



**3. Have you provided direct and rebuttal testimony in this proceeding?**

Answer: Yes, I have.

**4. Which witnesses' rebuttal testimony are you responding to in your surrebuttal testimony?**

Answer: I am responding to portions of the rebuttal testimony of John Harter.

**5. In paragraph 2, Mr. Harter states that TransCanada does not have an agreement with him for an easement to allow the construction and operation of the Keystone XL Pipeline across his property. Is that a correct statement?**

Answer: No. Although TransCanada Keystone Pipeline, LP ("Keystone"), filed a lawsuit against John and Tammy Harter to obtain an easement through the use of eminent domain, the parties reached a settlement agreement on November 27, 2012, which was days before the case was set for trial. John Harter signed a document that day stating the settlement terms, which were confidential. He agreed that he would execute a final settlement agreement and an easement. Over the next two years, however, Mr. Harter failed to sign an easement or a formal settlement agreement. Thus, Keystone asked the Court to either set the case for trial, or enforce the terms of the settlement agreement. On August 5, 2014, the circuit court, the Honorable John L. Brown, entered an order that the settlement terms agreed to on November 27, 2012, constituted an enforceable agreement. The order was filed on August 7, 2014, in *TransCanada v. Harter*, Civ. 11-62 (6<sup>th</sup> Jud. Cir.)

**6. In paragraph 6, Mr. Harter states that "TransCanada simply took my private property using eminent domain." Is that a correct statement?**

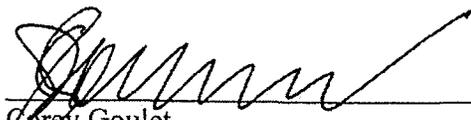
Answer: No. The circuit court in Civ. 11-62 entered judgment granting an easement in favor of Keystone based on the agreement reached between the parties. Although Keystone filed

a lawsuit against Mr. Harter based on eminent domain, the judgment granting an easement was the result of the settlement agreement.

7. **Does this conclude your prepared surrebuttal testimony?**

Answer: Yes.

Dated this 25 day of July, 2015.

  
Corey Goulet

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of July, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of the foregoing Surrebuttal

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