



Gary Hanson, Chairperson
Chris Nelson, Vice Chairperson
Kristie Fiegen, Commissioner

South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Grain Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

November 26, 2014

Via eService and eFiling (four non-eService intervenors by mail)

Patty Van Gerpen, Executive Director
South Dakota Public Utilities Commission
Capitol Building, First Floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

**RE: Docket HP14-001 - Filing of email exchange between John J. Smith,
Commission Counsel, and William Taylor, counsel for TransCanada
Keystone Pipeline Co.**

Dear Commission and parties:

During the discussion at the prehearing scheduling teleconference held by the Commission on November 13, 2014, intervenor Gary Dorr requested that Commission Counsel John Smith file the email communications between William Taylor, counsel for TransCanada Keystone Pipeline Co., and him. Enclosed with this letter is the entirety of the email communications between Commission Counsel Smith and Mr. Taylor.

Sincerely,

John J. Smith, Commission Counsel
South Dakota Public Utilities Commission

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Monday, October 20, 2014 2:59 PM
To: Smith, John (PUC)
Subject: RE: Email

Good enough. James has talked to Kristen about a few things, I have also. I'm interested in talking about logistics for the 28th and get a sense of what we should be thinking about for scheduling going forward so we can alert necessary KXL personnel, etc.

BT

From: Smith, John (PUC) [<mailto:John.Smith3@state.sd.us>]
Sent: Monday, October 20, 2014 12:56 PM
To: William Taylor
Subject: RE: Email

Sounds like a plan. I also let Kristen Edwards know you're coming. She is the Staff Attorney on the docket. Depending on how much detail you want to get into, it may be better if she does some of the consulting with you as I may have an ex parte problem if we get too much into details. I do not know what Staff's plans for the docket are for that reason.

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]
Sent: Monday, October 20, 2014 12:31 PM
To: Smith, John (PUC)
Subject: RE: Email

We are now wired up. I have a Water Board hearing Thursday morning...the agenda for the meeting will be published today and I'll have a better idea of when I can get over to your office, will email you with a time and we'll work from there.

Thanks.

BT

From: Smith, John (PUC) [<mailto:John.Smith3@state.sd.us>]
Sent: Monday, October 20, 2014 11:14 AM
To: William Taylor
Subject: RE: Email

Bill,

The below email was sent to the wrong John Smith. I'm either john.i.smith@state.sd.us or john.smith3@state.sd.us. I have a meeting from 1:00 to 2:15. Other than that, I'm open all day. Feel free to stop in.

John Smith

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]
Sent: Monday, October 20, 2014 11:08 AM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore
Subject: Email

John...no email in my box from you. Here's my address...respond so I know we have each other's email addresses captured.

BT

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]

Sent: Thursday, October 16, 2014 12:54 PM

To: Smith, John (DLR-Rapid City)

Cc: woodsfuller.com, james.moore; White, Jim

Subject: Keystone KXL hearing

John, I have to be in Pierre on the 23rd for a short hearing before the Water Board. I have a couple of other things to do while in town, but would like to carve out an hour to talk to you about the coming October 28 Keystone KXL hearing, discuss logistics and order of business.

Are you in Pierre on the 23rd, and do you have an extra hour?

Bill Taylor

This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.

For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Thursday, October 23, 2014 9:20 AM
To: Smith, John (PUC); Edwards, Kristen
Cc: woodsfuller.com, james.moore
Subject: RE: Keystone KXL meeting

Wilco....should be ready about 11.

BT

From: Smith, John (PUC) [<mailto:John.Smith3@state.sd.us>]
Sent: Thursday, October 23, 2014 9:17 AM
To: William Taylor; Edwards, Kristen
Cc: James E. Moore
Subject: RE: Keystone KXL meeting

I'd just call on the PUC's primary number: (605) 773-3201. They'll transfer it into Kristen's or my office.

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]
Sent: Thursday, October 23, 2014 9:10 AM
To: Smith, John (PUC); Edwards, Kristen
Cc: woodsfuller.com, james.moore
Subject: Keystone KXL meeting

Weather kept me from flying this morning so I'm doing my water board hearing over the phone, then my DENR meeting the same way.

Can James and I call your office at 11 or so and conduct our conference over the phone?

If so, please email me the number you would prefer I call.

Bill Taylor

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Monday, November 03, 2014 2:21 PM
To: Smith, John (PUC)
Subject: RE: Dates

Working on it....will know in a half hour or so.

BT

From: Smith, John (PUC) [<mailto:John.Smith3@state.sd.us>]
Sent: Monday, November 03, 2014 1:12 PM
To: William Taylor
Cc: James E. Moore
Subject: RE: Dates

Have you confirmed that a reporter will be available in Sioux Falls at 10:00 a.m. on November 13?

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]
Sent: Monday, November 03, 2014 11:53 AM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore
Subject: Dates

Per my notes, the dates we talked about week before last follow:

November 13 party conference to set schedule

December 5 Discovery requests must be filed

January 7 Discovery response deadline

February 19 prefiled testimony due

March 12 Rebuttal testimony due

March 23 hearing

BT

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Monday, November 03, 2014 3:38 PM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore; White, Jim
Subject: Scheduling Conference

Pat Beck will come to our offices on the morning of the 13th and report the conference. She has done it before for me.....she asks that you or I remind all participants to speak slowly and clearly and to identify themselves each time they speak, and for lawyers to identify their client each time they speak.

Otherwise we are all set for 10 am on the 13th.

BT

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Tuesday, November 04, 2014 10:48 AM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore; White, Jim; Edwards, Kristen
Subject: Motion to Define Scope of Discovery

John, after discussions with our client, we have decided scheduling hearing on our Motion to Define Scope of Discovery for the November 25 meeting is acceptable.

Bruce Ellison called me this morning and asked for time to respond to the motion. I told him we were considering asking you to set hearing for the 25th rather than the 12th.

Perhaps you or I should publish an email noticing hearing for the 25th.

If the hearing is noticed for the 25th, under SDCL 15-6-6(d) responses to the motion will be due Monday November 17, unless the Commission sets other dates.

Advise, please.

Bill Taylor

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Wednesday, November 12, 2014 9:56 AM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore
Subject: RE: Tomorrow's Call

James and I will call about 11 if that is ok.

BT

From: Smith, John (PUC) [<mailto:John.Smith3@state.sd.us>]
Sent: Wednesday, November 12, 2014 9:41 AM
To: William Taylor
Subject: RE: Tomorrow's Call

I'm available pretty much all day except for the Commission meeting at 1:30, which I think will not take longer than an hour.

From: William Taylor [<mailto:Bill.Taylor@woodsfuller.com>]
Sent: Wednesday, November 12, 2014 9:24 AM
To: Smith, John (PUC)
Subject: Tomorrow's Call

Are you available to talk this morning for a few minutes about the logistics of tomorrow's call? We have the court reporter lined up to come to our office at 9:30 to set up....we should talk a little about how to get everyone to identify themselves as they speak, not talk over anyone else, not use speaker phones, etc., so the reporter isn't confused and nothing gets lost.

What's your availability today?

Bill Taylor

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Friday, November 14, 2014 12:46 PM
To: jennie boone
Cc: Smith, John (PUC); Douglas, Tina (PUC)
Subject: RE: Email Issues

I received your email just now, we are in communication. If you have future issues call, please, and we'll get them straightened out.

Bill Taylor

From: jennie boone [mailto:peachie_1234@yahoo.com]
Sent: Friday, November 14, 2014 12:43 PM
To: William Taylor
Cc: john.j.smith@state.sd.us; tina.douglas@state.sd.us
Subject: Re: Email Issues

Mr. Taylor,
Thank you for sorting this out for me.
Best,
Carolyn Smith

On Friday, November 14, 2014 8:46 AM, William Taylor <Bill.Taylor@woodsfuller.com> wrote:

Ms. Smith, Ms. Douglas forwarded your email to me.

Please respond by email so we can determine if we are communicating. I had our IT staff check our system....our spam blocker was screening your messages. If your message bounces back again, please call me at the number below and we'll see if we can figure out what the problem might be.

William Taylor



300 S. Phillips Ave., Suite 300
P.O. Box 5027
Sioux Falls, SD 57117-5027
Phone: (605) 336-3890
Fax: (605) 339-3357
Email: bill.taylor@woodsfuller.com
www.woodsfuller.com

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Smith, John (PUC)

From: William Taylor <Bill.Taylor@woodsfuller.com>
Sent: Friday, November 14, 2014 1:16 PM
To: Smith, John (PUC)
Cc: woodsfuller.com, james.moore; White, Jim
Subject: Keystone XL Pipeline Docket HP14-001

John:

I understand you propose the Commission enter an order rescheduling hearing on the pending motion on scope of discovery to the Commission meeting set for December 9, intervener responses to the motion due December 1, Keystone replies due December 5, that the order will require staff and parties to submit proposed milestone schedules with their motion papers, and that consideration of a scheduling order will be taken up by the Commission at the December 9 hearing.

Keystone has no objection to an order to that end.

Call with questions, if any.

William Taylor



300 S. Phillips Ave., Suite 300
P.O. Box 5027
Sioux Falls, SD 57117-5027
Phone: (605) 336-3890
Fax: (605) 339-3357
Email: bill.taylor@woodsfuller.com
www.woodsfuller.com

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>
