

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 Proceedings  
April 27, 2009  
Winner, 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, at the Winner Playhouse, Winner,  
17 South Dakota, on the 27th day of April, 2009, commencing  
18 at 12:05 p.m.  
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1           CHAIRMAN JOHNSON: We're going to begin the  
2 public input hearing for Docket HP09-001. And that deals  
3 with the Application made by TransCanada Keystone  
4 Pipeline for a permit under the South Dakota Energy  
5 Conversion and Transmission Facility Act.

6           And as you all know, what they want to ask, they  
7 want to construct the Keystone XL Pipeline. So today's  
8 date is April 27, 2009. The time is a little bit after  
9 noon. And this is the time and place for our hearing  
10 here at Winner.

11           This hearing concerns the Application for that  
12 project. Now we've got two main purposes for this  
13 hearing. The first is to provide information to the  
14 public about this project, and the second is to take  
15 public comment about the project.

16           Interested persons have the right to present  
17 their views and comments regarding the Application, and  
18 the Commission sincerely wants to encourage you to do so.

19           A copy of the Application is on file with the  
20 Harding, Butte, Perkins, Meade, Pennington, Haakon,  
21 Jones, Lyman, and Tripp County Auditors. And the public  
22 may also access the Application and all other  
23 nonconfidential documents in the file on the Commission's  
24 website at [www.puc.sd.gov](http://www.puc.sd.gov).

25           Now the parties to the proceeding at this time

1 are the Commission and the Applicant. Under South Dakota  
2 Law each municipality, county, and governmental agency in  
3 the area where the facility is proposed to be constructed  
4 or any interested person or entity may be granted party  
5 status in this proceeding by making a written application  
6 to the Commission on or before May 11, 2009.

7 I also want to make it clear, though, that you  
8 don't have to be an Intervener, a legal Intervener, in  
9 order to have your voice heard on this topic. Public  
10 comments today, any written comments that we receive,  
11 those will all go into the file and are instructive to  
12 the Commissioners as they make their deliberations. And  
13 we do have applications available this afternoon if you  
14 do want to apply for legal party status.

15 For the permit to be approved the Applicant must  
16 show that the proposed Keystone XL Project will do four  
17 things: First, that it will comply with all applicable  
18 laws and rules; secondly, that the Keystone XL Project  
19 will not pose a threat of serious injury to the  
20 environment or to the social and economic condition of  
21 inhabitants or expected inhabitants in the siting area;  
22 third, that the project will not substantially impair the  
23 health, safety, or welfare of the inhabitants; and,  
24 fourth, that the Keystone XL Project will not unduly  
25 interfere with the orderly development of the region with

1 due consideration having been given to the views of  
2 governing bodies of affected local units of government.

3 Based on these factors, the Commission, which is  
4 made up of myself, Dusty Johnson, as well as  
5 Commissioners Steve Kolbeck and Gary Hanson will have  
6 three options. The first option will be to deny the  
7 permit. The second will be to approve the permit. Or  
8 the third will be to approve the permit with certain  
9 terms, conditions, and modifications of the construction,  
10 operation, or maintenance of the facilities as the  
11 Commission finds appropriate.

12 So we're going to begin the hearing this  
13 afternoon by having the Applicant make a 30- to 35-minute  
14 presentation so we all have the same foundation and  
15 knowledge about the project. And then following that  
16 project we'll take public comment.

17 We will ask that you raise your hand. We'll  
18 recognize folks. We'll have one of the handheld  
19 microphones brought to you. We would ask that you  
20 clearly state your name as well as your town. And we're  
21 going to ask that questions -- we'll have a brief area  
22 for questions first so the people who want to gain more  
23 information can do that. Then we'll proceed to shorter  
24 comments, 2 minutes or less. We understand people have  
25 jobs to get to and operations to get to. And so if you

1 just want to make a 1- or 2-minute statement of concern  
2 or statement of support, we want to provide you that  
3 opportunity. And then we'll move into comments that are  
4 longer in length.

5 We would ask that all comments stay on topic.  
6 We'll allow a little bit of flexibility. But, for  
7 instance, it's not this Commission that would deal with  
8 any sort of condemnation of land or eminent domain  
9 issues. That would be a Circuit Court. And so  
10 statements on that topic aren't going to be particularly  
11 beneficial to the Commission or to anybody else sitting  
12 here.

13 And, finally, we would ask that you try to limit  
14 any repetitive nature of the comments. We want to hear  
15 from you. We want to hear from as many of you as  
16 possible. So if you agree with someone who's spoken  
17 before, rather than say the exact same words, you can  
18 just let us know that that's how you feel as well. Add  
19 any comments that you want that add some flavor to that.  
20 But if we can eliminate the repetitive, that are going to  
21 allow more people to be heard on this proceeding.

22 We do ask that if you haven't done so yet, that  
23 you sign up on the sign-up sheets that are located at the  
24 top of the stairs on either side so that we have a record  
25 of who was here and who was interested in this project.

1           With that, I'm going to pause and see if our  
2   General Counsel, John Smith, or either of the  
3   Commissioners has anything that I've missed.

4           With that, we're going to look toward  
5   Brett Koenecke who will be the lead spokesman here this  
6   afternoon for TransCanada. And I should note before we  
7   do this we have a number of public Commissioners,  
8   staffers here who we should take an opportunity to  
9   recognize.

10          We have Ms. Kara Semmler here. We have up at  
11   the top of the stairs Mr. Nathan Solem. We have back  
12   here Mr. Tim Binder. We have Ms. Stacy Splittstoesser I  
13   think somewhere. And we've got Mr. Bob Knadle up there  
14   at the top of the stairs. They would be happy to answer  
15   any questions you've got after this proceeding or  
16   throughout the process.

17          So with that, Mr. Koenecke, please introduce the  
18   others with you this afternoon, and then you may begin  
19   your presentation.

20          MR. KOENECKE: Thank you very much,  
21   Commissioner, and thank you, Commissioners and staff. We  
22   appreciate your putting these meetings together for us,  
23   and thank you to those of you in the audience for your  
24   interest in the project as well.

25          Well, my name is Brett Koenecke. I'm a lawyer

1 from Pierre, and I represent TransCanada Keystone  
2 Pipeline in these proceedings before the Public Utilities  
3 Commission.

4 With me this afternoon is Robert Jones, the vice  
5 president of TransCanada from Calgary, Alberta.

6 John Phillips next to him is a pipeline engineer from  
7 Houston, Texas. And Jim White is on the TransCanada  
8 staff as well.

9 Behind me are a number of subject matter experts  
10 relative to the topics that we think are of importance to  
11 you regarding the project, and as your questions come out  
12 they'll try and do their best to answer them for you.

13 Robert and John do have a short presentation for  
14 you, and then we'll look forward after that to engaging  
15 in a dialogue with you about the project.

16 Thank you.

17 MR. JONES: Hello. Is this working? Can you  
18 hear me okay in the back? Thank you, Commissioner  
19 Johnson. Good afternoon Commissioner Kolbeck,  
20 Commissioner Hanson, ladies and gentlemen.

21 My name is Robert Jones, and I am the vice  
22 president of the Keystone Pipelines, and we are here  
23 today to present to you some information on the proposed  
24 Keystone XL Pipeline Project.

25 We're here to listen to your comments and answer



1 your questions. Before I do that, I would like to take  
2 this time to acknowledge and recognize that many of you  
3 have concerns and -- about the construction and operation  
4 of a crude oil pipeline and that the potential effect it  
5 may have on your land.

6 I also want to provide you with two commitments.  
7 The Keystone XL Pipeline will be designed, constructed,  
8 and operated safely and in an environmentally friendly  
9 manner, responsible manner. It is our commitment to  
10 treat landowners fairly and with respect.

11 Let me tell you about TransCanada and the  
12 project. TransCanada is a leading North American energy  
13 infrastructure company. We are listed on the New York  
14 Stock Exchange, and we have over 50 years of experience.

15 There are 4,000 employees. Approximately 1,500  
16 of them are U.S. employees. Our headquarters are in  
17 Calgary, and we have U.S. headquarters in Houston.

18 At TransCanada we provide reliable supplies of  
19 energy across the continent. And we are proud of the  
20 millions of North Americans that depend on us every day  
21 to meet their energy needs.

22 There are two logos on this slide that we're  
23 very proud of. Last September TransCanada was named the  
24 Dow Jones Sustainability World Index for the seventh year  
25 in a row. And for the third consecutive year TransCanada

1 has been recognized in 2009 as one of the most -- sorry.  
2 The company ranks -- this most sustainable corporation's  
3 ranking is for companies around the world based on their  
4 environmental record and other key factors including  
5 relationships with the communities and stakeholders.

6 This map gives you a geographic look at  
7 TransCanada's assets. We have over 40,000 miles of  
8 pipelines. They are solely owned or in joint ventures,  
9 partnerships with others. We operate a growing fleet of  
10 power generation, wind, hydro power, nuclear, natural gas  
11 powered generation. We supply electrical power  
12 throughout the United States and Canada.

13 We are an energy infrastructure company with  
14 operations in Canada, the United States, and Mexico, and  
15 we have ongoing relationships with over 40,000  
16 landowners.

17 TransCanada has been a part of South Dakota  
18 since the early '80s as an owner of the Northern Border  
19 Pipeline system. This system delivers natural gas to  
20 South Dakota and to the Midwest. We now own and operate  
21 this system and the headquarters is in Omaha and we have  
22 a field office in Brookings. Keystone's U.S. field  
23 operations will also be based in Omaha, and Keystone will  
24 have maintenance bases located strategically near the  
25 pipeline here in South Dakota.

1           So why Keystone XL? The pipeline will connect  
2 the world's second largest oil reserve with the world's  
3 largest refining market. As you can see by this graph,  
4 countries in the Middle East and Venezuela which are not  
5 friendly trading partners to the U.S. do hold the largest  
6 oil reserves. So it's easy to see why Canada is  
7 increasing in importance as a supplier to energy in the  
8 United States.

9           Canada is the leading supplier of oil to the  
10 U.S. Canada supplies about 2.2 million barrels per day  
11 of the 20 million barrels per day consumed in the U.S.  
12 Canadian oil is growing. It's a growing source for the  
13 United States. Canada is the United States's largest  
14 trading partner, and Canada is a secure and reliable  
15 trading partner.

16           Canadian oil does provide an opportunity to  
17 replace Middle Eastern, Venezuelan, and Mexican sources  
18 of oil that are declining and declining U.S. production.

19           This map depicts the geographic regions where  
20 the refineries are in the U.S. And as you can see, the  
21 refineries along the Gulf Coast represent 50 percent of  
22 the total U.S. refining capacity. Gulf Coast refineries  
23 are generally served by offshore sources. These supplies  
24 come from the Middle East, Venezuela, and Mexico, and  
25 they come via supertankers. Each shipments are subject

1 to weather disruptions like Hurricane Rita and Katrina  
2 and other disruptions in productions.

3           These are the refineries that provide the  
4 gasoline and the diesel and the lube oil and fertilizer  
5 and other products that each of us use every single day.  
6 And most of these products are transported to  
7 South Dakota via a pipeline from either the Gulf Coast  
8 refineries or from Cushing, Oklahoma area refineries.

9           The Keystone XL Pipeline Project will have an  
10 initial capacity of about 700,000 barrels a day, and it  
11 will be expandable to 900,000 barrels a day. It will be  
12 operated as part of an integrated Keystone Pipeline  
13 system. The maximum nominal capacity of the combined  
14 Keystone system is approximately 1.5 million barrels per  
15 day.

16           The need for this pipeline is demonstrated by  
17 long-term commitments. U.S. refiners and marketers have  
18 executed binding contracts for 910,000 barrels per day  
19 for an average term of 18 years.

20           Now the estimated cost of the Keystone XL  
21 Pipeline Project's about \$7 billion, and with the  
22 \$5 billion Keystone Pipeline, the total system overall  
23 capital value is approximately \$12 billion.

24           Now timing. We will place the Keystone Pipeline  
25 in service this year to serve the Wood River and Patoka,

1 Illinois market. In 2010 we'll complete what we call the  
2 Cushing extension to serve the Cushing, Oklahoma markets.  
3 Then pending regulatory approvals, the Keystone XL  
4 construction will commence in 2011 and 2012 here in  
5 South Dakota.

6 Here's a map showing the proposed route in  
7 South Dakota. It passes through portions of Harding,  
8 Butte, Perkins, Meade, Pennington, Haakon, Jones, Lyman,  
9 and Tripp Counties. The capital cost of the Keystone XL  
10 Pipeline Project in South Dakota is \$921 million. The  
11 pipeline is 313 miles in length and 36 inches in  
12 diameter.

13 And you may have seen when you came in there's  
14 an example of the pipe in the lobby, and you can see that  
15 later as you go out.

16 There will be seven pump stations that will keep  
17 oil flowing through the line, and there's 16 main line  
18 block valves in addition to the seven pump stations.  
19 Dennis Calhoun, Keystone's XL manager of land, is outside  
20 in the lobby for those of you interested in looking at  
21 detailed route maps.

22 In fact, Dennis, do you want to just wave?

23 Pipelines are subjected to significant federal  
24 and state regulatory reviews. On the federal side, the  
25 Department of State will review the Keystone Application

1 for a presidential permit because we cross an  
2 international boundary. The Department of State is also  
3 the lead agency under the National Environmental Policy  
4 Act or NEPA. There are a dozen other federal agencies  
5 that will review the project. There's the Army Corps of  
6 Engineers, Fish and Wildlife, Department of  
7 Transportation, and the Bureau of Land Management.

8 The South Dakota Public Utilities Commission  
9 which described their scope has sighting authority review  
10 of this project. But in addition they include the  
11 South Dakota Department of Environment and Natural  
12 Resources, or DENR, and the South Dakota State Historic  
13 Society.

14 This is a map of more than the 1.3 million miles  
15 of existing oil and gas pipelines in the United States.  
16 We tend not to notice them because once they're in the  
17 ground pipelines deliver nearly all of the gasoline and  
18 all of the natural gas and all of the diesel fuel used  
19 here in the U.S. and in South Dakota. The reason is is  
20 because pipelines are by far the safest and most  
21 efficient mode of transportation.

22 Interstate pipelines are regulated under federal  
23 jurisdiction, and the Department of Transportation --  
24 within the Department of Transportation there's this  
25 agency called PHMSA, the Pipeline Hazardous Materials

1 Safety Administration. They regulate pipeline safety.  
2 The PHMSA office for South Dakota is in Kansas City.

3 In addition to helping South Dakota and the U.S.  
4 for its demand on oil, Keystone XL will deliver a number  
5 of local benefits to South Dakota. We estimate that  
6 between 20 and \$30 million will be directly injected into  
7 the local economy. Pipeline and pump station contractors  
8 will purchase food, lodging, and construction consumables  
9 and other supplies as they work through 2011 and 2012.

10 The Keystone Pipeline Project will be the  
11 largest private construction project in South Dakota.  
12 The work force is estimated to be about 1,200 workers per  
13 year in 2011 and 2012. By far, though, the largest  
14 benefit to South Dakota will be property tax revenue. It  
15 will be collected every year by the nine counties and  
16 13 school districts the pipeline traverses.

17 We estimate that the first year property tax  
18 revenues in South Dakota will be \$10.3 million. On top  
19 of that, state aid to education payments are estimated to  
20 be reduced by 5.2 million per year. There will be a  
21 significant reduction in tax burden benefiting all local  
22 property taxpayers.

23 Another benefit, of course, is the reinforcement  
24 of the infrastructure, the local electrical co-ops.

25 Route selection is a multistep process. First

1 we identify the project objectives. For Keystone XL  
2 these objectives were to transport Canadian oil to  
3 Gulf Coast refineries. Then construct the pipeline using  
4 the most direct route from Hardisty, Alberta, the  
5 starting point of the pipeline, to Steele City before it  
6 connects back into the Keystone system. We tried to  
7 parallel existing infrastructure like existing pipelines  
8 or power lines.

9 Second, we identified the major control points.  
10 These control points were the entry point into the  
11 United States, the Ft. Peck Reservoir, the Charles  
12 Russell National Wildlife Refuge, and Steele City. We  
13 had to connect to all of these points.

14 The project objective and major control points  
15 in hand defined the study area. We collected data. We  
16 consulted. We did desktop studies. We consulted  
17 agencies. We did public consultation. We did field  
18 reconnaissance surveys, and we collected a lot of data.  
19 We identified constraints and opportunities. We looked  
20 at environmentally sensitive areas, local terrain,  
21 cultural features.

22 We found in this area that there were no linear  
23 features like pipelines or power lines to parallel in  
24 that northwest-southeast direction. We also had to  
25 develop and assess alternative routes.



1           Finally, additional input and refinements may  
2 occur as a result of further studies and further field  
3 work and further regulatory reviews.

4           We developed a comprehensive construction,  
5 mitigation, and reclamation plan to minimize the  
6 environmental impacts based on industry best practices.  
7 There will be a number of agencies like the PUC that will  
8 review and stipulate environmental protection measures.  
9 Such as the Department of State and other federal  
10 agencies will look at environmental mitigation and those  
11 conditions to minimize other impacts. The PUC and South  
12 Dakota State agencies will also identify additional  
13 environmental mitigation conditions.

14           Keystone will minimize the impact on the  
15 project, on the environment in South Dakota through the  
16 use of these conditions and restoration measures.

17           I'm now going to turn the mic over to  
18 John Phillips. He's our manager of construction and  
19 engineering, and he is going to tell you a little bit  
20 about construction and easement requirements.

21           John.

22           MR. PHILLIPS: Thanks, Robert. To construct and  
23 operate the pipeline Keystone will negotiate with  
24 landowners for a 50-foot-wide permanent easement, as well  
25 as an additional 60 feet of temporary construction work

1 space.

2 Landowners will be able to ranch and farm over  
3 the permanent easement after construction. Some areas  
4 such as stream, road, and railroad crossings as well as  
5 rough and hilly terrain may require additional temporary  
6 work space to safely complete construction. In addition,  
7 Keystone will obtain additional rights for access roads.  
8 Temporary work space reverts back to the landowner after  
9 construction.

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

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

25 Pipe's delivered by train to rail sitings,

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

6           The ditch is dug using a wheeled ditching  
7 machine or a backhoe, and the ditch spoils are separated  
8 from the topsoil to prevent mixing.

9           The pipe is welded together using an automatic,  
10 mechanized, or a manual welding process. Every weld is  
11 inspected using an ultrasonic inspection tool or  
12 radiography to ensure that it meets quality requirements.

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

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

21           After the contours have been restored to the  
22 original grade, the area is loosened to reduce  
23 compaction. The topsoil is spread back across the right  
24 of way, and the area is reseeded using specified seed  
25 mixes.

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

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

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

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

18           MR. JONES: Thank you, John.

19           Keystone will meet or exceed all applicable  
20 codes and regulations. We talked previously about  
21 regulatory reviews that were associated with this  
22 pipeline project. There is a separate set of regulatory  
23 requirements and industry standards that apply to the  
24 design of pipelines. And they help ensure the pipeline's  
25 safety and integrity for as long as we operate the

1 pipeline.

2           Industry standards reflect the knowledge  
3 gained from over 100 years of pipeline experience in  
4 North America. These regulations and standards are  
5 intended to ensure the protection of the public, the  
6 environment, and the prevention of pipeline failures.

7           Keystone XL's design will reflect  
8 state-of-the-art safety features. For example,  
9 regulation requires 2 and a half feet of cover. Keystone  
10 XL will construct with 4 feet depth of cover. This is to  
11 minimize the risk that a pipe could be accidentally struck  
12 by a third party after it is installed. And this is the  
13 leading cause -- even though pipelines have failures,  
14 this is the leading and when occur -- this is the leading  
15 cause of most failures on new pipelines.

16           At TransCanada we've designed a specification  
17 for high-strength steel pipe. It exceeds existing  
18 standards for the fabrication of large diameter  
19 pipelines. TransCanada's specification for external pipe  
20 protective coating is fusion bond epoxy coating. This  
21 corrosion preventing coating has virtually eliminated  
22 external corrosion as a source of failures and pipelines.

23           In more than 29 years of TransCanada experience  
24 using fusion bond epoxy we have never had a pipe failure  
25 due to corrosion.

1           Cathodic protection is an additional protection  
2 if the coating is damaged after it is backfilled. We'll  
3 install markers at every road crossing, and we'll also  
4 bury warning tape when we cross the utility to act as  
5 additional warning if these utilities need to cross our  
6 pipeline.

7           There are also isolation valves that are  
8 strategically located to protect the environment in the  
9 event of a release.

10          Safety features associated with the construction  
11 of the pipeline include Keystone will go out and solicit  
12 bids from mills that have met TransCanada's quality  
13 standards. We'll supply direct quality oversight in the  
14 steel mills and in the pipe mills during fabrication of  
15 the pipe process.

16          During construction all welds are checked and  
17 qualified by a -- checked by a qualified x-ray or  
18 ultrasonic technician.

19          Before the pipe is lowered into the trench the  
20 coating is checked to ensure its integrity. After the  
21 pipe is lowered in and the ditch is backfilled, the  
22 entire pipe is filled with water, and then we pressurize  
23 it and test it to 125 percent of its maximum operating  
24 pressure.

25          We also inspect the pipe internally using a

1 caliper pig to ensure it met specifics. Now land agents  
2 will be available during construction and will keep you  
3 in communication while all this activity is going on.

4 The entire pipeline is monitored 24 hours a day,  
5 seven days a week, 365 days a year by highly trained and  
6 qualified employees at our computerized control center.  
7 We have a backup center that provides redundant oversight  
8 capabilities, and they have dual communication --  
9 satellite communication systems. And we also have  
10 redundant multiple leak detection systems.

11 The signals come to -- are transferred from the  
12 pump station and the pipeline system back to the control  
13 center approximately every 5 seconds.

14 We have a pipeline integrity management program  
15 which will maintain the quality of the pipe throughout  
16 its life. And Keystone will also have a damage  
17 prevention program that will participate in the  
18 South Dakota One Call.

19 We also will do aerial surveillance or line  
20 patrol. It will occur 26 times a year and not to exceed  
21 three weeks.

22 In the unlikely event of a release, Keystone  
23 will implement its emergency response program to protect  
24 the safety of the public, protect the environment, and  
25 minimize damage to your property and to company

1 operations.

2 The emergency response program will be submitted  
3 to PHMSA and the South Dakota Department of Environment  
4 and Natural Resources. Keystone's public awareness  
5 program will communicate our emergency response plan to  
6 stakeholders and community first responders.

7 Keystone employees and contractors will be  
8 trained as first responders to address an emergency.  
9 Keystone will work with the community first responders  
10 such as the local law enforcement and the fire department  
11 so they're aware of our role and our capabilities and  
12 that they are there to address public safety and secure  
13 the site.

14 Keystone's commitment is to design, construct,  
15 and operate a safe pipeline, to build and operate in a  
16 social and environmentally responsible manner, to meet or  
17 exceed industry and government standards, to consult with  
18 the stakeholders. Keystone will treat landowners with  
19 respect and fairness.

20 We look forward to being a part of your  
21 community for generations and to be a good neighbor.

22 Keystone will continue to operate our project  
23 website. We have an e-mail, a toll-free line to respond  
24 and receive communication inquiries from you. We want to  
25 foster ongoing consultation. You can find the toll-free



1     number and the project website on the back of any  
2     Keystone XL brochure, which are available in the foyer  
3     behind this room.

4             Again, Dennis Calhoun is here to talk to you and  
5     answer any of your landowner questions. I want to thank  
6     you very much for your attention.

7             CHAIRMAN JOHNSON: Thank you very much to the  
8     Applicant. With that, let's set 5 or 10 minutes for some  
9     questions to start with. Questions.

10            Okay. Hold on. We'll bring a mic right over.

11            MS. Hoffman: I'm Constance Hoffman from Burke.  
12     And how are your stocks doing?

13            MR. JONES: If you're asking us how is the  
14     financial strength or well-being of the company, I can  
15     tell you that TransCanada is doing quite well. We are a  
16     utility, and we've been successful with raising  
17     \$2 billion in the first quarter when nobody else could  
18     raise any money at all. So our ability to raise money to  
19     fund this project is -- is very secure. No question that  
20     we'll be able to do it.

21            I think the most important thing is Standard and  
22     Poor rates us as an A grade credit company.

23            MS. HOFFMAN: Okay. I just heard an ad. I  
24     don't really listen to television a lot, but are you  
25     spending a lot on advertising?

1           MR. JONES: I would say we're -- part of the  
2           consultation process is that we have to communicate and  
3           make people aware of the project. So it's part of the  
4           requirement for consultation.

5           MS. HOFFMAN: I also have a question about where  
6           you're getting the oil from the tar sands of Canada.

7           Maybe it's not going through this state and it's  
8           clean and everything, but how is that taken care of on  
9           the other end?

10          MR. JONES: You know, a reasonable question.  
11          There's been a lot of misrepresentation, a lot of noise  
12          with regard to where the crude oil from the pipeline is  
13          coming from. The Keystone Pipeline can move all types of  
14          oil. I think it's -- everyone recognizes that the  
15          growing security of oil and the reason why Canada's  
16          production is growing is because of the oil sands.

17          So what this is -- and most people don't --  
18          haven't been there so they don't know what to expect,  
19          just what they read in the papers.

20          But what it is, it's two ways to get the oil out  
21          of the ground. There's the mining project where they  
22          take sand that is coated in oil and they remove the sand  
23          from the oil and they process it. These are -- this  
24          practice has been going on for 20 plus years. And they  
25          continue to improve how much gas and oil and water --

1       sorry. Energy that's required to make a barrel of oil.

2               The other method is what they call SAGD, and  
3       that's where you don't impact the surface at all. You  
4       inject steam into the ground and then you pump out the  
5       oil because the steam loosens the oil around the sand.

6               So the oil sands is no doubt the largest growing  
7       source of oil, and we are the second largest reserve in  
8       the world. So that is the -- but once the oil is out of  
9       the sand it looks like any other oil. It has the same  
10      properties of oil if it came from the Middle East or  
11      California or Cushing, Oklahoma.

12              MS. HOFFMAN: Yeah. But how does the --

13              CHAIRMAN JOHNSON: Ms. Hoffman, we will  
14      certainly get to your questions, but we let you have  
15      three so let's hear from some other folks, and we'll come  
16      back.

17              MS. HOFFMAN: Oh, I didn't hear that part.  
18      Sorry.

19              CHAIRMAN JOHNSON: Well, sorry. Ms. Hoffman did  
20      a very good job of asking her questions slowly and  
21      speaking loudly and clearly.

22              We do have Cheri who is a court reporter, and  
23      she struggles more with me talking fast than most other  
24      folks. But do exactly like Ms. Hoffman did, and we'll  
25      all be in great shape. So I can hand over -- okay. Go

1 ahead. We've got right over here and then over there.

2 MR. FINZEN: Yes. Hi. My name is Bruce Finzen,  
3 and I'm from Dallas.

4 You said one of the benefits was to enhance the  
5 infrastructure of local electric co-ops. How is that  
6 accomplished? And in particular the electrical  
7 requirements of these pump stations are going to require  
8 new electric lines. Who's going to pay the cost of the  
9 infrastructure of building these electric lines?

10 MR. JONES: So there's no doubt the pump  
11 stations require -- they use electric motors. And  
12 there's going to be demand for more electricity. So the  
13 local co-ops will provide that electricity for us. And  
14 we'll become the largest payer of electricity in these  
15 co-ops, and so that revenue will pay for the  
16 infrastructure that we're going to need to build the  
17 facilities.

18 MR. FINZEN: But is there going to be any  
19 upfront payment to build that infrastructure?

20 MR. JONES: It's really a case-by-case basis. A  
21 lot of times the transformer or the substation is a  
22 solely owned Keystone facility. So it will be -- a lot  
23 of times the reinforcement of the grid is a benefit to  
24 all so it's shared amongst all the payers, but because  
25 we're the largest payer, we're virtually paying for it

1 over that duration. Not any differently than anybody  
2 else.

3 MR. FINZEN: My understanding for pump station  
4 21 in particular, which is located in the very southeast  
5 corner of the pipeline in southeast Tripp County, is  
6 going to be serviced by a new transmission line that will  
7 run from the substation in Gregory to that pump. And  
8 it's going to service nothing but that pump.

9 Who's going to bear the cost of building that  
10 line?

11 MR. JONES: Again, because of the -- it's an  
12 overall transmission grid infrastructure, it's borne by  
13 everyone. It's just that we're the largest payer so  
14 we'll obviously pay our fair share of the infrastructure.

15 CHAIRMAN JOHNSON: Okay. I think we had a hand  
16 right there.

17 UNIDENTIFIED SPEAKER: He asked my question.  
18 That's all right.

19 CHAIRMAN JOHNSON: Okay. Great. Thanks very  
20 much.

21 MR. SCHRAMM: Brad Schramm from Winner.

22 Of your existing pipelines that you currently  
23 operate, how many accidents per year would you say you  
24 have where you have leakage into the soil?

25 MR. JONES: Probably -- because TransCanada is

1     Keystone Pipeline -- the one that's been under  
2     construction right now is the only liquid pipeline we  
3     operate. The rest of them are natural gas pipelines.  
4     But we have in the past bought and sold other liquid  
5     pipelines.

6             I think the way to look at it is much more of a  
7     general question with regards to all of the liquid  
8     pipelines in North America. And, you know, the -- the  
9     number of leaks is really a function of a number of  
10    issues such as the density of population and so the  
11    third-party damage or the age of the pipeline and the  
12    technology.

13            When it comes to new pipelines, we haven't had a  
14    leak caused by external corrosion in 29 years. But have  
15    we had an incident due to third-party damage? And, of  
16    course, that is true. We have. And we try to minimize  
17    that by doing aerial patrols and keeping the pipe 4 feet  
18    depth of cover. So by learning from all of these  
19    different instances we build a safer pipeline.

20            CHAIRMAN JOHNSON: Mr. Schramm asked  
21    specifically about any frequency. Do you have any  
22    information to respond to his questions?

23            MR. JONES: I think the answer, Dusty,  
24    Commissioner Hanson -- Johnson, I'm sorry, is we don't  
25    operate any liquid pipelines. So the answer is zero. So

1 I wanted to give him a solid answer, which is to look at  
2 the industry. And it is by far the safest mode of  
3 transporting hydrocarbon liquids.

4 CHAIRMAN JOHNSON: With regard to your entire  
5 pipeline stock including the natural gas pipelines, do  
6 you have any measurements of safety that might be  
7 instructive or helpful?

8 And we can certainly move on to other questions.

9 MR. JONES: Oh, no. We need a mic.

10 MS. KOTHARI: Meera Kothari, TransCanada  
11 engineer.

12 So specifically to address your question about  
13 frequency of leaks on TransCanada, I have the statistics  
14 for last year, and we had one incident of third-party  
15 damage last year. It was on an older pipeline in a more  
16 populated area.

17 And so that's -- we typically don't have that  
18 many leaks on an annual basis on our natural gas system.

19 CHAIRMAN JOHNSON: And, Ms. Kothari, how many  
20 miles of pipeline are we talking about?

21 MS. KOTHARI: We have 40,000 miles of pipeline.

22 CHAIRMAN JOHNSON: Thanks very much. Other  
23 questions?

24 MR. ENGLISH: Greg English, Tripp County. As a  
25 Commissioner, I'm kind of concerned about the roads.

1 They will be beat up because of all the bringing in the  
2 heavy stuff, the pipes and stuff like that.

3 Are your contractors bonded, and will there be  
4 compensation to the counties for the destroying -- I  
5 mean, beating up of the roads?

6 MR. JONES: Dennis, our land agent, will help  
7 answer that question. I think the thing is --

8 MR. CALHOUN: What we normally do is one of our  
9 representatives will be working with each individual  
10 county. We do a transportation plan. We get your basic  
11 routing once you -- or once we show you where our plans  
12 are to place things along there.

13 We'll work with you as far as the culvert  
14 strings, bridges, so on and so forth. And, yes, we will  
15 compensate back for those damages on those road. But  
16 we'll work with you for a transportation plan to make it  
17 less -- less onerous to everyone so we don't congest your  
18 roads and all of that. So it's quite a plan.

19 CHAIRMAN JOHNSON: And, Commissioner, this dealt  
20 with the Keystone Pipeline east of the River. And so we  
21 do have some experience with it. But there is state law  
22 49-41B-38 that does give the Public Utilities Commission  
23 the ability to require a bond for -- a construction bond  
24 that would cover damage to specifically county and  
25 township roads.



1           And so we'll -- as we consider that we'll  
2           certainly take your comments into consideration.

3           MR. JONES: Commissioner Johnson, if I could  
4           just add to that, if we were to look at that pipeline, in  
5           2008 we had a bond for \$3 million and in 2009 we have a  
6           bond for \$9 million. And we anticipate we'll have to  
7           have a bond for -- over the two years for this project as  
8           well.

9           MR. FORGEY: Dan Forgey from Dallas. What is  
10          the formula that you're going to use to tax the land?  
11          Are you going to send taxes back to us? What is your  
12          formula? And are the pump stations -- what are they  
13          considered for a taxable entity?

14          MR. JONES: So it will be the state law for  
15          taxes, and I'm actually not the South Dakota tax state  
16          expert, if you can imagine, so let me just find somebody  
17          that might answer that for you.

18          MR. TAYLOR: I'm Bill Taylor from Sioux Falls,  
19          and I work out the tax -- I did the tax work for the  
20          estimating for the pipeline.

21          The pump stations are included in the real  
22          property tax base in South Dakota just like every other  
23          improvement to real estate is included.

24          The way we worked out the tax numbers is is the  
25          company knows the location of the pipeline -- or the pump

1 stations and knows the approximate construction cost of  
2 each pump station. So we took county by county where  
3 there's a pump station, added that into what the expected  
4 construction cost is into each county and worked out the  
5 taxes on that basis.

6 And if you want to tell me -- I don't want to do  
7 it here, but when we're done if you want to tell me where  
8 you live, what county and what school district you're in,  
9 I can give you the idea of the impact of the real estate  
10 taxes on you.

11 I will tell you that in every county in  
12 South Dakota that the pipeline crosses real property  
13 taxes will be reduced to all of the other landowners. If  
14 you want an example of that, Harding County, which just  
15 happens to have a school district that has the same  
16 boundaries as the county and has about 80 miles of the  
17 pipeline in it, real property taxes in Harding County  
18 will go down by half as a result of the construction of  
19 the pipeline.

20 In other words, the pipeline company will pay  
21 over half of the cost of education and government in  
22 Harding County.

23 MR. HARDER: My name is John Harder. I'm a  
24 landowner the pipeline's crossing. One of the real big  
25 concerns is our ground source water. I think as far as

1 South Dakota goes, that's probably our biggest and most  
2 important resource that we have. And the safety issue of  
3 protecting it I think is pretty important.

4 And to my knowledge you're applying for a permit  
5 to put in a lighter pipeline than what was originally  
6 sold to the public when you first come out here. We were  
7 told that it would be a half-inch thick pipeline clear  
8 across the pipeline except where you cross roads and high  
9 stress areas. And now I'm being told that you're  
10 downsizing the size of the pipeline in the nonstress  
11 areas.

12 And I just think that was pretty irresponsible  
13 as far as you guys putting in the pipeline. And you said  
14 you were putting in a safe pipeline. I'd just like you  
15 to address to the public how do you think putting in a  
16 lighter pipeline when you don't have a -- probably a  
17 40-year study on how long that lighter pipeline's going  
18 to last compared to the heavier pipeline?

19 MR. JONES: I'd like to address a lot of  
20 misinformation out there with regards to this pipeline  
21 wall thickness concerns and the belief that we've changed  
22 what we first came out with.

23 We never changed. The pipeline that we  
24 originally designed to be built in this has never  
25 changed. It's exactly the same. There's been no

1 variation in what we proposed initially.

2 Now to discuss the pipeline safety aspect we  
3 have a pipeline engineer here who will give you exactly a  
4 detailed explanation about that.

5 MS. KOTHARI: Thanks. Hi again. Meera Kothari,  
6 TransCanada engineering.

7 So just a little bit of background on the  
8 special permit. Under the Pipeline Safety Act operators  
9 are allowed to apply for variances to the current  
10 standards. For natural gas pipelines due to the volume  
11 of applications on this particular special permit, the  
12 .8 design factor is now a federal standard.

13 For liquid pipelines the avenue still continues  
14 to be an evaluation of a case-by-case basis on the  
15 proposed design, construction, and operation.

16 The .8 design has actually been around for about  
17 30 years in Canada in oil and gas pipelines and recently  
18 over the last five years has been reintroduced into the  
19 United States on pipelines, primarily due to the advance  
20 in materials and construction technologies and integrity  
21 management practices.

22 An integrity management law was passed in 2002  
23 requiring operators to have much more comprehensive  
24 integrity management plans in order to maintain the  
25 safety of the pipelines.

1           Now when we talk about wall thickness, pipeline  
2 safety isn't solely a function of wall thickness. There  
3 are a number of aspects that go into coming up with how  
4 safe is a pipeline. We look at things like the steel  
5 quality, the strength of the steel, if the operator has a  
6 quality management system in place, what we do as far as  
7 inspection when we purchase components, when we get those  
8 components fabricated and inspection out on the right of  
9 way during construction.

10           So there's a number of aspects that kind of go  
11 into determining whether a pipeline is safe or not. And  
12 wall thickness is simply one factor in that all  
13 encompassing evaluation of design.

14           MR. HARDER: So how thick is the wall thickness  
15 that you're putting in? We were told half inch.

16           MS. KOTHARI: So the wall thickness for this  
17 line is .463 inches. The half-inch thick wall as you  
18 mentioned, sir, would be going in at higher stress areas  
19 from a constructibility standpoint, such as road bore  
20 crossings or drills or river crossings.

21           MR. HARDER: So you basically downsized it from  
22 what we were told when you first come out here.

23           MS. KOTHARI: I'll give that back to Robert to  
24 answer that, but I don't believe that is the case.

25           MR. JONES: Yes, sir. There's never been a

1 change in the design of the pipeline from the initial  
2 component. We were told half inch at the first town  
3 meeting that you come to.

4 MR. JONES: There's no question for road  
5 crossings and borings we have to use half inch wall.

6 CHAIRMAN JOHNSON: It is a few minutes before 1  
7 so I just want to pause. Let's hold off on questions,  
8 and let's see if anybody has to get back to work, wants  
9 to make brief comments of concern, support, opposition,  
10 whatever. So let's hold the questions and go to anybody  
11 who's got to go.

12 Okay. With that, let's go ahead and go ahead.

13 MR. BECK: Bob Beck, Dallas, South Dakota.

14 Are you guys trying to be able to use a greater  
15 percentage of pressure in your line over what we have for  
16 standard in the United States as of right now? On a  
17 percentage basis for maximum pressure.

18 MR. JONES: You have to operate the pipeline at  
19 a design factor. The code allows you to have a design  
20 factor in natural gas at .8, as Meera just said. We are  
21 also applying for that same standard so that's been with  
22 the code standards of -- that's managed by PHMSA.

23 MR. BECK: Is the code standards the same on oil  
24 versus gas lines?

25 MR. JONES: It is the same code. Yes, that's

1 correct. It's -- that picture I showed earlier, it's the  
2 same code. And it does allow for this range.

3 MR. SABOL: My name is Don Sabol. I've got land  
4 that's just south of Winner, and my question is we lease  
5 out a quarter of -- a quarter section of land and the  
6 cattle evidently have to be out of there when you folks  
7 come through.

8 How do you handle that as far as like a contract  
9 with the cattle that are like on a three-year contract  
10 now for pasture? I just wondered if I have to move them  
11 out of there and will this guy have to buy other land.

12 MR. JONES: Don, that's a good question. I'm  
13 just going to have Dennis, our land manager, give you the  
14 answer to that.

15 MR. CALHOUN: What we do on that is we work an  
16 individual plan with each individual owner on those  
17 particular situations.

18 MR. JONES: Dennis, what have you typically  
19 seen?

20 MR. CALHOUN: Well, I've been in the cattle  
21 business for 42 years myself down in Missouri, and it's  
22 not a whole lot different than what you have here. And I  
23 kind of understand your needs that your cattle are going  
24 to have. And I normally come out on those situations and  
25 I'll sit down with you and we'll make out some type of a

1     workable situation.

2             CHAIRMAN JOHNSON: Before taking the next  
3     question, I want to go back. And, Mr. Jones, I don't  
4     think there was anything wrong with your answer. I think  
5     maybe it was just a little incomplete to this gentleman's  
6     question.

7             Could you go into a little more detail about the  
8     .72 standard that PHMSA has versus the .8 that this  
9     Application calls for?

10            MR. JONES: Certainly. The code, Commissioner  
11     Johnson, allows us to have a range. It is absolutely  
12     the standard in gas now to go with .8. That's just a  
13     recent change in the code. We are applying -- we are  
14     requesting PHMSA to acknowledge the .8 design factor as  
15     opposed to the .72 design factor.

16            If you look at the last case in order for us to  
17     get .2458 design factor, we had to increase our safety  
18     protections in 50 other areas. And so the conclusion by  
19     the Department of Transportation is that the pipeline we  
20     were specifying with a .8 design factor was safer than if  
21     we didn't use any changes to the existing standard at  
22     all. So it was a combination of things.

23            Wall thickness is really a combination of a  
24     number of things. And a lot of people think that if you  
25     use .72, you get thicker wall pipe. But because you can



1 use different strength of steel, you can actually get  
2 thinner wall pipe with .72 design factor.

3 MR. BECK: I guess my question was more about  
4 the actual percentage of pressure you guys are going to  
5 be putting onto the pipe. From what I've understood that  
6 you guys are wanting to increase that by a small amount  
7 of like 4 to 6 percent over what our standards are as of  
8 right now.

9 MR. JONES: No. There's no difference in the  
10 operating pressure. The code is very clear on that. We  
11 have to test 125 percent, and so we're not going to  
12 change -- change the code with regards to that.

13 MR. BECK: What percent of pressure are you  
14 going to run in this line to max pressure?

15 MR. JONES: There's specific numbers. I just  
16 don't want to have an error so I'll have my engineer  
17 answer.

18 MS. KOTHARI: Sorry. So I think what I  
19 understand your question is when we talk about .72 and .8  
20 we're actually talking about the hoop stress of the  
21 pipeline not so much the pressure of the pipeline. So  
22 the pressure in the line is 1440 psi, and that's the max  
23 pressure. That's not going to change.

24 What does change when we go from .72 to .8 is  
25 the maximum allowable operating stress on the line. And

1     so that percentage is going to change from .72 to .8. So  
2     that's the factor or the percentage in change. But it  
3     doesn't actually change the pressure in the pipeline. It  
4     just allows us to operate at a higher stress level with  
5     specific increase in safety in 50 other areas. Does  
6     that --

7             MR. BECK: Yeah.

8             MS. KOTHARI: Yeah.

9             COMMISSIONER KOLBECK: Mr. Jones, this is  
10    Commissioner Kolbeck. Could you maybe -- just back to  
11    that gentleman's question, could you -- or, Meera, could  
12    you tell the -- what is the difference between .8 and  
13    .72? Does it correlate to eight one-thousandths of an  
14    inch, or does it correlate to an inch or half inch? Do  
15    you know?

16            MR. JONES: Commissioner Kolbeck, and I'll have  
17    Meera also follow my question, because you can consider  
18    so many factors when specifying out a pipe specification,  
19    which by the way ours exceeds all standards, to turn  
20    around and say, well, what is the difference, it depends  
21    on a whole bunch of assumptions.

22            So we'd have to go back and say assuming all the  
23    assumptions are the same and the only variable you  
24    changed was the .72 or .8 design factor then what is the  
25    result in wall thickness? I assume that's the kind of

1 question you're looking for. Is it?

2 COMMISSIONER KOLBECK: And I guess I'm just kind  
3 of going back to the first original pipeline. And this  
4 one too. But the -- I was under the understanding that  
5 .8 to .72 on the wall thickness of the pipe is  
6 eight-thousandths of an inch.

7 MR. JONES: Assuming all things kept equal, it  
8 is.

9 CHAIRMAN JOHNSON: Other questions?

10 MR. JONES: It's .05 inches.

11 MS. FISHER: My name is Diane Fisher, and I'm  
12 from Winner, South Dakota. And I'm asking who has the  
13 cleanup fund? Does South Dakota have a cleanup fund, or  
14 does TransCanada? And whose is used first?

15 MR. JONES: So by federal and state laws the  
16 pipeline operator, which is TransCanada, is responsible  
17 to clean up any incident or any release. So there is --  
18 there is no ambiguity here. It is TransCanada.

19 MR. KNUDSON: T.J. Knudson. Is that done the  
20 same way in Oklahoma?

21 CHAIRMAN JOHNSON: We've got T.J. Knudson. Go  
22 ahead and take this question, and we'll go back up here.

23 MR. JONES: The question is?

24 MR. KNUDSON: Is it the same in Oklahoma? It's  
25 my understanding they had a department inside their State

1 Government that managed that.

2 MR. JONES: The only thing I want to -- because  
3 I'm not aware of the laws in Oklahoma with regard to  
4 intrastate. In other words, that's pipelines that don't  
5 cross the state line. But for interstate pipelines which  
6 are regulated by PHMSA, the pipeline proponent's  
7 responsible for the cleanup.

8 CHAIRMAN JOHNSON: And to add -- and the other  
9 Commissioners or Mr. Smith will correct me if I'm wrong.  
10 There is a fund that probably serves a similar purpose  
11 within South Dakota Department of Environment and Natural  
12 Resources. I think it's called the Substance Release  
13 Fund.

14 And I think it's not -- it wouldn't be  
15 surprising to imagine that there may be some information  
16 entered on that fund in the proceeding, in the formal  
17 proceeding on this Docket.

18 COMMISSIONER KOLBECK: I maybe -- sir, I maybe  
19 interpreted your question a little bit different, but we  
20 do at the Public Utilities Commission have a pipeline  
21 safety organization inside our organization.  
22 Nathan Solem and Stacy Splittstoesser are actually part  
23 of that.

24 So if it's intrastate pipeline, in other words,  
25 if it starts and ends in the state, we also have a

1 department for that so -- only natural gas pipelines.  
2 And I guess that's what I kind of interpreted your  
3 question is that Oklahoma had a department. South Dakota  
4 does too, but it only applies to natural gas, intrastate.

5 CHAIRMAN JOHNSON: We have a mic up there,  
6 Ms. Splittstoesser? Okay. Go ahead.

7 MR. WIKEN: Doug Wiken from Winner, South  
8 Dakota.

9 I'm curious to know about the abrasiveness of  
10 tar sand oils and the effect on pipelines and also the  
11 velocity of flow through the pipe, what that would be if  
12 you're pushing 1,440 pounds per square inch, 9 million  
13 gallons a day is like 400 gallons a second. So if you've  
14 got 5-second delays between your monitoring, you could  
15 dump 2,000 gallons out in a matter of a second. Or  
16 5 seconds, rather.

17 And this is another question perhaps the PUC can  
18 answer. You're starting off with the value of this  
19 pipeline. How is it depreciated so after X number of  
20 years what happens to the value of the pipeline? What  
21 happens to the pipeline when its lifetime is expired, and  
22 who's responsible for cleaning it up or taking care of  
23 it?

24 Anyway that -- and then the other thing that the  
25 PUC might be interested in doing is requiring wind

1 generation along the pipeline to supplement the power  
2 demands. Otherwise, I suspect all we're going to be  
3 getting from our REAs is rate increases for peak demand.

4 MR. JONES: Commissioner, there were a number of  
5 questions there. I'll try and see if I can walk through  
6 each of your questions.

7 The first one I'd like to answer is on oil sands  
8 abrasion. The oil sand before it comes into the pipeline  
9 has to meet a specification. This is the same  
10 specification that all oil pipelines in North America has  
11 to meet.

12 There is no sand in oil sands production. It is  
13 removed at the site. And so the oil that we're moving is  
14 the same oil that you would get from Venezuela or Mexico  
15 or in the Middle East or in the United States. So  
16 there's no abrasion issue with regard to oil sands  
17 production.

18 Another one was with regards to velocity. The  
19 pipeline is designed to move in turbulent flow. The  
20 actual rate of velocity I'll have to just get for you,  
21 and I'll ask somebody else to answer that question.

22 And then the last question with regards to  
23 abandonment, and that's what are we going to do with the  
24 pipeline once we're done using it. And so the answer to  
25 that question is this pipeline of course is designed to

1 last well over 100 years. And with the second largest  
2 reserves connected to the largest market we anticipate  
3 that it will be used for generations.

4 Also once it's finished this usefulness,  
5 pipelines can be converted to do other services. So, for  
6 example, on the first pipeline we converted a gas line  
7 into oil service. So pipelines tend to be recycled, I  
8 should say, with regards to their usefulness.

9 Ultimately, if the life of the pipeline is no  
10 longer required, then we'll comply with whatever the laws  
11 are at that time.

12 Now velocity. Our engineers are quickly trying  
13 to calculate it.

14 CHAIRMAN JOHNSON: We'll take another question  
15 here and come back.

16 MR. JONES: A lot of people ask how long does it  
17 take a barrel of oil to go from Alberta to market. So  
18 it's somewhere between 20 to 30 days. That might give  
19 you an idea how fast it moves. I've always used the  
20 analysis it's a jogging pace. If you could actually jog  
21 for 20 straight days, you'd be able to go from Alberta  
22 into the market.

23 MS. KOTHARI: It's about 3 miles per hour is the  
24 velocity.

25 CHAIRMAN JOHNSON: Yeah. That's not a very fast

1 jog, Mr. Jones. You may need to get out a little more.

2 We've got right here. Go ahead.

3 MS. BOYD: I'm Emily Boyd. I'm from Rosebud. I  
4 had some questions regarding our water lines.

5 I read in one of these, I can't find it now,  
6 that there was -- saying that the line will run parallel  
7 to existing electrical buried lines or water lines. Is  
8 there at any point -- whether it's in Jones County all  
9 the way down to Tripp County because we have a water line  
10 coming from Jones County as well as the Tripp County  
11 water district, is there any point in which the pipeline  
12 will cross it?

13 And, if so, are there any extra safety  
14 precautions, any liners, any concrete casings, anything  
15 extra that's being taken into consideration?

16 MR. JONES: Great question. When I was talking  
17 about parallel infrastructure we typically look at steel  
18 pipelines like natural gas or crude oil pipelines. That  
19 being said, on your other questions on crossing water  
20 lines, I'll get John to answer that question.

21 MR. PHILLIPS: Yes. We've been working with  
22 some of the rural water systems, getting their maps,  
23 having some discussions. There will be some line  
24 crossings of rural water systems, okay, and what we'll do  
25 is we're going to make arrangements to reimburse those



1 water systems to lower their pipe in the area where we'll  
2 be doing our construction. It will be a reimbursable  
3 situation.

4 That gets the water pipe down out of the way,  
5 and we can come through with construction with plenty of  
6 separation to where there aren't any issues during  
7 construction.

8 We'll send our survey personnel out when we --  
9 when the utilities or when the water systems do this  
10 work. We'll do this -- we'll survey the location where  
11 the line is, check the depth of cover, and so we'll know  
12 where that is during construction to make sure we don't  
13 have a conflict or any kind of an issue.

14 MS. BOYD: But in the case of a leak, there  
15 wouldn't be any extra safety liners, any other casings  
16 that would be involved in those areas?

17 Because, I mean, a line crossing isn't a large  
18 area that would require that. But in the case of a leak,  
19 I mean, our pipes aren't going to be able to withstand a  
20 leak. Like yours would have the special liners and meet  
21 all the code. Ours aren't designed to carry oil.

22 So I don't know how the specifics are, but is  
23 there any extra that we can sit down and talk about? Are  
24 the plans already in place?

25 MR. JONES: There's a lot of misrepresentation

1 with regards to the impact of water lines when crossed by  
2 an oil pipeline. In the event there was a leak at a  
3 water crossing -- and, by the way, we typically cross  
4 them perpendicular. We don't normally parallel water  
5 lines -- the crude oil properties aren't going to all the  
6 sudden get right into the line and cause damage.

7 There's been a lot of false interpretation with  
8 regards to that, and a lot of statements just aren't  
9 true.

10 Now that being said, we have an expert with  
11 regards to that who can help answer that as well or  
12 supplement my question -- response.

13 MS. TILLQUIST: My name is Heidi Tillquist.

14 We did actually look quite a bit at permeation  
15 of crude oil and whether it could get into PVC or a  
16 ductile iron water main. There's actually been quite a  
17 bit of research done by the American Water Works Research  
18 Foundation so a lot of the main water users.

19 What they found is that it takes extremely high  
20 concentrations of solvents such as toluene or benzene to  
21 actually start affecting the structure of the PVC to  
22 allow the material to start getting into the pipe. The  
23 thing is is when you get into gasoline or specifically  
24 into crude oil the content of the benzene and the toluene  
25 is so low that talking to the researchers that did this

1 they said there's no way for that solvent to even begin  
2 to get into the pipe. So there is the -- the crude oil  
3 cannot penetrate PVC pipe nor the ductile iron.

4 CHAIRMAN JOHNSON: Let's pause for just a  
5 minute. We're off the record.

6 (Discussion off the record)

7 MS. MINER: Doris Miner, Dallas, South Dakota.  
8 I have three questions. Can you sell space in that  
9 easement to another -- for other pipelines? Can there be  
10 more than one pipeline in that position? And could it be  
11 sold to somebody else?

12 Mineral rights. Does a farmer/rancher get to  
13 retain his mineral rights? And Mr. Taylor, the tax man,  
14 did he also give the figures as the depreciation sets in?

15 Thank you.

16 MR. JONES: Thank you. So the first two  
17 questions I'd like to ask Dennis to answer, and then I'll  
18 get Bill to answer the third one.

19 MR. CALHOUN: The first question on multiple  
20 pipes, the easement document has the letter S behind  
21 pipelines, and if you don't like that, you can negotiate  
22 that with my land agents. They'll have the authority to  
23 remove that.

24 The second question -- somebody repeat that  
25 second question. It was about mineral rights.

1 MR. JONES: Do they lose the mineral rights?

2 MR. CALHOUN: No. The easement has no bearing  
3 to your mineral rights, and that is also stated in the  
4 easement document that the landowner will retain all  
5 mineral rights.

6 CHAIRMAN JOHNSON: There was a question about  
7 the ability of the Applicant to sell some of that  
8 easement usage to another -- to a third party.

9 Mr. Calhoun.

10 MR. CALHOUN: No. The easement, it will be for  
11 50 feet, and the easement -- a subsurface easement will  
12 belong to TransCanada Keystone Pipeline. They'll hold  
13 that right.

14 MS. MINER: Tax depreciation.

15 MR. TAYLOR: Who am I talking to? There you  
16 are. When we worked out the tax estimates we did it for  
17 the first year of operation based on construction costs.  
18 The South Dakota Code says that the Department of Revenue  
19 will determine the assessed valuation of the pipeline on  
20 an annual basis going forward. And it takes into account  
21 the classical three appraisal factors: The market value,  
22 the income produced, and the cost.

23 What will happen down the road? I don't know  
24 the answer to it. As the value of money changes, the  
25 value of the pipeline will increase. As the pipeline

1     ages, the pipeline will decrease, the value of the  
2     pipeline will decrease.

3             So, theoretically, there will be a reduction in  
4     the tax benefit that comes to South Dakota from the  
5     pipeline. Whether or not that actually happens, I don't  
6     know the answer to it. We don't have any examples to  
7     look at.

8             We do have -- in South Dakota we have refined  
9     products pipelines that were built in the late '40s in  
10    the eastern part of the state. The assessed valuation  
11    for those pipelines today is based on the market value of  
12    the pipeline, what it would cost if the Magellan company  
13    wanted to sell that pipeline to somebody else.

14            And compared to the original construction cost,  
15    the market value for assessed valuation of those  
16    pipelines has changed dramatically with the 50-year  
17    change in the value of money. So it's really very  
18    difficult to predict.

19            We have to assume that at least for the first  
20    several years the construction cost of the pipeline,  
21    almost a billion dollars in South Dakota, is going to be  
22    a baseline taxes are calculated from.

23            CHAIRMAN JOHNSON: We'll certainly continue to  
24    take other questions, but because we've been at questions  
25    for more than a half-hour, we'll now open it up as well

1 for comments. We'll just take the shorter comments and  
2 questions at this point.

3 Anybody who's got them. Yes.

4 MR. WHITING: My name is John Whiting, RST Water  
5 Resources, Rosebud Sioux Tribe.

6 We constructed a water line through the Cedar  
7 Butte area that had hydrocarbon contamination from  
8 underground storage tanks. When we consulted with the  
9 manufacturer of the PVC pipe they said it wouldn't hurt  
10 the PVC pipe but it will hurt the gaskets that seal the  
11 water when you join the pipe.

12 Is there a provision put into the plan to  
13 protect that aspect of water lines?

14 MR. JONES: Just give us a minute.

15 MS. TILLQUIST: There is the potential -- if  
16 again, as you're saying, the gaskets that -- where the  
17 PVC pipes are joined, there's a rubberized gasket.  
18 There's some gaskets that are more resistant than others.  
19 I'm not -- we haven't discussed I guess the details of  
20 that.

21 But if there was a crossing, my guess would be  
22 that we would be working with the water users to look at  
23 either using the lower resistant gaskets. And if that is  
24 insufficient to keep the hydrocarbon should a spill  
25 occur, then we'll be looking at other methods to make

1       sure that those water lines could not be contaminated.

2               MR. JONES:   John, did you want to add some of  
3       the discussions you've had with some of the rural water  
4       boards?

5               MR. PHILLIPS:   Yes.   Some of the things we've  
6       talked about with some of the rural water systems, with  
7       the question you asked, ma'am, earlier, as part of this  
8       reimbursement relocation, if the -- we talked about  
9       allowing the rural water systems to put casings in.   For  
10      a number of -- couple different reasons.

11              One, in the future let's say you want to change  
12      that water line out and make it bigger or something like  
13      that.   Then you can do that without having to dig over  
14      the top of the pipe.   So it's a risk mitigation issue  
15      that benefits both of us.

16              If you have plans for a future water line  
17      through that area, we'll entertain or we'll certainly  
18      discuss about reimbursing to have another casing put  
19      through there for a future water line that crosses.   That  
20      way you're working through a piece of casing that's  
21      pre-installed, and you're not having to dig over the top  
22      of the pipe.   It benefits both of us.   It mitigates risk.

23              And so we have been having some discussions  
24      about that with some of the different rural water systems  
25      that we've talked to.

1 MS. ERK MANTHEY: Candy Erk Manthey. And  
2 talking about the water lines, I actually have a question  
3 related to that.

4 I have a small farm that's within a mile of the  
5 proposed pipeline, and my question is not with a water  
6 line. In southern Tripp County we have very high water  
7 table, and in that sandy country and shallow wells we  
8 might have a 30 or 40 or 50 foot well. And my concern is  
9 if you have a leak, you have a problem and the water  
10 table is contaminated within a certain area, what's your  
11 plan for recovery or compensation?

12 What are we going to do about our high water  
13 tables for those of us who operate with wells and we're  
14 not otherwise connected to the pipeline?

15 MR. JONES: I'll get Heidi to answer that.

16 MS. TILLQUIST: That's a good question. First  
17 of all, I think one of the main things that Keystone  
18 really wants to emphasize is that nobody wants a spill.  
19 It's not in anybody's interest. So prevention is going  
20 to be by far the key to preventing any sort of  
21 contamination of your water. So whether it's through  
22 routing or through the materials that they're using or  
23 through a number of, you know, the design factors, the  
24 construction, the burying of the pipeline 4 feet  
25 underground, those are all ways we're trying to mitigate



1 a -- an accident from occurring.

2 The frequency of a pipeline spill in a specific  
3 area is very low. We're talking about an estimate  
4 roughly -- and, again, this would be very conservative so  
5 we don't expect it to be this great but no more than one  
6 spill in every 7,400 years for a given mile of pipe. So  
7 pipeline spills are fairly infrequent.

8 But if it occurred, there's a number of things  
9 that occur. First of all, we've got a leak detection  
10 system. John can talk about that. Not only is the  
11 pipeline remotely monitored all the time but if a leak is  
12 detected, it will send out emergency response crews to  
13 immediately start containing and cleaning up the spill.  
14 Those are key to trying to limit the extent of the  
15 contamination.

16 But you're right. In Tripp County you've got  
17 highly permeable soils. You've got a shallow ground  
18 water table so there is a chance that that oil could  
19 reach the ground water. So this is where I kind of  
20 get -- this is my fun stuff. If oil actually gets to the  
21 ground water -- oil tends to stay in one place. The oil  
22 adheres to the sand particles. So the oil is usually in  
23 one place.

24 Over time what can happen is dissolved  
25 constituents within the oil when -- things we're going to

1 be concerned about are the benzene, the ethylbenzene, the  
2 toluenes, and xylenes. What we call BTEX. They're water  
3 soluble compounds in the oil. They can actually start  
4 dissolving out of the oil. They get into that ground  
5 water, they can start moving. They move in the direction  
6 of the ground water.

7           What they have found is that unlike persistent  
8 chemicals like PCE and TCE and some of the fertilizers,  
9 petroleum hydrocarbons undergo what is called natural  
10 attenuation. Natural attenuation is basically there are  
11 microbes that live in the soil, and they begin to  
12 basically eat the hydrocarbons.

13           Now if -- there was four studies that were done  
14 nationwide. They looked over 600 spills looking at BTEX  
15 contamination and how far -- you know, if it spills, how  
16 far is this actually going to migrate. They found that  
17 the BTEX contamination in over 90 percent of the cases  
18 was limited to several hundred feet from the actual  
19 source.

20           So it's not like if we spill something, your  
21 well a mile away or, you know, the entire Oglala aquifer  
22 or something is going to be contaminated. It's a very  
23 small area that tends to be contaminated.

24           That said, let's say your well happens to be in  
25 the area that is contaminated. There are water quality

1 standards that we're going to have to meet. We're going  
2 be to meeting with the South Dakota DENR. There's going  
3 to be state and federal agencies that are going to be  
4 involved looking at this. They're going to make sure  
5 that the water quality standards are met. There's  
6 certain criteria for doing this.

7 If there is a need to provide an alternative  
8 water source, Keystone is responsible for providing you  
9 an alternative water source.

10 MR. WAGNER: Larry Wagner, Colome. I've got two  
11 quick questions.

12 What is the temperature of the oil going be to  
13 be coming through the pipeline and how much electricity  
14 will each pump station consume and how big of horsepower  
15 motors or whatever?

16 MR. JONES: Kara, could we have the -- how dare  
17 you stand still for a second.

18 UNIDENTIFIED SPEAKER: She goes at more than 3  
19 miles an hour.

20 MS. KOTHARI: About 3 miles an hour.

21 So a couple background items on the temperature  
22 of the oil. When the oil initiates at Hardisty in the  
23 pipeline TransCanada does not heat the oil. The oil  
24 gains temperature by moving along the pipeline due to  
25 friction through the pumps. Currently we estimate the

1 temperature of the oil inside the pipeline to be between  
2 89 F and 129 F.

3 The temperature varies during the time of the  
4 year. It varies based on viscosity, and it also varies  
5 based on the flow rate in the pipeline. Currently we are  
6 conducting additional thermal studies similar to those  
7 that were conducted for the base pipeline for Keystone to  
8 determine additional thermal modeling and thermal effects  
9 of the temperature of the oil in the line.

10 Does that answer your question?

11 We don't have the consumption readily on hand  
12 yet.

13 MR. MYERS: Good afternoon. My name is  
14 Neil Myers, and I'm the vice president of the Keystone XL  
15 Pipeline Project.

16 And to answer your question, as Robert said when  
17 he was doing his presentation, the plan is to put the  
18 pipeline in with the capacity of 700,000 barrels, and  
19 it's expandable to 900. At 700,000 we need three 6,500  
20 horsepower pumps at each station in order to move that  
21 volume. And that consumes about 17 megawatts of  
22 electricity, and fully expanded we would have five pumps  
23 the same size at that station and would consume about  
24 25 megawatts worth of electricity. And that's sort of  
25 24 hours a day 7 days a week. Although we do modularly

1 turn the line on and off, it's on most of the time.

2 UNIDENTIFIED SPEAKER: That's per station?

3 MR. MYERS: That's per station, sir.

4 MS. KOTHARI: I just wanted to add some  
5 additional information to the remarks around the oil  
6 temperature.

7 So the analysis from the Keystone study showed  
8 that there were no significant effects to crops. Our  
9 expectation from the similar study that we're conducting  
10 for the XL pipeline is that again there would be no  
11 significant impact to crops based on the temperature of  
12 the pipeline.

13 However, as always, if there are effects or  
14 documented damage for crops, Keystone will compensate.

15 MR. JONES: That's one of the benefits of having  
16 the pipe -- you know, cover with 4 feet above it.

17 MR. MEYER: Wayne Meyer, Winner.

18 Back to this taxation, you say 10 million for  
19 the State of South Dakota; is that right?

20 MR. JONES: Yes. That's correct.

21 MR. MEYER: Now when do these payments start?

22 MR. JONES: Yeah. The 10 million is the first  
23 year assessment in South Dakota. So it would start --  
24 this pipeline would be 2013.

25 MR. TAYLOR: Actually it starts sooner than

1       that.   There will be an assessment.

2               MR. JONES:   Well, not at the full value.   So the  
3   full value that you came up with was based on that  
4   amount.   There will be a pretax number once there are  
5   some assets already in the pipeline.

6               But where do we get the \$10 million?   It was  
7   based on the \$931 million construction estimate, and it  
8   would be for 2013.   But it's using today's dollars so and  
9   today's formula.   So it's kind of a complicated answer.

10              MR. PETERS:   Okay.   My name is Kevin Peters.   I  
11   work for a utility company here.   My question right now  
12   is during the construction process on all the buried  
13   utility lines do you just try to cross those?   Do we have  
14   to remove them to get them lower?

15              Where you got the 50 foot easement I was just  
16   curious how you handled all of those crossings.   Because  
17   we'll have quite a few of those in the county.

18              MR. CALHOUN:   One of my agents will be  
19   dealing -- we have a person we call a permit specialist.  
20   And we do a foreign utility crossing agreement with each  
21   and every individual utility that we cross, whether it be  
22   water lines, phone lines, power, whatever.   So -- and we  
23   even do this on the aerial power lines and stuff.  
24   Sometimes the power lines are too low and they have to  
25   raise them.   So every utility crossing that we do we have

1 an agreement with that particular company.

2 We spell out every agreement as John alluded to  
3 earlier. Your input -- I mean, it's a two-way deal. We  
4 make a contract there.

5 CHAIRMAN JOHNSON: Okay. Let's take another  
6 question, and then we'll take a short break so our court  
7 reporter can rest those hands and we can let nature call.

8 Another question? Who's got the mic. Go ahead,  
9 sir.

10 MR. BECK: Bob Beck at Dallas again. I was  
11 wondering how much noise are these pump stations going to  
12 give off? There's about five families that live within a  
13 mile or less of the pump station 21 in the southeastern  
14 part of Tripp County.

15 MR. JONES: We'll need a mic.

16 MR. SCHMIDT: Jon Schmidt. I work for the team  
17 on the environmental side.

18 I've been told these pumps are likened to  
19 interstate noise at I think a half-mile or -- yeah.  
20 100 yards or so. They're electric driven pumps so  
21 they're quieter than, say, a gasoline or diesel power.

22 MR. BECK: I live 70 miles from the interstate.  
23 That really don't tell me nothing. I mean -- do you got  
24 a decibel that they're going to give off?

25 MR. SCHMIDT: I don't have any measurements from

1     these particular pumps, no.

2             Do you have any information, Neil?

3             MR. MYERS: Well, I can help a little bit.

4             MR. BECK: Is there a certain standard that you  
5     guys have to stay below for noise?

6             MR. JONES: No.

7             MR. MYERS: Yeah. The short answer to -- am I  
8     on?

9             The short answer to that is, no, there is no  
10    federal regulation in the United States that covers the  
11    noise levels from the pump stations.

12            MR. BECK: That still don't really tell me how  
13    noisy they are.

14            MR. MYERS: Right.

15            MR. BECK: Are they going to affect wildlife?  
16    Are they going to affect the way I live? Because I don't  
17    hear nothing in the morning when I get up.

18            MR. MYERS: So I'll try to answer your question.  
19    This is a very difficult thing to talk about in specifics  
20    because the noise that you'll experience will be  
21    different than the noise that you will experience and  
22    you. Because it depends on so many factors, the topology  
23    of the land and vegetation and other noise sources.

24            You know, if you live and there's nothing where  
25    you are currently, we might be the only noise source, but



1 other people will live in places where there are other.  
2 And so I don't want to sound evasive. I'm not trying to  
3 be evasive, but I just don't want you to get the idea I  
4 can give you a simple response to the answer.

5 I think what we were trying to use in the  
6 example is we think that it's about the same level of  
7 noise as if you were standing 100 yards from a highway  
8 and a car was going by at 40 miles an hour. So, yeah, I  
9 don't know if that's something you can relate to or not.  
10 It's a very difficult thing to say or hear.

11 I think the noise that it gives off is closest  
12 to living to a highway, like the sort of kind of noise  
13 that you hear. It's sort of that, you know, background  
14 buzz almost that you hear from a highway. And that's  
15 sometimes why we use that analogy.

16 The pumps themselves are rated at 85 decibels at  
17 1 meter, which is pretty close to a yard. So if that  
18 means anything to you, that would mean that we would  
19 require our workers to wear hearing protection to  
20 actually work on the pumps if they were running because  
21 our spec is if it's 80 dB or higher you have to wear  
22 hearing protection and these are 85 at 1 meter. So  
23 that's another number that we can work.

24 And I think that the commitment that we'll make  
25 is that we want to work with landowners. And if there's

1 a problem, there are things that we can do. We can  
2 install blankets. We can install lagging on the pipe.  
3 It's actually the oil moving through the pipe that  
4 creates some of the noise. It's not -- and the oil  
5 moving through the pump is actually noisier than the  
6 motor is, for example. And we can lag that. So there  
7 are things that we can do to try to make that not as much  
8 of an issue for you.

9 But they do create noise. Yeah. That's the  
10 truth.

11 MR. BECK: Will these pumps be in a building, or  
12 will they be outside?

13 MR. MYERS: They will be outside. In fact,  
14 there is a building on-site. There is a prefab building  
15 that holds the electrical controls and that's all.

16 MR. BECK: Is there any of these pump stations  
17 in the United States that are in operation and we could  
18 go and listen to one?

19 MR. MYERS: All over the place.

20 MR. JONES: Like you saw that map that showed  
21 all of those pipelines. There is --

22 MR. BECK: But they aren't for natural gas, sir.

23 MR. JONES: Those were oil and gas pipelines.  
24 And there's refined product pumps throughout this state  
25 as well. You have to get ahold of either Kanab Pipeline

1 or Magellan in this state.

2 MR. BECK: At this size?

3 MR. JONES: At this size there are very, very  
4 few pumps you would be able to go to and have the sound  
5 of. That being said, the technology's the same, and I  
6 think like Neil said, the 85dB.

7 I think the commitment Neil made is we're going  
8 to have to work with different landowners because the  
9 noise impact will change depending on where you live and  
10 how far you are from the pump station.

11 CHAIRMAN JOHNSON: We've had a question asking  
12 specifically about decibels. I know you don't have an  
13 answer right now but since we do have an 10-minute break  
14 we're going to be taking, perhaps, Mr. Jones, if you  
15 could huddle with your team and see if you've got any  
16 information on hand. You could be more specific to  
17 respond to the question.

18 MR. MYERS: As I said, Commissioner, the pumps  
19 are rated at 85 dB at a meter. We cannot tell you what  
20 the noise level will be 500 yards from a particular pump  
21 station or to a particular dwelling. We would have to  
22 actually do a noise study.

23 CHAIRMAN JOHNSON: TransCanada has not actually  
24 done any noise studies showing how that noise would  
25 dissipate?

1 MR. MYERS: No, we have not.

2 MR. JONES: Well, when we look at the studies  
3 it's all site-specific. So yeah. We have to go out  
4 there after it's installed and do the measurements and  
5 then figure out what we would do to be able to mitigate  
6 the noise issue. It's really a postconstruction  
7 mitigation issue.

8 MR. MYERS: And it's partly a preconstruction  
9 issue too. So, for example, in South Dakota we received  
10 some comments from some landowners near pump station 19  
11 and we looked into that situation and they were right.  
12 And so we're working on moving pump station 19 to a  
13 different location because that's the best way to  
14 mitigate that noise is to take it away from the dwelling.

15 So it's not always a post. If we can -- now, of  
16 course, once we start moving them it becomes very, very  
17 difficult, but we try to do that early.

18 CHAIRMAN JOHNSON: We've been at it for 100  
19 minutes. We will come back to the noise question and  
20 follow up with some more specificity. I know we've got  
21 other questions to come.

22 It's now 1:40, and we'll be back at 1:50 or as  
23 soon thereafter as we can.

24 (A short recess is taken)

25 CHAIRMAN JOHNSON: All right. Ladies and

1 gentlemen, we're going to go ahead and get started back  
2 up. We've got maybe a follow-up question for two on  
3 noise. But before we do that, we're going to give  
4 Mr. Koenecke and Mr. Jones an opportunity to clean a  
5 couple of things up.

6 MR. KOENECKE: Thank you, Commissioner. I  
7 appreciate that. I guess on noise one thing I'd like to  
8 say is I've been involved in a number of these siting  
9 dockets both for pipelines and other projects as well.  
10 And as a part of every one of those the Commission has  
11 taken evidence on noise and entered an order as to what  
12 the noise can be.

13 My recollection is on the last Keystone Pipeline  
14 hearing the standard was 55 decibels at 100 feet from the  
15 nearest preceptor. That's just going off my memory. But  
16 I guess the point that I want to make is I believe and I  
17 know the Commission is going to enter some kind of an  
18 order on that after the evidence has been received at  
19 hearings later on, and I expect them to give a great deal  
20 of attention to that. We look forward to having that  
21 dialogue with you.

22 Mr. Smith, do you recall, is it 55 decibels  
23 100 feet from the nearest receptor? Was that the last  
24 order?

25 MR. SMITH: Yes. That's my recollection.

1           MR. KOENECKE: Thank you. We also want to  
2 clarify on an easement there was a question about -- I  
3 think the question was about dividing the easement for  
4 the pipeline and perhaps selling a portion of the  
5 easement to somebody else.

6           That is not -- not what TransCanada would do but  
7 we do want to make clear that it's possible the pipeline  
8 itself will be sold to another entity. If that was the  
9 case, any entity which bought it would assume all of the  
10 conditions which any federal agency put on it or any  
11 state agency, including the PUC. So whatever's decided  
12 through the course of these hearings would be the  
13 conditions which would apply to the operation ongoing as  
14 to anybody who bought it.

15           And finally I will let Meera talk just briefly  
16 if she might, Commissioners, about some of the pressures  
17 of the pipeline and operations. And I believe that we've  
18 got a lapel microphone back here so there's no more  
19 sprinting by the staff.

20           MS. KOTHARI: Thanks, Brett. Hello. So while  
21 we addressed earlier one of the questions regarding the  
22 pressure in the line and we talked about the operating  
23 pressure generally being 1,440 psi, there are select  
24 locations downstream of pump stations due to the  
25 elevation profile in the line and the hydraulic head of

1 the crude oil that would experience potentially higher  
2 pressure.

3 Those select locations while the pump units  
4 would discharge at 1,440 psi could be subject to pressure  
5 as high as 1,600 psi.

6 The length downstream of the seven pump stations  
7 here in South Dakota, that length varies between less  
8 than .1 miles up to about 4 miles downstream of those  
9 stations. So while we talk about the pipeline generally  
10 operating at 1,440 psi due to elevation and hydraulic  
11 head there are some that are subject to the 1,600 psi.

12 Now these particular locations will not be  
13 subject to the .8 design factor. We would use the .72  
14 design factor pipe wall thickness, and that thickness is  
15 .573 inches.

16 CHAIRMAN JOHNSON: Okay. Thanks very much. And  
17 we'll go here and then we'll go here and then -- okay.  
18 Then we can go there.

19 MR. FINZEN: Bruce Finzen from Dallas. If this  
20 is the comment portion, I have a comment to make  
21 regarding the cost of the infrastructure of building the  
22 electrical lines to power the pump station.

23 As I understood the answer to my earlier  
24 question, there's not going to be any upfront cost paid  
25 by TransCanada to build these electric lines. Instead

1     they'll pay their fair share.  If I understood  
2     25 megawatts, my understanding is that's equivalent right  
3     now to what Rosebud Co-op generally the entire system is.  
4     Which means let's assume it is 25 megawatts.  They're  
5     going to pay half.  That means all the rest of us co-op  
6     members are going to pay half.

7             That line is about 20 miles in length all but  
8     the last approximately 3 miles of which are in Gregory  
9     County.  Gregory County isn't going to get one penny of  
10    tax revenue from this oil pipeline.  And yet all of those  
11    of us who don't live in Tripp County and part of the  
12    Rosebud Co-op are going to be paying half the cost of the  
13    infrastructure to service this pump station.

14            I think that's just wrong.  I think they ought  
15    to be building it.  And my understanding is it could be  
16    anywhere from 200 to \$250,000 a mile, 4 to \$5 million  
17    upfront cost to build this line that's going to service  
18    that pump station and that pump station only.  That's  
19    just not a cost that ought to be borne by the rest of the  
20    co-op members.

21            CHAIRMAN JOHNSON:  Sir, have you raised those  
22    issues with the cooperative, the electric provider?

23            MR. FINZEN:  Yes.  We met with them this morning  
24    and asked about that, and the answer was, well, we don't  
25    know who's going to pay the upfront cost.  But after



1     hearing the answer to my question earlier, now we do  
2     know. It's going to be all the co-op members.

3             MR. JONES: We'd like to respond to that. So I  
4     know it was a comment, but if you don't mind, we'd like  
5     to clarify because I think there is a misunderstanding on  
6     how that calculation works and with regard to the  
7     transmission line.

8             MR. MYERS: So I can't speak very specifically  
9     to your particular situation, but I think I can help  
10    clarify what's going on. We are in the process of  
11    working with the utilities on all 41 pump stations  
12    across -- sorry. At all 41 pump stations right across  
13    the whole length of the system for the supply of the  
14    electrical power.

15            There are three ways that that electrical power  
16    is supplied. And it's up to the utility. The utility  
17    may say to us here's where you can connect to us. You  
18    build the facilities at your cost and here's where you  
19    connect. It's your problem. And that's fine. We're  
20    glad to do that.

21            Sometimes the utilities say give me a big bucket  
22    of money and I will build it for you and then I will  
23    charge you a rate that's similar to what everyone else  
24    pays for the actual power. And we're happy to do that  
25    too.

1           And sometimes the utilities say I want to build  
2 this for you. I don't want a big bucket of money first.  
3 What I want you to do is pay a different rate for a  
4 period of time, which we negotiate in a contract, so that  
5 we repay back to the utility the cost of the  
6 infrastructure. They tell us what those costs are. And  
7 then it's up to the utility to manage that.

8           So they figure that out and charge -- what am I  
9 going to charge TransCanada and what is that impact on  
10 the other rate payers in the utility. It's not up to  
11 TransCanada. And it's up to the utility to set the type  
12 of deal that they want. It's not up to us. So we are  
13 sort of like you, a little bit of a victim because the  
14 utility says here's the way the deal's going to be. We  
15 negotiate best we can, and then that's the way it will  
16 be.

17           Does that help you, sir? I mean, it doesn't  
18 answer your question, and I'm not trying to say you will  
19 or won't pay. I'm just trying to say here's how it works  
20 with us.

21           MR. FINZEN: So if I understand correctly, if  
22 the Rosebud Cooperative says we want you to pay all of  
23 the infrastructure costs of building it and then we'll  
24 charge you a rate according to your usage, that's  
25 something you'd be open to doing?

1           MR. MYERS: As I say, we will negotiate with  
2 each one to figure out the best way to get power. It's  
3 not quite that straightforward because here Basin  
4 Electric is also serving -- that's above many of the  
5 utilities, and that's the source actually of quite a bit  
6 of power. And it depends. It may be a transmission line  
7 that Basin Electric's building, not Rosebud. It may be a  
8 local distribution line that Rosebud's building, not  
9 Basin.

10           And so every situation's unique, and we have to  
11 sit down. But yeah. We're open to working with the  
12 utility to find a way to make this thing work for  
13 everybody that's involved.

14           MR. FINZEN: When will we know the answer to --

15           MR. MYERS: That answer will come from Rosebud.  
16 Because we won't tell you the details of our particular  
17 deal. That would be confidential between us and the  
18 utility. Just like your deal is confidential. You need  
19 to ask the utility if you do this, how are you doing it  
20 and how will it impact our rates. Because I will never  
21 be able to answer that question for you because we're not  
22 the one who sets the rates.

23           MR. FINZEN: I understand. Will we know from  
24 you or Rosebud as to what arrangements you have made in  
25 terms of --

1 MR. MYERS: You won't know from me.

2 CHAIRMAN JOHNSON: Okay. We'll go right there.

3 MR. BECK: Bob Beck from Dallas. I've got one  
4 quick question.

5 Is there going to be a limit on the weight that  
6 we can cross this pipeline like in a farm ground  
7 situation versus like pasture ground there's no real  
8 issues of weight concerns?

9 MR. JONES: Hello. Yeah. Good question. I'll  
10 have John answer that.

11 MR. PHILLIPS: As far as the farm equipment, we  
12 need to look at a particular case of what we're looking  
13 at. The pipe's 4 foot deep. We need to look at what the  
14 total weight is. If need be, we can build some sort of a  
15 berm for you to cross over the top some specific  
16 location.

17 MS. KOTHARI: So in the instance of  
18 South Dakota, here in particular, as we talked about this  
19 on the last Application, understand there are grain carts  
20 and very large pieces of farm machinery. As far as this  
21 particular pipeline with the design features there's no  
22 concern with crossing over the pipeline multiple times  
23 with that type of equipment. So normal farming equipment  
24 typical to farming in South Dakota there are no concerns  
25 to cross with protective measures such as John was

1 mentioning before.

2 I will say, however, if you are a drilling rig,  
3 of that nature, you would probably need to come to us,  
4 and we need to take a look at those particulars on  
5 weights and things like that and make some sort of  
6 adjustments as John had mentioned with berms and such.  
7 But as far as farming equipment, no concerns with  
8 crossing over multiple times.

9 MR. HARTER: John Harter. I have kind of a  
10 two-part question. Down in my area you're going to be  
11 crossing at least three-quarters of sub-irrigated land  
12 that's highly sub-irrigated, close to ground source type  
13 water.

14 And one is your reclamation plan for going  
15 across that is probably going to be tougher than some of  
16 the other areas. And two is when you're digging a ditch  
17 into that area where you're going to have water running  
18 into your ditch is a high possibility, what -- are you  
19 going to have to have a wider work area, or what is the  
20 process for working with areas like that? That's the  
21 first part.

22 MR. PHILLIPS: Okay. As far as water in the  
23 ditch, it comes down to whether we can keep it pumped out  
24 or whether we can't. If we can't keep it pumped out, we  
25 can look at some different construction techniques that

1 would work when the ditch is full of water.

2 Another thing we can look at, you know, as far  
3 as keeping the ditch, maybe we don't dig the ditch until  
4 after the pipe is already welded together in segments.  
5 So each -- it's a function of whether we can keep the  
6 ditch pumped out or not.

7 There's some different methods you can use.  
8 It's just a matter of whether it fills up faster than we  
9 can pump it out. I mean, it's that straightforward. And  
10 we'll look at what construction technique would be best  
11 suited for your particular situation.

12 There's a possibility -- now if we're doing a  
13 push or we're welding the pipe up and we're pushing it  
14 down the ditch, I don't anticipate that we need more  
15 right of way to do that. If we have a situation where  
16 the ditch is caving and we have to slope it more, then  
17 there's a good chance that we would have to have a little  
18 bit wider right of way through that kind of an area.

19 If it's a situation to where maybe we're going  
20 to dig the ditch after we've already welded the pipe, we  
21 might be okay with the 110 foot total. It's just a  
22 matter of taking a look at it. It's the type of soils  
23 that you have. How sloped the ditch has to be for us to  
24 be able to keep it open is what the key is.

25 MR. SCHMIDT: And as far as the reclamation side

1 of the question, in our Application we identified that  
2 we'll be working with NRCS and each landowner to  
3 understand what your cover crop is, how you're using the  
4 land. We'll identify the specific measures that we'll  
5 implement after construction is over, whether we need to  
6 strip topsoil across the whole right of way or just over  
7 the ditch line.

8 And then TransCanada has made the commitment  
9 through Keystone to monitor both for invasive weeds but  
10 also for successful reclamation for the right of way. So  
11 they're there for the long-term to make sure whatever you  
12 want on that right of way is grown back on that right of  
13 way.

14 MR. HARTER: My second part of the concern after  
15 coming out of the low areas is the soils are highly  
16 erodible going through my land and I know south of my  
17 land because it's pretty sandy. And when you -- you're  
18 talking like within just the pipeline area.

19 But when you start getting say up to 100 foot  
20 wide strip in below sand and it starts moving there's  
21 nothing that you're going to be able to do about that  
22 because Mother Nature's going to take care of that.

23 And then you've got to come back and try to  
24 reclaim land to where it will at least hold grass.

25 MR. SCHMIDT: There is a brochure out front that

1 talks about the whole Sand Hills reclamation process and  
2 we started dialogue with university extension services  
3 that work with the Department of Agriculture and NRCS.  
4 Department of Transportation, they deal with this issue  
5 all the time as well.

6 And in there you'll see there's a series of  
7 steps we'll go through to identify where those locations  
8 are. They'll be working this year to try to do as much  
9 routing we can to avoid steep slopes or areas where we're  
10 going to have problems trying to establish reclamation.

11 But, again, the situation is that they're there,  
12 they're responsible for the right of way through the life  
13 of the project. So it's not going to be a burden on you.  
14 It's going to be a burden on them to design it in a way  
15 that they can reclaim it and monitor and make sure it  
16 holds fast.

17 MR. HARTER: And they'll put that in paper.

18 MR. SCHMIDT: I believe that's -- I don't know  
19 about the right of way agreements. But yeah. It's in  
20 our Application. We've already stated it. The  
21 South Dakota Commission has that.

22 MS. MINER: I have a comment for the PUC, and  
23 then I have a question for the Keystone folks.

24 I'm sure you know the feeling of farmers and  
25 ranchers about their land and the citizens of the State



1 of South Dakota. Nobody comes with an agenda. That is  
2 our investment for our retirement and for the next  
3 generation. And so there's a lot of real concern. It's  
4 not -- I know maybe it sounds picky, some of our  
5 questions and the things we want to know, but I want you  
6 to -- I want this -- my comments to help you understand  
7 what that land means to the people of this area and of  
8 the other parts in South Dakota where you're dealing  
9 with.

10 That land is a vital, important part of just --  
11 of their life and the whole community, the whole area.  
12 And thank you. Take that into consideration, please when  
13 you think about the things that have to be done to help  
14 make this a good and proper situation for everybody.

15 CHAIRMAN JOHNSON: Ms. Miner, sorry to interrupt  
16 you.

17 MS. MINER: To the Keystone I have a question.  
18 I've heard a number of time -- thought I counted four  
19 things they said we will take care of that. You will be  
20 compensated. And that's good, and that's fine and  
21 something the PUC should look at in their directives then  
22 is that it be done in a timely fashion. Nobody in this  
23 area has deep pockets. As Mr. (Inaudible) pointed out,  
24 even our Rosebud Electric don't.

25 But the main thing is what you want to think

1 about is a timely -- to get that paid, whatever  
2 compensation is coming to people. And the only reason  
3 I'm bringing this out is the one complaint I've heard  
4 from my neighbors and friends is they'll try and get  
5 messages to you people, telephone messages, but they  
6 never get them back. They don't get answers.

7 And this is our business, and that's your  
8 business. And in order to do good business we all have  
9 to work back and forth together. So if it takes a ruling  
10 from the PUC in your directives, remember to put  
11 something about that in there, would you please?

12 Thank you. And thank you to everybody that's  
13 taken part today.

14 CHAIRMAN JOHNSON: Ms. Miner, I think we need to  
15 get your name and town.

16 MS. MINER: I'm Doris Miner, Dallas.

17 CHAIRMAN JOHNSON: Thanks.

18 MS. MINER: I forgot to ask one question. Have  
19 you applied and are you negotiating with the State of  
20 South Dakota on the contractor's excise tax for this  
21 portion of the pipeline? And what kind of a refund did  
22 you get on the pipeline east river?

23 MR. JONES: The question is with regards to if  
24 we applied for the contractor's excise tax for the  
25 Keystone XL Pipeline Project.

1           No, we haven't. And we would plan to do so. As  
2 any major project, one of the economics when you're  
3 looking at investing nearly a billion dollars it's part  
4 of the formula. There's no question about it. But as  
5 you know, we are going to be able to provide significant  
6 ongoing benefits in property tax dollars to this state.

7           MR. FERGUSON: Bill Ferguson.

8           CHAIRMAN JOHNSON: Hold on just a second. Was  
9 your answer done?

10          MR. FERGUSON: Bill Ferguson, Witten.

11                 Will there be any restrictions on tree planting  
12 across the pipeline once it is in place? And what kind  
13 of mitigation is there on the long-term impact on  
14 wildlife habitat? There's more and more wildlife habitat  
15 being put in in Tripp County on farms, and is that --  
16 have you done anything to address compensation for future  
17 restrictions of that kind?

18          MR. JONES: Okay. So first off -- there's two  
19 questions there. I'll first answer the question with  
20 regards to the 50-foot permanent easement and planting  
21 trees and then have Jon answer your question on  
22 wildlife.

23                 So for tree planting the permanent easement  
24 needs to stay clear. That's a safety issue. We've got  
25 to be able to access the pipeline, and when we fly over

1 the line we've got to be to get access to it. So you can  
2 replant trees up to that permanent 50-foot easement, but  
3 that 50-foot easement needs to remain clear.

4 As for the wildlife, I'll have Jon answer.

5 MR. SCHMIDT: Right now we're working with the  
6 state and federal agencies assessing what habitats are  
7 being crossed and looking at how the landowner uses the  
8 land as well as what native habitats are there being  
9 crossed. And in the course of those studies we work with  
10 the agencies in developing the mitigation measures that  
11 are needed.

12 Some of those general mitigative measures are  
13 already outlined in the CFR that's been identified where  
14 we work with the local agencies on seed cover mixes for  
15 temporary cover and look at seed mixes that will also  
16 lead to long-term cover on the land.

17 Same thing with wildlife. We have to do  
18 surveys. We have to do cultural resource surveys. All  
19 that gets factored into the federal EIS that the  
20 government will do. And it will dictate what measures we  
21 have to do for which species and where.

22 MR. HARTER: John Harter, Winner, South Dakota.  
23 I'd just like to make a comment on the tax deal. We hear  
24 a lot of what it's going to save us on our property  
25 taxes. And I think everybody finds that a little hard to

1 swallow. The last time we heard this, what was going to  
2 save us our property taxes was when we passed all the  
3 gambling that come into South Dakota.

4 Now we also passed a freeze on property taxes.  
5 Well, mine have went up every year that I can think of  
6 since we've had a property tax freeze. And I can't see  
7 that when we pass our gambling that it helped my property  
8 taxes a bit either. So we hear all this hype on how it's  
9 going to help our property taxes, but people find that a  
10 little hard to swallow.

11 CHAIRMAN JOHNSON: Other comments or questions?

12 MS. HOFFMAN: I am not --

13 CHAIRMAN JOHNSON: Ms. Hoffman, let's have you  
14 state your name and location.

15 MS. HOFFMAN: Constance Hoffman. I'm not  
16 educated in all of this. It feels like in a poker game  
17 and someone's really close to a full house or royal flush  
18 or something, and I don't think it's me.

19 CHAIRMAN JOHNSON: Other questions or comments?

20 MR. PAJL: Duane Pajl, Witten. Who's the --  
21 does TransCanada build the pipeline or is it a  
22 subcontractor or is it all subcontracted out or does  
23 TransCanada officially build the whole thing?

24 MR. JONES: So good question. TransCanada is  
25 the owner and operator, and we contract out to experts

1 the physical construction of all aspects of the project.  
2 So whether it's a pump station contractor or a pipeline  
3 contractor, those -- those specialized companies are  
4 contracted by TransCanada to build it.

5 Now we oversee it. So our trained inspectors  
6 watch every aspect of construction.

7 MR. PAJL: How many contractors can handle a  
8 project like this? I mean, is there 10 in the world or  
9 two or more?

10 MR. JONES: Again, it's broken down into  
11 different types. So there are probably a couple of dozen  
12 large-inch diameter pipeline contract spread companies  
13 out there.

14 For pump stations I believe that there's  
15 numerous of them. We -- I think we went out to bid to  
16 about a dozen and awarded it to three for the first phase  
17 of the project. So these contractors, though, are  
18 readily available in the United States. You saw by that  
19 map, I mean, there are millions and millions of miles of  
20 pipelines. So those contractors are, you know --  
21 expertise is out there for us to solicit their work.

22 MR. PAJL: Thank you.

23 MR. FORGEY: Dan Forgey, Dallas. You have a  
24 headquarters like in Yankton for the pipeline over east.  
25 Are you going to have a place here that you call your

1       headquarters for this line and where?

2               MR. JONES: Yeah. Just to clarify that, that  
3       slide I have, we have a U.S. operation headquartered in  
4       Houston. Our operations headquarters will be in Omaha.  
5       And then in South Dakota we're planning to have three or  
6       four maintenance bases.

7               Of course, we're still working on the studies  
8       that will help us figure out how many men and how many  
9       technicians need to be here and responders. But, for  
10      example, when we built the first pipeline on the east  
11      side of the state we have two maintenance bases. And I  
12      would anticipate we'd have two additional maintenance  
13      bases for the XL Project.

14              MR. FORGEY: Do you know where?

15              MR. JONES: No. We don't know where because we  
16      haven't finished doing the analysis about where's the  
17      best place to locate these folks.

18              CHAIRMAN JOHNSON: Questions or comments?

19              MS. LINIBERY: I'm Ruth Linibery, and I own land  
20      in Tripp County. Do you require that your contractors  
21      when they bid indicate that they will E verify for  
22      illegal aliens?

23              And then I have another question about are you  
24      committed to buying a lot of your supplies and  
25      construction material in the United States? I saw a CNN

1 broadcast the other night about 50 percent of your  
2 pipeline is coming from India. And most of us here feel  
3 like buy America and possibly buy Canada for the part in  
4 Canada would be better put.

5 MR. JONES: I'll try and answer the India pipe  
6 question, seeing how I was infamously quoted in that CNN  
7 article. And then I'll have John answer the aliens one.

8 So there are only about a dozen pipe mills in  
9 the world that are qualified to fabricate this  
10 high-strength steel. Of those, four in the  
11 United States. In 2005 when we went out to bid for this  
12 project the economy was booming and every single mill in  
13 the United States was at capacity. We had no choice but  
14 to look at mills offshore. So then the remaining  
15 offshore mills, the Indian company was the one that could  
16 make our schedule and our qualifications and was up to  
17 the standard that we wanted to have here in the U.S.

18 So it wasn't a matter of buy America or buy  
19 India or buy Canada. It was where can you even  
20 physically get it fabricated in time and delivered in  
21 time. Now you've got to remember today the economic  
22 situation's quite a bit different than it was just a few  
23 years ago.

24 MR. PHILLIPS: Ma'am, with regards to checking  
25 for illegal aliens, the contractors proper -- most of



1 the -- jobs of this size are typically done by union  
2 contractors. Okay? And that means that what can happen  
3 is the employment -- or, you know, the credentials of  
4 everyone that works are verified by the contractor, by  
5 the unions, by the people that are brought in.

6 And my understanding is the way the laws work  
7 now is if they find that there's someone who's working  
8 for the contractor that doesn't meet those credentials,  
9 it's the contractor proper that gets fined for having  
10 someone that doesn't meet the criteria. So yes. They  
11 are checked.

12 MR. JONES: I'll just add that, you know, I  
13 wasn't aware of any alien issue -- foreign alien issues  
14 that we had in any of our contracts. We built three  
15 spreads last year. I'm not aware that any of the  
16 contractors had an issue with that.

17 CHAIRMAN JOHNSON: And I know we've got a  
18 question here, but let's just pause and see if anybody  
19 who hasn't asked a question yet or made a comment. And  
20 we'll come back again. And again we're open to comments  
21 as well as questions. All right. Go ahead.

22 MR. BECK: You said that you're doing this in  
23 two different like zones. The first one's going to be at  
24 like 700 million barrels a day and the next one is at  
25 900 million barrels a day.

1           Now will the temperature or the pressure change  
2 when you go from 700 million to 900 million?

3           MR. JONES: Yeah. Let me just clarify some of  
4 those numbers for you.

5           MR. BECK: Yep.

6           MR. JONES: I want to make sure it's accurate.  
7 So the first phase the capacity will be 700,000 barrels a  
8 day. And we're going to expand in the future, if the  
9 market wants us to. Again, right now we don't have  
10 market conditions for that expansion.

11           But, you know, certainly we will be trying to  
12 solicit the market to expand. And that's why we're  
13 pyramiding or trying to get a permit for 900,000 barrels  
14 a day.

15           The impact on the temperature I just want to  
16 confirm with Ms. Kothari, but I believe that was based at  
17 the 900,000 permitted case.

18           MS. KOTHARI: That's correct. Everything in the  
19 Application is based on the nominal ultimate design  
20 capacity of 900,000 barrels.

21           CHAIRMAN JOHNSON: Comments or questions?

22           Any comments or any questions? Yeah.

23 Mr. Carter (sic).

24           MR. HARTER: John Harter. I'd just like to say  
25 if you guys ever sell this pipeline, try not to sell it

1 to a communist country. We've borrowed enough money from  
2 them.

3 CHAIRMAN JOHNSON: Mr. Harter, not Carter. My  
4 mistake. In the back.

5 MR. MEYER: John Meyer from Winner. Being the  
6 president of South Dakota Retailers this year, I've been  
7 involved in about a nine-year study of tax revenues and  
8 what's coming in and out, attrition, demographics in the  
9 state.

10 And when I looked at Tripp County and I said  
11 what are our revenues of sources of taxes in the future,  
12 what are the real estate tax possibilities, we know the  
13 shortfalls of sales tax in the state overall, revenue  
14 shortfalls.

15 Looking at, okay, let's say the PUC if we raised  
16 what, 3.2 million in your company in Tripp County, does  
17 that go to Tripp County? Do those real estate taxes stay  
18 in Tripp County?

19 CHAIRMAN JOHNSON: We'll look to the Applicant  
20 to see if they have a tax expert that --

21 MR. JONES: And lucky enough, Commissioners, we  
22 do have one with us. Bill will get you that.

23 MR. TAYLOR: Is your question do the real  
24 estate tax revenues generated from the pipeline stay in  
25 Tripp County?

1           MR. MEYER: The pipeline and the pump stations  
2 in Tripp County.

3           MR. TAYLOR: The numbers that we used the  
4 estimates we used is local real estate taxes. Now it's  
5 not all Tripp County. In Tripp County you have two  
6 school districts. So it's two school districts and  
7 Tripp County.

8           MR. MEYER: Okay. And the other part I had was  
9 that we were talking about transmission lines and the  
10 rural electrics. Tomorrow evening is another meeting on  
11 wind power. And this is a hand in hand as far as I'm  
12 concerned. The transmission lines can be built. The  
13 ample amount of power and the taxes generated in this  
14 county are something we really need to get behind.

15           Thank you.

16           CHAIRMAN JOHNSON: Thank you for the comment.  
17 Other comments? Questions?

18           MS. ARCOREN: Good afternoon. My name is Kathy  
19 Arcoren from Rosebud.

20           Could you list which federal laws you're going  
21 to be following?

22           And the other question is are you going to be  
23 consulting with the tribes?

24           MR. JONES: So thanks for your questions. There  
25 are a number of laws. The pipeline safety regulations is

1 managed by PHMSA, which is an agency of the Department of  
2 Transportation. I could get you the exact codes and  
3 standards if you want later because there's a number of  
4 them. And they're detailed numbers and such. So either  
5 myself or Ms. Kothari can provide you with the actual  
6 code standard numbers and such.

7 As with consultation with the tribes, we've  
8 already commenced that process, but I'm going to get Jon  
9 to help explain the actual details with regard to native  
10 consultation.

11 MR. SCHMIDT: To help with the regulations in  
12 the Application itself, Table 1 of the Application lists  
13 all the applicable regulations, reviews, permits that  
14 have been identified to date. The Department of State is  
15 also doing their own due diligence.

16 And as far as Native American consultation, the  
17 Department of State is the lead government-to-government  
18 agency for the Section 106 consultation. And they have  
19 started that. They sent out letters of notification. I  
20 believe they're going to have a initial meeting in May.

21 But in addition to that, TransCanada has their  
22 own Native American consultation which is outside of the  
23 106 process which they have already started and will  
24 continue to do all the way through the operation of this  
25 pipeline.

1 Does that answer your question?

2 MS. ARCOREN: Thank you.

3 CHAIRMAN JOHNSON: We'll go here and then right  
4 there.

5 MR. FERGUSON: Bill Ferguson, Witten. After  
6 construction is complete, what is the anticipated local  
7 employment in regard to the pipeline in Tripp County?

8 MR. JONES: Mr. Ferguson, it's a challenging  
9 question for me to answer specifically to Tripp County  
10 because I'm not sure if the maintenance base ultimately  
11 will be here or not, but when it comes to the overall  
12 length of the pipeline, we already have an office in  
13 Brookings, South Dakota for Northern Border. We're going  
14 to use that one. We're going to have another one in  
15 Yankton.

16 We are now looking at two -- possibly two  
17 offices to maintain this leg of the pipeline. The exact  
18 county locations, though, hasn't been finalized. The  
19 number of folks that we're anticipating in all of  
20 South Dakota for the Keystone Pipeline will probably be  
21 in the range of, you know, 10 to 15. Now that's  
22 permanent employees. There will also be a number of  
23 contractors that we will hire for ongoing maintenance.

24 So the direct employment for TransCanada may be  
25 small but then there's the contractors that we're going

1 to continually need to maintain the pipeline.

2 MR. FERGUSON: Follow up. What is the -- what  
3 are the principal parameters that you look at in choosing  
4 those sites? Not the Yankton or Brookings ones but the  
5 ones you mentioned you haven't located yet. What factors  
6 influence your decision on where that will be?

7 MR. JONES: It's an -- I'm going to ask  
8 Mr. Hayes to respond.

9 MR. HAYES: Have I got this right? Yeah.  
10 Good afternoon, ladies and gentlemen,  
11 Commissioners. My name is John Hayes, and I'm a  
12 consultant with TransCanada with specialties in emergency  
13 response and operations.

14 We have committed through our emergency response  
15 planning for Keystone and XL to have people to respond to  
16 emergencies within four hours. Therefore, we will site  
17 our stations and our people on the pipeline so that we're  
18 able to monitor that commitment.

19 MR. FERGUSON: You say it's a four-hour response  
20 time to get to any point on the pipeline?

21 MR. HAYES: Maximum.

22 MR. FERGUSON: Maximum. And that's by truck or  
23 automobile, or what is the --

24 MR. HAYES: However we have to get there we will  
25 get there. But that is our commitment.

1           MR. FERGUSON: I guess that answers it well  
2 enough.

3           MR. HAYES: Thank you.

4           MR. FINNEY: Brian Finney (phonetic) from  
5 Winner, South Dakota.

6           You're building the same pipeline in eastern  
7 South Dakota. When will that be finished, and when will  
8 it generate some revenues for counties and school  
9 districts?

10          MR. JONES: Thank you, sir. Good question. The  
11 schedule for the Keystone phase one project is well  
12 underway. We built the first spread through the  
13 northeastern portion of the state last year. We're  
14 continuing to build the pump stations as we speak. And  
15 starting in May we're going to kick off a spread to  
16 finish the construction in South Dakota this year. Our  
17 anticipation is that we'd start putting the pipeline in  
18 service by the end of the year.

19          As for the tax revenue that will -- obviously  
20 once the pipeline is built and in service the tax dollars  
21 will then start to flow into the state.

22          CHAIRMAN JOHNSON: Other questions? Yes. Over  
23 here. Go ahead.

24          MR. PAJL: Duane Pajl, Witten. Just for  
25 curiosity when the pipeline is -- when you're pumping



1 oils over a year, 365 days, I know it depends on the  
2 demand but crude's going through there constantly or is  
3 there times for maintenance or is there --

4 MR. JONES: Yeah. Excellent. Thank you for  
5 that question. The capacities we describe are 90 percent  
6 of the ultimate design. So we build into our capacities  
7 the ability to be down 10 percent of the time. That  
8 allows for maintenance and other activities that we need  
9 to do.

10 So we don't design the pipeline so that it runs  
11 100 percent of its capacity 365 days a year. So the  
12 capacities we've described to you are 90 percent numbers.

13 MR. PAJL: And follow-up. When you initially  
14 start shipping oil from Canada the pump stations kick on  
15 in phases, or they'll come on and stay running?

16 MR. JONES: Because it's a noncompressible  
17 fluid, all the pump stations have to come on at the same  
18 time.

19 MR. PAJL: Okay. Thank you.

20 MR. GRAESSER: Kevin Graesser, Dallas. I still  
21 have a -- I guess a question on the taxes. It's  
22 estimated 3.2 million to the county and to the school  
23 districts. Will that 3.2 million go through -- come  
24 directly to the counties and school districts, or will it  
25 go through the state and will that stay at that figure?

1 MR. JONES: Bill, I'd like you to answer that.

2 MR. TAYLOR: The Department of Revenue of the  
3 State of South Dakota determines the assessed valuation.  
4 Assessed valuation for utilities, railroads, power lines,  
5 pipelines is done centrally.

6 The way the system works is the valuation date  
7 is November 1 so whatever the condition is on  
8 November 1 just like it is for your house or your farm or  
9 your ranch. The Department of Revenue sends a number out  
10 to the local Director of Equalization, says this is the  
11 assessed valuation for the pipeline in Tripp County for  
12 2010 or whatever year.

13 Then the county -- based on the county's budget,  
14 a mill levy is worked out and the tax assessment is made.  
15 And the tax assessment, the dollars are collected by the  
16 local Director of Equalization and stay in the county.  
17 Same is true for the two school districts in your county.

18 When the budget's done the tax revenue -- the  
19 determination of tax revenue necessary to support the  
20 budget is worked out by the Director of Equalization and  
21 the mill levies are set. So it all happens here, and it  
22 all stays here.

23 CHAIRMAN JOHNSON: Mr. Taylor, we've had some  
24 numbers thrown around about what the estimated taxes  
25 would be for Tripp County. Can you reiterate that

1 number?

2 MR. TAYLOR: Yes. The -- I'll tell you how we  
3 did this. You have to have a starting place. And the  
4 most current numbers we could get are --

5 CHAIRMAN JOHNSON: Mr. Taylor, if you could hold  
6 the mic just a little closer.

7 MR. TAYLOR: The most current numbers we could  
8 get are 2008. So we used the assessed valuation for 2008  
9 for all the counties impacted by the pipeline. We used  
10 the assessed valuation for the 13 school districts. We  
11 used the 2008 county budgets. We used the 2007-2008  
12 school district budgets because school districts are  
13 budgeted and assessed on a semester basis as opposed to a  
14 calendar basis.

15 So using all 2008 numbers we then operated on  
16 the premise that the pipeline was completed and in  
17 operation in 2008 to figure out what the tax likely would  
18 be. The tax levy for Tripp County is \$672,000. The tax  
19 levy for Winner 59-2 is \$1,163,000. And what is your  
20 other school district? Colome. Yeah. Colome 59-1, the  
21 levy is \$787,000. That's what the pipeline would pay.

22 And I know the next question that comes after  
23 that is, is this net of state to education, and the  
24 answer is yes. We made the adjustments in all the mill  
25 levies to take into account the impact it would have on

1 state aid to education. So this number is a net number.

2 CHAIRMAN JOHNSON: So I hesitate to ask this  
3 question because, you know, taxation is maybe not in  
4 the -- you know, you read the statutes about what the  
5 Commission's supposed to consider and it doesn't say, oh,  
6 by the way, make sure double-check the tax bill. The  
7 Department of Revenue & Regulation will do that.

8 But if the estimated taxation across the  
9 entirety of the footprint in South Dakota is a little  
10 over 10 million, the numbers for the Tripp County and the  
11 two school districts seem a little high as a proportion  
12 of how much of the mileage is in those areas as opposed  
13 to the rest of the route in the state.

14 MR. TAYLOR: Well, it's all based on mileage.  
15 We worked it out based on mileage, but it's all -- the  
16 pump stations make a difference too. The pump stations  
17 are about 20 to \$25 million. And so if you're fortunate  
18 enough to be in a school district that has a pump  
19 station, you pick up that additional revenue. And that  
20 may be the difference. I can show you the numbers if you  
21 want to see them.

22 CHAIRMAN JOHNSON: And that makes sense. The  
23 pump stations would have a pretty big impact. Thanks.

24 Comments, questions?

25 MR. HARTER: According to your map and what you

1     stated a lot of our refining capacity's mostly in the  
2     Gulf Coast, Oklahoma area. Now where we're pumping this  
3     all the way from Canada down to those areas why is it not  
4     more feasible to build refineries closer to where the  
5     oil's at and pump it in either some new pipelines or  
6     existing structures to more central areas?

7             Because we already pump from the Gulf Coast to  
8     the center and all the way up here. Why wouldn't it be  
9     more possible and feasible to pump from where you're at  
10    down to the center?

11            MR. JONES: Again, a good question. And so with  
12    regards to the economics or the commercial viability of  
13    the oil refining markets, they work on a hub and spoke  
14    basis. And so the -- it is more efficient to have the  
15    refineries in a hub near very densely populated areas.

16            So if you were to look at the U.S., where do you  
17    see most of the refineries. There's a tremendous number  
18    in Chicago, and there's lots built along the Gulf Coast.  
19    And then from there -- they are the hubs, and then the  
20    spokes go out -- sorry. The gasoline and diesel  
21    pipelines go out to the communities.

22            And so if you had, for example, a whole bunch of  
23    refineries in Alberta, then you'd have, I'd suggest,  
24    hundreds of pipelines all over the United States moving  
25    diesel and gasoline. So it's just far more efficient to

1 have the refineries at a hub logistically located to  
2 either waterborne sources where they can get their crude  
3 oil or near populations.

4 There's also, by the way, a lot of refineries up  
5 and down the east coast as well. But there is a real  
6 efficiency to having them along the Gulf Coast of Houston  
7 and New Orleans because they've traditionally received  
8 the oil from offshore markets, in other words, Mexico  
9 Venezuela and the Middle East.

10 The other thing is we have not sited a new  
11 refinery in the United States for well over 30 years.  
12 It's an extremely difficult challenge. So what happens  
13 is the U.S. energy policy is motivating refiners to  
14 expand existing operations. And again it makes more  
15 sense to send the crude to the existing refineries and  
16 for them to make the products we need every day.

17 MR. HARTER: I got a comment on that. Just from  
18 what I'm looking at, they got the -- they're going to  
19 impact over 2,000 miles of this pipeline and the land  
20 it's going across versus I think over east they're  
21 talking 3,000 acres for their refinery over there, is  
22 that correct, something like that that they're trying to  
23 purchase?

24 Anyways, whether it's a quarter of land or what,  
25 you're looking at 2,000 miles of area that you're

1     impacting versus if you put up a refinery in a 100-mile  
2     area. To me it sounds like our EPA needs to think a  
3     little more.

4             CHAIRMAN JOHNSON: Other questions, comments?

5             Other questions or comments? Well, while there  
6     may be another question or comment we'll give you a  
7     minute to collect your thoughts. While you do that we  
8     will note this is only the beginning of the opportunity  
9     to make your opinions heard. Certainly not the end. We  
10    would be happy to hear your additional comments as this  
11    process moves forward.

12            Certainly you can send a letter or make an  
13    electronic filing to the Commission. There is more  
14    information on our website. Or please contact any of our  
15    staff members, and they can let you know how you can get  
16    more involved from a legal perspective or more involved  
17    from a making-your-voice-heard perspective.

18            Other comments? Other questions?

19            Yes. We've got a couple right down here.

20            MR. LINIBERY: I'm Leo Linibery over by Mission.  
21    My wife owns land in Tripp County.

22            I just want to ask everybody if they've stopped  
23    and thought about this tax deal. We all hear everybody's  
24    pushing this you're going to get so much from taxes.  
25    Well, I don't know about your county but our county over

1     there our tax Commissioners it don't matter how much  
2     money you give them, your taxes ain't going to go down.  
3     They just find something else to spend it on. So if you  
4     think you're going to get a reduction in taxes because  
5     you got this pipeline, think again.

6             CHAIRMAN JOHNSON: Thank you, sir.

7             Ms. Hoffman.

8             MS. HOFFMAN: Constance Hoffman. Shoot. I  
9     think I forgot what I was going to say.

10            Oh, you're involved in other -- other energies.  
11     I thought I heard that you were involved in other  
12     energies. How are they doing?

13            MR. JONES: I'll try not to make this a  
14     political pay announcement. TransCanada is a diverse  
15     company. We are in the business of transferring energy  
16     and making -- and developing energy. One of the biggest  
17     growing businesses we have is our power business. We are  
18     involved in wind, hydro, natural gas, and nuclear energy.  
19     So we -- we have the ability to provide energy --  
20     electricity to millions of North Americans every day so  
21     it's doing very well. It's one of our largest growing  
22     sectors.

23            MR. FORGEY: Dan Forgey from Dallas. We've got  
24     some people wanting to build in this area. Are you  
25     against buying the power from them to run these pump



1 stations?

2 MR. JONES: Again, my understanding of how the  
3 wind electricity would go into the grid -- and we would  
4 buy directly from a co-op and we would get a rate. So if  
5 they generate wind here and it goes into the grid, yes,  
6 in theory the electrons may end up in these pump  
7 stations. Will we deal directly with the wind generator?  
8 No. We won't be doing that.

9 CHAIRMAN JOHNSON: Other comments? Questions?

10 MR. FINNEY: Brian Finney, Winner again.

11 Do you have a relationship with the Hyperion  
12 refinery that's being built or proposed to be built?

13 MR. JONES: The answer is absolutely not. We  
14 don't have any relationship with them. That refinery --  
15 again, my understanding is is just like you folks. I  
16 read the newspaper or see articles in the news so I don't  
17 know anything more than you do about the status of where  
18 that project is.

19 CHAIRMAN JOHNSON: Other comments? Other  
20 questions? Other comments? Other comments?

21 Seeing none, we want to thank everybody for your  
22 patience today and thank our court reporter and the  
23 Applicant. And, again, if you have any other questions  
24 about this process, let's have the Commission staff  
25 members raise their hand one more time. Mr. Knadle,

1 Mr. Solemn, Ms. Splittstoesser, Ms. Semmler, and then  
2 Mr. Binder.

3 And with that, we'll stand adjourned. Thank you  
4 very much.

5 (The hearing is concluded at 2:50 p.m.)

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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 took in shorthand the proceedings  
10 had in the above-entitled matter on the 27th day of  
11 April, 2009, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 5th day of  
14 June, 2009.

15

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

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