

**From:** Elizabeth Lone Eagle[SMTP:BE1HCBEST@GMAIL.COM]

**Sent:** Tuesday, December 02, 2014 3:45:47 AM

**To:** Amy Schaffer; Arthur Tanderup;

Benjamin D. Gotschall (ben@boldnebraska.org); Bruce & RoxAnn Boettcher;

Bruce Ellison (belli4law@aol.com); Byron & Diana Steskal; Carolyn Smith;

Chastity Jewett (chasjewett@gmail.com); Chris Hesla (sdwf@mncomm.com);

Cindy Myers; Cyril Scott (cscott@gwtc.net);

Cyril Scott (paula.antoine@rosebudsiouxtribe-nsn.gov); Dallas Goldtooth;

Debbie J. Trapp (mtdt@goldenwest.net);

Douglas Hayes (doug.hayes@sierraclub.org); Duncan Meisel (duncan@350.org);

Eric Antoine (ejantoine@hotmail.com);

Frank James (fejames@dakotarural.org); Gary Dorr;

Gena Parkhurst (gmp66@hotmail.com); woodsfuller.com, james.moore;

Jane Kleeb (jane@boldnebraska.org); Jeff Jensen; John Harter; Joye Braun;

Kearney, Darren; Kevin C. Keckler (kevinckeckler@yahoo.com);

Edwards, Kristen; Lewis GrassRope; Louis Genung; Nancy Hilding;

Paul F. Seamans; Peter Capossela (pcapossela@nu-world.com);

Robert Allpress; Robert Flying Hawk (Robertflyinghawk@gmail.com);

Robert P. Gough (bobgough@intertribalCOUP.org);

Rosebud Sioux Tribe - Paula Antoine 2; Rounds, Brian;

Sabrina King (sabrina@dakotarural.org); Terry & Cheryl Frisch;

Thomasina Real Bird (trealbird@ndnlaw.com);

Tom BK Goldtooth (ien@lgc.org);

Tony Rogers (tuc@rosebudsiouxtribe-nsn.gov); Van Gerpen, Patty;

Viola Waln; William Taylor (bill.taylor@woodsfuller.com);

Wrexie Lainson Bardaglio; Douglas, Tina (PUC); Fiegen, Kristie;

Hanson, Gary (PUC); Nelson, Chris; Rislov, Greg; Smith, John (PUC);

Wiest, Rolayne

**Cc:** PUC Docket Filings

**Subject:** Fwd: HP14-001

**Auto forwarded by a Rule**

This is a forwarded copy of my attempt to correct my filing immediately after receiving the ONLY communication from the PUC that I can find which lists the correct filing email address. As I stated in my earlier email to Kristen, I did not receive the email with the correct filing email address until 10:30 PM on December 1. Since I live in Bridger we are on Mountain Standard Time. I later discovered I was not the only individual intervenor who had this problem. Joye Braun had the same problem. Joye had double checked her communications as well and discovered the same thing I had. Until the email from the PUC was forwarded to her and which was not originally sent until sometime this afternoon, there was no correct filing email included in any of her communications from the PUC. Joye also did not receive the email until after the 5:00PM CST deadline.

I hope that in the future all correct filing information is included in PUC communications. I also would like to express that I was a bit surprised that we were also expected to submit proposals for procedural scheduling by December 1, when it was my understanding that this was not going to be further discussed until the hearing on December 9 after the PUC ruled on the TransCanada motion. I believe that the scheduling conflicts that arose were in part due to a decision needed on this motion. Which is why the PUC decided to not discuss the scheduling until after the ruling.

With that said. If allowed to do so on December 9, I intend to address the PUC regarding the scheduling and remind them to take into consideration that those of us who are individual intervenors are the very citizens for whom this process is intended to include. So far I don't feel very included.

It is my hope that in the interest of serving the best interests of the citizens of South Dakota that our participation is treated with the respect it deserves. Those of us who are individual intervenors DO NOT do this for a living. We are doing this on our own time. The ranchers and farmers work up to 14 hours a day, then take care of their families at night. I am a fulltime mother, homemaker and educator. We have taken the time to we know is necessary to protect what it is we hold dear. These are the reasons we have requested Party Status to begin with.

WE are the ones with a VESTED interest in the outcome of these proceedings and it is WE who will be MOST AFFECTED by the outcome. The schedules submitted by both TransCanada and the PUC staff have no consideration for those of us who do not collect a paycheck as a result of this process. What matters to me as an individual intervenor is that I get the time I need and deserve. I do not have a staff to sift through all the information and figure out what applies. I have to do all the work myself, and that takes time.

There is a reason for ONE YEAR deadline. It was to allow people like me and the other individual intervenors the time WE need as private citizens to decipher the information and make informed decisions. It was NOT intended to accommodate corporations and their lawyers. This process is to insure that we citizens are able to fully participate. Anything less than full consideration of ALL parties INCLUDING individual intervenors is another discriminatory act in effecting classism in this process.

I have already taken issue with the notarization of the applications and though I am aware that it is in the PUC administration rules, the APPLICATION of the rule is just as important as the rule itself in determining discriminatory practices. Waiting until a very late hour on the day the responses to TransCanada's motion are due to provide the correct filing email creates an appearance of unjustified favoritism toward the applicant in a process that is intended to provide Due Process and equal access to the citizens of South Dakota. It is one of the reasons why South Dakota's Public Utilities Commissioners are ELECTED officials. It is their job to serve the best interests of their constituency, the INDIVIDUALS WHO WENT TO THE VOTING BOOTHS AND ELECTED THEM, not the profit margins of multi-billion dollar corporations and their share holders.

I hope this does not continue to be a problem throughout this process.

Sincerely  
Elizabeth Lone Eagle  
PO Box 160  
593 Bridger  
Howes, SD 57748  
[bethcbest@gmail.com](mailto:bethcbest@gmail.com)

**Sent:** Tuesday, December 02, 2014 2:34:02 AM

**To:** Paul Seamans; Lashley, Joy (PUC); Amy Schaffer; April D. McCart; Arthur Tanderup; Benjamin D. Gotschall; Bruce & RoxAnn Boettcher; Bruce Ellison; Byron & Diana Steskal; Carolyn Smith; Chastity Jewett; Chris Hesla; Cindy Myers; Cyril Scott; Dallas Goldtooth; Debbie J. Trapp; Douglas Hayes; Duncan Meisel; Edwards, Kristen; Elizabeth Lone Eagle; Eric Antoine; Frank James; Gary Dorr; Gena Parkhurst; woodsfuller.com, james.moore; Jane Kleeb; Jeff Jensen; John Harter; Kearney, Darren; Kevin Keckler; Lewis GrassRope; Louis Genung; Mary Turgeon Wynne Esq.; Matthew L. Rappold - Rappold Law Office; Nancy Hilding; Peter Capossela; Robert Allpress; Robert Flying Hawk; Robert P. Gough; Robin S. Martinez; Rosebud Sioux Tribe - Paula Antoine; Rosebud Sioux Tribe - Paula Antoine 2; Rounds, Brian; Sabrina King; Terry & Cheryl Frisch; Thomasina Real Bird; Tom BK Goldtooth; Tracey Zephier; Van Gerpen, Patty; Viola Waln; William Taylor; Wrexie Lainson Bardaglio; jpje@goldenwest.net

**Cc:** PUC Docket Filings

**Subject:** Re: Re HP14-001 to the SD Public Utilities Commission and Interested Intervenors

**Auto forwarded by a Rule**

I have recieved notification that my filing to express concerns with Keystone's to limit the scope of discovery was not accepted because of an email address and getting information on how to do this at a late date. I searched through all the information that was available on the South Dakota Public Utilities website to make sure I was using the correct email and postal mail addresses for those that requested service through that venue and no where is the email address [pucdocketfilings@state.sd.us](mailto:pucdocketfilings@state.sd.us) there. I had to travel to Bismarck ND for a medical appointment that was scheduled for Monday December 1 2014 at 8:30 in the morning central time. It was for a IV therapy and could not be missed so we left Eagle Butte SD at 3 AM to be make the appointment. I was not available to be online to receive the information sent at after 1 AM by another intervener Nor do I have a cell phone, and was not online while we were travelling for medical reasons. If you need confirmation the name of the doctor I saw was Dr. Francis at St. Alexius in Bismarck ND.

Here is one link regarding Intervention status <https://puc.sd.gov/commission/Publication/pipelinesiting.pdf> Here is the service list link, <https://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001servicelist.aspx> , and I have searched through

- Prehearing Scheduling Conference Order
- Order for and Notice of Motion Hearing
- Order Changing Motion Hearing Date and Order for and Notice of Scheduling Hearing

I am curious how on December 1, 2014 can a email be sent out to (which I did not receive. I looked through my inbox, spam, trash, etc and it was not where to be found. I do not know why I did not receive it, but I did have it forwarded to me so I could see what it

said. Since I did not get the email regarding proposed procedural schedules, and that email was sent out to the SD PUC commissioners at 3:26 PM Before the deadline for all interveners at 5 PM, I am wondering how the proposed schedule for findings can be sent before we the interveners have a chance to get all our information to you. There seems to be a strong suggestion from the list serve and emails coming in from other interveners that there was a mix up in the address to file electronically and most did not get the email address I referenced earlier until the afternoon of Dec. 1. These two things combined show that there was a miscommunication at best.

Again, I was travelling, did not get this email address until I returned home, and it looks like most interveners did not have the correct email address until late in the day of the final day to submit to the docket. There is no information on the website for us, and I have looked through the emails I have received and had to get emails forwarded to me, why I do not know. Some are getting through and some are not, and not even getting into my spam or other folders.

Attached to this email is my original doc regarding my opposition to Keystone (TransCanada) to limit their scope. and I have included the email address, I know SD PUC will probably not approve it, however I am objecting to this for the above reasons. Again, travel, no cell phone and not available to the Internet while travelling. It can not assumed that everyone has a cell phone. I cannot afford that, and it cannot be assumed that we will have access to the Internet. How can I with no cell phone and travelling to a doctors appointment and I am stuck in a chair for four hours getting IV therapy with some really strong medications? I left Eagle Butte at 3 am, and did not return until after 5 PM MST.

Joye Braun

001356

November 30, 2014

## Re HP14-001 to the SD Public Utilities Commission and Interested Intervenors

I am writing to express my deep concerns with TransCanada regarding their Keystone XL Project to limit the scope of discovery as requested on 10/30/2014. Limiting the finding of facts does not take in to account the changing business environment of crude oil from the Bakken and Tar Sands, nor does it take it to account the scope of new evidence concerning cultural and social impacts to rural South Dakota including Native American reservations. Above all we know that treaties are the supreme law of the land, and tribes have not been consulted which is outlined in both the 1851 and 1868 Fort Laramie Treaties.

This project is too big to limit our perspective to make wise choices for South Dakota. We should have all available facts, findings and review everything in a manner consistent for the best interest for all citizens of South Dakota including tribes, ranchers, farmers, business owners, and families.

TransCanada has said in their filing on October 30 2014 that, "Every Intervenor in this docket could have applied for party status in HP09-001. ". This is false. I could not have in 2010 as I moved back to the stat of South Dakota in December of 2010 and only after arriving back on my reservation did I learn of the Keystone XL Project. This company does not have the right to refuse any citizen their right to be a part of this process based on time frames when there is an active recertification process continuing.

Sincerely

Joye Braun

PO Box 484

Eagle Butte, SD 57625

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**From:** g dorr[SMTP:GFDORR@GMAIL.COM]

**Sent:** Tuesday, December 02, 2014 12:31:39 PM

**To:** Edwards, Kristen

**Cc:** woodsfuller.com; james.moore; bill.taylor@woodsfuller.com;  
Matt.rappold01@gmail.com; 350.org; Arthur R. Tranderup;  
Benjamin D. Gotschall; Beth Lone Eagle; Boettcher Organics;  
Carolyn P. Smith; Chastity Jewett; Cindy Myers, RN; CRST Chairman;  
Dallas Goldtooth; Debbie J. Trapp; Diana L. Steskal; DRA - Attorney;  
DRA - Frank; DRA - Sabrina; Gena M. Parkhurst; Jane Kleeb; Jeff Jensen;  
John Harter; Joye Braun; Lewis GrassRope; Louis T. Genung; Nancy Hilding;  
Paul F. Seamans; Paula Antoine; Robert G. Allpress; Robert Gough;  
RST President; RST TUC; SD Wildlife Federation; Sierra Club;  
SRST Attorney; Tom BK Goldtooth; Viola Waln; Wrexie Lainson Bardaglio;  
YST Attorney; YST Chairman; Douglas, Tina (PUC); Van Gerpen, Patty;  
Kearney, Darren; Rounds, Brian; PUC Docket Filings

**Subject:** Re: Keystone XL HP14-001

**Auto forwarded by a Rule**

## **IN REGARDS TO THE BROKEN E-FILING AND THE EMAIL PROCESS FOR THE DOCKET HP 14-001:**

**I am curious as to when the information regarding the central email for the PUC was passed out to us prior to this notification from you at this late hour?**

In looking at the email history prior to this email from you, I do not see the [PUCdocketfilings@state.sd.us](mailto:PUCdocketfilings@state.sd.us) in any of our emails.

**Can you please let us know when this change went into affect?**

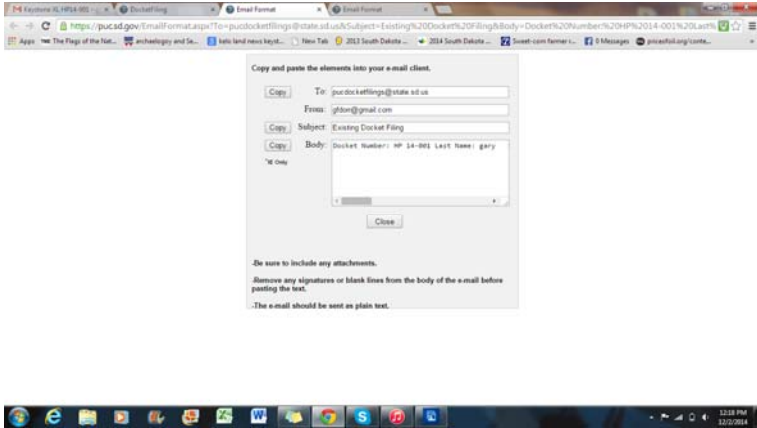
It has obviously created some confusion and consternation for the intervenors. I would hope that since you sent it at such a late hour that some leeway would be afforded those that already sent to the commission in the same fashion we have been doing.

**If there is an announcement regarding procedures could we have that statement made publicly at the next hearing?**

**At the very least, could we please have it sent out earlier in emails?**

I am not sure if you are aware of the process to use the e-filing system. I will give you the rundown on it because it is very unfriendly to users. I attempted to send comments before using the e-filing system. Let me tell you why it didn't work. And I would suggest you use a "USER ACCOUNT" to verify the information I am explaining to you. It does no good to be inside the system and try to see what I am talking about outside the system. Your web specialist should be able to do this if you don't already have one.

1. I went to the SD PUC WEBSITE and clicked on the e-filings.
2. I got the "efiling options" page.
3. I clicked on the "New docket and docketed filings" button.
4. I filled out the form on the DocketFiling page using only my name and put "N" in all the blanks except for my email address. I also put in HP14-001 in the docket number block.
5. I clicked on "existing docket" in the blue lettering at the bottom of the page.
6. Nothing. Nothing happens. YOUR LINK IS BROKEN.
7. Instead I click on "don't prefill body of the email" and then click back on "existing docket" again.
8. I then get this page. Notice there is nowhere on this page to attach documents.



9. It is only after you read more closely that you can see that you are supposed to cut and paste everything from this page into your own email client and there is an ominous blue asterisk on the side that says "\*IE only."

So, I am at a loss for words. The Commissioner said in the meeting that you could post from the page. If you get to the step 5 which I put above in this email, NOTHING will happen. I would suggest that you provide a legally sound process for the public to advance "E-filings" to your page. In the meanwhile, I would at least suggest that you put the email address "[PUCdocketfilings@state.sd.us](mailto:PUCdocketfilings@state.sd.us)" SOMEWHERE on the page so that in the event that more people get to my step 5 and NOTHING happens, they can send an email to that address which is not listed in plain sight for the average citizen to be able to find. I would suggest that you exit the system and operate as an end-user to see what I am talking about. If you try to do this from within your own system I'm sure you will be confused about what I, the customer, am going through.

001359

**From:** Edwards, Kristen  
**Sent:** Wednesday, December 03, 2014 12:41 PM  
**To:** Amy Schaffer; April D. McCart (april.mccart@martinezlaw.net); Arthur Tanderup; Benjamin D. Gotschall (ben@boldnebraska.org); Bonny Kilmurry; Bruce & RoxAnn Boettcher; Bruce Ellison (belli4law@aol.com); Byron & Diana Steskal; Carolyn Smith; Chastity Jewett (chasjewett@gmail.com); Chris Hesla; Cindy Myers; Cyril Scott (cscott@gwtc.net); Cyril Scott (paula.antoine@rosebudsiouxtribe-nsn.gov); Dallas Goldtooth; Debbie J. Trapp (mtdt@goldenwest.net); Douglas Hayes (doug.hayes@sierraclub.org); Duncan Meisel (duncan@350.org); Elizabeth Lone Eagle; Eric Antoine (ejantoine@hotmail.com); Frank James (fejames@dakotarural.org); Gary Dorr; Gena Parkhurst (gmp66@hotmail.com); woodsfuller.com, james.moore; Jane Kleeb (jane@boldnebraska.org); Jeff Jensen; John Harter; Joye Braun; Kearney, Darren; Kevin Keckler; Kimberly E. Craven (kimecraven@gmail.com); Lewis GrassRope; Louis Genung; Mary Turgeon Wynne Esq. (tuc@rosebudsiouxtribe-nsn.gov); Matthew L. Rappold - Rappold Law Office (Matt.rappold01@gmail.com); Nancy Hilding; Paul C. Blackburn (paul@paulblackburn.net); Paul F. Seamans; Peter Capossela (pcapossela@nu-world.com); Robert Allpress; Robert Flying Hawk (Robertflyinghawk@gmail.com); Robert P. Gough (bobgough@intertribalCOUP.org); Robin S. Martinez (robin.martinez@martinezlaw.net); Rosebud Sioux Tribe - Paula Antoine 2; Rounds, Brian; Sabrina King (sabrina@dakotarural.org); Terry & Cheryl Frisch; Thomasina Real Bird (trealbird@ndnlaw.com); Tom BK Goldtooth (ien@igc.org); Tracey Zephier (tzephier@ndnlaw.com); Van Gerpen, Patty; Viola Waln; William Taylor (bill.taylor@woodsfuller.com); Wrexie Lainson Bardaglio  
**Cc:** Douglas, Tina (PUC); Van Gerpen, Patty  
**Subject:** RE: HP14-001 Service List updates

HP14-001 Intervenors:

There appears to be confusion regarding the email address [pucdocketfilings@state.sd.us](mailto:pucdocketfilings@state.sd.us). The reason this email address was shared by me with all at 3:13 PM CST on Dec. 1 was due to intervenors relaying that they were having issues with completing their e-filings before the 5 PM CST deadline on Dec. 1, according to the procedural schedule. This email address was not shared previously only because intervenors were instructed to e-file via the e-filing instructions and link accessible from the PUC's home page at [www.puc.sd.gov](http://www.puc.sd.gov). Filings submitted using the form are sent directly the [pucdocketfilings@state.sd.us](mailto:pucdocketfilings@state.sd.us) email account for the PUC's administrative staff to file accordingly. **Therefore, by using the e-filing system, your submission IS being sent to this email address.**

We checked the links on Dec. 1 and Dec. 2 and the e-filing link is not broken. We believe the problem is some intervenors who do not use Outlook as their email software, are having trouble using the e-filing system. Non-Outlook users should check the box that was labeled "Don't prefill body of the email." We have clarified this to now read "Check here if you are using an email system other than Outlook." After checking the box the filer who is submitting a filing for HP14-001 should select the "Existing Docket" link that appears in blue at the bottom of the form. This will then cause the completed form to appear. The filer should then click the boxes labeled "copy" and paste the content in the similar field in their email client (your own email message) and send it. This method allows filers that use any type of email software to successfully file. Our administrative staff have successfully instructed several intervenors, over the phone, through the process of doing this.

Intervenors were instructed that they must e-file their documents with the PUC, then serve all the parties in the service list (by email, and for a few without email, by U.S. mail), and submit a certificate of service affidavit. These three steps



are to be followed for every document or filing submitted in the docket. The [pucdocketfilings@state.sd.us](mailto:pucdocketfilings@state.sd.us) account receives those properly e-filed submissions. **There is no need for any intervenor to use this email address if they are successfully e-filing via the instructions on the PUC's website.** Once the PUC receives a filing, an email is sent in response to let that individual know the item has been successfully filed.

If you have any problems or questions, please email me or contact the PUC by emailing [puc@state.sd.us](mailto:puc@state.sd.us) or calling (605) 773-3201. Thank you.

Kristen Edwards, Staff Attorney