

Exhibit D



February 12, 2015

William Taylor
Bill.Taylor@woodsfuller.com
Extension 647

Via e-mail

Thomasina Real Bird
Yankton Sioux Tribe
trealbird@ndnlaw.com

Re: In the Matter of the Application by TransCanada Keystone Pipeline, LP
HP 14-001

Dear Ms. Real Bird:

We received your discovery responses on February 6. The responses do not comply with the South Dakota Rules of Civil Procedure. The rules require a good faith effort to fully answer the questions and provide the documents requested. Your responses do not meet that standard.

Please fully and completely respond to our discovery requests by the close of business March 10, 2015, the date discovery closes per the Public Utilities Commission order. Your response must include a list of witnesses you intend to call or rely on and copies of documents you intend to offer, or a list of documents others offer that you intend to rely on.

If you do not make a good faith effort to respond, you can expect that TransCanada will seek protections allowed by the Rules of Civil Procedure, which include dismissal of your petition to intervene or limiting your participation in the hearing.

Yours sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

A handwritten signature in blue ink that reads 'William Taylor'.

William Taylor

Exhibit E

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION : HP 14-001
BY TRANSCANADA KEYSTONE
PIPELINE, LP FOR A PERMIT UNDER : KEYSTONE’S RESPONSES TO
THE SOUTH DAKOTA ENERGY : YANKTON SIOUX TRIBE’S
CONVERSION AND TRANSMISSION : SECOND INTERROGATORIES
FACILITIES ACT TO CONSTRUCT THE : AND REQUEST FOR
KEYSTONE XL PROJECT : PRODUCTION OF DOCUMENTS

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Applicant TransCanada makes the following responses to interrogatories pursuant to SDCL § 15-6-33, and responses to requests for production of documents pursuant to SDCL § 15-6-34(a). These responses are made within the scope of SDCL 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule. Applicant objects to definitions and directions in answering the discovery requests to the extent that such definitions and directions deviate from the South Dakota Rules of Civil Procedure.

GENERAL OBJECTION

Keystone objects to the instructions and definitions contained in Yankton Sioux Tribe’s Second Set of Interrogatories and Requests for Production of Documents to the extent that they are inconsistent with the provisions of SDCL Ch. 15-6. *See ARSD*

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20:10:01:01.02. Keystone's answers are based on the requirements of SDCL §§ 15-6-26, 15-6-33, 15-6-34, and 15-6-36.

INTERROGATORIES

INTERROGATORY NO. 45: For each person who you expect to call as a fact witness in Docket HP14-001, provide a description of the witness's educational background, specialized training, and employment history relevant to the witness's expected testimony and a description of all exhibits that the witness will attach to his or her testimony.

ANSWER: Resumes for the witnesses previously identified by Keystone are attached as Keystone 1341-1374.

INTERROGATORY NO. 46: Describe the information furnished by Keystone to each fact witness for the purposes of his or her testimony.

ANSWER: Other than a copy of the discovery requests, Keystone has not furnished any information to its fact witnesses for purposes of providing testimony in this proceeding. The witnesses have provided information used in answering discovery based on their work on the Keystone XL project.

INTERROGATORY NO. 47: Pursuant to Condition One, describe any other permits that Keystone will file closer to the time period of construction referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for {01844536.1}

Production of Documents, Answer to Interrogatory No. 8 and list the agencies that Keystone will submit each permit to.

ANSWER: Keystone will comply with Clean Water Act 404 by permitting the crossing of all jurisdictional waterbodies in South Dakota under the US Army Corps of Engineers Nationwide General Permit (NWP) 12. As part of the permitting process of the Project route in South Dakota, Keystone will submit a NOI to the US Army Corps of Engineers, South Dakota Regulatory Office and will consult as required with the South Dakota Regulatory Office.

INTERROGATORY NO. 48: Pursuant to Conditions 43, 44, and 6, provide the job title, scope of work, and dates of employment for Keystone employee Calvin Harlan.


ANSWER: Calvin Harlan is employed by TransCanada's Tribal Relations Department. He is responsible for assisting in implementing the company Native American Relations Policy. He has been employed by TransCanada since 2013.

INTERROGATORY NO. 49: Pursuant to Conditions 6, 43, and 44, describe the contacts Calvin Harlan has had with the Yankton Sioux Tribe or any of its employees, agents, or representatives.

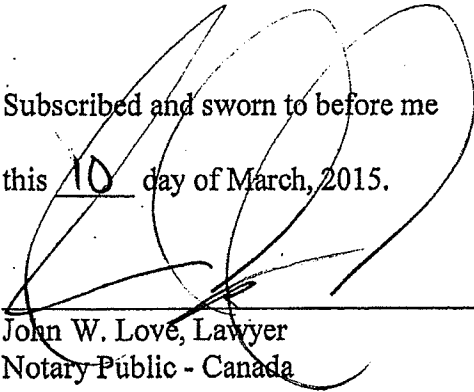
ANSWER: Mr. Harlan has not had any contacts with the Yankton Sioux Tribe.

Dated this 10 day of March, 2015.

TRANSCANADA KEYSTONE PIPELINE, LP
by its agent, TC Oil Pipeline Operations, Inc.

By 
Joseph Brown
Its Director, Authorized Signatory

Subscribed and sworn to before me
this 10 day of March, 2015.


John W. Love, Lawyer
Notary Public - Canada

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 8: Provide a copy of each document that supports the proposed changes to the Findings of Fact identified in Appendix C to Keystone's application filed on September 14, 2014 with the PUC.

OBJECTION: This request is overlybroad and unduly burdensome.

REQUEST FOR PRODUCTION NO. 9: Provide a copy of each document furnished by Keystone to each fact witness for the purposes of his or her testimony.

RESPONSE: See Keystone's response to Interrogatory No. 46. Keystone has no responsive documents.

REQUEST FOR PRODUCTION NO. 10: Provide a copy of each document that each of Keystone's fact witness will attach to his or her testimony.

OBJECTION: Keystone has not yet identified its hearing exhibits. Keystone will disclose its exhibits as required by order of the Commission.

REQUEST FOR PRODUCTION NO. 11: Pursuant to Condition One, provide a copy of the Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, Answer to Interrogatory No. 8.

RESPONSE: Responsive documents are attached as Keystone 1589-1629.

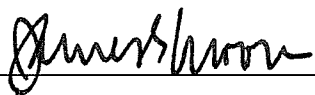
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OBJECTIONS

The objections stated to Yankton Sioux Tribe's Interrogatories and Request for Production of Documents were made by James E. Moore, one of the attorneys for Applicant TransCanada herein, for the reasons and upon the grounds stated therein.

Dated this 10th day of March, 2015.

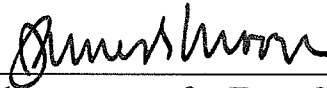
WOODS, FULLER, SHULTZ & SMITH P.C.

By  _____
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Attorneys for Applicant TransCanada

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2015, I sent by e-mail transmission, a true and correct copy of Keystone's Responses to Yankton Sioux Tribe's Second Interrogatories and Request for Production of Documents, to the following:

Thomasina Real Bird
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, CO 80027
trealbird@ndnlaw.com



One of the attorneys for TransCanada