

BEFORE THE
PUBLIC UTILITIES COMMISSION
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

DOCKET HP14-001

REBUTTAL TESTIMONY OF DARREN KEARNEY
ON BEHALF OF THE COMMISSION STAFF
APRIL 23, 2015

1 **Q. State your name and occupation.**

2 A. My name is Darren Kearney. I am a Staff Analyst for the South Dakota Public
3 Utilities Commission.

4 **Q. Did you provide direct testimony in this proceeding?**

5 A. Yes.

6 **Q. To whose testimony are you responding?**

7 A. I am responding to the direct testimony of Cindy Myers.

8 **Q. On page 6 of Ms. Myers' testimony she states: "[t]estimonial analysis by**
9 **Dr. Madden is woefully inadequate to meet SDCL 49-41B-22[,] which requires the**
10 **project must protect the health, safety and welfare of SD residents. He is not a**
11 **medical doctor, but an economist[.]" What is your response?**

12 A. Ms. Myers does properly identify that Dr. Madden is an economist. However,
13 Ms. Myers misunderstood the purpose of Dr. Madden's testimony. Dr. Madden was a
14 Staff witness who testified on the "socioeconomic impacts that can be expected in
15 connection with the construction and operation of the proposed Keystone XL
16 hydrocarbon pipeline." (Madden Direct Testimony in Docket HP09-001, page 2). The
17 purpose of Dr. Madden's testimony was to provide an opinion on the social and
18 economic impact the project may have within South Dakota. He did not provide a
19 professional opinion on the project as it relates to "the health, safety, and welfare of SD
20 residents," as Ms. Myers' attests. In fact, the table Ms. Myers provides in her direct
21 testimony clearly identifies that Dr. Madden is addressing the expected economic
22 impact on the health industry. The table itself cannot be read as Dr. Madden providing
23 an opinion on the human health impacts associated with Keystone XL.

1 Since Dr. Madden provided an opinion on the potential socioeconomic impact of
2 the pipeline, the subpart of SDCL 49-41B-22 that his testimony applies to is subpart (2).
3 That subpart reads “[t]he applicant has the burden of proof to establish that... [t]he
4 facility will not pose a threat of serious injury to the environment nor to the social and
5 economic condition of inhabitants or expected inhabitants in the siting area.” Ms. Myers
6 incorrectly applied Dr. Madden’s testimony to subpart (3) of SDCL 49-41B-22, which
7 reads “[t]he applicant has the burden of proof to establish that... [t]he facility will not
8 substantially impair the health, safety or welfare of the inhabitants.”

9 **Q. Does this conclude your rebuttal testimony?**

10 **A. Yes.**