

*Exhibit*

1 But certainly our view is that we're completely and fully bound  
2 when we accept that easement and use it.

3 MR. FRANKLIN OLSON: I'm Franklin Olson. I live  
4 26 miles south of here. I spent 11 years on the rural water  
5 board, BDM rural water board, along with a lot of other guys who  
6 worked super hard for rural water. I'd like to know what you  
7 would do if the BDM Rural Water System got contaminated with  
8 your crude oil, how would you keep this whole country moving?

9 This affects everybody in this room other than what's  
10 up here. Everybody in this room I'm sure would be affected by  
11 BDM Rural Water. And I'd like to know how you're going to get  
12 water to us if this gets contaminated. Pret' near every colony  
13 or person lives off BDM Rural Water. You tell me how.

14 MR. THOMAS: I guess the case you mentioned is we'd --  
15 would be very unusual. Again, if I go back to, you know, the  
16 prevention, detection, and mitigation activities that  
17 TransCanada has available, to significantly contaminate an  
18 aquifer is extremely unlikely. We are going to, with our  
19 systems, be able to detect leaks such that really in the event  
20 that you described, you know, large-scale contamination of an  
21 aquifer just won't occur.

22 MR. OLSON: You didn't answer my question. How would  
23 you get water to everybody on BDM Rural Water? That's the  
24 question I asked.

25 MR. THOMAS: I guess it's TransCanada's responsibility

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1 and commitment to ensure that provision is made. You know, I  
2 can't describe to you exactly how that would be done at the  
3 moment. It would be done in coordination with, as I mentioned  
4 before, federal authorities, state authorities, and we would  
5 work together with the residents to ensure that your water  
6 supply was provided in some fashion.

7 MR. OLSON: You still never answered my question.  
8 There's got to be water in that line immediately, not 10 days  
9 from now or a month from now. There's got to be water  
10 immediately. That's why we put generators in. That's why we  
11 did everything, so if electricity goes out we got water now, not  
12 a month from now or 10 days from now. Cattle can't go that long  
13 without water. I don't like to go very long without water  
14 either. So you tell me how. That's the question that I asked.

15 MR. THOMAS: And I understand your concern. You know,  
16 again, I can't describe exactly how it would work. You know, we  
17 would look to experts such as yourself to obtain input and  
18 provide us assistance.

19 MR. OLSON: If you can't answer the question, probably  
20 better get a different place to put the pipeline.

21 CHAIRMAN JOHNSON: Okay. Just a couple of things.  
22 It's important -- hold on. Everybody's getting an opportunity  
23 to make their voice heard, but it's very difficult for the court  
24 reporter to take down what's being said if two people are  
25 talking at the same time. So I'm just going to ask that you not

1 interrupt one another and that they -- you know, you're asking  
2 for some specific information. You're right, they haven't given  
3 it to you yet.

4 If they can't get it to you today, it's going to need  
5 to be part of this process on a go-forward basis. Not every  
6 question that's being asked today is going to be answered right  
7 now, but they're good things to bring up and they're going to be  
8 in the record.

9 MR. OLSON: As serious as that question is, I think  
10 they should have an answer for it today.

11 MR. GRAY: Sir, in the event something has occurred  
12 instantaneous as you've described, there's emergency procedures  
13 to transport water by trucks. You would bring trucks in to  
14 municipal water supplies to bring it.

15 I think the point that we're having the most  
16 difficulty with is the event you described is not possible to  
17 happen. There's no recorded instance of a pipeline failure that  
18 has contaminated aquifers for hundreds of square miles. There  
19 are instances of leaks by which maybe two landowners or three  
20 landowners have been affected, and transportation of water by  
21 trucks is very practical and feasible for that. But there is no  
22 recorded instances of failure that has contaminated square miles  
23 of aquifers from a pipeline.

24 You have 540 miles of refined product, that is  
25 gasoline and diesel pipelines in South Dakota. They have been