

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

John Harter ("John") hereby submits the following responses and objections to the interrogatories sent to him by TransCanada Keystone Pipeline, LP ("TransCanada"), dated December 18, 2014. John's answers are based on its reasonable inquiries and the information known to [him] as of the date of these responses. John's responses, therefore, are not intended to be, nor shall be deemed

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IN THE MATTER OF THE	)	
APPLICATION BY TRANSCANADA	)	HP 14-001
KEYSTONE PIPELINE, LP FOR A	)	[INTERVENOR]'S FIRST RESPONSE TO
PERMIT UNDER THE SOUTH	)	THE INTERROGATORIES
DAKOTA ENERGY CONVERSION	)	AND REQUESTS FOR PRODUCTION
AND TRANSMISSION FACILITIES	)	OF DOCUMENTS OF TRANSCANADA
ACT TO CONSTRUCT THE	)	KEYSTONE PIPELINE, LP
KEYSTONE XL PROJECT	)	
	)	

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to be, a representation that no other facts or contentions other than those specified in the responses do or do not exist. Discovery and other investigation or research concerning this proceeding are continuing. John reserves the right, therefore, to amend or supplement its responses in accordance with the South Dakota Public Utility Commission ("SDPUC") scheduling order dated December 17, 2014. John's responses and objections 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.

**INTERROGATORIES**

**INTERROGATORY NO. 1:** State the name, current address, and telephone number of the person answering these interrogatories.

**ANSWER:** John Harter 28125 307th Avenue Winner, SD 605 842 0934

Cell 605 840 9478

**INTERROGATORY NO. 2:** State the name, current address, and telephone number of any person, other than your legal counsel, who you talked with about answering these interrogatories, who assisted you in answering these interrogatories, or who provided information that you relied on in answering these interrogatories.

**ANSWER:** John objects to this interrogatory because it is overly broad, vague, and burdensome. Specifically, identification of all individuals with whom John may have discussed the interrogatories to any degree, including their mere existence, would not lead to the discovery of admissible evidence. Without waving these objections, John has not discussed his substantive answers to these interrogatories with anyone.

Other than receiving this template in an email I have not discussed this with anyone.

**INTERROGATORY NO. 3:** State the name, current address, and telephone number of each fact witness you intend to call to offer testimony at the evidentiary hearing in this case set for May 2015.

**ANSWER:** John has not yet determined who it intends to call as a fact witness.

**INTERROGATORY NO. 4:** State the name, current address, and telephone number of each witness whom you intend to call at the evidentiary hearing as an expert witness under SDCL Ch. 1915, and for each expert, state:

- a. the subject matter on which the expert is expected to testify;
- b. the substance of each opinion to which the expert is expected to testify;
- c. the facts supporting each opinion to which the expert is expected to testify;
- d. the expert's profession or occupation, educational background, specialized training, and employment history relevant to the expert's proposed testimony;
- e. the expert's previous publications within the preceding 10 years; and
- f. all other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

**ANSWER:** John states that he has not yet determined which individuals, who would qualify as an expert witness under SDCL Ch. 1915, to call as expert witnesses in the evidentiary hearing.

**INTERROGATORY NO. 5:** Identify by number each condition in Exhibit A to the Amended Final Decision and Order dated June 29, 2010, entered in HP09001, that you contend Applicant TransCanada Keystone Pipeline, LP, cannot now or in the future meet, and for each condition that you identify, state:

- a. the facts on which your contention is based; and
- b. the name, current address, and telephone number of each witness who will testify that Applicant is unable to meet the condition.

**ANSWER:** John objects to this interrogatory because it is overly broad, vague and unduly burdensome. Providing a separate list containing each individual fact that

John intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for John to understand how to define a single fact. Without waiving these objections, John contends that TransCanada cannot now or in the future meet the following conditions in Exhibit A: John Harter has not yet had time to do all this. I have a real and honest job to do.

**INTERROGATORY NO. 6:** Identify by number each finding of fact in the Amended Final Decision and Order dated June 29, 2010, entered in HP09001, that you contend is no longer accurate because of a change in facts or circumstances related to the proposed construction and operation of the Keystone XL Pipeline in South Dakota, and for each finding that you identify, state:

- a. the facts on which your contention is based; and
- b. the name, current address, and telephone number of each witness who will testify that the finding of fact is no longer accurate.

**ANSWER:** John objects to this interrogatory because it is overly broad, vague and unduly burdensome. Providing a separate list containing each individual fact that John intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for John to understand how to define a single fact. Without waiving these objections, John contends that the following facts in the Amended Final Decision and Order dated June 29, 2010, entered in HP09-001, are no longer accurate:. John has not yet determined which fact witnesses to call in this proceeding.

**INTERROGATORY NO. 7:** In addition to the facts identified in your responses to interrogatory numbers 5 and 6, identify any other reasons that you contend Applicant cannot continue to meet the conditions on which the Permit granted, and for each reason that you identify, state:

- a. the condition in the Amended Final Decision and Order dated June 29, 2010 entered in HP09001, identified by number;
- b. the facts on which your contention is based; and
- c. the name, current address, and telephone number of each witness who will testify in support of your contention.

**ANSWER:** John objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Providing a separate list containing each individual fact that John intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for John to understand how to define a single fact. Without waiving these objections, John has not yet determined which witnesses to call in this proceeding.

**INTERROGATORY NO. 8:** In addition to the facts identified in your responses to the preceding interrogatories, identify any other reason why the Public Utilities Commission should not accept Applicant's certification filed September 15, 2014 in HP14001, and for each reason that you identify, state:

- a. the facts on which your contention is based; and

b. the name, current address, and telephone number of each witness who will testify in support of your contention.

**ANSWER:** John objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Providing a separate list containing each individual fact that John intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for John to understand how to define a single fact. Without waiving this objection, John has not yet determined which witnesses to call in this proceeding.

#### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** All documents that you intend to offer as exhibits at the evidentiary hearing in this matter.

**ANSWER:** John has not yet determined which documents he intends to offer as exhibits.

**REQUEST FOR PRODUCTION NO. 2:** All documents on which you rely in support of your answer to Interrogatory No. 5.

**ANSWER:** See John's response to Interrogatory No. 5.

**REQUEST FOR PRODUCTION NO. 3:** All documents on which you rely in support of your answer to Interrogatory No. 6.

**ANSWER:** See John's response to Interrogatory No. 6.

**REQUEST FOR PRODUCTION NO. 4:** All documents on which you rely in support of your answer to Interrogatory No. 7.

**ANSWER:** See John's response to Interrogatory No. 7.

**REQUEST FOR PRODUCTION NO. 5:** All documents on which you rely in support of your answer to Interrogatory No. 8.

**ANSWER:** See John's response to Interrogatory No. 8.

**REQUEST FOR PRODUCTION NO. 6:** All documents relied on by any expert whose testimony you intend to offer at the evidentiary hearing in this matter.

**ANSWER:** Information responsive to this interrogatory may include attorney thought processes and trial strategies and other information that is protected by the work product doctrine and/or the attorney-client privilege. Without waiving this objection, John has not yet determined which expert witnesses to call in this proceeding.

**REQUEST FOR PRODUCTION NO. 7:** All documents that you have sent to or received from any expert whose testimony you intend to offer at the evidentiary hearing in this matter.

**ANSWER:** Information responsive to this interrogatory may include attorney thought processes and trial strategies and other information that is protected by the work product doctrine and/or the attorney-client privilege. Without waiving this objection, John has not yet determined which expert witnesses to call in this proceeding.

**REQUEST FOR PRODUCTION NO. 8:** A current resume for each expert whose testimony you intend to offer at the evidentiary hearing in this matter.

**ANSWER:** Information responsive to this interrogatory may include attorney thought processes and trial strategies and other information that is protected by the work product doctrine and/or the attorney-client privilege. Without waiving this objection, John has not yet determined which expert witnesses to call in this proceeding.

Dated this 6th day of February, 2015.

/s/ John Harter

John Harter  
28125 307th Avenue  
Winner SD 57580  
605 842 0934 / 605 840 9478  
johnharter11@yahoo.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on February 6<sup>th</sup>, 2015, I sent by email a true and correct copy of [Name] Nebraska's First Response to the Interrogatories and Requests for Production of Documents of TransCanada Keystone Pipeline, LP, to the following:

Mr. James E. Moore  
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/s/ Paul C. Blackburn  
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