



## INTERROGATORIES

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

**ANSWER:** Paul C. Blackburn, Esq., Counsel for Bold Nebraska, P.O. Box 17234, Minneapolis, MN 55417, 612-599-5568.

**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:** Bold objects to this interrogatory because it is overly broad, vague, and burdensome. Specifically, identification of all individuals with whom Bold's staff, volunteers, and supporters may have discussed the interrogatories to any degree, including but not limited to their mere existence, would not lead to the discovery of admissible evidence. It would be burdensome to identify all persons with whom Bold's staff, volunteers, and supporters may have had non-substantive communications about these interrogatories. Without waving these objections, Bold has not discussed its substantive answers to these interrogatories with anyone other than its counsel, which communications are protected by the work product doctrine and/or the attorney-client privilege.

**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:** Bold 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:** Bold objects to this interrogatory because information responsive to it 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, Bold states that it 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:** Bold objects to this interrogatory because it is vague and unduly burdensome. Providing a separate list containing each individual fact that Bold intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for Bold to understand how to define a single fact. Further, 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 these objections, Bold will claim that TransCanada cannot now or in the future meet the following conditions in Exhibit A: 1, 2, 34, 35, and 36. Bold reserves the right to supplement or remove conditions from this list. Bold has not yet determined the witnesses it intends to call in this proceeding to provide evidence related to these conditions.

**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:** Bold objects to this interrogatory because it is vague and unduly burdensome. Providing a separate list containing each individual fact that Bold intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for Bold to understand how to define a single fact. Further, 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 these objections, Bold will claim that the following findings of fact in the Amended Final Decision and Order dated June 29, 2010, entered in HP09-001, are no longer accurate: 14 – 20, 22 – 29, 32, 40 – 45, 47, 48 – 53, 65 – 68, 70 – 72, 83, 84, 90, 92, 94, 95, 97 – 100, and 113. Bold reserves the right to supplement or remove findings of fact from this list. Bold has not yet determined the witnesses it intends to call in this proceeding to provide evidence related to these fact paragraphs.

**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:** Bold objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Providing a separate list containing each individual fact that Bold intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for Bold to understand how to define a single fact. Further, 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 these objections, Bold 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:** Bold objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Providing a separate list containing each individual fact that Bold intends to present would be unduly burdensome. In addition, the word "fact" is vague and overly broad, making it impossible for Bold to understand how to define a single fact. Further, 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 these objections, Bold 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:** Bold has not yet determined which documents it 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 Bold'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 Bold'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 Bold'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 Bold'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:** Bold objects to this request for production of documents because it: (a) is not limited to a reasonable time period; (b) contains vague, ambiguous, and undefined terms and phrases that are open to a variety of meanings and interpretations; (c) seeks information or material that is a matter of public record and/or equally available to TransCanada; (d) is overly broad, unduly burdensome; and (e) seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. The term "relied on" is undefined and unrestricted to any type of information relied on by an expert to any degree at any time in any matter and as such seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Further, 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 these objections, Bold has not yet determined which expert witnesses to call in this proceeding and thus is unable to provide any documents relied on by such experts.

**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:** Bold objects to this request for production of documents because it: (a) is not limited to a reasonable time period; (b) contains vague, ambiguous, and undefined terms and phrases that are open to a variety of meanings and interpretations; (c) seeks information or

material that is a matter of public record and/or equally available to TransCanada; (d) is overly broad; and (e) seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. The phrase "All documents that you have sent to or received from any expert" seeks documents sent at any time on any matter regardless of relevance to this proceeding or availability to TransCanada. Further, 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 these objections, Bold has not yet determined which expert witnesses to call in this proceeding and thus is unable to provide any documents either sent to or received from any such experts.

**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:** Bold has not yet determined which expert witnesses to call in this proceeding and thus is unable to provide resumes for any experts.

Dated this 6th day of February, 2015.

/s/ Paul C. Blackburn  
Paul C. Blackburn  
P.O. Box 17234  
Minneapolis, MN 55407  
(612) 599-5568  
paul@paulblackburn.net  
*Attorney for Bold Nebraska*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6<sup>th</sup>, 2015, I sent by email a true and correct copy of Bold 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  
Attorney  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027  
Sioux Falls, SD 57117  
[james.moore@woodsfuller.com](mailto:james.moore@woodsfuller.com)

Mr. Bill G. Taylor  
Attorney  
Woods, Fuller, Shultz and Smith P.C.  
PO Box 5027  
Sioux Falls, SD 57117  
[bill.taylor@woodsfuller.com](mailto:bill.taylor@woodsfuller.com)

/s/ Paul C. Blackburn  
Paul C. Blackburn