

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION
OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO
CONSTRUCT THE DAKOTA ACCESS
PIPELINE

HP14-002
PRE-FILED TESTIMONY OF
PEGGY HOOGESTRAAT

Almost a year ago, SD PUC Chairman Gary Hanson stated officials there first learned about the Dakota Access Pipeline project from landowners three to four weeks before being contacted by company officials. Hanson said "We didn't hear about it originally from the company itself, which is unusual."

For Energy Transfer, this was not unusual but it was a normal tactic to reach landowners before they could even know what was about to be presented. The only information available at that time came from the land agents who appeared at the landowners' doors. Landowners were told their property was chosen to be crossed by a pipeline to be installed through the Midwest. They were told they had no choice but to allow a survey on their property and later an easement agreement would be presented.

This situation was not unusual-it was planned. That is how Energy Transfer gets their foot in the door before the state knows what is coming. Personally, I have received phone calls and letters from landowners across the state who are opposed to the installation of the pipeline. Many of them believed they had no choice but to sign an agreement. One landowner never gave permission for a survey but it was done anyway. The fear of repercussions from Energy Transfer if they speak up has kept landowners from voicing their opinion to the PUC. They feel they have been let down by the system within our state. They feel their land has been handed over to an out-of-state private business for the benefit of the business and its stockholders.

Energy Transfer has done its homework. It has formed yet another limited liability company to go forward with its intentions. It has hired South Dakotans who are familiar with the political and economic leverage in the state. Energy Transfer has focused on issues of concern within the state. Some of those issues include teacher salaries, lack of rail cars, and road repairs. Energy Transfer's solutions to each of these issues have been overrated. Tax monies received from the taxation of the pipelines for schools and counties and townships will be actually be received and allocated by the state. No state official has claimed that the tax numbers provided by Energy Transfer are accurate. In regards to railroads, the lack of rail cars in the past is not due to the transportation of oil as much as Energy Transfer claims.

Energy Transfer's claim of providing jobs in South Dakota has not been so convincing because of South Dakota's low employment rate. Over and over, job opportunities already filled for the proposed pipeline have been enjoyed by out-of-state employees. One of the examples involves the unloading of pipes from a railcar west of Aberdeen. This has been done by employees of T.G. Mercer, a pipe unloading company from Aledo, Texas. The pipes are marked "Made in Canada".

When Dakota Access has been asked a question in the interrogatories about how the share of Bakken oil production that Dakota Access plans to transport by pipeline is currently being transported, the answer is "the request is irrelevant". The question is very relevant because the pipeline is not a necessity to transport the oil. The pipeline will merely provide a cheaper and more flexible opportunity for its shippers to reach multiple markets. All interested parties interested in receiving copies of the open season agreement, including deficiency agreements and proposed tariffs, have to sign a confidentiality agreement. If the proposed pipeline is supposed to be for the benefit of South Dakota and the public, why are there so many secrets? Why are landowners told they cannot disclose easement agreement information after the easements are signed? To add to South Dakota landowners' concern, the crude oil shipped through the proposed pipeline is not guaranteed to stay within the United States.

As a South Dakota landowner myself, I am concerned about the significant lack of protecting rural South Dakota compared to water areas and high populated areas. South Dakota's prime farmland is just as important to the state, nation and the world. Also, requirements set by the regulatory agencies allow opportunities for spills or leaks to not be reported. (See exhibit 1) Property owners are very concerned about the liability issues.

Property owners have questioned the need for surveys prior to the granting of the permit. Surveys already completed are lacking a large amount of information needed to determine the safe crossing or avoidance of sensitive areas, historic areas, or special archaeological areas.

It is a fact that the Bakken oil has been there for many years. It was not until the EPA rules were changed and then the oil began flowing. The rush was on. It appears that Energy Transfer is attempting to make some quick profits. The South Dakota government and leaders across the state have fallen short to: (1) inform landowners and citizens of their rights, (2) explain the process of application by Dakota Access Pipeline, and (3) share the facts and truth of what is to come if this (or any) pipeline is installed.

Large oil companies and agricultural businesses are at war. I ask that sacrificing landowners not be the target of this whole process.

Another concern in regards to the crude oil is the exposure to the carcinogen contained in the oil. The carcinogens are agents directly involved in causing cancer. It makes no sense to ship this dangerous product in a 30 inch pipeline through a highly populated area of South Dakota. (see exhibit 2)

Andrea Thronton of Natural Resource Group has included in her testimony issues including highly erodible soils. Counties, townships and landowners across South Dakota have worked together to prevent erosion. Consideration of this matter by the contractors hastily installing the proposed pipeline is a very serious concern. Reclamation of cropland and pastures is a great concern in regards to each and every farmer. Many farmers fear the land will be damaged and never as productive as it is today. The lack of controlling the spread of noxious weeds after the installation of the pipeline will become a hardship for landowners.

Another hardship for landowners across South Dakota has been the need to hire attorneys to protect their property and their interests. Landowners directly or indirectly affected by the proposed pipeline should be reimbursed for all attorney fees accumulated through the entire process.

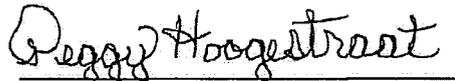
Many South Dakotans believe that succession is about honoring the past, profiting today and securing tomorrow. If the pipeline permit is granted, the pipeline will interfere with the orderly development of the region, thus, dishonoring the past. The pipeline will impair the wealth of the inhabitants and the profits of today. Tomorrow will not be secure as the pipeline will pose a threat of serious injury to the environment and the future inhabitants. Please do not stop the succession that South Dakotans are experiencing. Please deny the pipeline permit.

Attached hereto and incorporated herewith are the following documents to support my testimony;

Exhibit 1: Pages 1, 2, and 3 from the DAPL North Facility Response Plan dated June 2015

Exhibit 2: Minnehaha County Residential Distribution map dated June 15, 2015

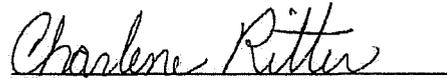
This concludes my testimony.



Peggy Hoogestraat

Subscribed and sworn before me this 12th day of August, 2015.





Notary Public – South Dakota

My Commission Expires: _____

Charlene Ritter
My Commission Expires 8-25-2020