M:/certificateofservice.pdf
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07/19/17 - Appellant's Docketing Statement - M:/docketingstatement2.pdf
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07/19/17 - Certificate of Service - M:/certificateofservice071917b.pdf
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07/24/17 - Certificate of Service - M:/certificateofservice072417.pdf
07/24/17 - Intertribal Council On Utility Policy's Motion for Leave for Late Filing in Odyssey System and Certificate of Service - M:/motionofleave.pdf
07/28/17 - Notice of Intent to Dismiss Action - M:/noticetodismiss.pdf
07/28/17 - Yankton Sioux Tribe's Order for Transcript - M:/ordertranscript2.pdf
07/28/17 - Certificate of Service - M:/certificateofservice072817.pdf
08/07/17 - Physical Exhibit List - M:/list.pdf
08/08/17 - Clerk's Certificate - M:/clerkcertificate.pdf
02/12/18 - Clerk Order Dismissing Appeal - M:/orderdismiss.pdf
07/11/18 - Order Dismissing Appeals #28331, #28332, #28333 - M:/orderdismiss.pdf
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