

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION
BY TRANSCANADA KEYSTONE PIPELINE, LP FOR
A PERMIT UNDER THE SOUTH DAKOTA ENERGY HP09-001
CONVERSION AND TRANSMISSION FACILITIES
ACT TO CONSTRUCT THE KEYSTONE XL PROJECT

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Transcript of Audio Recorded Proceedings
April 28, 2009
Buffalo, South Dakota

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BEFORE THE PUBLIC UTILITIES COMMISSION,
DUSTY JOHNSON, CHAIRMAN
STEVE KOLBECK, VICE CHAIRMAN
GARY HANSON, COMMISSIONER

COMMISSION STAFF
John Smith
Kara Semmler
Nathan Solem
Bob Knadle
Stacy Splittstoesser
Tim Binder

APPEARANCES
Brett Koenecke, May, Adam, Gerdes & Thompson,
appearing on behalf of the Applicant

Reported By Cheri McComsey Wittler, RPR, CRR

1 Present on behalf of the Applicant:

2 Robert Jones
3 Neil Myers
4 James White
5 John Phillips
6 Dennis Calhoun
7 Meera Kothari
8 Heidi Tillquist
9 Jon Schmidt
10 John Hayes
11 Richard Gale
12 Jeff Rauh
13 Andrea McLandress

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15 TRANSCRIPT OF PROCEEDINGS, held in the
16 above-entitled matter, in Buffalo, South Dakota, on the
17 28th day of April, 2009, commencing at 6 o'clock p.m.

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1 CHAIRMAN JOHNSON: All right, everybody. We're
2 going to go ahead and get started.

3 I suspect you all have a pretty good idea of
4 what we've got going on here now. I suspect you've got a
5 pretty good idea of what we've got going on here tonight.
6 But we're the Public Utilities Commission, and this is
7 one of our three public input hearings on
8 Docket HP09-001. And that's just the way we categorize
9 the filing that's been made by TransCanada for the
10 construction of their Keystone XL Pipeline.

11 We'll sort of lead off with -- you know, legally
12 give you an outline, sort of read through some of the
13 stuff we've got to get out of the way to begin with, give
14 you an idea what we've got going on, and then we'll move
15 forward.

16 But the purpose of this hearing really is
17 two-fold. First off, we want the Applicant, TransCanada,
18 to have an opportunity to tell all of us about what
19 they've got planned. And then, secondly and far more
20 importantly, we want to provide an opportunity on the
21 record for you all to ask questions and to make your
22 concerns and comments known to the Commission so those
23 can kind of guide us as we move forward on our process.

24 Now a copy of the Application is on file with
25 the county auditors in those affected counties, and that

1 includes Harding, Butte, Perkins, Meade, Pennington,
2 Haakon, Jones, Lyman, and Tripp. But I think probably
3 the best place to get access to the information if you've
4 got internet access is on our website, which is
5 www.puc.sd.gov. And there's a complete application.
6 There's all kinds of good information up there. And as
7 we get other filings they'll be posted up there. I think
8 it's a pretty useful site. And we'll point out our staff
9 members shortly, and they should be able to help walk you
10 through how to get there if you talk to them tonight.

11 So right now the parties to this proceeding are
12 the Applicant and the Commission. Under South Dakota Law
13 each municipality, county, and governmental agency in the
14 area may be granted party status, as well as any other
15 interested person or entity. And you've got until May 11
16 to request party status.

17 Now for most of you you're not going to need
18 party status to make your voices heard. You'll be able
19 to use comments and questions tonight to make your
20 opinions known or just after the fact really at any point
21 between now and when the Commission enters the decision
22 you can send us a letter. You can send us an e-mail via
23 our website or electronic filing and that sort of
24 feedback helps us as we move forward in the process. So
25 you don't need to do anything else other than just send

1 us a letter and speak up if you want your voices heard.

2 If you want to become a formally recognized
3 legal intervenor, which means you can call witnesses and
4 you can cross-examine witnesses and you subject yourself
5 to discovery and you can ask discovery of the other
6 parties, a pretty complex legal involvement of a case,
7 you can do that too and that's what that party status is
8 and that deadline is May 11. But there's no deadline if
9 you just want to make your voices heard in a general way.

10 And we do have applications here available with
11 us tonight if you want to apply for party status.

12 So for the permit to be approved the Applicant's
13 got to show four things. First off, that the project
14 will comply with all the applicable laws and rules.
15 Secondly, that this project will not pose a threat of
16 serious injury to the environment or to the social and
17 economic condition of the inhabitants or the expected
18 inhabitants of this siting area. Third, that the project
19 will not substantially impair the health, safety, or
20 welfare of the inhabitants. And, fourth, that the
21 project will not unduly interfere with the orderly
22 development of the region.

23 Now based on those factors, the Commission can
24 decide at the end of the whole process what it's going to
25 do. And we've really got three options. First is to

1 deny the permit, and the project wouldn't move forward.
2 We can approve the permit, meaning the project would move
3 forward as the Applicant has proposed. Or we can approve
4 the permit based on whatever terms and conditions on the
5 construction or operation or anything else that the
6 Commission felt was necessary.

7 We're going to begin by having the Applicant
8 make a 30-minute presentation to explain the project.
9 And then following that we're going to open this up.
10 Normally we would have a court reporter. Our court
11 reporter had a conflict tonight so that she could not be
12 here. And as a result, we're audio taping this, and then
13 she'll make a transcript after the fact.

14 But when it comes time for you to speak we would
15 ask that you first say your name and then spell your last
16 name, unless it's a very common spelling and then let us
17 know that and then third tell us where you're from. And
18 if you haven't taken an opportunity to sign up on the
19 sign-up sheet back there, please do. Even if you don't
20 plan on speaking tonight we'd like you to sign up there
21 because that's our record of whether or not people took
22 an interest in this proceeding and whether or not they
23 attended.

24 With regard to questions and comments, we would
25 ask two things. Number one, we want to be respectful of

1 everybody's time here. I know everybody's got a lot of
2 stuff going on tonight so we'd ask that you not be
3 repetitive. You know, if Jerry says something you agree
4 with, rather than repeat that you can just get up and say
5 I want you to know I agree with Jerry. That's my feeling
6 as well. That way we've got you on the record as being
7 in support or having concerns but we don't have to have a
8 lot of repetitive comments.

9 And, secondly, try to stay on topic. I sort of
10 read the four things that they've got to prove in order
11 to be able to move forward. And we're going to try to
12 keep you on task. We'll allow a little flexibility
13 because we understand that, you know, we want to explore
14 a few issues. But we're probably going to try to keep it
15 pretty -- pretty close on the areas that we're going to
16 be looking at with this.

17 So with that, I'll pause, and we'll introduce --
18 I'm Commissioner Dusty Johnson. Other Commissioners here
19 tonight are Steve Kolbeck and Gary Hanson. We've got the
20 Commission's General Counsel John Smith with us up here.
21 Behind us we've got Mr. Tim Binder with the Commission.
22 In the back we've got Mr. Bob Knadle. Although I don't
23 see them, I suspect that Stacy Splittstoesser, right back
24 there, Ms. Kara Semmler, and Mr. Nathan Solem are also in
25 the back. Those people certainly can help you if you

1 have questions during the break or after the fact.

2 So with that, I'll pause and see if my
3 colleagues -- if I forgot anything.

4 All right. So with that, we'll --
5 Mr. Brett Koenecke will be the lead spokesman for
6 TransCanada this evening.

7 Mr. Koenecke, please introduce those with you
8 tonight and begin your presentation.

9 MR. KOENECKE: Thank you, Commissioner Johnson,
10 and thank you, Commissioners Kolbeck and Hanson, and also
11 thanks to the Commission staff for their work in putting
12 this meeting together tonight.

13 My name is Brett Koenecke. I'm a lawyer from
14 Pierre, and I represent TransCanada Keystone Pipeline in
15 this proceeding before the PUC. We appreciate your
16 coming here very much tonight. We forward to providing
17 you with a little bit of information about the project
18 and then engaging in a dialogue with you about it. We're
19 going to try and answer your questions to the best of our
20 ability and to your satisfaction.

21 We look forward to hearing your comments that
22 you offer to the Commission here tonight. And if you'll
23 bear with us, we've got a short presentation that we'd
24 like to give you.

25 Seated right to my left is Robert Jones, the

1 vice president of TransCanada for the Keystone Pipelines.
2 Next to him is John Phillips who's in charge of
3 construction, and he's an engineer from Houston, Texas.
4 And Jim White next to him is a representative of the
5 Keystone TransCanada group as well.

6 Behind me are a number of subject matter
7 experts, people who are both employees of TransCanada and
8 contractors of TransCanada who have specific expertise in
9 a number of the things that we think your questions are
10 going to be about here tonight. So we'll be calling on
11 them from time to time to help answer your questions to
12 your satisfaction.

13 CHAIRMAN JOHNSON: Mr. Koenecke, we'll interrupt
14 real quick. Mr. Calhoun, how are we coming in back
15 there? Is the volume all right?

16 Sounds good. Thanks.

17 MR. KOENECKE: Thank you. With that, I'll turn
18 the microphone over to Robert Jones.

19 MR. JONES: First my ears. Now my eyes. This
20 might not work. Can you guys still hear me? Let me just
21 move my mic.

22 Okay. Are we good? Thank you, Commissioner
23 Johnson, Commissioner Kolbeck, Commissioner Hanson,
24 ladies and gentlemen.

25 My name is Robert Jones, and I'm the vice

1 president of the Keystone Pipelines. We are here to
2 present to you information regarding our proposed
3 Keystone XL Pipeline Project and to listen to your
4 concerns and answer your questions. But before I do
5 that, I'd like to acknowledge and recognize that many of
6 you have concerns about the construction and operation of
7 a crude oil pipeline and how it may potentially impact
8 your land.

9 I want to provide you with two commitments. The
10 Keystone XL Pipeline will be designed, constructed, and
11 operated safely and in an environmentally responsible
12 manner. It is our commitment to treat landowners fairly
13 and with respect. Now let me tell you about TransCanada
14 and the project.

15 Who is TransCanada? TransCanada is a
16 North American energy infrastructure company. We have
17 over 50 years of experience. And TransCanada Corporation
18 is listed on the New York Stock Exchange.

19 There are about 4,000 employees, and over
20 one-third of them are based here in the United States.
21 Our corporate headquarters is in Calgary, and our U.S.
22 headquarters is in Houston.

23 At TransCanada we provide reliable supplies of
24 energy across the continent, and we're proud that
25 millions of North Americans depend on us for their energy

1 needs every single day.

2 Now there's two logos on this slide we're
3 extremely proud of. TransCanada was named to the
4 Dow Jones Sustainability World Index for the seventh year
5 in a row, and for the third consecutive year TransCanada
6 was recognized as one of the global 100 most sustainable
7 companies. These programs rank companies worldwide based
8 on their environmental record and other key factors such
9 as relationship with communities and with stakeholders.

10 Now this map gives you a geographic reach of our
11 pipeline -- not only our pipeline but our power assets.
12 We operate over 40,000 miles of pipeline assets either
13 wholly owned or in partnership with others. We also
14 operate a growing fleet of power generation facilities.
15 We have wind, hydro power, nuclear, natural gas power
16 generation facilities. We supply electrical power in
17 both -- throughout Canada and the United States.

18 We are an energy infrastructure company with
19 operations in Mexico, United States, and Canada, and we
20 have ongoing relationships with over 40,000 landowners.

21 Now TransCanada has been in South Dakota since
22 the early '80s. We were an owner of the Northern Border
23 Pipeline system, and this system delivers natural gas to
24 people of South Dakota and the Midwest. We now own and
25 operate the Northern Border Pipeline, and its

1 headquarters are in Omaha, Nebraska but it also has a
2 maintenance base in Brookings, South Dakota.

3 Now the Keystone field U.S. operations will also
4 be in Omaha, Nebraska, and we're going to have a number
5 of maintenance bases here in South Dakota.

6 Now why Keystone XL? This pipeline will connect
7 the world's second largest oil reserve with the world's
8 largest refining market. Canada has the second largest
9 oil reserves in the world. And the Gulf Coast is home to
10 the world's largest refining market.

11 On this map you can see that Venezuela and many
12 of these Middle Eastern countries are not friendly
13 trading partners with the United States. So it's easy to
14 see why Canada is increasing in importance as a supplier
15 of energy to the United States.

16 Canada is currently the leading supplier of oil
17 to the U.S., supplying about 2.2 million barrels of the
18 20 million barrels consumed every day. Its Canadian oil
19 is growing in supply as a supply source to the U.S., and
20 we are the United States's largest trading partner. And
21 Canada certainly is a secure and reliable trading
22 partner. So Canada provides an opportunity for us to
23 replace Middle Eastern, Venezuelan, and Mexican sources
24 of oil.

25 Refineries located in the Gulf Coast represent

1 nearly 50 percent of the total U.S. refining capacity.
2 Gulf Coast refineries generally are served by offshore
3 supplies for the Middle East, Venezuela, and New Mexico
4 by tankers. Now these shipments are subject to severe
5 weather disruptions like hurricane Rita and Katrina and
6 other production disruptions.

7 Now these refineries provide the gasoline and
8 the diesel and the lube oils and the fertilizer and other
9 products that each of us use every day. And most of
10 these products are transported to South Dakota by a
11 pipeline from either Gulf Coast refineries or from
12 Cushing-area refineries.

13 Now the Keystone XL Pipeline is designed to
14 deliver an initial capacity of 700,000 barrels per day.
15 And it will be expandable to 900,000 barrels a day.
16 Keystone XL will be operated as an integrated system --
17 integrated with the Keystone Pipeline system. Its
18 maximum capacity of the combined Keystone system is about
19 1 and a half million barrels per day.

20 Now the need for this pipeline is demonstrated
21 by the long-term contract commitments. U.S. refiners and
22 crude oil marketers have executed binding contracts for
23 over 910,000 barrels with an average term of over
24 18 years.

25 Now the Keystone XL estimated cost is

1 \$7 billion. And with the \$5 billion estimated cost for
2 the Keystone Project, the combined Keystone Pipeline
3 system is estimated to cost \$12 billion.

4 So in terms of timing, we will place the first
5 phase of the Keystone Pipeline in service later this
6 year. And we'll begin deliveries to the refineries in
7 the Wood River and Patoka, Illinois area. In 2010 we're
8 scheduled to construct the extension to Cushing to
9 deliver crude oil to the Oklahoma-based refineries.

10 Now pending on regulatory approvals, the
11 Keystone XL construction project, construction will occur
12 here in South Dakota in 2011 and 2012.

13 Now here's a map showing the proposed route in
14 South Dakota. Passing through portions of Harding,
15 Butte, Perkins, Meade, Pennington, Haakon, Jones, Lyman,
16 and Tripp Counties. The capital cost of the Keystone XL
17 Project in South Dakota is about \$920 million, and the
18 pipeline's about 313 miles in length and 36 inches in
19 diameter. Now an example of this pipe can be found in
20 the back of the room.

21 There are also going to be seven pump stations
22 to keep the oil flowing through the line and 16 main line
23 and check valves in addition to the seven pump stations.

24 Now Dennis Calhoun, our manager of the Keystone
25 XL land, he's our land manager, he's in the back there

1 and if any of you are interested in looking at the
2 detailed route maps, please go and see him.

3 Now pipelines are subjected to significant
4 federal and state regulation review. On the federal side
5 the Department of State will review the Keystone
6 Application for a presidential permit because we cross an
7 international boundary, but the Department of State will
8 also be the lead agency to meet the requirements under
9 the National Environmental Policy Act, or NEPA.

10 Now there are a dozen or more federal agencies
11 that will also review the project. They are the Army
12 Corps of Engineers, the Department of Transportation, the
13 Bureau of Land Management, and Fish and Wildlife.

14 Now the South Dakota Public Utilities Commission
15 has siting authority to review the project. But in
16 addition to them, the project is subject to review from
17 other state authorities. That includes the South Dakota
18 Department of Environment and Natural Resources or the
19 DENR, and the South Dakota State Historic Society.

20 Now this map shows that there's over 1.3 million
21 miles of oil pipelines and gas pipelines in the
22 United States. Now we tend not to notice pipelines
23 because they're -- once they're in the ground -- because,
24 of course, they're buried. But pipelines deliver nearly
25 all of the natural gas and nearly all of the oil -- or

1 all of the gasoline and all of the diesel that we use
2 here in South Dakota and in the United States. And the
3 reason is pipelines are the safest and most efficient
4 mode of transportation.

5 Now interstate pipelines are regulated under
6 federal regulations. And within the Department of
7 Transportation there's this agency called the Pipeline
8 Hazardous Materials Safety Administration, but we refer
9 to them as PHMSA. They regulate pipeline safety. Now
10 the PHMSA office for South Dakota is based in
11 Kansas City.

12 Now in addition to helping meet U.S. demands for
13 oil, Keystone XL will also deliver some local benefits to
14 South Dakota. We estimate between 20 and \$30 million
15 will be directly injected into the South Dakota economy.
16 Pipeline contractors and pump station contractors will
17 purchase food, lodging, construction consumables, and
18 other supplies.

19 Keystone will be the largest private
20 construction project in South Dakota. The work force is
21 estimated to be about 1,200 workers per year in both 2011
22 and 2012. But by far the largest benefit to South Dakota
23 will be the property tax revenue collected every year by
24 the nine counties and 13 school districts that the
25 pipeline will traverse. We estimate that the first year

1 property tax revenue in South Dakota to be about \$10.3
2 million. And state aid to education payments are
3 estimated to be reduced by \$5.2 million. So there will
4 be a significant reduction in the tax burden benefiting
5 the local property taxpayers.

6 Now another benefit will be the reinforcement of
7 the local co-ops' electrical infrastructure.

8 Now route selection is a multistep process.
9 First we need to identify the project objectives. For
10 Keystone XL the objective was to transport Canadian oil
11 to Gulf Coast refineries and to construct the pipeline in
12 the most direct route possible from a source in
13 Harding, Alberta to connect up to Steele City, Nebraska
14 Keystone system.

15 And, secondly, we had to identify major control
16 points. They were the entry point into the
17 United States, the Ft. Peck Reservoir, and the Charles
18 Russell National Wildlife Refuge.

19 With the project objectives and the major
20 control points you now have what we call defined a study
21 area. And data is collected from soliciting input from
22 various agencies and the public from doing field surveys.
23 Once we have all the data, we identify constraints like
24 environmentally sensitive areas, local train issues, and
25 cultural features.

1 The study areas show that there were no linear
2 northwest-to-southeast features that we could follow. So
3 we also developed and assessed various alternatives.

4 Now there will be additional input and
5 refinements as a result of further surveys and further
6 field work and further regulatory review.

7 We developed a comprehensive construction
8 mitigation and reclamation plan to minimize environmental
9 impacts based on best industry practices. Now there are
10 a number of agencies that will review and stipulate to
11 environmental protection measures. The Department of
12 State and other federal agencies will attach
13 environmental mitigation conditions to minimize these
14 impacts. And the PUC and State agencies will also
15 identify additional environmental mitigation conditions.

16 So Keystone will minimize the impact of the
17 project on the environment in South Dakota by using these
18 construction and restoration measures and conditions.

19 Now I'll ask John Phillips, he's our manager of
20 engineering construction, to describe how the pipeline's
21 constructed and including the easement impacts necessary
22 for that construction.

23 John.

24 MR. PHILLIPS: Thanks, Robert. To construct and
25 operate the pipeline Keystone will negotiate with

1 landowners for a 50-foot-wide permanent easement, as well
2 as an additional 60 feet of temporary construction
3 workspace. Landowners will be able to ranch and farm
4 over the permanent easement after construction.

5 Some areas such as streams, roads, and railroad
6 crossings, as well as rough and hilly terrain, may
7 require some additional temporary workspace to safely
8 complete construction.

9 In addition, Keystone will obtain rights for
10 access roads. Temporary workspace will revert back to
11 the landowner after construction.

12 In South Dakota the project's divided into
13 spreads, about 80 to 95 miles in length, a length that
14 can be constructed in a single construction season. The
15 pipeline is constructed like an assembly line made up of
16 separate crews, each with a different task. Over two
17 years a total of approximately 2,500 construction workers
18 will be spread over the length of the pipeline in the
19 state. 500 to 600 construction personnel will work on
20 each spread. Work will progress at about 1 to 1 and a
21 half miles per day for each crew on a spread.

22 After the right of way has been cleared and
23 graded, the topsoil is stripped from the right of way as
24 shown on the right and segregated away from the ditch
25 spoils which is shown on the left in order to prevent

1 mixing.

2 Pipe is delivered by train to rail sitings,
3 unloaded, and trucked to pipe yards which are adjacent to
4 the right of way. Pipe in 80-foot lengths is loaded onto
5 trucks at the pipe yard, delivered and strung along the
6 right of way, and bent to conform to the contour of the
7 ditch.

8 The ditch is dug using a wheeled ditching
9 machine or a backhoe. The ditch spoils are separated
10 from the topsoil to prevent mixing.

11 The pipe is welded together using an automated,
12 mechanized, or manual welding process. Each weld is
13 inspected using an ultrasonic inspection tool or
14 radiography to ensure that it meets quality requirements.

15 The weld areas are sandblasted and coated. The
16 pipe coating is inspected to ensure its integrity before
17 it's lowered into the ditch. The pipe is lowered into
18 the ditch in segments, and the segments are welded
19 together at tie-in points.

20 In areas of significant rock the pipe is padded
21 with select material, and the ditch is backfilled with
22 ditch spoils.

23 After the contours have been restored to the
24 original grade the area is loosened to reduce compaction
25 and the topsoil is spread back across the right of way

1 and the area is reseeded using specified seed mixes.

2 Prior to digging in compliance with state law we
3 contact the South Dakota One Call who identifies the
4 location of existing buried utilities. These existing
5 utilities will often provide an on-site representative to
6 inspect during excavation as Keystone will when you call
7 after construction.

8 The pipe is fitted with test heads, filled with
9 water, and hydrostatically tested to 125 percent of the
10 operating pressure to comply with code requirements. In
11 addition, the pipe is inspected internally with a device
12 called a pig that's used to inspect the pipe from the
13 inside for dents and ovality.

14 Although construction will disturb your land, we
15 will take great care to restore the land as close as
16 possible to its preconstruction condition.

17 We'll go to Robert Jones for the next slides.

18 Robert.

19 MR. JONES: Thanks, John.

20 Now Keystone will meet or exceed all applicable
21 codes and regulations. Now we talked previously about
22 the regulatory reviews associated with proposals to build
23 a pipeline. Now there are a separate set of regulations,
24 requirements, and industry standards that apply to the
25 design of a pipeline. And they help ensure pipeline

1 safety and integrity for as long as we will operate the
2 pipeline.

3 Now industry standards reflect the knowledge
4 that we have gained through more than 100 years of
5 pipeline experience in North America. These regulations
6 and standards are intended to ensure the protection of
7 the public, the environment, and to prevent pipeline
8 failures.

9 Keystone XL's design will reflect
10 state-of-the-art safety features. For example,
11 regulations will require 2 and a half feet depth of
12 cover. Keystone XL will be constructed with 4 feet of
13 depth of cover, and that's to minimize the risk of the
14 pipe being accidentally struck by a third party after it's
15 installed.

16 While a pipe failure is rare, when it has
17 occurred it's a third-party contact that's the leading
18 cause. Now at TransCanada we've also developed a
19 specification for high-strength steel pipe. And that
20 exceeds the existing standard for the fabrication of a
21 large diameter pipeline.

22 TransCanada's specification for external pipe
23 protective coating is fusion bond epoxy. This
24 corrosion-preventive coating has virtually eliminated
25 external corrosion as a source of failure in pipes. In

1 the more than 29 years that TransCanada has been using
2 fusion bond epoxy coating we have never had a pipe
3 failure due to corrosion.

4 Cathodic protection provides an additional
5 protection if the coating is damaged after it's
6 installed. We also install marker signs at road
7 crossings, and we bury warning tape at every utility
8 crossing to act as an additional warning to these
9 utilities when they cross the pipeline. There's also
10 isolation valves that are strategically located to
11 protect the environment in the event of a release.

12 Now the entire pipeline system -- now safety
13 features associated with construction of the pipe include
14 the following things that we're going to do: Keystone
15 will only solicit pipe bids from mills that have met
16 TransCanada's quality standards. We then supply direct
17 oversight in the steel mills and in the pipe mills and
18 all the handling -- sorry. In the pipe mills during
19 fabrication and oversight during handle to the site.

20 During construction all the welds are checked
21 and qualified by an x-ray and ultrasonic technician. Now
22 there's over 40 inspectors that monitor the various crews
23 along the pipeline during construction.

24 Now before the pipe is lowered into the ditch
25 the coating is checked to ensure its integrity. We also

1 inspect the pipe internally using a caliper pig, and that
2 ensures that it has met the specifications.

3 Now land agents will be available and will be
4 communicating with you during construction so you're
5 aware of all the construction activities.

6 Now the entire pipeline system is monitored
7 24 hours a day 365 days a year by highly trained,
8 qualified employees from a computerized control center.
9 And we have a backup center that also provides redundant
10 oversight capability. And we have dual communication
11 systems and multiple leak detection systems. Keystone
12 has a pipeline integrity management program that will
13 maintain the quality of the pipeline throughout the life.
14 And Keystone has the damage prevention program that
15 includes participation in the South Dakota One Call.

16 Aerial surveillance or line control will occur
17 26 times a year, not to exceed three weeks.

18 This is why we usually have podiums.

19 In the unlikely event of a release, Keystone
20 will implement its emergency response program to protect
21 the safety of the public, the environment, to minimize
22 damage to property, and to company operations.

23 The emergency response program will be submitted
24 to PHMSA and the South Dakota department of energy (sic)
25 and natural resources. Keystone's public awareness

1 program will communicate our emergency response plan to
2 stakeholders such as community first responders.

3 Keystone employees and contractors will be
4 trained as first responders to address an emergency.
5 Keystone will work with the community first responders
6 such as local law enforcement and the fire departments to
7 be aware of our role and our capabilities and that they
8 are to address public safety and to secure the site.

9 Keystone's commitment is to design, construct,
10 and operate a safe pipeline. We want to build it and
11 operate it in a socially and environmentally responsible
12 manner. We will meet or exceed industry and government
13 standards, and we're going to consult with the
14 stakeholders. Keystone will treat landowners with
15 fairness and respect. We look forward to being a part of
16 your community and a good neighbor.

17 Now Keystone continues to operate a project
18 website. We have e-mail, toll-free line, and we want to
19 do that so we can receive and respond to your inquiries
20 so we can on go further consultation. Now you'll find
21 that toll-free number and the project website address on
22 the back of any Keystone XL brochure. And there's some
23 in the back.

24 Dennis Calhoun is also here, and he'll be able
25 to talk to landowners after the meeting.

1 I want to thank you very much for coming here
2 tonight and for listening to us.

3 Commission.

CHAIRMAN JOHNSON: Thanks very much to the Applicant. Before we get started, there was some information -- Mr. Koenecke, there was some information in the Rapid City Journal that I think you have indicated that was not accurate. Maybe before we get started your team can let folks know those clarifications.

10 MR. KOENECKE: There we go. Thank you,
11 Commissioner. We appreciate that opportunity. We'd like
12 to be brief about it. I think we'll call on Bill Taylor
13 to present some tax information in order to correct what
14 was in the Rapid City Journal this morning.

15 MR. TAYLOR: My name is Bill Taylor. I'm a
16 lawyer in Sioux Falls --

17 (Inaudible)

18 MR. TAYLOR: All right. So I'll start over
19 again. I'm not used to a microphone. I normally don't
20 have any trouble projecting. So if you can't hear me,
21 raise your hand.

22 My name is Bill Taylor. I'm a lawyer from
23 Sioux Falls. I work for TransCanada. They asked me to
24 figure out what the tax impact of the TransCanada
25 Pipeline was going to be in South Dakota. So I did that.

1 I didn't read the Rapid City Journal article
2 today. I don't read the Argus Leader either, you know.
3 And I think I don't have to tell any of you why that is.
4 But I will tell you what the tax situation is going to be
5 in Harding County. And I want to make this as simple and
6 as straightforward as I can.

7 We made a couple of slides. Put the first one
8 up, would you. Okay.

9 Right now -- right now the total assessed
10 valuation of all the real estate in Harding County is
11 about \$152 million. What that says is if this is the
12 borders of Harding County, your tax assessor says the
13 total value of all the property in the county is
14 \$152 million.

15 Now if you don't know how taxes work in
16 South Dakota, every one of you who owns a piece of real
17 property every year in March gets the assessed valuation
18 from the assessor. And that's supposed to be the
19 equalized value of your property, that is your property
20 assessed equal to all other similar property in the
21 county.

22 Then in the summertime all of the agencies, the
23 county commissioners, the school and so forth, all gather
24 up, and they figure out what their budget is going to be
25 for the coming year. And the county treasurer working

1 with the Director of Equalization figures out how much
2 money in dollars has to be raised from this \$152 million
3 of tax -- of real property assessed valuation to pay for
4 all the operations of government in the county and in the
5 school system. And then they divide that up.

6 So if the assessed valuation of your property is
7 \$100,000, they figure out how many mills it takes or how
8 many dollars per thousand it takes to raise all the money
9 needed for government. Pretty straightforward system.

10 Here's what's going to happen when this pipeline
11 gets built. And I got to tell you how we arrived at
12 these numbers first. The law in South Dakota says that a
13 pipeline is supposed to be valued taking into account
14 three factors: Its cost, the income it produces, and its
15 market value. Just exactly like your house or ranch.

16 You know, everybody in this room whose in the
17 agricultural business knows that effective 2009 your
18 agricultural property is going to be taxed based on its
19 capacity to produce, its income. Big change in the law.
20 Very similar with the pipeline company. But there's two
21 problems with figuring out the tax impact in
22 South Dakota.

23 The first of the two problems is we're not in
24 business yet. So we don't know what the income is going
25 to be. Remember, three approaches. The first one is

1 income approach. We don't know what the income is going
2 to be. And we don't know what the market value is going
3 to be. In other words, we don't know what somebody else
4 would pay to buy that pipeline.

5 What we do know is what it's going to cost to
6 build. In South Dakota the pipeline -- the pipeline
7 company is going to spend \$921 million. Just for those
8 of you who are interested, that's the single biggest,
9 largest construction expenditure in the history of the
10 state of private dollars, \$921 million, a shade less than
11 a billion.

12 In Harding County there will be about 71 miles
13 of pipeline, and there will be two pump stations. The
14 pump stations cost someplace between 21 and \$25 million
15 each, depending on the nature of the pump station. And
16 then 71 miles of pipeline.

17 So here's what we did. We figured out the total
18 mileage all the way across South Dakota, and we computed
19 the total construction cost all the way across
20 South Dakota, and we divided it up mile per mile. So we
21 figured out what it cost to build one mile of the
22 pipeline and attributed 71 and a fraction of those miles
23 to Harding County plus two pump stations. And that
24 number is \$222 million.

25 All right. So today all the real estate in

1 Harding County is worth 152 million. We're going to add
2 \$222 million to that. When it's all said and done in
3 Harding County the value of all the real estate which
4 will now include the pipeline will be \$374 million.

5 So let's just think about the impact that has.
6 Let's assume that the cost of government does not change,
7 that you get a lock on your school board and you get a
8 lock on your county commissioners and next year it's
9 going to cost exactly the same to run your government as
10 it cost last year.

11 Now I'll give you a little caveat here. When we
12 worked these numbers out the way we did it is we had to
13 have someplace to start. We knew what all the tax
14 figures were throughout the State of South Dakota for
15 2008. So we pretended that the pipeline was completed
16 and constructed and completely taxable in 2008 and tried
17 to figure out what the impact would be.

18 In actuality the pipeline will not be
19 constructed until '10 or '13 --

20 CHAIRMAN JOHNSON: Mr. Taylor, how much longer
21 do we have on this piece of --

22 MR. TAYLOR: Maybe five minutes.

23 CHAIRMAN JOHNSON: We do want to hear from folks
24 so if we can cut to it.

25 MR. TAYLOR: What it amounts to, we're going to

1 double the tax base. 2.4 times the tax base is going to
2 increase in Harding County, which means that you've got
3 2.4 times as much money taxable assessed valuation over
4 which to spread the cost of government.

5 Simple math says that taxes in Harding County
6 are going to go down by over half as a consequence to the
7 pipeline.

8 Commissioner Kolbeck wants to know does any of
9 that money go to Pierre? The answer is no. None of the
10 money goes to Pierre. It stays here.

11 CHAIRMAN JOHNSON: Okay. Thanks very much,
12 Mr. Taylor. At this point let's see if we've got any
13 questions for the Applicant. What we would ask you to do
14 is to raise your hand. We will run a mic over to you.
15 Just as a reminder, state your name, spell your last
16 name, please, and let us know where you live, and let's
17 see if you've got any questions for the Applicant.

18 MR. NYGAARD: Leonard Nygaard, N-Y-G-A-A-R-D.
19 My question is what is the expected lifetime of this
20 project -- of the pipeline?

21 MR. JONES: Thank you, sir. Good question. So
22 because of this (Inaudible) second largest reserves in
23 the world with the largest market in the world, as long
24 as we're still continuing to use oil, and I suspect that
25 will be the case for generations, we're designing the

1 pipeline and we're going to operate and maintain it so it
2 can last for generations as well.

3 So the answer is we don't know how long. But
4 certainly as long as we need to move oil to the
5 refineries so we can produce diesel and gasoline.

6 So the question is is what happens when we're
7 done. Well, what happened -- in a pipeline that we built
8 in 1957 is that we converted it from natural gas service
9 to oil service. So pipelines tend -- if they're well
10 maintained then what you can do is you can convert the
11 service. So it could be used to transport some other
12 product like natural gas.

13 If at the end of that time, the end of that life
14 we have to abandon the line, in other words its life is
15 ended, then we'll follow whatever the regulations may be
16 and whatever the standards may be, and we'll go through
17 the same process we are going through here today. But we
18 can only speculate what that would be because it's going
19 to be many, many generations from now.

20 CHAIRMAN JOHNSON: Other questions. Good
21 question.

22 MR. CLANTON: Brett Clanton, C-L-A-N-T-O-N, from
23 Buffalo.

24 My question is what affect will a cheaper
25 quality tar sands oil have on domestic oil supplies and

1 prices?

2 MR. JONES: This pipeline is designed to move
3 all types of oils, so whether it's synthetic crude oil or
4 conventional crude oil, whether that's sweet, medium, or
5 the heavy crude oils that are now coming out of the oil
6 sands.

7 Now the oil that's coming out of the oil sands
8 is the area that's growing the most. So today Canada
9 produces about 3 million barrels of oil, and about
10 2.2 million barrels is imported into the United States.
11 And that oil has no sand in it. There's this
12 misconception that there's sand in that oil, and there
13 isn't any. They take the sand out of the oil, and it
14 looks like any other oil.

15 That's a heavy oil, similar to the ones you get
16 in Venezuela or San Joaquin Valley in California or other
17 places in the world. Because it has to meet the
18 specifications of the refineries here in the
19 United States. So, you know, we are the transporter. We
20 don't own the oil, and we don't refine the oil.
21 Sometimes I like to call us a trucker or the mailman. We
22 just move the product.

23 CHAIRMAN JOHNSON: Mr. Jones, Mr. Clanton also
24 asked about if there would be any effect on the price of
25 oil. Didn't you, Mr. Clanton? Didn't you ask about

1 cheaper tar sands oil?

2 MR. CLANTON: Yes. The effects on supply and
3 price.

4 MR. JONES: Commissioner Johnson, I think it's
5 really unreasonable to expect a pipeline company to have
6 an understanding of the price of oil. But we all read
7 the paper, and I can tell you the price of oil last year
8 is a heck of a lot different than the price of oil this
9 year. So obviously it's a very dynamic market and it's
10 impacted by a lot of factors, political factors, and this
11 year it was the economy.

12 So the answer is I have no idea what the price
13 will be.

14 CHAIRMAN JOHNSON: Thanks. Other questions.

15 MS. GILBERT: My name is Linda Gilbert,
16 G-I-L-B-E-R-T. I live at Buffalo.

17 My question is actually for the PUC
18 Commissioners. I'm unclear about how our laws work in
19 South Dakota. Do you as a governing body have the
20 ability to request as part of your permitting process
21 TransCanada to do bonds for like impacts on roads?

22 Also like for emergency plans I don't believe
23 TransCanada has filed an emergency plan as part of their
24 process. You know, they referred to it in this
25 presentation, but I don't believe there's been one that's

1 filed. And I'm just curious what your role in this is.
2 Can you require that?

3 CHAIRMAN JOHNSON: I'll take a first stab, and
4 then Mr. Smith and the Commissioners can fill in. First
5 off, with regard to your question on one -- the second
6 one was the plan. The first was what?

7 MS. GILBERT: Like requiring a bond for impacts
8 we're going to have on roads and so forth in Harding
9 County.

10 CHAIRMAN JOHNSON: Thank you very much. State
11 law does require a bond to repair any potential damages
12 to township and county roads. Bonds were required two
13 years ago in the Commission Order for the Keystone
14 Pipeline that was approved for East River South Dakota.

15 First year of construction a \$3 million bond was
16 required, and in the second year of construction I
17 believe it was a \$12 million bond. State law does give
18 us that authority.

19 With regard to a safety plan, in the
20 Commission's order from two years ago again there were a
21 number of requirements, conditions that we placed on that
22 approval. And a number of those conditions had to do
23 with the filing of additional information once it was
24 completed. Those plans need to be reviewed by the
25 Federal Government, the Department of Environment and

1 Natural Resources, and pursuant with the PUC order also
2 the Public Utilities Commission. Those plans are not
3 routinely done in advance during this sort of regulatory
4 phase but would be done prior to operation of a pipeline.

5 But with that, I'm going to pause and see if
6 Commissioners Hanson and Kolbeck have anything to add.

7 COMMISSIONER KOLBECK: Everything that
8 Commissioner Johnson said is true. They do have -- I
9 know you directed the question to us, but I know that
10 TransCanada does have people who specialize in the safety
11 program if you'd like to hear from them.

12 But as Commissioner Johnson said, bonds --
13 there's \$15 million worth of bonds. And those bonds are
14 actually released by us. There's no date certain on
15 those. As soon as the Commission is satisfied that the
16 roads have been repaired, then we can release those
17 bonds.

18 MS. GILBERT: And have those bond been required
19 for XL?

20 COMMISSIONER KOLBECK: I'm sorry. What was
21 that?

22 MS. GILBERT: And have you required bonds for
23 the XL project then?

24 COMMISSIONER KOLBECK: I can't -- I can't -- go
25 ahead.

1 COMMISSIONER HANSON: Excuse me. I'm
2 Commissioner Gary Hanson. We're in that process at the
3 present time. So that would come with the order from the
4 Public Utilities Commission if -- obviously we -- state
5 law requires us to reach a decision within one year. We
6 had 57 contingencies on the Keystone Pipeline on the
7 eastern side of South Dakota. And one of those
8 contingencies there were 13 sub contingencies.

9 I would anticipate that as part of the process
10 here that Keystone will include some of those. We
11 certainly as a Commission will look at those. But we're
12 in somewhat of a little bit of challenging situation. We
13 act as judges here. And we're going through the process
14 right now of ascertaining the concerns of the public.
15 And we will, of course, insert our concerns and have our
16 opportunity for an evidentiary hearings. And at which
17 time as Commissioner Johnson explained all of you are
18 certainly invited to participate in that. We wouldn't
19 anticipate that you would certainly. That's the purpose
20 of us coming out here and going through the process.

21 But we may very well have bonds required. We
22 just cannot now -- as can any judge during the process,
23 we can't say, yes, I'm going to require this or not. We
24 cannot even speak to each other on this outside of an
25 open hearing like we're having here because of the open

1 meeting laws. So just to give you somewhat of a
2 background of the process that we go through.

3 MS. GILBERT: I guess I just had a comment then
4 that I would -- I as an individual living in
5 Harding County and given the very rural nature of our
6 county, we're real concerned about the safety impact and
7 even the ability -- as you referred to the local
8 volunteers, EMTs emergency services, they're just not
9 going to have the knowledge of fighting an oil-based
10 fire. So, therefore, I really would like to see those
11 plans put out before you start construction. I sure
12 would like to see what the safety plan is before we start
13 this process.

14 CHAIRMAN JOHNSON: Well, and I think perhaps at
15 this time would be appropriate to turn to the Applicant.
16 Because I think a lot of information -- I suspect
17 hundreds of pages of very specific information about the
18 questions you're asking could be provided in advance of
19 that particular filing required by the Federal
20 Government. So let's get you the information. Let's
21 turn to the Applicant to start with.

22 MR. JONES: Yes. Thank you, Commissioner.
23 That's a great question because it does give us an
24 opportunity to demonstrate to you and to describe to you
25 our plans. So I'll ask Mr. Hayes to respond.

1 MR. HAYES: Thank you, Robert. Ladies and
2 gentlemen and Commissioners, my name is John Hayes,
3 H-A-Y-E-S, and I work for TransCanada as a contractor. I
4 specialize in emergency response. That's a very long
5 question. I'll just maybe keep it fairly brief.

6 But for the Keystone Pipeline Project we do have
7 an emergency response plan in place now that was approved
8 by PHMSA. We also sent a copy to the State. And for KXL
9 we will use the same platform, the same type of
10 information, about 70 percent of that, and then develop
11 the site specific information at that time.

12 So you have our guarantee that that plan will be
13 in place well in advance of operations.

14 CHAIRMAN JOHNSON: Mr. Hayes, we had I think a
15 very important concern raised about first responders in
16 this area.

17 Can you give us an idea of what would be
18 expected of and required of first responders from local
19 governments?

20 MR. HAYES: Absolutely. Thank you. So for
21 first responders -- and I saw a number of you at the
22 back -- what our plan is is to educate you, help you
23 understand where our pipelines are, what's contained in
24 our pipelines, and what your role is.

25 And the real role at the end of the day is the

1 the same as ours. It's public safety. What we ask you
2 to do is help us secure the site and let us do our job
3 and clean up the oil and repair the pipe.

4 So it's very clear what your role is. It's
5 public safety. Help us secure the site.

6 CHAIRMAN JOHNSON: But, I mean, let's get a
7 little specific. To what extent would volunteer
8 firefighters be expected to be on the front lines dealing
9 with an oil-based incident?

10 MR. HAYES: We would not expect them to help us
11 out fighting crude oil fires at all.

12 MR. JONES: I just want to add a question on the
13 bonds. We would expect a bond in this case, and we would
14 certainly be prepared to honor that bond as well for the
15 road damage, potential road damage.

16 CHAIRMAN JOHNSON: Hold on. I just wanted to
17 double-check with staff to make sure somebody has the
18 name of that questioner.

19 MR. JONES: She did it.

20 CHAIRMAN JOHNSON: Thank you very much,
21 Mr. Solem. Okay. Go ahead. Next question.

22 MR. NYGAARD: If you're done with that previous
23 topic, my question was are you going to be just
24 transporting Canadian oil?

25 Leonard Nygaard.

1 Will you just be transporting Canadian oil, or
2 are you able to pick up U.S. oil along the way and add to
3 it. Or what kind of an impact will it have on our
4 industry?

5 MR. JONES: Thank you very much for that
6 question. The question is with regards to U.S.
7 production and will Keystone be able to move it.

8 Keystone's a common carrier pipeline, and we've
9 already started working with the North Dakota producers.
10 And we've had some confidential discussions with them. I
11 think it's really up to each producer to decide whether
12 or not it makes economic sense to do that.

13 So we are working with the marketplace, and it's
14 really a matter of whether or not it makes economic sense
15 for those producers to use the Keystone Pipeline or for
16 us to take the oil off existing pipelines that comes from
17 Canada that's causing a lot of the existing lines to be
18 full.

19 And so one of the issues is is that a lot of the
20 pipelines that are in the Dakotas or in Wyoming or
21 Montana today are full because they're full of Canadian
22 oil. So with this pipeline that Canadian oil comes onto
23 this line and frees up space on others. So I think there
24 will be a dynamic that will occur over the next few
25 years.

1 CHAIRMAN JOHNSON: Next question.

2 MS. TRASK: Stephanie Trask, T-R-A-S-K.

3 CHAIRMAN JOHNSON: Ms. Trask, I'm sorry. Which
4 location?

5 MS. TRASK: Rapid City. If the company is not
6 expecting any local help with emergency response, I would
7 think that a condition of the state permit would be an
8 emergency response plan in its entirety. Because, I
9 mean, how long are we talking for response? What's the
10 procedure? I would think that that needs to be a
11 condition of the state permit.

12 CHAIRMAN JOHNSON: And just as a clarification,
13 it -- Commissioner Hanson's absolutely right. We don't
14 have any idea what we'll do with this particular permit.
15 At least with the Keystone, the first one, Ms. Trask,
16 you're absolutely right. That was a condition. You're
17 absolutely right. In advance of operation.

18 (Inaudible)

19 CHAIRMAN JOHNSON: Yes, it was. An emergency
20 response plan was -- it was a condition of the permit,
21 that it be filed before operation. So point -- I think
22 you're right. Point well taken.

23 MR. JONES: Also I think Mr. Hayes has some --
24 maybe some additional information for you on the
25 question.

1 MR. SMITH: I'm wondering based on what you may
2 have been told, you might be confusing that with the
3 integrity management plan? Is that possible? Because
4 there's two separate plans the company has to file.

5 Well, maybe I'll let Mr. Hayes explain the
6 difference or Ms. Kothari. One -- well, I'll let you
7 guys do that.

8 MR. JONES: Mr. Hayes.

9 MR. HAYES: Okay. Thanks. Ms. Trask, I'm not
10 sure of your exact question. But the emergency response
11 plan was filed. It is complete. And it's for Keystone.
12 And I indicated we will be using the same platform again
13 for KXL, about 80 percent of it roughly, and develop a
14 site-specific one for KXL, the pipeline we're here to
15 talk about today.

16 MS. TRASK: (Inaudible). You were going to
17 clarify the difference between the emergency response and
18 the integrity management that John Smith referred to.

19 MR. HAYES: Yes, Ms. Trask. I'll pass that part
20 over to Ms. Kothari to answer that.

21 MS. KOTHARI: Meera Kothari, TransCanada
22 engineering.

23 So the difference between the integrity
24 management plan and the emergency response plan, as John
25 mentioned, the emergency response plan is specifically in

1 place to deal with emergencies. The integrity management
2 plan, on the other hand, is the plan for the long-term
3 maintenance of the pipeline.

4 Under federal law, Code of Federal Regulations
5 49.195 all operating companies are required to have a
6 plan in place on how they will maintain the pipeline
7 itself. Those plans need to follow specific definitions
8 and guidelines and meet federal regulations. They have
9 to do with frequency of maintenance for valves, have to
10 do with inspection timings, internally inspecting the
11 pipeline, and duration for repairs in terms of immediate
12 response or long-term maintenance programs.

13 As far as the filing, as Mr. Hayes mentioned,
14 the emergency response plan has been filed. The
15 integrity management plan is still under development. It
16 will also go to PHMSA to be reviewed and also be filed
17 with the Commission. And that will be prior to
18 operations.

19 CHAIRMAN JOHNSON: Other questions. Just raise
20 your hand, and we'll get you a mic out there.

21 MR. BRINK: I'm Derrick Brink, B-RI-N-K, from
22 Reva. Questions for the construction manager of
23 TransCanada. You stated that there was 80-foot pipe that
24 is going to be on semis. And with that pipe how do you
25 plan on accessing these county roads with that kind of

1 load?

2 And the second part of that question is are you
3 having any dust control procedures in place for going by
4 our places and also a speed control of your contractors?

5 MR. PHILLIPS: Very good questions, all three.
6 As far as -- there will be a transportation plan as far
7 as moving the pipe from the pipe yards to the right of
8 way, the 80-foot joints on the trucks.

9 As far as dust control, the contractor will have
10 some water trucks that we'll use to control dust on the
11 dirt roads.

12 And speed control is part of the contractor's
13 safety plan. This is something that the contractor
14 prepares before we begin construction. We go over the
15 details of it with the contractor, and they're bound by
16 that. If they -- if we have issues with trucks going too
17 fast or them not doing the things they're supposed to do,
18 then the construction management folks will take
19 corrective action, and the contractor will have to take
20 care of these things.

21 CHAIRMAN JOHNSON: Sir, did they get you
22 answered? Do you have a follow-up at all? Yeah. Go
23 ahead.

24 MR. BRINK: Our approaches here in
25 Harding County probably don't take an 80-foot load. I'm

1 just kind of wondering what you're going to do as far as
2 preconstruction.

3 MR. JONES: So I just want to add to John's
4 question or response. We'll work with the counties. And
5 we certainly will have to do a lot of planning before we
6 start. So if there's areas -- we're going to need a lot
7 of private roads as well so we're going to need to work
8 with different landowners. So there will be an ongoing
9 consultation process with the county and with the
10 landowners to make sure we get the access required to
11 safely make sure we get those joints onto the right of
12 way.

13 Your question of dust control, not only are we
14 going to spray county roads that we're going to be
15 accessing, but we also spray the right of way. We know
16 that it can get really dry, and when the wind picks up
17 you can have a dusty situation. So we do constantly
18 spray the right of way as well as the roads.

19 CHAIRMAN JOHNSON: Did we get you answered, sir?
20 Okay. Great. Thanks.

21 Other questions.

22 MR. COSTELLO: Yeah. I'm Tom Costello. I'm
23 with Bledsoe Cattle Company. I brought up some questions
24 for the environmental protection people when they were
25 here, and I didn't get all of my answers satisfactorily

1 answered there because they didn't have the answers.

2 Our biggest concerns about that pipeline going
3 through us is the possibility of a spill. And there's
4 several creeks that run through us. And some of them
5 don't -- the pipeline goes across them before they get to
6 us, but they all run into the North Moreau River.

7 And those waterways I'm concerned about if --
8 they told me that the pipeline would be responsible for
9 all the cleanup and all of that, but when I asked about
10 paying the landowner for the time that he doesn't get to
11 use the pastures because they'd wrecked the waterways and
12 we also have some shallow wells that are close to where
13 this pipeline is going to be, I was wondering what is in
14 place to pay the landowner for the time that he can't use
15 the pastures and if there's any bond to make sure that
16 they have the money to protect us where they go through.

17 Because it might be, who knows, several years
18 before we could use that river again for livestock water,
19 depending on how long it took them to clean it up. And
20 there's a lot of our pastures that that is the biggest
21 water source for our livestock that we might not be able
22 to use them.

23 I was just wondering, maybe the lawyer can tell
24 me if we're going to have to go to court to get judgment
25 to get damages back. I guess that's my question.

1 CHAIRMAN JOHNSON: So who pays, Mr. Koenecke,
2 Mr. Jones? Kind of walk us through the liability and who
3 would be responsible to -- go ahead.

4 MR. JONES: Sir, I heard a number of questions,
5 not only the question with regards to liability but also
6 with regards to how long it may take to clean up a spill.
7 So I think we'd like to address all of those questions to
8 make sure that we have a wholesome response. And I thank
9 you for the opportunity to do so.

10 First off how we are going to clean up the
11 spill, I'd ask Ms. Heidi Tillquist to answer your
12 question.

13 MS. TILLQUIST: My name's Heidi Tillquist. I'm
14 a contractor for TransCanada.

15 Just to kind of briefly provide some background
16 about leaks, I mean, first of all, leaks are in nobody's
17 best interest. So, you know, obviously TransCanada has
18 done everything they can to try to prevent leaks. And
19 that includes things like the routing and the
20 manufacturing of the pipe and the depth of the cover,
21 things we talked about earlier.

22 So it's really -- in our minds prevention is
23 really the key.

24 The frequency of an event, of a spill actually
25 happening, is very, very low. For any given mile of pipe

1 using some conservative assumptions, which means we're
2 overestimating how often we think it might happen, we're
3 estimating that a spill would be no more than once every
4 7,400 years. So it's quite an infrequent event.

5 However, if it did happen, and if it did get
6 into a river, what would happen then? There's a number
7 of leak detection systems. Some of them we talked about,
8 and John can talk about them some more if we need to.

9 TransCanada would detect the leak. Immediately
10 they would implement their emergency response plan. That
11 means they'd have their first responders going out,
12 containing and cleaning up the material.

13 The idea is to limit the downstream dispersion
14 of that oil. There is going to be areas -- if oil gets
15 into the water, there is going to be an area that is
16 going to be contaminated by the oil. Oil tends to float
17 on the surface so the containment booms and things can
18 clean up a lot of the oil.

19 We will be working together with federal and
20 state agencies. Once the oil hits water, the EPA as well
21 as state agencies such as the Department of Environment
22 and Natural Resources here in South Dakota all get
23 involved. They're all going to be looking at the
24 cleanup.

25 There's certain standards that are going to have

1 to be met for cleanup. So there's going to be water
2 quality standards. Those standards have to be met to
3 ensure both human health safety, vegetation, possibly if
4 there was any crops or whatever. So there are all sorts
5 of standards that have to be met. It's not Keystone that
6 decides those. It's decided in concert again with the
7 state and federal levels.

8 If in the instance you were suggesting where,
9 you know, the water is contaminated and it was unusable
10 for a length of time, it would be Keystone's
11 responsibility to provide an alternative water supply for
12 you for those cattle or whatever your use happened to be.

13 So liability?

14 MR. JONES: Yes. Thanks, Heidi. I'll get
15 Mr. Jim White to respond to the liability issues.

16 MR. WHITE: Thanks. My name is Jim White. I'm
17 a lawyer with TransCanada. Without going into a lot of
18 legal detail, the short answer on liability is that in
19 the event that a leak occurred and a spill resulted and
20 damage resulted from that, the company would be liable,
21 and the company would be responsible for the types of
22 damages that you mentioned, including loss of water use,
23 loss of pasture, damage to wells, all of those sorts of
24 damages.

25 Now there will be an easement agreement in place

1 between the company and individual landowners, and that
2 easement will capture all the liability provisions.

3 The exceptions could be if the damage were to be
4 caused by an intentional act or some willful misconduct
5 or negligent activity, that would be an exception to the
6 liability provision.

7 But for the most part in the event that damage
8 occurred, that would be the -- that the company would be
9 liable for that.

10 CHAIRMAN JOHNSON: So one thing that I -- I
11 didn't quite hear so maybe we can get an idea.
12 Ms. Tillquist, I mean, give us an idea what the average
13 sized spill has been in this country for crude oil
14 pipelines in recent years, and that how long would it
15 take to clean up a spill of that size? I mean, are we
16 talking days, weeks, months, or years so that they would
17 know how long this alternate provision of water would
18 need to be going on.

19 MS. TILLQUIST: The first question is easy to
20 answer. The second one's a little more difficult to
21 answer.

22 Looking at there's an actual database operated
23 by PHMSA. Looking at that, the most recent database, the
24 average -- the majority of spills since 2002 have been
25 three barrels or less. Three barrels is about 125

1 gallons. So it's about the size of -- you know, one of
2 those large aquariums at your dentist's office? So
3 they're typically fairly small.

4 How long does it take to clean it up? It really
5 depends on what type of environment does it go into. If
6 it's in a pump station and it's in a graveled area, its
7 not going to take very long at all. If it's in some
8 soils, again probably not very long at all.

9 If it gets into some water and it's transported,
10 you might have some vegetation that gets impacted. The
11 water skimming probably won't be that much of an impact.
12 And, again, we're talking, you know, it's going to be a
13 matter of hours to contain it. But the impacts are not
14 going to be very long.

15 The last scenario I can think of might be say
16 like a wetland. What happens in a wetland, again it will
17 disperse across the water surface. Again, Keystone is
18 not going to be deciding how to remediate these things in
19 isolation. They'll be working with the federal and state
20 agencies.

21 In that case they'll be working, like I say,
22 with the DENR. They may decide to, again, remove the
23 vegetation, remove the soils. They may say, you know,
24 there's -- this wetland is in isolation. It's not
25 affecting anything else. It may be best to leave it in

1 place so that may take -- you know, there's no time limit
2 on that. It would naturally disperse with time. So it
3 depends on how it's remediated.

4 But most cases for a small spill we're talking a
5 few hours just to remove the material and get it out of
6 the area.

7 Does that help you?

8 CHAIRMAN JOHNSON: Yeah. It does. Thank you.
9 Other questions?

10 MR. LARSON: My name is Peter Larson. I'm a
11 geologist and paleontologist with Black Hills Institute
12 in Hill City, South Dakota.

13 I have two things. One is an issue that I'd
14 like to express to you guys, and the second one is a
15 clarification that I'd like to do after I do this issue
16 if that's all right.

17 My main issue is dealing with paleontology,
18 dealing with fossils, dealing with the wonderful fossils
19 that we have here in Harding County. This is one of the
20 truly unique areas in the world where we have the
21 KT boundary, that area of the -- that time of the
22 extinction of the dinosaurs and the extinction of about
23 70 percent of life on this planet occurred right at that
24 point in history. It's a wonderful opportunity for
25 scientists to study global climate change, to study

1 missing (Inaudible), to understand how evolution works,
2 just really a wonderful opportunity. And it's an area
3 that I and my colleagues have been working on for a long
4 time.

5 I personally have been working in Harding County
6 now for about 17 years. And we have some very
7 significant historic as well as prehistoric, I mean,
8 really prehistoric, 65 and a half million year old
9 sites. But the second most complete tyrannosaurs rex was
10 found here. The pipeline actually cuts right through
11 three T-Rex sites in one ranch in a very small area.

12 I've got comments that I'd like to pass out to
13 you after I'm done with this that I sent to the Secretary
14 of State's office or to the -- sorry. Yeah. Secretary
15 of State's office. Commenting here the last month or
16 month or so ago.

17 Anyway it's of very prime importance not only to
18 research but also to the public in general. And, in
19 fact, it's so important that Congress just enacted a new
20 law which tacked onto the appropriations bill -- it's
21 been signed by the president and Congress -- Congress who
22 passed it. And it makes the destruction or damage, even
23 unintentional damage, a felony on public lands.

24 That doesn't mean that fossils found on public
25 lands are any more important than fossils found on

1 private lands. And, in fact, fossils found on private
2 lands can sometimes be a source of income to ranchers
3 which can help them stay in business. And it's one of
4 the things that Harding County has really going for it.
5 It's something very, very important.

6 And I want you guys to consider the importance
7 of this and what you're doing by cutting through some of
8 this area.

9 Now you see the size of those machines, that big
10 backhoe, that wheeled ditcher. There's no way you're
11 going to see a fossil until you see a couple of crumbs of
12 it maybe coming out behind the machine. You know, I
13 don't care how diligent you are. You're going to destroy
14 fossils. And you're going to destroy potentially not
15 only important scientific fossils but something that
16 could been an income for those landowners that should be
17 considered.

18 I'll hand out this thing, and it gives you a
19 better idea of what I'm talking about. Also all the
20 environmental concerns. There's tons of them when we're
21 looking at this.

22 Now the clarification I'd like to make is
23 Mr. Jones has mentioned that it's like -- it's just like
24 the crude of Saudi Arabia or Venezuela. But that's not
25 quite right because it's what's called syncrude. It's

1 synthetic crude oil. Because it's taken from the tar
2 sands. It's mixed -- correct me if I'm wrong. It's
3 mixed with natural gas and chemicals to allow it to flow
4 through a pipe. It's also heated I understand to 90 to
5 120 degrees Celsius? Is that Celsius or Fahrenheit?

6 MR. JONES: Sir, you've had a number of
7 questions (Inaudible).

8 MR. LARSON: Okay. My understanding is that the
9 oil has to be heated to 90 to 100 Celsius, which is 250
10 degrees Fahrenheit. If I'm mistaken about that, please
11 correct me. And it's going through this pipeline at
12 almost 1,500 psi.

13 Now to give you an idea of how much pressure
14 that is, the largest measured bite force of a T-Rex is
15 only twice that much. So that's measured on fossil bone,
16 we know how much that is. But that's a very high
17 pressured pipeline. It's not like normal -- normal
18 pressure of a pipeline. It's much elevated. Also the
19 normal temperature of the pipeline is elevated, which we
20 worry about leaking into the soils and then destroying
21 the grass, even if it is put back on the surface.

22 And I guess that's close enough for being done.
23 Sorry.

24 MR. JONES: Thank you very much. I believe this
25 is a great opportunity for us to respond to four

1 questions that the gentleman had.

2 Paleontology, the syncrude and crude discussion
3 with regards to the oil sands, the temperature of the
4 oil (Inaudible). So I think those are the four questions
5 we'd like to answer. So we'll do them in order.

6 For paleontology I'll ask Mr. Jon Schmidt to
7 respond to that question.

8 MR. SCHMIDT: Thanks. My name's Jon Schmidt.
9 I'm a contractor with TransCanada. You're right about
10 the paleontology. As you know, the state laws don't
11 require construction projects other than on public lands,
12 state and federal lands to do paleontological surveys.

13 What TransCanada did, what Keystone did is they
14 hired a firm that does cultural resources as well as
15 paleontological studies. Because of the work they had to
16 do on BLM land they did an assessment of paleontological
17 resource areas in Montana and North and South Dakota.
18 And all of that information as you indicated, was sent to
19 the Department of State.

20 The Department of State's reviewing that with
21 their obligations under federal law. It's also gone to
22 the State Historic Preservation Office. They'll tell us
23 what we have to do.

24 One thing Keystone has made a commitment to do
25 is implement a paleontological mitigation plan. So

1 whatever the agency's feedback to us, we're obligated to
2 carry out. That will be a condition -- you know, we have
3 a myriad of permits we have to get. So that kind of
4 thing will be put into that.

5 Now will the public review those? You'll have
6 to ask the Department of State. I don't know how they're
7 going to, you know, implement that kind of openness in
8 that document development.

9 MR. LARSON: One of my worries is that
10 paleontology unlike archeology which is pretty much
11 limited to the surface, paleontology goes all the way to
12 the bone, so to speak. I mean, no matter how deep you
13 dig in the Hell Creek Formation, you're going to be
14 digging through historic fossils. And so you can't just
15 look at the surface and say what's there.

16 MR. SCHMIDT: Oh, no. A lot of research that
17 was done, in fact the testing was done on federal lands
18 had cores and development. And even in the cultural
19 resource work we have to take cores at rivers and so --
20 it's not surface testing. We have to go down as deep as
21 the ditch goes. So --

22 MR. LARSON: A core is not going to tell you
23 where a dinosaur skeleton is. You can get within a
24 millimeter of it and miss it. And if you hit it, you've
25 already screwed it up.

1 CHAIRMAN JOHNSON: Mr. Larson, let's go ahead
2 and let the Applicant answer all your questions. Then
3 we'll give you back the mic and see if you have any
4 follow-up. We want to make sure you get everything
5 answered.

6 MR. SCHMIDT: So the methodologies were directed
7 to us by the federal and state agencies. So we're doing
8 what we were told to do. Like I said, there will be a
9 paleontological mitigation plan developed. Whatever
10 measures they give us to implement, that's what we'll be
11 following.

12 MR. JONES: Thank you, John. Now I'd like to
13 clarify the question with regards to syncrude and the
14 fact that they add chemicals to the syncrude.

15 Oil sands crude can come in two different forms.
16 It either can come in the form of what they call a
17 synthetic crude as the gentleman described. Now what
18 that is, is they've taken the bitumen off of the sand and
19 they've refined it. And just like they would refine it
20 for gasoline or diesel, and that is called synthetic
21 crude. And it tends to compete in the marketplace with
22 (Inaudible).

23 Now there is also crude what they call WCS.
24 This is a heavy crude. And what they do is they take
25 that bitumen, and they either blend it with condensate

1 or they blend with synthetic crude. And we call that
2 Dilbit or Sinbit. It has similar properties as the
3 (Inaudible) because it's going to the same refineries.

4 In other words, it has to meet the refinery
5 specifications. And that's why I was trying to give you
6 the analogy. Because it's going into the exact same
7 refineries that today get the crude oils from either
8 Venezuela. So the crude is a very, very heavy crude in
9 Venezuela. Or Saudi heavy. So it's got lots of
10 bituminous type properties and requires a coker in order
11 to break it down. So hopefully that clarifies the crude
12 question.

13 As for temperature, we don't heat the crude oil.
14 The oil (Inaudible), depending on the season. In the
15 summer obviously the oil's going to be cooler -- hotter
16 than it would be in the wintertime.

17 The oil increases in temperature as it goes
18 through a pump. So as it goes through different
19 pumps (Inaudible) we estimate the temperature in the oil
20 to be in South Dakota somewhere between 80 and I think
21 120 degrees max Fahrenheit, not Celsius. Fahrenheit.

22 And remember that's oil within the steel of the
23 pipe 4 feet below the ground. So the impact
24 (Inaudible) as it leaves the pipe. And when we did this
25 study in the first project we found that it had no impact

1 on crops when it came to that project. We're going to do
2 exactly the same study to confirm that with the Keystone
3 XL Project.

4 So then that leaves the pressure. And I think
5 I'll ask Ms. Kothari to answer that question.

6 MS. KOTHARI: So I think I heard the comment was
7 that the pipeline will be transporting the oil at high
8 pressure. With pipeline design, carbon steel pipeline
9 design, pipelines fall into four pressure classes.

10 We are an ANSI 600 pressure class pipeline. The
11 pipeline operating pressure will be 1,440 psi generally.
12 At certain locations downstream of the pump station as a
13 result of hydraulic head and elevation the operating
14 pressure may go as high as 1,600 psi. It will not
15 operate at all times. It's strictly due to hydraulic
16 head.

17 The length of pipe downstream of the pump
18 stations that could see this particular pressure would be
19 varied between (Inaudible) to about 4 miles downstream.
20 But generally the pipeline pressure is 1,440 psi.

21 MR. JONES: And I want to just (Inaudible) the
22 description that the gentleman described now was that
23 this was a very rare occurrence. It's not. ANSI 600
24 pipelines is the standard. And so, for example,
25 (Inaudible) a pipeline that we've operated here for over

1 20 years is ANSI 600 standards. It's the same. Same
2 pressure you'd have in any of the major natural gas, any
3 of the major crude oil pipelines.

4 CHAIRMAN JOHNSON: Okay. Mr. Larson, what did
5 we miss? What do we need to make sure they answer.

6 MR. LARSON: Well, I'm still a little confused
7 that this pressure is normal for all pipelines. I think
8 that might be a misstatement.

9 MS. KOTHARI: It's standard for large diameter
10 transition pipelines, natural gas and liquid pipelines.
11 It's an industry standard.

12 CHAIRMAN JOHNSON: Thanks, Mr. Larson. Other
13 questions? And again we're going to take comments here,
14 comments or questions. What we want to do is we want to
15 start with shorter comments so if people have things to
16 do, they can make a brief statement and go. So if you've
17 got a comment that's going to last longer than about
18 2 minutes, let's hold you and let's get the short people
19 done first. Comments or questions of a shorter nature.

20 MS. TARTER: Mary Tarter. I'm from Camp Crook,
21 South Dakota. I would like you to explain to us how you
22 plan to not spread noxious weeds on this pipeline.

23 MR. JONES: Thank you. Excellent question.
24 Noxious weeds will be answered by Jon Schmidt.

25 MR. SCHMIDT: So part of the suite of surveys

1 that Keystone has to conduct, started some last year and
2 they'll be continuing those this year and all the way up
3 to construction, one of them was identification of
4 potential weed locations.

5 The State gave us a list of species by county.
6 The NRCS gave us a list. The Federal Government gives us
7 a list as well. Those areas will be identified, and a
8 noxious weed plan has to be developed and approved by the
9 Department of Ag and the NRCS before construction begins
10 so that any areas that are identified with existing weeds
11 they'll have to address that with the construction spread
12 and how the equipment moves through that area, how it's
13 cleaned, preventing spread of noxious weeds.

14 Remember the company is in the long-term
15 responsible for the restoration of the right of way
16 across your property. That includes monitoring the
17 actual re-vegetation of the areas, controlling of the
18 weeds, if weeds do get introduced. They have to
19 remediate that issue to the long term. So that will be
20 part of the noxious weed plan that they have to develop
21 as well.

22 Does that answer your question?

23 MS. TARTER: Yes. Thank you.

24 MR. JOHNSON: Hello. I'm Robert Johnson,
25 J-O-H-N-S-O-N. My question, and I guess it kind of

1 relates to what Linda Gilbert had as far as county roads
2 and how you deal with that. That's great to have a bond.
3 I guess I would hope that some of you will meet with
4 local governments in order for us to get a plan together
5 to be able to use the roads in a proper way. And we can
6 probably help you with the plan as far as getting the
7 pipe back and forth without damaging the roads, the least
8 we can.

9 Thank you.

10 MR. PHILLIPS: Yes. We really do need your
11 help. As far as this transportation plan is concerned,
12 what we want to do is we're going to talk about where the
13 pipe's going to be coming in from and transportation from
14 the local -- from the rail siting, what -- you know, how
15 those trucks will get -- you know, go through
16 Harding County and get to the rail siting.

17 And we'll sit down and talk about that, make
18 sure that we have a good clear-cut path, talk about what
19 might need to be done to some of the roads, the turn out
20 such the gentleman mentioned earlier. And then taking
21 pipe from those pipe yards to the right of way during
22 designated paths, talk about what those paths are, what
23 we need to do to make sure that those roads are such to
24 where we can do that. And then the return trip back.

25 This is a very iterative ongoing process. We

1 want to work with you on that too. The maintenance of
2 the roads during construction, work with you and work
3 with our construction contractor on that.

4 And then, for example, if there were a
5 contractor yard here in the county or a pump station site
6 or something like that, how the workers get to and from
7 that. You know, it's a traffic plan. It's a
8 transportation plan. It's what we need to do to make
9 sure that we can do those things. It's (Inaudible).
10 It's dust control. It's all of these different things.

11 And you're right. We need to do that hand in
12 hand working with you to be able to get that
13 accomplished.

14 MR. JONES: I believe Mr. Myers also has some
15 additional points to make.

16 MR. MYERS: Good evening, ladies and gentlemen.
17 My name is Neil Myers, and I'm the vice president of the
18 XL Pipeline Project. Just two quick comments on roads.

19 And the first one is that as John has mentioned,
20 it's not just a matter of repairing any damage that we
21 do. It may be very likely that we actually have to
22 improve some of the roads necessary. And we'll do a
23 transportation survey in conjunction with the county
24 beforehand to understand where we're going and what
25 improvements need to be made. And that may include

1 approaches as the gentleman mentioned.

2 But just one thing that you may not understand.
3 The trucks that carry the pipe to the right of way are
4 called stringing trucks. They're a very specialized
5 piece of equipment that have a steering rear-end so that
6 as they make the turn this rear-end actually turns and so
7 it makes a very broad turn. So it can actually get
8 around a corner that has a very narrow approach road on
9 it that say a semitruck couldn't get around but a
10 stringing truck can get around quite easily. And we
11 bring those trucks here and use those so that we can get
12 around on roads without having to make an awful lot of
13 improvements.

14 Thank you.

15 CHAIRMAN JOHNSON: Robert, we get you taken care
16 of? Okay. Thanks.

17 Other questions or comments.

18 MS. TRASK: You mentioned aerial surveillance.
19 What does that entail? How often? How high? What will
20 they be flying?

21 MR. JONES: Thank you. Aerial surveillance is a
22 requirement under the pipeline safety division of the
23 Department of Transportation being PHMSA. The
24 requirement is to do aerial patrol 26 times a year and
25 not to exceed three weeks.

1 Obviously if there's bad weather and the
2 aircraft is flying over the line -- can't fly over the
3 line because we are really, really concerned about the
4 safety of our people.

5 We use a fixed wing aircraft. We find that that
6 has the most efficient way of doing it. The noise tends
7 to be far better than if you were to use a helicopter.
8 And we do use helicopter during construction. And we'll
9 be respectful with regards to the height at which they
10 are working. But obviously when the crew's there we're
11 going to have to manage where the cattle and the
12 livestock are on an individual basis.

13 But during the operation of the
14 pipeline (Inaudible) we use a fixed wing aircraft. And I
15 just -- sorry. Mr. Hayes also has a supplement to that
16 question.

17 MR. HAYES: Ms. Trask and audience, just to let
18 you know on the aerial surveillance it's not just us
19 picking a pilot randomly. These pilots that we pick we
20 train them specifically in noticing any differences or
21 anomalies in the right of way. Those things might
22 include any erosion, any encroachment on the right of
23 way, anything at all like oil staining, looking at leaks
24 if we have them and any other thing that's just out of
25 the ordinary they might notice.

1 When the pilot does see something he immediately
2 radios down to our ground people, and they respond to
3 whatever that anomaly may be that they see on the ground.

4 COMMISSIONER KOLBECK: And just for the record,
5 Stephanie Trask had asked the question. This is just for
6 audio record, Stephanie. (Inaudible) it will be
7 transcribed later. Even if you speak two or three
8 different times, please just state your name again and
9 then when this audio tape is transcribed the person will
10 know whose speaking.

11 MR. CLANTON: Brett Clanton again. I was
12 wondering if somebody could touch on the subject of the
13 three-phase transmission lines that will encroach upon
14 us, where they're going to be, what that's all going to
15 entail.

16 MR. JONES: I'll ask Mr. Myers to respond to the
17 electrical. Great question.

18 MR. MYERS: Thank you for the question. Yes.
19 So we use exclusively electrically powered pumps to move
20 the oil through the line. The number of pumps at the
21 station will vary between three to five, depending on the
22 throughput that we're having at the time.

23 As Mr. Jones said earlier, we'll start it with
24 700,000 barrels a day. That's three pumps. And we'll
25 expand eventually to 900,000 barrels a day, and that

1 requires five pumps. So we do have to bring high voltage
2 power into every pump station.

3 We are in the process of working with all of the
4 utilities that will supply power to the pump stations
5 along the entire route from the border right down through
6 to Texas to determine the connection point, the routing,
7 the preferred routing, et cetera. And there is a process
8 they have to follow to get the permit to build all of
9 those lines as well, and we'll be working with landowners
10 on the routing of those lines.

11 MR. CLANTON: How long before affected
12 landowners would know if they're being impacted by this?
13 What time frame? When will that be?

14 MR. MEYER: So just so I'm clear, do you mean
15 impacted by knowing if there will be a pump station
16 located potentially on property that you own or that a
17 transmission line may cross a piece of property that you
18 own?

19 MR. CLANTON: Both.

20 MR. MYERS: Okay. Well, we're getting very
21 close to finalizing the locations of the pumping
22 stations. They're always subject to a bit of change.
23 Sometimes when we meet with landowners we realize there's
24 some things we didn't think about, and we'll make some
25 small adjustments. So I think those are pretty close.

1 And land agents will be coming out actually very
2 shortly to talk to landowners, both about the easement
3 but also about the purchase of the pump station sites. A
4 typical pump station is about 5 to 8 acres in size. And
5 we purchase that from the landowner and we take ownership
6 of that property. It becomes ours.

7 Then the second is on the routing. I'm not
8 exactly sure. I think it will be a little while yet.
9 Different utilities go through a different number of
10 alternatives that they have to look at to bringing power
11 to the site. And sometimes the bringing the power to the
12 site is not just for us. It's for other electrical needs
13 that a utility may have. And we have no knowledge or
14 influence on what they're doing just to maintain and grow
15 and expand their system.

16 So it's a difficult question for me to answer
17 with specificity because they are doing things that just
18 aren't really affected by us. So in order to get this
19 done on time, we want to go in service by 2012, it's
20 going to have to happen soon where we'll be notified
21 because it takes that long to get permission and build
22 the lines.

23 MR. CLANTON: Well, I was just wondering because
24 there will be affected property owners that are going to
25 completely miss these permitting processes that we're

1 going through right now.

2 MR. MYERS: The answer to that is if it crosses
3 your land, you'll know.

4 MR. COSTELLO: Yeah. I'm Tom Costello again.
5 We were contacted for one of those transmission lines.
6 And my question -- maybe you can't answer it, but it's --
7 I've been understood that our local cooperative is pretty
8 taxed for the amount of electricity they're getting now
9 to supply the oil field in our county. And I was
10 wondering if this transmission line that is coming
11 through is going to be a positive for our cooperative or
12 if it's going to be a negative for our cooperative.

13 And they didn't have an idea of where the line
14 was coming from, if it's their own source that is going
15 to supply it or if they're going to bring a source in
16 from somewhere else. And I was wondering, just kind of
17 curious if it's going to impact our local cooperative
18 where it's good for our county.

19 CHAIRMAN JOHNSON: Maybe we'll head the
20 Applicant off at the pass and look at the subject matter
21 expert in the audience.

22 Mr. Reisenhauer, you want to pop up. And before
23 you guys think I sold Jerry out, I looked at him first.
24 Yeah.

25 UNIDENTIFIED SPEAKER: This should be

1 interesting.

2 MR. REISENAUER: Yeah. I'm 50 miles from home,
3 didn't bring a briefcase so I am not an expert. But the
4 impact -- and I will also address Brett Clanton's
5 question.

6 I am Jerry Reisenauer. I'm the general manager
7 of Grant Electric Cooperative in Bison. We are going to
8 serve three of the pump stations on the TransCanada
9 Pipeline.

10 We are going to -- as it's projected today,
11 we're going to build about 80 miles of 115,000-volt line
12 and three substations for these pumping loads. Total
13 investment is going to be somewhere around \$30 million.
14 Huge investment to serve the pipeline.

15 Is it positive? We fully -- we expect it will
16 be. We've made projections on the kilowatt hours the
17 pipelines will use. We're looking at a startup
18 projection of about 75 million kilowatt hours per year
19 per pump station. We're looking at full load of about
20 145 million kilowatt hours per pump station per year.

21 If you start doing the math on that, you're
22 talking about 450 million kilowatt hours. You start
23 adding a few mills, power costs or O&M and that type of
24 thing to it, it brings in a lot of dollars and there's
25 some revenue associated with it.

1 The siting of the pipeline or the pump stations
2 and the transmission lines is not complete. We are
3 working with Western Area Power as to where we will
4 interconnect with their system, and as that's approved we
5 will know more about the siting.

6 We are starting to contact the landowners to
7 talk to the landowners about obtaining permission to do
8 an environmental study and to do some study on placement
9 of the pipeline. And we're certainly open and interested
10 in what our members have to say on location. It will be
11 a huge project. We're looking to start the project in
12 2010, be completed by 2012. It will go fast once we get
13 going. There will be a lot of activity in the area.

14 MR. CLANTON: Brett Clanton. Is it a bid
15 process for the construction of the lines?

16 MR. REISENAUER: That would depend upon two
17 things, Brett. First off, how the construction or how
18 the construction's financed. If we are financing any
19 portion of the construction, the rural utility service,
20 our banker, will require that it's a bid process.

21 If it is a finance by TransCanada that changes
22 some of the rules that we'll separate under, but I would
23 fully expect two things. First off, that TransCanada is
24 going to look at us and say how can you assure us that
25 we're spending our money wisely, and that is going to be

1 through a bid process.

2 And, secondly, it's probably going to entail
3 more than one contractor when you're talking 80 or more
4 than 80 miles of construction over a two-year period.

5 CHAIRMAN JOHNSON: And I don't mind if we get
6 into some more depth on this, but because it's a little
7 bit off topic, let's come back to it if we have time at
8 the end here. So as much as I like seeing you sweat,
9 Jerry, let's see if we have other comments or questions
10 on the -- we'll come back and have a hearing just for
11 Jerry some night.

12 MR. CANTRELL: Yes. I'm Mike Cantrell,
13 C-A-N-T-R-E-L-L, M-I-K-E. I'm the president of the
14 Domestic Energy Producers Alliance based in
15 Oklahoma City, Oklahoma.

16 And the question was sort of asked earlier about
17 the impact on American crude markets by this pipeline and
18 I must say most effectively dodged. And I'm hoping that
19 since the question was asked the first time I can restate
20 the question, and perhaps the vice president or someone
21 can address our concerns a little bit.

22 We've seen the differentials for U.S. domestic
23 crude change dramatically in the negative as Canadian
24 crude has found its way into our market. First into the
25 Guernsey market we saw a \$25 differential, a drop in the

1 price of crude when that oil hit the Guernsey market a
2 few years ago.

3 And now just this year we've seen dramatic drop
4 at Cushing, as much as a \$14 differential, as much as 17
5 for producers in Kansas.

6 And, you know, it seems to us that the question
7 is one that we're bringing a lot of crude into a
8 marketplace that's already pretty full. It seems to me
9 that the cart's ahead of the horse. They should have
10 built the line from Cushing to Houston first, that
11 takeaway capacity to get to the Gulf Coast where there's
12 plenty of refining capacity to handle that heavy crude.
13 Not in the midcontinent where there's really not.

14 So what's happened at Cushing in this last six
15 months or last two or three months is that Cushing,
16 Oklahoma has the largest above-ground storage of crude in
17 the world. So everybody tries to get their oil to
18 Cushing, especially in a market condition called Contango
19 when the price is bigger than the (Inaudible) and they
20 want to store their crude.

21 It just seems to me -- and in initial reports
22 we've heard or read about the pipelines, that both
23 pipelines Keystone and Keystone XL were not going to
24 accept any domestic crude. It was just going to be full
25 of Canadian crude. I'm glad to hear a departure from

1 that tonight for the first time, and I'm interested in
2 hearing more about the potential capacity for American
3 crude to be going into lines across America. That seems
4 kind of commonsensical to me.

5 It seems to me that if we're going to cross the
6 United States of America's soil and we're going to go
7 through sensitive ecological areas and if we're going to
8 disrupt valuable farmland and valuable land -- and the
9 public purpose is a real important part of this.

10 Now I understand tax revenue. That's a great
11 thing, elevating tax revenue and causing local economies
12 not to have the burden of full taxation they've had in
13 the past. I understand that.

14 But my question is sort of like the people along
15 that line that are mineral owners, I mean, we represent
16 thousands of mineral owners across the lower 48 America.
17 And when they see their price disadvantaged and what
18 we're afraid of is when a million and a half barrels hits
19 Cushing or 600,000 with this pipeline we understand and
20 another million or so with XL, the one you're talking
21 about here today, we're concerned that there may not even
22 be a market for U.S. domestic crude with so much coming
23 from one place into a marketplace that's already
24 saturated.

25 So I just want to throw out that concern. And

1 hopefully I can hear something about that that will make
2 us feel a lot easier about it. Because there's going to
3 be a tremendous cost to citizens of this country with a
4 pipeline coming through at 1,550 pounds psi.

5 And I promise you. I've been in this business
6 my whole life, and that's not a three barrel spill if you
7 have an accident at 1,550 psi. I don't care how fast you
8 get to it. It's not a three barrel spill. So it's a
9 serious consequence to all of us, and to see that the
10 value of our --

11 CHAIRMAN JOHNSON: Sir, I don't want to cut you
12 short, but let's get to a question. Let's have them
13 answer it. And if we need a follow up, we'll get to it.

14 MR. CANTRELL: That's fine. I think I've said
15 enough. Thank you.

16 MR. JONES: Thank you, sir. And I guess you're
17 going to test my limited knowledge of crude oil pricing
18 in the United States.

19 This pipeline is -- (Inaudible) 910,000 barrels,
20 and these were contracts that were signed by U.S.
21 refiners. So the U.S. refining and marketing community
22 is supporting the project with huge contracts. These are
23 contracts on an average of 18 years. So the
24 demonstration of the need, the public need, was certainly
25 very well captured by the fact that they signed these

1 contracts.

2 Now this country consumes 20 million barrels a
3 day on average. And three-quarters of that comes from
4 offshore sources. I mean, it comes from Middle Eastern
5 sources, Mexican sources, and Venezuelan sources, and the
6 companies that are signing these contracts are looking to
7 displace those sources. They're not looking to replace
8 U.S. sources. Not at all.

9 I mean, the fact of the matter is that these
10 refineries today take crude from offshore, and instead
11 they're going to take crude from Canada. So for me the
12 math isn't anything to do with local domestic production.
13 There is (Inaudible) dynamics within the United States.
14 No question about that. And it has to do with the type
15 of crude, the refineries nearby, what those refineries
16 take, the pipeline capacity issues at the time.

17 But, you know, these things change. Every
18 season they change. The price changes with regards to
19 what the demands are. Diesel all the sudden is in big
20 demand. So (Inaudible) diesel production.

21 If there's a hurricane in the Gulf Coast, then
22 all the sudden the other Chicago refineries, the price of
23 crude goes up. I mean, there's just so many
24 dynamics (Inaudible) that to pin it on a pipeline is not
25 to look at the big picture.

1 Now this pipeline is (Inaudible) that need to
2 use crude from a different source. Hopefully that is a
3 reasonable answer.

4 MR. CANTRELL: Well, actually this pipeline is
5 scheduled to be done in 2012; correct? The very first
6 pipeline is scheduled to be done this year. That oil is
7 not going to the Gulf Coast refineries. It's going to
8 Cushing.

9 MR. JONES: No, it's not, sir. It's going to
10 Wood River, Illinois. There's a 440,000-barrel-a-day
11 refinery in Wood River today that takes crude from the
12 Gulf up and is going to displace that with Canadian
13 crude.

14 MR. CANTRELL: Well, that's all fine and good.
15 Except the reality is that we've seen our price go down.

16 And we know ConocoPhillips, for example, is a
17 half owner in this pipeline. ConocoPhillips; right?
18 Isn't that correct?

19 MR. JONES: Yeah. So you're asking me a
20 question, sir. The question is --

21 MR. CANTRELL: Yeah. My question is -- let me
22 finish. I got kind of interrupted. The question is that
23 ConocoPhillips has at least three refineries that you're
24 talking about. And the idea that they could bring in a
25 large source of crude that they own in another country

1 and displace domestic crude and get a \$25-a-barrel better
2 price at the expense of American producers and American
3 royalty owners and mineral owners and landowners just
4 doesn't seem quite fair.

5 And the 75 percent's not exactly right. We
6 don't import 75 percent. By the time you add natural gas
7 liquids it's closer to 60.

8 CHAIRMAN JOHNSON: Well, and, sir, it's not
9 that I don't think your issues are of concern, but I do
10 want to focus on landowner concerns and issues people
11 from the area have because we'd be happy to meet with you
12 in Pierre or hear other comments after the fact.

13 What's that?

14 (Inaudible)

15 CHAIRMAN JOHNSON: Let's go ahead and hear from
16 them and make sure the Applicant's got the opportunity to
17 hear those questions as well.

18 Go ahead, ma'am.

19 MS. NIEMI: My question is why did
20 ConocoPhillips -- Debra Niemi, N-I-E-M-I.

21 Why did ConocoPhillips drop their interest in
22 it? And also will you explain the financing of the
23 infrastructure for this pipeline. Just because I believe
24 it will cost you more than what you stated before.

25 MR. JONES: Thank you for that question because

1 it does give us a chance to correct the statement made
2 that ConocoPhillips owns 50 percent of the project.

3 ConocoPhillips is a minority owner in the
4 project. Originally they were a 50/50 partner. Last
5 year they chose to reduce their ownership to 20 percent.
6 They did that strategically. I don't represent
7 ConocoPhillips. I represent TransCanada.

8 I can tell you that ConocoPhillips is a joint
9 venture partner in dozens of pipelines. So this is a
10 common thing for them to be in partnership all over
11 pipelines throughout North America.

12 As for how we're going to finance the project,
13 you know, TransCanada has an A grade credit. Standard
14 and Poor out of New York has just been through our
15 office. And, in fact, I met with them last Friday. We
16 continue to maintain an A grade credit. And in this
17 economic downturn we've been able to raise \$2 billion in
18 the last quarter. So when nobody else could get money,
19 we were -- because we're a utility, we would still be
20 able to raise this money. So we issued a billion dollars
21 of equity. (Inaudible) we anticipated. And we were able
22 to also achieve a billion dollars worth of financing.

23 So, you know, we're a large corporation,
24 \$40 billion in assets, A grade credit, and huge
25 capability to acquire financing.

1 MS. NIEMI: Debra Niemi again. Was that through
2 the bond offering, through HSBC, were those bonds sold
3 was it through HSBC holding? Who were they sold to, the
4 2 billion?

5 MR. JONES: So to get into some of the details
6 of financing, we sell it to a consortium of banks, and
7 then they resell it to a number of folks. So from a
8 TransCanada perspective we were oversubscribed. So we
9 were really, really pleased with how well the financing
10 went.

11 COMMISSIONER KOLBECK: I think she asked was
12 that through HSBC?

13 MR. JONES: It was through a consortium of
14 banks. That was just one bank. Oh, lots of banks.
15 Ma'am, I don't know. I can't recall all of them. I can
16 tell you that from our perspective the consortium of
17 banks bid out the bonds and they oversubscribed for them.

18 So for our perspective the banks have got the
19 bonds and they're carrying them and then they resell them
20 to different owners. So we're very pleased with the way
21 it went.

22 MR. CLANTON: Brett Clanton again. And, Dusty,
23 as a landowner, me impacted by this pipeline, M-I-K-E,
24 Mike, has my permission to talk all night.

25 CHAIRMAN JOHNSON: Good. Fair enough. Well,

1 Mr. Clanton, we've heard you. We'll hand the microphone
2 back to Mike, and, Mike, if you've got another follow-up
3 question we'd be happy to hear it.

4 MR. CANTRELL: Well, I would like to elaborate
5 on the first answer, the first question. The first time
6 I've heard anyone from TransCanada say that you were in
7 negotiations to handle domestic crude oil in the
8 pipeline.

9 Did I hear that right?

10 MR. JONES: I can say we've been in discussions
11 with them. They're confidential discussions so I can't
12 get into the details. But I can tell you for all the
13 producers that are here that it's really between -- you
14 know, it doesn't make sense for the market to do that.
15 We're working with a group of them right now.

16 I think you might have seen an article last week
17 that the North Dakota Pipeline Authority has been doing
18 some research, and we were (Inaudible). So, you know,
19 there certainly is the optionality there.

20 I think fundamentally, though, the real benefit
21 is that we're moving that crude off the existing lines
22 that are congested and that's going to free up a lot of
23 pipeline capacity that today is causing some of that
24 localized netback issues that you talked about.

25 CHAIRMAN JOHNSON: Mr. Cantrell, anything else?

1 All right.

2 Brett, anything else? All right. Sounds good.
3 Other questions. Other comments.

4 MR. COSTELLO: Tom Costello again. I have a
5 question as far as the pipeline going through us.

6 How is that going to affect our exploration for
7 gas or oil on our own property? I guess if you need
8 clarification, I'm just wondering are we going to be
9 limited to where we can explore --

10 MR. JONES: Oh. Thank you.

11 MR. COSTELLO: -- with the line going through
12 us?

13 MR. JONES: I appreciate your clarification. I
14 was struggling with it. As you know, we're asking for a
15 50-foot permanent easement and an additional 65-foot
16 temporary easement. And that may change depending on the
17 soil conditions.

18 But if you, for example, needed to drill the
19 same year we were doing construction, then obviously the
20 restriction on the drilling would be the 110 feet.

21 Ultimately, you can't do anything within that
22 50 feet because we've got to ensure the safety of the
23 pipeline. So you can't like put the drilling rig right
24 over top and start drilling for oil or gas.

25 But I certainly think -- yeah.

1 (Inaudible) quite a bit. Maybe I shouldn't have put
2 that idea in your mind.

3 No. But, you know, certainly I don't think that
4 50-foot strip is going to, you know, impact a potential
5 drilling rig operation. It would have to be adjacent to
6 it. And we'd obviously be very -- I want to work with
7 regards to crossing the line so we put some extra padding
8 over the line to make sure there is no additional load
9 factor problems with regard to that.

10 MR. COSTELLO: Would that be the same for like
11 seismograph exploration?

12 MR. JONES: That's correct.

13 MR. GILBERT: Matt Gilbert, G-I-L-B-E-R-T. This
14 is for the PUC, and I don't even know if you can answer
15 my question. But the lawyer right off the bat, and I
16 forget which lawyer it was, said that all this money
17 stays in Harding County. And I'm pretty sure we know
18 that's not true. I mean, he can't guarantee that.

19 I'm a landowner in Harding County, and I'm also
20 on the school board. And from what I read, this has the
21 potential to hurt the school district as much as it helps
22 it. I mean, for the money we take in the State can take
23 it away as far as the school district goes, even
24 affecting things such as sparsity.

25 I was just wondering if you guys have any plans

1 on showing us, you know, we're bringing all this money
2 in, we're the ones that have to put up with all the extra
3 traffic, the land displacement, all the activity.

4 What guarantee do we have that we're going to
5 actually see any of this money that Mr. Lawyer said that
6 we're going to stay in Harding County, which we all know
7 once it gets to Pierre it has a hard time getting back.

8 And I was just wondering if you have any plan
9 that you can show us that before it actually happens.

10 CHAIRMAN JOHNSON: Mr. Gilbert, I'll be very
11 honest with you. We're not tax experts, and that would
12 be the Department of Revenue & Regulation that would
13 ultimately verify that the tax receipts, you know, are
14 being done properly as well as county officials.

15 You know, speaking any further than that, I'll
16 be honest with you, you're probably pretty far outside
17 our area of expertise. If it's all right with you, I'd
18 maybe ask the Applicant to have Mr. Taylor respond to
19 your issues and see if he can make all of us feel a
20 little more comfortable with your concerns.

21 MR. GILBERT: Well, maybe the (Inaudible)
22 Harding County whichever person that was can explain how
23 that's going to happen when these guys don't even know
24 where it's going to go because it has to go through the
25 central State Government before it even gets allocated.

1 CHAIRMAN JOHNSON: And I'm glad I'm not the only
2 one who gets confused over which lawyer is which
3 sometimes. Mr. Jones, if it's all right with you, we'd
4 have Mr. Taylor.

5 MR. JONES: Absolutely, Commissioner. Bill.

6 MR. TAYLOR: I had my back to the audience. Who
7 am I talking to? Let me help you remember who I am. I'm
8 the old guy in this bunch.

9 I'll tell you the answer to your question, what
10 money stays here, what goes to Pierre is real simple.
11 And it's already answered. It's in the South Dakota
12 Code, and the South Dakota Code says this: It says the
13 Department of Revenue will figure out what the value of
14 the pipeline is.

15 I'm going to tell you why it says that. It's a
16 history question. When the railroads were built across
17 South Dakota every county said I'm going to have a
18 special assessment on this railroad so that the railroad
19 will pay most of the taxes in my county. And in the
20 1890s there was a statute passed that said all utility
21 properties are assessed -- their value's determined by
22 the Department of Revenue. Once a year the Department of
23 Revenue figures out what the value is, and they send the
24 information to the local assessor.

25 When your county and your school board do their

1 budgets and figure out their mill levies they use that
2 value to figure out what's going to be taxed against the
3 pipeline. The same question came up in Philip last
4 night. And I don't know where this information's coming
5 from. And so I called my office today and had them go
6 back through the code and tell me does the pipeline
7 company get one bill from Pierre for real estate taxes
8 throughout the state?

9 The answer is no. It gets a bill from
10 Harding County, and it writes a check to Harding County.
11 The money comes to Harding County, stays in
12 Harding County. That simple.

13 Now your legislators, some of them are here
14 tonight. There was one sitting right here just a minute
15 ago.

16 UNIDENTIFIED SPEAKER: The other one's right
17 here.

18 MR. TAYLOR: Let me borrow a term out of your
19 vernacular. You need to get a dally on them and make
20 sure they don't change the statutes. The pipeline
21 company can't control that. The voters control that.
22 The system allowed -- the way our system of taxation
23 works right now has been virtually unchanged as long as I
24 can remember, and I've been practicing law in
25 South Dakota for 37 and a half years.

1 Does that answer your question?

2 (Inaudible)

3 CHAIRMAN JOHNSON: Mr. Gilbert, that's a really
4 good point. Let's make sure we get you a mic so that we
5 can have that on the record. What's that?

6 MR. GILBERT: Matt Gilbert, spelled the same.
7 My concern was we don't get our oil impact money once it
8 goes to Pierre back like -- like was designed to, and
9 we're the ones that have to put up with oil fields and
10 everything that goes along with that. And some of us
11 aren't so lucky as to have all the mineral rights or all
12 of that kind of business.

13 But my concern is that this pipeline will fall
14 under the same sort of jurisdiction that we won't get
15 that impact money back such as we don't with the oil
16 impact money.

17 MR. TAYLOR: Severance taxes are a whole
18 different story, completely different scheme of things.
19 I'm talking about real estate taxes.

20 Severance taxes if you want to know the history
21 about that, talk to me at the break, and I'll tell you
22 how it all started with Homestake.

23 MR. GILBERT: So this falls under a completely
24 different thing than oil severance?

25 MR. TAYLOR: Completely different deal.

1 MR. GILBERT: Can I have your card to make sure
2 in case something goes wrong I can call you?

3 MR. TAYLOR: Absolutely. I'll get it for you
4 right now.

5 CHAIRMAN JOHNSON: All right. I know we got a
6 lot of other stuff -- a lot of other questions. It's
7 about time for a quick break. Let's go ahead -- well,
8 we'll give the honorable Senator a chance to --

9 MR. MAHER: The question that he's going
10 after -- my name is Ryan Maher, M-A-H-E-R, and I serve as
11 the District 28 State Senator.

12 And the question that needs to be answered is
13 with this property tax revenue is how it affects the
14 Cutler/Gabriel. I mean, what local revenue -- you know,
15 that's usually a 48/52 split that as your local effort
16 goes up and if this money goes into your local effort,
17 then your state aid decreases. So it's really not a tax
18 benefit. It's just a tax shift.

19 So that's the question that really needs to be
20 answered is how does this oil revenue money affect
21 Cutler/Gabriel. If that happens, the other question that
22 falls into play here is if this money is all coming into
23 Harding County, they lose on a sparsity. And if they
24 drop down in sparsity, then they fall under -- enrollment
25 drops, then they run into the situation of having to

1 force their school to close like what happened over at
2 Conde.

3 Conde was a situation where they had a pipeline
4 in that district. They received approximately \$20,000 a
5 year in state aid and only had 50 students in that
6 school. They received almost zero taxpayer dollars.
7 That money was all generated in the Conde School District
8 by local effort. Therefore, they received very little
9 state aid.

10 That very same situation could happen here. And
11 these people should have their question answered as to
12 how this oil revenue from the pipeline is going to affect
13 local effort in relationship to the Cutler/Gabriel
14 Amendment in the education formula.

15 MR. TAYLOR: Want to know the answer?

16 MR. MAHER: Sure.

17 MR. TAYLOR: It's going to double local effort.

18 MR. MAHER: So that their state aid revenue's
19 going to drop.

20 MR. TAYLOR: Stay put. Stay put. I'll tell you
21 exactly what's going to happen to your state aid. Based
22 on the work we did, using 2008 as a model year there will
23 be no foundation state aid paid to Harding County,
24 South Dakota.

25 MR. MAHER: So it's a tax shift.

1 MR. TAYLOR: No, it's not a tax shift. I'll
2 tell you what it is. The money that you get in
3 foundation state aid from Pierre is not -- doesn't come
4 from Mars. It comes from the taxpayers of South Dakota.

5 The theory is that small schools in areas that
6 have an inability from the value of their real estate to
7 support education deserve to have money paid to them by
8 the State.

9 You know, I live in Sioux Falls. Everybody says
10 you people in Sioux Falls are rich because you've got all
11 of these fancy buildings and businesses. You have a big
12 tax base.

13 What's going to happen in Harding County is, as
14 I said in the very beginning, your tax base is going to
15 go from 155 to into the middle 300s. We're going to
16 double your tax base. Bear in mind that more than half
17 of the responsibility for that doubled tax base is a
18 consequence of the construction of the pipeline, and the
19 pipeline company will be paying real estate taxes on
20 that.

21 Now you probably know this because it sounds to
22 me like you know how the school aid formula works. You
23 also need to know that the pipeline is classified for
24 school tax purposes as a utility. And the utility bears
25 a financial responsibility for taxes almost double what

1 agricultural property bears with respect to education.
2 And that's going to happen right here in this county.

3 You're not going to get any foundation state aid
4 but you're going to get the money plus a whole lot more
5 from the pipeline.

6 CHAIRMAN JOHNSON: So, Mr. Taylor, let's bring
7 it down to the bottom line, though. And that is after
8 you adjust for the lost revenue from the State because of
9 the Cutler/Gabriel that Senator Maher is talking about,
10 is there any net taxation benefit for school districts
11 because of the pipeline?

12 And if so, do you have an approximate figure of
13 what that would be?

14 MR. TAYLOR: Yeah. The net taxation benefit --
15 well, the cost of education is going to change because of
16 the pipeline. So what is a net taxation benefit?

17 The cost of education is the same. What's going
18 to happen now is the burden of the cost of education is
19 going to be borne 100 percent by property taxes in this
20 county. And of those property taxes more than 50 percent
21 will be paid by the pipeline company.

22 What I did in the study that I worked out is we
23 worked out the entire student aid -- Application of the
24 student aid formula in the State of South Dakota in 2008.
25 The legislature appropriates a financed sum of money for

1 student aid. And we refigured the entire state after we
2 took into account the change in assessed valuation or the
3 local effort in Harding County.

4 There's about -- the effect of the pipeline
5 statewide is there's about \$5.2 million that will not be
6 paid to counties in state aid as a result of increased
7 local effort. Now if that is -- if that is, as you said,
8 Commissioner Johnson, a change in the taxation scheme,
9 yes. There is a heavier burden placed on the county.

10 But in Harding County despite that heavier
11 burden being placed on the county, the overall taxes for
12 all of you people who are currently taxpayers in
13 Harding County is going to go down by almost 50 percent.
14 Almost 50 percent.

15 What that means is -- just hang on. If you got
16 a guy -- if you're paying \$10,000 in real estate taxes
17 today, you're going to pay about \$5,000 on that same
18 tract of property when the pipeline is constructed.
19 That's provided you can keep a dally on your legislators.

20 Have I answered your question?

21 MR. MAHER: Kind of. The other -- this is just
22 a comment.

23 CHAIRMAN JOHNSON: Hold on. Senator Maher,
24 we've got to come back to this. We've got all kinds of
25 questions on this. If we don't take a break, I'm going

1 to burst. So let's take a short break. I've been
2 squirming.

3 (Inaudible)

4 CHAIRMAN JOHNSON: I tell you what. We've got
5 Senator Maher with the mic. He's my boss just like, you
6 know, all of you guys are. I'm not going to take --
7 okay. Go ahead. You can ask your question.

8 MR. LARSON: Those of you who know me know that
9 I have a very special respect for lawyers. But there
10 is -- one thing bothers me. With all due respect, this
11 man is hired by the company. It's his opinion. It's his
12 opinion.

13 And I think it might behoove the PUC to get the
14 opinion of the Attorney General onto what's going to
15 happen to the taxes. Because it is just an opinion.
16 State law can change, as mentioned. But even with the
17 state law the way it is today, I think we need to have a
18 clarification from somebody who is in power who actually
19 makes these kind of decisions. Just a suggestion.

20 My name is again is Peter Larson.

21 CHAIRMAN JOHNSON: Thanks very much, Mr. Larson.
22 Just by way of process of clarification, to the extent
23 that, you know, if the Applicant enters this sort of
24 information into the record as evidence, then Commission
25 staff as well as any other Interveners will have an

1 opportunity to test that evidence, cross-examine
2 witnesses and call their own witnesses exactly to your
3 point to make sure that it's not just one side's opinion.
4 Point well taken.

5 And with that, let's go ahead and take -- we've
6 got to get a break in. I'll say 10, but it's probably
7 going to be 15. The bathroom's not that big. So we'll
8 be back.

9 (A short recess is taken)

10 CHAIRMAN JOHNSON: All right. Let's go ahead
11 and get it started back up.

12 UNIDENTIFIED SPEAKER: Get ready to rumble.

13 CHAIRMAN JOHNSON: All right. All right. We're
14 going to go ahead and get started back up. You know, by
15 way of preface, you know, two things. First off -- and I
16 sort of made this comment to Mr. Larson.

17 What's represented here tonight by any of the
18 folks here or by the Applicant, I mean, that's going to
19 get tested. This is really the beginning of the process.
20 Any of the claims that are going -- are going to be
21 tested, you know, through our regulatory and
22 quasi-judicial process.

23 And we'll just figure out anything anybody says
24 we'll have an opportunity to cross-examine under oath.
25 And so we'll be able to add to the record in that way.

1 And then we've had a lot of discussion about taxation
2 tonight. And I don't want to minimize that impact
3 because it's a big deal. And when you look at what we're
4 supposed to consider, certainly the economic condition of
5 the inhabitants is one of the factors we're to consider.

6 But it's not the biggest factor. It's not the
7 smallest factor. It's one of a whole series of factors
8 we're supposed to consider, including paleontological
9 resources and the environment and all kinds of
10 socioeconomic well-being items. So just by way of
11 that -- what did I miss?

12 COMMISSIONER KOLBECK: I don't think you missed
13 anything. I do have some concerns about the way the
14 conversation was going earlier. I don't want anybody to
15 say, well, we had a PUC hearing in Harding County and
16 someone said our taxes were going to go down 50 percent
17 and maybe they didn't because of what maybe county
18 commissioners or legislators have done.

19 So I just want to make that differentiation that
20 the Application and the information we're after this
21 evening deals with those four things that Dusty had
22 mentioned at the beginning of the meeting.

23 I don't want to make it sound like it's
24 (Inaudible). The price of oil could go to \$300 a barrel,
25 or the price of oil could go to \$2 a barrel of oil.

1 Taxes could go up, or taxes could go down. Those are all
2 things that are weighed in our decision, but that is not
3 going to be the final decision-maker for us.

4 So I just wanted to make that differentiation
5 that you were not promised your taxes will go down
6 tonight. You were not promised that the price of oil
7 will go down or up. There's a lot of different factors
8 that we're going to take into effect.

9 CHAIRMAN JOHNSON: Well, there were some
10 representations made by the Applicant based on 2008
11 assumptions.

12 COMMISSIONER KOLBECK: Yes.

13 CHAIRMAN JOHNSON: But your point certainly the
14 legislature does make speaks to the tax codes.

15 So with that, let's take questions and comments.
16 Any questions and any comments?

17 MR. CANTRELL: Mike Cantrell again, M-I-K-E. I
18 want to -- I didn't -- you know, you guys do this every
19 night. You do a very good job, and this is my very first
20 time if so you'll pardon me for not being quick enough on
21 my feet.

22 But when you talk about congestion in the
23 pipeline now that this is going to alleviate, the
24 congestion is caused by Canadian crude. It's not caused
25 by U.S. crude.

1 We've got 180,000 barrels more crude in our
2 pipeline system now. You're right. That will alleviate
3 that congestion. But the congestion that matters to
4 price is not the congestion in the pipeline. It's the
5 congestion at Cushing, Oklahoma where NYMEX prices are
6 figured and everybody's price from coast to coast, from
7 coast to coast Canada to Mexico is based on NYMEX --
8 West Texas Intermediate and NYMEX done at Cushing,
9 Oklahoma.

10 And so it's not really accurate to talk like
11 it's going to alleviate congestion, therefore, have no
12 bearing on price. It's just going to put more congestion
13 into a marketplace. Not necessarily into any one
14 pipeline or another but into the marketplace where prices
15 are set at Cushing, Oklahoma.

16 That's just the way NYMEX does it. That's where
17 the prices get done. And that's our concern, that you're
18 flooding a market now. We're not going to say that it's
19 because ConocoPhillips owns refineries and they're trying
20 to back down the price of domestic crude to their
21 refineries. I mean, that's a thought that comes to your
22 head, but we're not going to say that.

23 We are just saying that it has a dramatic effect
24 on prices. It's done that. And the people that make the
25 decision here are the people that are landowners that are

1 making their decisions that have minerals and have
2 production need to know that it's probably going to
3 negatively affect their price if this Canadian crude
4 comes to Cushing, Oklahoma and stops in that marketplace
5 without going to excess capacity.

6 That's all I had to say. Appreciate it. Thank
7 you.

8 CHAIRMAN JOHNSON: Thanks, Mr. Cantrell. Any
9 comments by the Applicant?

10 MR. JONES: Mike, I'd love to debate crude oil
11 pricing and crude oil dynamics with you. Except for, you
12 know, I am a pipeliner. And certainly we just move the
13 crude oil. We don't own the crude. We don't refine the
14 crude.

15 However, just to clarify, I mean, there's no
16 doubt there's been a negative netback impact as a result
17 of apportionment on other pipelines, whether it be the
18 Enbridge line, or the Badger line to Guernsey, as you
19 mentioned. So that's a fact.

20 The other thing that's a fact is refiners have
21 signed 910,000 barrels worth of contracts because they're
22 worried about supplies from places like Mexico and
23 Venezuela. So that's also a fact. I'll just leave it at
24 that.

25 CHAIRMAN JOHNSON: All right. Other questions

1 or comments?

2 Raise your hand. We can have one more on the
3 end. Go ahead, sir.

4 MR. LATHAM: Darwin Latham, L-A-T-H-A-M,
5 Camp Crook. I kind of want to go back to an earlier
6 topic. We talked about the local emergency responders.
7 And I think -- well, there's one comment I'd like to make
8 is they said there would be an immediate response from
9 the company.

10 And out here we find that, you know, there's no
11 such thing as immediate response. It's like hours from
12 pretty much anywhere to get here. So that's a concern.

13 But I think the part that we were -- the earlier
14 questions were trying to get to is that during the
15 construction phase you're probably talking an influx of
16 pipeline contractors and all the people working there
17 that's probably going to effectively almost double the
18 population of Harding County while they're here.

19 And all of our local emergency services from the
20 sheriff's department to the EMS to the fire departments
21 are going to have to deal with whatever needs that arise
22 from this extra population. I mean, we're talking a huge
23 increase in traffic. Let alone anything else that might
24 happen.

25 So I guess I understand that the county's going

1 to get extra money from property taxes once the pipeline
2 is finished, but this is going to be a large up front
3 expense to probably cover the situation while
4 construction's going on. And I wondered if there was any
5 consideration of this or what could be done about that
6 situation.

7 MR. JONES: So I'd like to first address some of
8 the construction questions, and I'll have John Phillips
9 here do that. And then on the emergency response
10 question maybe I'd ask Mr. Hayes to supplement.
11 Hopefully be responsive to your question.

12 MR. PHILLIPS: Okay. I may need you to repeat
13 the question for me as far as are you concerned about
14 emergency services for the contractor personnel? Is that
15 one of your questions?

16 MR. LATHAM: Well, it's everybody. I mean, with
17 the amount of extra traffic, yes, the contractor
18 personnel, but also you're going to have a huge amount of
19 extra traffic. I can see where there's going to be --
20 possibly depending on what time of year, there's going to
21 be a huge fire concern. There's going to be accidents
22 EMS is going to have to respond to, not only on the job
23 site but we're talking traffic on the roads and other
24 things.

25 And I'm sure if we're going to have a lot of

1 people here that our law enforcement's also going to need
2 to be beefed up.

3 MR. JONES: Sir, thank you for that question.
4 Because one of the points I wanted to make and I haven't
5 done so far is to really represent how important safety
6 is to TransCanada. I mean, it is by far one of the --
7 the most important things we have to consider.

8 We have to think about the safety of not only
9 our employees and our contractors but also the public. I
10 can tell you that our safety program is top decile. We
11 make sure our contractors are focused on safety. So that
12 has to do with the transportation plan. With regards to
13 speeding. We don't allow cellphones while they're
14 driving. They must wear their safety belts. Protective
15 equipment, it's absolutely mandatory they wear their
16 personal protective equipment.

17 We are just safety fanatics, and we're proud of
18 it. So I want to assure you that we are really going to
19 work with our contractors to make sure that they are
20 following our (Inaudible), which as I said are top
21 decile.

22 MR. LATHAM: I sure appreciate that. But, you
23 know, I guess you're not going to be riding with them
24 every second of the day. And, you know, we're just
25 bound -- we're very safety conscious here in

1 Harding County too. But there's still accidents. And
2 there's going to be accidents. There's going to be
3 fires. There's going to be things law enforcement needs
4 to take care of.

5 And when you're talking about potentially
6 doubling the population of the county, we're just going
7 to have to have more means. And I think that needs to be
8 addressed.

9 Thank you.

10 MR. HAYES: This is John Hayes again from row
11 two here.

12 CHAIRMAN JOHNSON: Sorry, Mr. Hayes. Hold on a
13 second. We've got a little talk in the back that we've
14 heard from some folks is making it a little tough to hear
15 back there. So if you've got some sidebar conversations,
16 if you could just step out or -- that would probably be
17 helpful. Thanks. Go ahead, Mr. Hayes.

18 MR. HAYES: Thank you. Once again, John Hayes.
19 Just to answer the question on the company emergency
20 response and what response times we will have.

21 So when we site our pump stations one of the
22 things we do when we site them and put people there is we
23 are guaranteeing a response to any pipeline anomaly that
24 we see within four hours and hopefully way under four
25 hours.

1 The other important part is that we are going to
2 engage your first responders in our training drills as
3 observers. And they will participate in our incident
4 command system training drills that we have.

5 The other point that I think is important, I
6 recently completed the design of emergency response
7 equipment and trainers for the Keystone Project. We will
8 be siting a very comprehensive emergency response trailer
9 in this county.

10 MR. CLANTON: Brett Clanton again. Just to
11 dwell upon that a little bit. Let's be specific. If
12 there's an accident on the job or on the road, is it
13 going to be up to our county EMS to deal with that, or
14 are you going to deal with that? Job site accident.

15 MR. PHILLIPS: Job site accident it would be the
16 county EMS. We would sit down and in advance work with
17 the county law enforcement, county service providers, the
18 EMS, have discussions with those people in advance, and
19 talk about how we handle these types of issues, these
20 types of emergencies, who we call, what do we do prior --
21 you know, what do we do.

22 In addition, as Robert mentioned about the
23 safety, we have site-specific safety plans. Hard to say.
24 Site-specific safety plans that the contractor has to
25 follow. They generate those safety plans.

1 We have people in the field that monitor those
2 safety plans. But, yes, the answer to your question is
3 county EMS would be the first responders.

4 MR. LATHAM: My name is Kay Latham, and I am an
5 EMT. We are all volunteers. I hope you realize that.
6 And we all work at different jobs. I mean, we are not
7 sitting at home waiting for this. There are times that I
8 am called at work. I leave work to respond on the
9 ambulance.

10 This is not something that is going to be like
11 boom and this is wonderful. We're talking a serious
12 impact on our emergency medical services. And we are
13 volunteers. We all have other jobs.

14 MR. JONES: Absolutely. And I think we're going
15 to need -- you know, we're going to need your help.
16 There's no question we want to understand the capability.
17 Because then we're going to have to look at our
18 contractors to make sure that they fill in those gaps.
19 So there's no doubt we'll do a gap analysis and determine
20 what additional safety factors that we need to consider.

21 It's not uncommon for large mobile crews like
22 this to have, for example, an EMT on site to work with
23 kind of day-to-day first aid issues.

24 But when it comes to, you know, obviously a
25 major accident, of which by the way we have very, very

1 few. Our away from work case rate is below one right
2 now. So, you know, we're very, very proud of our safety
3 record.

4 That being said, and I do hear you, that we're
5 going to have to determine if there is a gap considering
6 the work crews that are going to be here.

7 Now the thing about Harding County, my
8 understanding is that we're going to have one spread per
9 year and there's about 5 or 600 men -- men and women in a
10 spread.

11 CHAIRMAN JOHNSON: Hold on before. We go to the
12 next, ma'am, did you get your question answered? Did you
13 have follow up?

14 Okay. Thanks. Go ahead.

15 MR. NYGAARD: Leonard Nygaard. I was just
16 wondering if you know what kind of cell phone service we
17 have in this area.

18 MR. JONES: Oh, yeah. We do. So I'll have
19 Mr. Myers actually -- because his crews have been working
20 through here, and he understands the challenges.

21 MR. MYERS: Yeah. I understand I'm standing
22 here, and my cell phone is just a wasted paperweight on
23 my belt right now.

24 So right now we have crews working across --
25 about 600 people across the United States in Montana and

1 the Dakotas. We're equipping those crews with satellite
2 phones right now as a means of communication because
3 there are no cell networks in the remote areas.

4 We haven't made final decisions yet, but in this
5 kind of area it would be very typical for us to install
6 temporary cell phone systems ourselves for ourselves
7 along this spread.

8 So as John mentioned, a spread is 82 or so miles
9 long. We would install towers for ourselves during
10 construction, and then we would remove it at the end of
11 construction so that our crews have communication because
12 that's a very important part of what they do.

13 So that's part of our assessment that we do,
14 what do we need to be able to communicate.

15 CHAIRMAN JOHNSON: Other questions or comments?

16 Ms. Trask.

17 MR. JONES: Just to add to that, on some of our
18 communications, our operations personnel are looking at
19 probably having sat. phones. Also our pump stations will
20 use redundant satellite communication as well.

21 CHAIRMAN JOHNSON: Mr. Nygaard, we got you taken
22 care of; right?

23 Good. Ms. Trask, go ahead.

24 MS. TRASK: So mine are comments, and they're
25 for the PUC. I'm actually here representing Dakota Rural

1 Action, and many of our members are landowners who are
2 affected by the proposal throughout the state.

3 And so if the PUC is sincere about placing
4 conditions and restrictions on the company that will put
5 the people who live and own the land in the communities
6 and drink the water -- I'd just like to run through a
7 little list of things that we've come up with in meetings
8 and members have identified that are concerns.

9 First of all, if the emergency response plan is
10 available and ready before the state permit is issued,
11 which you would think it will be, that needs to be --

12 CHAIRMAN JOHNSON: I'm sorry to interrupt you.
13 Prior to operation of the permit -- or prior to operation
14 of the pipeline. Not approval of the permit.

15 MS. TRASK: Okay. So that would be a condition,
16 that it be approved before the permit. And then that it
17 be widely distributed among the communities along the
18 affected route and widely available for public review and
19 input. (Inaudible) in the back of the room.

20 The company mentioned it does not know the
21 expected life of its pipeline. I consider that
22 unacceptable, and I think our landowners would consider
23 the response that the life may end two or three
24 generations down the road not our problem also
25 unacceptable. So there needs to be a minimum life

1 established for the pipeline.

2 Reclamation standards should be those of the
3 BLM. Those are widely accepted I think reputable
4 standards that landowners could live with. A 100 percent
5 Level 3 cultural and historic assessment, which includes
6 all the paleontological resources and historical and
7 cultural should be a condition of the permit.

8 That the company use American steel, which we
9 have the capacity to make here in America. And we could
10 desperately use the job and the economic development.

11 I'm sure you're aware of the special permit from
12 the Department of Transportation that the company has
13 applied for to use thinner pipe through the State of
14 South Dakota. A condition of the state permit would be
15 that we have the same thickness pipe that the cities are
16 being protected with.

17 And, lastly, Bill Taylor, with all respect to
18 Bill Taylor, he's a long time family friend, but he's
19 also the company's legal representation. And on the
20 other hand the Department of Revenue, whose job it is to
21 review and come up with the numbers on issues like this,
22 has been silent.

23 And so I would think a -- an audit of the
24 numbers, a review of the numbers, a verification of the
25 alleged taxes to the county from the Department of

1 Revenue would be in order.

2 CHAIRMAN JOHNSON: Thanks, Ms. Trask.
3 Applicant, any comments?

4 MR. JONES: Certainly a long series of
5 questions -- I'm sorry. Of comments. And so I didn't
6 actually appreciate the fact that there was a question to
7 the Applicant.

8 MS. TRASK: There wasn't.

9 CHAIRMAN JOHNSON: You need not respond if you
10 don't want to, Mr. Jones. I just thought if you wanted
11 to, we'd give you that opportunity.

12 Okay. Other questions or comments.

13 MR. COSTELLO: I guess one of the questions --
14 this is Tom Costello again. Rather than knowing the
15 length of how long that pipeline is going to be active, I
16 think as property owners we'd be more concerned on whose
17 responsibility -- if they're going to tear the pipe out
18 when they're done or if they're just going to leave it
19 lay and let it deteriorate under the ground and if we're
20 going to run into a deal with the pipeline like with
21 Homestake where the landowners are going to have to pick
22 up the expense to clean it up or whether the State's
23 going to come do it or whether the pipeline company will
24 do it when they're done.

25 CHAIRMAN JOHNSON: That's a good comment. Thank

1 you.

2 MR. JONES: So I think that the question is with
3 regards to, you know, what are the potential types of
4 abandonment that we could expect at the end of the life
5 of the project. And that is a reasonable question.

6 So I can tell you that the practice that we've
7 seen today -- and it changes over years because, of
8 course, we get a little more knowledgeable about things.
9 But, you know, we're going to have to go through the same
10 permitting practice as we have here with regards to
11 abandonment.

12 The techniques have been to put in inert gas in
13 the line and keep the cathodic protection going. There
14 have been areas where, you know, there's developments so
15 the pipeline is removed. I mean, but these are really
16 speculative. And so to say that we're going to do
17 something in the future isn't concerning what the rules
18 are going to be at that time.

19 But we're going to follow the rules. And so if
20 we were to look at the rules today, that's what they
21 would be.

22 CHAIRMAN JOHNSON: Other comments or questions?
23 Hand up. Okay.

24 MR. COSTELLO: Could I follow up?

25 CHAIRMAN JOHNSON: Yeah. Sure.

1 MR. COSTELLO: I guess my question was more for
2 the Public Utilities than for them. Are you guys going
3 to have something in place that will determine who is
4 going to pay the expense of the abandonment of the line?

5 CHAIRMAN JOHNSON: Well, you know, consistent
6 with Commissioner Hanson's comments earlier, we're not
7 going to make any commitments now. We're at the
8 beginning of the process. But your comments will
9 absolutely be considered as we go along. Good comments.
10 Go ahead, sir.

11 COMMISSIONER NELSON: Larry Nelson, N-E-L-S-O-N.
12 To follow up a little bit on what Mr. Costello just
13 talked about, he mentioned Barrick Gold. As I'm sure you
14 folks know, when they got ready to I guess you could call
15 it decommission the mine there in Deadwood they entered
16 into a court proceeding with the State and eventually
17 arrived at an amount of money that they paid the State
18 that was called for mitigation purposes to kind of, my
19 term, pay the cost of the damages of the -- the
20 environmental damages that were left over from that
21 mining operation.

22 And in that process they shed their liability
23 with the state. And, consequently, the State mitigation,
24 as I understand it at least, is to replace that which has
25 been damaged in these terms. And what the State then did

1 was purchased land that belongs to Spearfish Canyon
2 adjacent to Spearfish with that money but was received in
3 that settlement or at least a portion of it.

4 And Mr. John Cooper, who was then the Secretary
5 of the Game, Fish & Parks, was involved in that purchase
6 and when we were questioning about that said, well, yes,
7 Barrick did shed their liability with the State, but they
8 had not shed their liability with the individual
9 landowners. And really what we're talking about here is
10 those folks that live along White Wood Creek and Belle
11 Fourche River and the Cheyenne River that were now left
12 with hazardous material deposits in those stream beds.

13 Those folks should some event happen later down
14 the line are now in the position where the Barrick has
15 shed their liability with the State and if they need to
16 regress anything in the future, are going to be in the
17 position of being individuals who are going to have to
18 sue a foreign corporation to try to get anything fixed.

19 And I guess my comment is this: I would hope
20 that you folks in your permitting process -- and this
21 goes down to decommissioning this pipeline at some
22 point -- put in place some process that doesn't end up
23 leaving these landowners in that position where
24 TransCanada at some point settles with the State, sheds
25 their liability, and leaves individuals in the position

1 of having to go after them should anything happen on
2 their property as a result of the end of that pipeline,
3 which is exactly what has happened with the Homestake
4 mine.

5 CHAIRMAN JOHNSON: Thanks very much.

6 MR. JONES: Dusty, if I could have -- I mean,
7 Commissioner Johnson, if I could have one comment. And
8 that's just to, you know, reassure you that, you know,
9 (Inaudible) 1.3 million miles of pipelines in the U.S.

10 And so there is -- this is an issue that all
11 pipelines remain responsible as long as the (Inaudible).
12 So I think it's a little different application than the
13 one you've just described.

14 But, you know, I just wanted to reassure you
15 that Keystone will be responsible for the pipeline as
16 long as it remains in the ground.

17 CHAIRMAN JOHNSON: Other comments or questions.
18 Comments or questions. Comments or questions.

19 While people take a quick minute to collect
20 their thoughts, I'll just mention that this is the
21 beginning really of the comment process, the comment
22 period. If two days from now you figure out there's
23 something you want to share with the Commissioners you
24 didn't have an opportunity to say tonight, that's fine.
25 You didn't lose your opportunity.

1 Call the Public Utilities Commission. Talk to
2 any of the staffers, and they'll kind of walk you through
3 the process to make your voices heard.

4 So we'll go -- we'll check one more time. Yeah.
5 And everything will be on-line. We -- in fact, if you're
6 curious about the process that was used for the last
7 pipeline that was permitted in the state, we've got
8 thousands of pages of information on our website on that.

9 Go ahead, Mr. Costello.

10 MR. COSTELLO: Yeah. I would just -- I would
11 like if we'd get Senator Maher up and finish up his
12 thoughts on what this might do to our school.

13 CHAIRMAN JOHNSON: Absolutely. I know Ryan well
14 enough to know that I suspect his interest doesn't stop
15 tonight, but rather he'll make sure to follow up and
16 offer some comments as we move forward.

17 Other comments or questions? Well, with that
18 then, we'll just close by thanking you guys for your
19 patience and your hospitality. And really good questions
20 and comments. Obviously the folks from Harding County
21 are looking not just next year or 10 years down the road
22 but generations, and that's a good thing to be doing.

23 Thanks, everybody. Have a good night.
24
25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I transcribed, to the best of my
10 ability, the audio recording of the foregoing
11 proceedings.

12 Dated at Onida, South Dakota this 16th day
13 of June, 2009.

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Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

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