

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

**IN THE MATTER OF THE PETITION
OF TRANSCANADA KEYSTONE
PIPELINE, LP FOR ORDER
ACCEPTING CERTIFICATION OF
PERMIT ISSUED IN DOCKET HP09-
001 TO CONSTRUCT THE KEYSTONE
XL PIPELINE**


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**STAFF'S RESPONSE TO
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
FROM PAUL SEAMANS**

HP14-001

COMES NOW, Commission Staff by and through its attorney of record, Kristen N. Edwards, and hereby provides the following response to Paul Seamans' Interrogatories and Requests for Production of Documents.

Dated this 10th day of March, 2015.



Kristen N. Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

2-1) What I would like to know is whether the Emergency Response Plan (ERP) and the Integrity Management Plan (IMP) for the Keystone XL and Keystone 1 are considered confidential as TransCanada claims they are. As part of discovery I have asked TransCanada to disclose where the High Consequence Areas (HCA's) are located as well as asking to see the ERP and IMP. TransCanada claims that "the PUC's jurisdiction over the emergency response plan is preempted by federal law. See 49 C.F.R. Part 194; 49 U.S.C. 60104(c)".

Response: While not specifically mandated to be kept confidential by the referenced sections of code, the Emergency Response Plan and the Integrity Management Plan contain information and data that may be considered confidential and/or proprietary by TransCanada.

2-2) One incident that started me to thinking about this confidentiality issue is that at the Dakota Access pipeline meeting in Iroquois I asked Joey Malmoud if their ERP would be available to the public. Joey said that yes, it would be available to the public. Here is Dakota Access saying that their ERP will be available for public viewing and on the other hand TransCanada claims the PHMSA requires that their ERP be kept confidential and is proprietary. Is the ERP required by PHMSA to be confidential or is it, or portions of it, available for the public to view?

Response: The Emergency Response Plan required by 195.402 (d) Abnormal Operation and the Response Plans for Onshore Oil Pipelines required by CFR Part 194 contain information and data that may be considered confidential and/or proprietary by TransCanada.

2-3) If the PUC determines that the ERP is accessible to the public then I would like to see the ERP for Keystone 1 as I realize that the ERP for the Keystone XL does not need to be filed until the pipeline is close to operational. I am willing to go through the necessary steps to obtain access to confidential information as required in ARSD 20:10:01:43.

Response: All information submitted to the PUC regarding Keystone I's ERP is available in 7.0 of the company's Quarterly Report. For the last Quarterly Report filed by TransCanada for Keystone I, view the report at <http://www.puc.sd.gov/commission/dockets/HydrocarbonPipeline/2007/HP07-001/4thquarterly2010.pdf>.

Furthermore, the final version of the Keystone Pipeline Emergency Response Plan will be amended to include Keystone XL. A redacted version of the ERP is available in Appendix I of the Final Supplemental Environmental Impact Study, which is publicly available.

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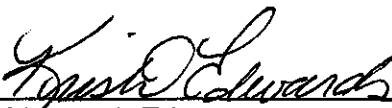
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PIPELINE)

CERTIFICATE OF SERVICE

HP14-001

I hereby certify that true and correct copies of Staff's Response to Interrogatories and Requests for Production of Documents from Paul Seamans, Affirmation of Oath and Certificate of Service were served electronically to the Party listed below, on the 10th day of March, 2015, addressed to:

Mr. Paul F. Seamans
27893 249th St.
Draper, SD 57531
jackknife@goldenwest.net



Kristen N. Edwards
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