

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

IN THE MATTER OF TRANSCANADA KEYSTONE PIPELINE, LP FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED IN DOCKET HP- 09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE	Surrebuttal to Darren Kearney’s rebuttal to Cindy Myers’ testimony regarding Dr. Madden’s socio- economic analysis HP14-001
--	---

I am responding to Darren Kearney’s rebuttal to my direct testimony. My testimony stated:

"testimonial analysis by Dr. Madden is woefully inadequate to meet SDCL 49-416-22, which requires the project must protect the health, safety and welfare of SD residents. He is not a medical doctor, but an economist."

Mr. Kearney states I misunderstood the purpose of Dr. Madden’s testimony.

I understand that Dr. Madden is an economist and his testimony reflects a very brief socio-economic analysis of the project.

However, as written, the HP09-001 document, specifically Finding of Fact #107, implies that Dr. Madden’s analysis from a socioeconomic standpoint was also meant to support the subpart of SDCL 49-41 B-22 which states:

“The facility will not substantially impair the health, safety or welfare of the inhabitants.”

Finding of Fact #107 is included in Appendix C, South Dakota Final Decision and Order Tracking Table of Changes which was ordered by the PUC as part of the scope of discovery.

Finding of Fact #107 is listed under the heading “Socio-Economic Factors”.

HP09-001, Finding of Fact #107, as directly copied from that document:

Socio-Economic Factors

107. Socio-economic evidence offered by both Keystone and Staff demonstrates that the welfare of the citizens of South Dakota will not be impaired by the Project. Staff expert Dr. Michael Madden conducted a socio-economic analysis of the Keystone Pipeline, and concluded that the positive economic benefits of the project were unambiguous, while most if not all of the social impacts were positive or neutral. S-2, Madden Assessment at 21. The Project, subject to compliance with the Special Permit and the Conditions herein, would not, from a socioeconomic standpoint: (i) pose a threat of serious injury to the socioeconomic conditions in the project area; (ii) substantially impair the health, safety, or welfare of the inhabitants in the project area; or (iii) unduly interfere with the orderly development of the region.

I agree with Mr. Kearney that Dr. Madden's testimony does not include information concerning how the project would impact the health, safety, or welfare of the inhabitants, but finding of fact #107, as written, concludes that Dr. Madden's testimony supports SDCL 49-41 B-22, including the subpart "The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area" and also the subpart "the facility will not substantially impair the health, safety or welfare of the inhabitants"

Respectfully submitted this 29th day of April, 2015

Cindy Myers
Individual Intervener HP14-001
PO Box 104
87925 468th Ave.
Stuart, NE 68780
csmyers77@hotmail.com
402-709-2920

A copy of this letter has been electronically sent to the following:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

(605) 773-3201  (605) 773-3201 - voice

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

(605) 773-3201  (605) 773-3201 - voice

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us

(605) 773-3201  (605) 773-3201 - voice

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us

(605) 773-3201  (605) 773-3201 - voice

Mr. James E. Moore - Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
james.moore@woodsfuller.com

(605) 336-3890  (605) 336-3890 - voice
(605) 339-3357 - fax

Mr. Bill G. Taylor - Representing: TransCanada Keystone Pipeline, LP
Attorney
Woods, Fuller, Shultz and Smith P.C.
PO Box 5027
Sioux Falls, SD 57117
bill.taylor@woodsfuller.com

(605) 336-3890  (605) 336-3890 - voice
(605) 339-3357 - fax

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

(605) 669-2777  (605) 669-2777 - voice

Mr. John H. Harter
28125 307th Ave.
Winner, SD 57580
johnharter11@yahoo.com

(605) 842-0934  (605) 842-0934 - voice

Ms. Elizabeth Lone Eagle
PO Box 160
Howes, SD 57748
bethbest@gmail.com


(605) 538-4224  (605) 538-4224 - voice


Mr. Tony Rogers
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St.
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov


(605) 856-2727  (605) 856-2727 - voice


Ms. Viola Waln
PO Box 937
Rosebud, SD 57570
walnranh@goldenwest.net

(605) 747-2440  (605) 747-2440 - voice

Ms. Jane Kleeb
Bold Nebraska
1010 N. Denver Ave.
Hastings, NE 68901
jane@boldnebraska.org
(402) 705-3622  (402) 705-3622 - voice

Mr. Benjamin D. Gotschall
Bold Nebraska
6505 W. Davey Rd.
Raymond, NE 68428
ben@boldnebraska.org
(402) 783-0377  (402) 783-0377 - voice

Mr. Byron T. Steskal & Ms. Diana L. Steskal
707 E. 2nd St.
Stuart NE 68780
prairierose@nntc.net
(402) 924-3186  (402) 924-3186 - voice

Ms. Cindy Myers, R.N.
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com
(402) 709-2920  (402) 709-2920 - voice

Mr. Arthur R. Tanderup
52343 857th Rd.
Neligh, NE 68756
atanderu@gmail.com
(402) 278-0942  (402) 278-0942 - voice

Mr. Lewis GrassRope
PO Box 61
Lower Brule, SD 57548
wisestar8@msn.com
(605) 208-0606  (605) 208-0606 - voice

Ms. Carolyn P. Smith
305 N. 3rd St.
Plainview, NE 68769
peachie_1234@yahoo.com
(402) 582-4708  (402) 582-4708 - voice

Mr. Robert G. Allpress
46165 Badger Rd.
Naper, NE 68755
bobandnan2008@hotmail.com

(402) 832-5298  (402) 832-5298 - voice

Mr. Louis T. Genung
902 E. 7th St.
Hastings, NE 68901
tg64152@windstream.net

(402) 984-7548  (402) 984-7548 - voice

Mr. Peter Capossela, P.C. - Representing: Standing Rock Sioux Tribe
Attorney at Law
PO Box 10643
Eugene, OR 97440
pcapossela@nu-world.com

(541) 505-4883  (541) 505-4883 - voice

Ms. Nancy Hilding
6300 W. Elm
Black Hawk, SD 57718
nhilshat@rapidnet.com

(605) 787-6779  (605) 787-6779 - voice

Mr. Gary F. Dorr
27853 292nd
Winner, SD 57580
gfdorr@gmail.com


(605) 828-8391  (605) 828-8391 - voice


Mr. Bruce & Ms. RoxAnn Boettcher
Boettcher Organics
86061 Edgewater Ave.
Bassett, NE 68714
boettcherann@abnebraska.com


(402) 244-5348  (402) 244-5348 - voice


Ms. Wrexie Lainson Bardaglio
9748 Arden Rd.
Trumansburg, NY 14886
wrexie.bardaglio@gmail.com

(607) 229-8819  (607) 229-8819 - voice

Mr. Cyril Scott
President
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
cscott@gwtc.net
ejantoine@hotmail.com
(605) 747-2381  (605) 747-2381 - voice

Mr. Eric Antoine
Attorney
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570
ejantoine@hotmail.com
(605)747-2381  (605)747-2381 - voice

Ms. Paula Antoine
Sicangu Oyate Land Office Coordinator
Rosebud Sioux Tribe
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net
paula.antoine@rosebudsiouxtribe-nsn.gov
(605) 747-4225  (605) 747-4225 - voice

Mr. Harold C. Frazier
Chairman
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625
haroldcfrazier@yahoo.com
(605) 964-4155  (605) 964-4155 - voice

Mr. Cody Jones
21648 US HWY 14/63
Midland, SD 57552
(605) 843-2827  (605) 843-2827 - voice

Ms. Amy Schaffer
PO Box 114
Louisville, NE 68037
amyannschafter@gmail.com

(402) 234-2590  (402) 234-2590

Mr. Jerry Jones
22584 US HWY 14
Midland SD 57552

(605) 843-2264  (605) 843-2264

Ms. Debbie J. Trapp
24952 US HWY 14
Midland, SD 57552
mtdt@goldenwest.net

Ms. Gena M. Parkhurst
2825 Minnewasta Place
Rapid City, SD 57702
gmp66@hotmail.com

(605) 716-5147  (605) 716-5147 - voice


Ms. Joye Braun
PO Box 484
Eagle Butte, SD 57625
jmbraun57625@gmail.com

(605) 964-3813  (605) 964-3813

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380
Robertflyinghawk@gmail.com

(605) 384-3804  (605) 384-3804 - voice

Ms. Thomasina Real Bird - Representing - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com

(303) 673-9600  (303) 673-9600 - voice
(303) 673-9155 - fax

Ms. Chastity Jewett
1321 Woodridge Dr.
Rapid City, SD 57701
chasjewett@gmail.com

(605) 431-3594  (605) 431-3594 - voice

Mr. Duncan Meisel
350.org
20 Jay St. #1010
Brooklyn, NY 11201
duncan@350.org

(518) 635-0350  (518) 635-0350 - voice

Ms. Sabrina King
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org

(605) 716-2200  (605) 716-2200 - voice

Mr. Frank James
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org

(605) 697-5204  (605) 697-5204 - voice
(605) 697-6230 - fax

Mr. Bruce Ellison
Attorney
Dakota Rural Action
518 Sixth St. #6
Rapid City, SD 57701
belli4law@aol.com

(605) 716-2200  (605) 716-2200 - voice


(605) 348-1117  (605) 348-1117 - voice


Mr. Tom BK Goldtooth
Indigenous Environmental Network (IEN)
PO Box 485
Bemidji, MN 56619
ien@igc.org

(218) 760-0442  (218) 760-0442 - voice


Mr. Dallas Goldtooth
38371 Res. HWY 1
Morton, MN 56270
goldtoothdallas@gmail.com
(507) 412-7609  (507) 412-7609

Mr. Ronald Fees
17401 Fox Ridge Rd.
Opal, SD 57758
(605) 748-2422  (605) 748-2422 - voice

Ms. Bonny Kilmurry
47798 888 Rd.
Atkinson, NE 68713
bjkilmurry@gmail.com
(402) 925-5538  (402) 925-5538 - voice

Mr. Robert P. Gough
Secretary
Intertribal Council on Utility Policy
PO Box 25
Rosebud, SD 57570
bobgough@intertribalCOUP.org
(605) 441-8316  (605) 441-8316 - voice

Mr. Terry & Cheryl Frisch
47591 875th Rd.
Atkinson, NE 68713
tcfrisch@q.com
(402) 925-2656  (402) 925-2656 - voice

Ms. Tracey Zephier - Representing: Cheyenne River Sioux Tribe
Fredericks Peebles & Morgan LLP
Ste. 104
910 5th St.
Rapid City, SD 57701
tzephier@ndnlaw.com
(605) 791-1515  (605) 791-1515 - voice

Mr. Robin S. Martinez - Representing: Dakota Rural Action
Martinez Madrigal & Machicao, LLC
616 W. 26th St.

Kansas City, MO 64108
robin.martinez@martinezlaw.net

Ms. Mary Turgeon Wynne, Esq.
Rosebud Sioux Tribe - Tribal Utility Commission
153 S. Main St
Mission, SD 57555
tuc@rosebudsiouxtribe-nsn.gov

(605) 856-2727  (605) 856-2727 - voice

Mr. Matthew L. Rappold - Representing: Rosebud Sioux Tribe
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com

(605) 828-1680  (605) 828-1680 - voice

Ms. April D. McCart - Representing: Dakota Rural Action
Certified Paralegal
Martinez Madrigal & Machicao, LLC
616 W. 26th St.
Kansas City, MO 64108
april.mccart@martinezlaw.net

(816) 415-9503  (816) 415-9503 - voice

Mr. Paul C. Blackburn - Representing: Bold Nebraska
Attorney
4145 20th Ave. South
Minneapolis, MN 55407
paul@paulblackburn.net

(612) 599-5568  (612) 599-5568 - voice

Ms. Kimberly E. Craven - Representing: Indigenous Environmental Network (IEN)
Attorney
3560 Catalpa Way
Boulder, CO 80304
kimecraven@gmail.com

(303) 494-1974  (303) 494-1974 - voice