

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

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

**JOINDER OF YANKTON SIOUX
TRIBE'S, ROSEBUD SIOUX TRIBE'S,
INDIGENOUS ENVIRONMENTAL
NETWORK'S, AND DAKOTA RURAL
ACTION'S JOINT MOTION TO
AMEND PROCEDURAL SCHEDULE**

HP14-002

To: All Persons/Entities Listed On PUC Service List:

COMES NOW, Peggy Hoogestraat, Matthew Anderson, Kristi Anderson, Nancy Stofferahn, Tom Stofferahn, Ron Stofferahn, Kevin Schoffelman, Mavis Parry, Shirley Oltmanns, Janice Petterson, Corlis Wiebers, Linda Goulet, Marily Murray, Lori Kunzelman, Joy Hohn, Rodney Hohn, Orrin Geide, Doug Bacon, Margaret Hilt, Devona Smith, Al Arends, Sherrie Fines-Tracy, Delores Assid, and Ruth E. Arends, (collectively "Objectors") by and through their attorney Glenn J. Boomsma, and hereby join in and adopt in its entirety the legal argument, objections, and position advanced by the Yankton Sioux Tribe's, Rosebud Sioux Tribe's, Indigenous Environmental Network's, and Dakota Rural Actions' Joint Motion To Amend Procedural Schedule. As additional support, Objectors state that:

(a) On April 1, 2015 Objectors served discovery on Dakota Access, LLC;

(b) On May 2, 2015 incomplete and unsigned discovery responses were received

from Dakota Access, LLC. The responses are collectively attached as Exhibit

A;

(c) On May 2, 2015 attorney Koenecke state that "we plan to send complete responses early next week";

- (d) On May 7, 2015 an email was sent to attorney Koenecke due to the fact that no further responses had been received. Attorney Koenecke on May 7, 2015 state that “we’ll get final answers out tomorrow afternoon.” No responses were received on May 8, 2015;
- (e) Attached collectively hereto as Exhibit B are emails dated May 2 – May 8, 2015.

The current Procedural Schedule simply is no longer workable due to Dakota Access, LLC’s discovery delays.

Dated this 11th day of May, 2015.

BREIT LAW OFFICE, PC

By /s/ Glenn J. Boomsma _____
Attorney for Peggy Hoogestraat,
Matthew Anderson, Kristi Anderson,
Nancy Stofferahn, Tom Stofferahn,
Ron Stofferahn, Kevin Schoffelman,
Mavis Parry, Shirley Oltmanns,
Janice Petterson, Corlis Wiebers,
Linda Goulet, Marily Murray, Lori
Kunzelman, Joy Hohn, Rodney
Hohn, Orrin Geide, Doug Bacon,
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Arends, Sherrie Fines-Tracy, Delores
Assid, and Ruth E. Arends
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Sioux Falls, SD 57108
(605) 336-8234

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

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

**DAKOTA ACCESS, LLC'S ANSWERS TO
PEGGY HOOGESTRAAT'S
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO DAKOTA ACCESS, LLC (FIRST SET)**

HP14-002

Answering Peggy Hoogestraat's First Set of Interrogatories and Requests for Production of Documents to Dakota Access, LLC, Dakota Access, LCC states and alleges as follows:

INTERROGATORIES

1. Identify the name, address, telephone number, and position of all persons who answered these interrogatories.

ANSWER: See below.

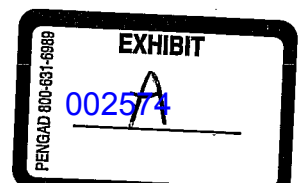
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1300 Main Street
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2. Identify each document which it is contemplated will be offered in evidence in support of your Application for Facility Permit filed December 15, 2014 for the Dakota Access Pipeline Project (the “Application”).

ANSWER: The application itself, all route changes and all accompanying documents will be offered as evidence. All pre-filed testimony and accompanying documents filed with the PUC pursuant to the Scheduling Order will be offered as evidence. All other documents are unknown at this time and will be determined based on issues presented by Interveners or Commission Staff in pre-filed testimony.

3. Identify each person you expect to call as an expert witness in Docket HP 14-002 (this “Matter”), and for each expert describe in detail:

- a. Each such expert’s profession or occupation, title, address, area of specialization, if any, and professional relationship to you;

- b. The subject matter on which each such expert is expected to testify and the facts supporting each opinion;
- c. A complete bibliography of the textbooks, treatises, articles and other works which each such expert regards as authoritative on the subject matter on which each such expert will be testifying;
- d. All charts, documents, models, videos, and papers generated by or with each expert; and
- e. all cases or administrative proceedings in which the witness has testified as an expert.

ANSWER: Experts have not yet been selected. Experts will all pre-file testimony pursuant to the PUC scheduling order. The Expert pre-filed testimony will address the requests listed above.

4. Identify all persons who you intend to call as witnesses in the hearing of this Matter, and for each such person, state their expected testimony.

ANSWER: Fact witnesses have not yet been selected. Fact witnesses will all pre-file testimony pursuant to the PUC scheduling order. The fact witness pre-filed testimony will address the requests listed above.

5. Describe the relationships between Dakota Access and its parents, affiliates and subsidiaries that have or are expected to have a financial interest in the Dakota Access Pipeline.

ANSWER: Dakota Access, LLC is a Delaware limited liability company with its principal offices at 3738 Oak Lawn Avenue, Dallas, Texas 75219. The membership interest of Dakota Access, LLC is owned 75 percent by Dakota Access Holdings, LLC and 25 percent by Phillips 66 DAPL Holdings LLC.

(a) Dakota Access Holdings, LLC is owned 100 percent by Energy Transfer Partners, L.P. ("ETP"), a master limited partnership publicly traded on the New York Stock Exchange ("NYSE"). Energy Transfer Equity, L.P. ("ETE"), also a master limited partnership publicly traded on the NYSE, indirectly owns the general partner of ETP and certain of that partnership's limited partner units, and also owns the general partner of Regency Energy Partners, L.P. ("Regency") and certain of its limited partner units. (ETE and ETP are together referred to herein as "Energy Transfer"). Energy Transfer maintains its corporate headquarters at 3738 Oak Lawn Avenue, Dallas, Texas 75219.

(b) Phillips 66 DAPL Holdings LLC is owned 20 percent each by Phillips 66 DE Holdings 20A LLC, Phillips 66 DE Holdings 20B LLC, Phillips 66 DE Holdings 20C LLC, Phillips 66 DE Holdings 20D LLC, and Phillips 66 DE Holdings Primary LLC. The five Phillips 66 entities are owned 100 percent by Phillips 66 Project Development Inc. Phillips 66 Project Development Inc. is 100 percent owned by Phillips 66 Company. Phillips 66 Company is 100 percent owned by

Phillips 66, a Delaware corporation. Phillips 66 maintains its corporate headquarters at 3010 Briarpark Drive, Houston, Texas 77042.

6. With regard to the entities identified in your answer to Interrogatory No. 4 above, identify all shareholders, members, or partners that are citizens of South Dakota or Iowa.

ANSWER: Objection. This question is irrelevant and burdensome, and outside the scope of discovery.

7. Identify the shippers that have committed to long-term binding contracts for capacity on the Dakota Access Pipeline (“Committed Shipper(s)”).

ANSWER: Objection. The information requested is irrelevant to the PUC siting process codified in SDCL 49-41B. The information requested is confidential, proprietary information and not discoverable. Without waiving said objection, See Answer to Staff’s Data Requests 1-3.

8. Provide the total capacity of the Dakota Access Pipeline in barrels per day to which the Committed Shippers have committed for transportation of crude oil from North Dakota to Illinois.

ANSWER: Following the expansion open season, Dakota Access, LLC’s entered into long-term binding contracts with customers that underpin a system capacity of not less than 467,500 bpd, with 90% of the system capacity allocated to committed shippers under the long-term binding contracts and 10% of the system capacity reserved for walk-up shippers. The long-term binding contracts that Dakota Access, LLC has entered with customers do not include any clauses that would allow shippers to break the contract should demand for oil from the Bakken and Three Forks formations decrease.

9. For each Committed Shipper, identify the duration in years of such commitment.

ANSWER: See Answer to #7.

10. Have you already purchased permanent easements from landowners in South Dakota? If so, identify:

- a. the landowner;
- b. the price per acre of the easement area;
- c. the total length in miles of all easements purchased;
- d. whether the easements purchased are in the form of options or otherwise refundable in whole or in part if the pipeline is not constructed.

ANSWER: A, B, and C Objection. The information requested is irrelevant to the PUC siting process codified in SDCL 49-41B. The information requested is confidential, proprietary information which is not discoverable. Not waiving the objection, Dakota Access, LLC states it has entered into easement agreements with 326 landowners as of 4/30/2015.

D. Easement payments are furnished in full and are not in option form. Such payments are not contingent on the pipeline being constructed.

11. With regard to pipe segments to be used in South Dakota:
- a. Described in detail the pipe segment materials and physical properties
 - b. Identify the date of delivery to storage locations in South Dakota or adjacent states –
 - c. Identify each such storage location and the quantity (in linear feet) of the pipe segments stored at each location;
 - d. Identify whether the pipe segments are coated with a fusion bonded epoxy or similar coating (“FBE”);
 - e. Describe in detail the manufacturer’s product warnings regarding deterioration or lifespan of FBE coating;
 - f. Describe in detail the manufacturer’s warranties for FBE coating applied to pipe segments to be used in South Dakota and under what circumstances the warranties may be voided; -
 - g. Describe in detail the deterioration impact that UV radiation has on FBE coating over time;
 - h. Identify the dates on which stored pipe segments were covered to protect it from damage by weather, UV radiation, or other exposure risks;
 - i. What methods of inspecting, testing, and treating pipe segments are performed on site prior to installation?

ANSWER: Pending.

12. Provide a scheduling order relating to your Iowa Utilities Board permit application HLP-2014-0001 and the expected date of the decision of the approval or denial of such matter.

ANSWER: Objection. This question is irrelevant and burdensome, and outside the scope of discovery.

13. Identify the amounts, types, and locations of proposed oil leak/spill/contamination/release (a “release”) response equipment (including fire response/retardant materials) owned by Dakota Access and which would be used to respond to a release from the proposed Dakota Access Pipeline.

ANSWER: The Dakota Access Pipeline team is currently evaluating the locations of oil response equipment. ~~The requested information is not yet determined and will be a part of~~ the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

14. Identify the amounts, types, and locations of proposed oil release response equipment (including fire response/retardant materials) owned by someone other than Dakota Access and which would be used to respond to an oil release from the proposed Dakota Access Pipeline, and who is responsible to purchase such equipment and materials.

ANSWER: See response to #13. Oil spill response equipment may be a combination of Dakota Access Pipeline owned equipment and outside company resources. We are currently evaluating the available resources and have met in person with each county emergency response team along the pipeline corridor. This will be part of the Emergency Response Plan, which is under development. The plan will be filed as required by state and federal law prior to operation.

15. Describe in detail Dakota Access' plans to train local emergency responders about oil release response techniques, including subject matter, number of hours required per year, and initial and yearly cost to local responders and their departments.

ANSWER: Dakota Access has met with representatives of all of the county Emergency Management Agencies and discussed that free training will be offered to local responders prior to the pipeline going into service. After that initial training, we will offer the annual pipeline awareness and response sessions that we participate in with other local operators (such as the state pipeline association). The trainings will be based on the Pipeline Emergencies curriculum developed by the National Association of State Fire Marshals (NASFM) in cooperation with US DOT/PHMSA. We will also promote the online training portal supported by NASFM, the International Association of Fire Chiefs, and API/AOPL, which allows for responders to receive free online courses for responders at the Awareness/Operations/Technician levels (<http://nasfm-training.org/pipeline>).

16. Describe in detail the proposed pipeline depth for each of the following land uses (if pipeline depth varies, describe in detail the factors and conditions considered when adjusting pipeline depth, and the adjustments that will be used to address and gate such factors and conditions, and provide approximate depths as appropriate):

- a. pasture land;
- b. livestock feed lots / grazing areas
- c. row crop agricultural land without drain tile;
- d. row crop agricultural land containing drain tile;
- e. Minnehaha County and Lincoln County land that is suitable for commercial/residential development around the Sioux Falls region within the next 30 years; and
- f. creeks, ditches, and other waterways.

ANSWER: Pipeline depth of cover is a minimum of 3 feet, in agricultural areas 4 feet, in creeks and ditches 5 feet.

17. With regard to encountering concrete pipe, drain tiling, French drains, culverts, or similar systems used in agricultural land, describe in detail the proposed procedure for pipeline crossing.

ANSWER: See the attached Agricultural Impact Mitigation Plan - Section 6.

18. With regard to modern plastic drain tiling systems, describe in detail the proposed procedure for pipeline crossing.

ANSWER: See the attached Agricultural Impact Mitigation Plan - Section 6.

19. What construction techniques will be used to assure that no drain tile disturbed by construction will settle, sink or otherwise fail?

ANSWER: See the attached Agricultural Impact Mitigation Plan - Section 6.

20. In the event that drain tile disturbed by your construction settles, sinks, or otherwise fails after completion of the pipeline, will you pay for subsequent remedial engineering and construction of the drain tile?

ANSWER: See the attached Agricultural Impact Mitigation Plan - Section 6.

21. Identify the drain tile manufacturers, installers, and field drainage consultants or engineers that will be used when the pipeline requires removal and replacement of drain tile and other drainage facilities.

ANSWER: Dakota Access has not hired the drain tile contractors at this time.

22. Will you notify a landowner when underground drainage facilities are disturbed?

ANSWER: See the attached Agricultural Impact Mitigation Plan - Section 6.

23. Will you pay for a landowner to hire an independent drainage consultant in cases where drain tile is disturbed by construction?

ANSWER: Dakota Access has hired independent agricultural experts through two companies called Duraroot and Key Agricultural Services, Inc. to provide these services to the landowners free of charge. In the event a landowner does not want to utilize these experts and depending upon the individual situation, Dakota Access may or may not pay for the independent consultant. In general terms, the landowner can hire any consultant they desire and utilize the funds as provided as part of the easement payment and negotiations to pay for the consultant.

24. Why are you only proposing to pay for crop loss on a 3 year schedule?

ANSWER: Objection. The question misstates the applicant's position. Applicant simply proposes to settle crop losses in the first 3 years, up front, all at once. Remaining crop losses will be handled on a case by case basis.

25. If a landowner agrees to the crop loss compensation schedule as part of the easement purchased by you, will that landowner have waived all rights to demand or renegotiate crop loss compensation in the event of provable and substantial crop loss continuing more than 3 years past construction?

ANSWER: No.

26. If a landowner ruptures the pipeline *without his negligence* which causes an oil release, will you indemnify and hold harmless the landowner and his insurance carrier from all lawsuits and related damages?

ANSWER: Objection. This question requires speculation and calls for a legal conclusion which is impossible to ascertain absent a full factual investigation.

27. If a landowner ruptures the pipeline *due to his ordinary negligence* which causes an oil release, will you indemnify and hold harmless the landowner and his insurance carrier from all lawsuits and related damages?

ANSWER: Objection. This question requires speculation and calls for a legal conclusion which is impossible to ascertain absent a full factual investigation.

28. In the event a landowner's property is substantially damaged and contaminated due to an oil release event caused by no fault of his own, will Dakota Access:

- a. pay for 100% of cleanup and restoration costs?
- b. pay for 100% of all future crop loss?
- c. pay for 100% of all lost profits for development potential?
- d. pay for 100% of the landowner's attorney's fees to defend himself against lawsuits?
- e. pay for 100% of the landowner's attorney's to pursue his claims for cleanup, restoration and economic losses?

ANSWER: Objection This question requires speculation and calls for a legal conclusion which is impossible to ascertain absent a full factual investigation.

29. In the event of a large scale oil release event, describe in detail the top five (5) sources of funds that Dakota Access will use to pay for emergency response, cleanup, restoration, and all economic damages suffered by landowners, and the amounts currently available to Dakota Access from those five (5) sources.

ANSWER: This question is purely speculative and because of the many scenarios and scales of potential spills as could be suggested by the question, it is impossible to answer the question with any validity. However, Dakota Access has access to substantial financial resources to fund any level of clean up, remediation and compensation for any economic damages that could result from a release of crude oil. In the event the release exceeds the financial resources of Dakota Access, the company has multiple layers of insurance policies that could be relied upon to provide the funds and resources to remediate a release and ultimately and if necessary, Dakota Access can reach back to its parents (both Energy Transfer and Phillips 66) to provide supplemental funds and resources to remediate a release. As a last resort and highly unlikely, in the event Dakota Access could not respond in an immediate manner and/or immediately fund a response to a release, the U.S. Government via the Oil Spill Liability Trust Fund and the U.S. Government would respond to remediate the spill where then the U.S. Government would work with Dakota Access to recover any funds or expenses expended as

part of any response.

30. In the event of an oil release event, identify the exact entity with ultimate authority and responsibility for cleanup and remediation.

ANSWER: In general terms Dakota Access, LLC would have the responsibility upon determination and applicability the “responsible party” under the OPA. As far as authority for oversight of the cleanup and remediation, that could be either the Federal Government or state government. If it was the Federal Government, it could be a number of Federal agencies such as the U.S. Coast Guard, the Environmental Protection Agency, the U.S. Army Corps of Engineers or any other Federal Agency as determined by what is called the Unified Command which is part of the Incident Command System. Additionally and depending upon the state’s resources, the state and one of its agencies could become the lead agency with the authority to oversee the cleanup and/or remediation.

31. Describe in detail all insurance policies (including coverage amounts and terms of coverage) owned by Dakota Access that will provide coverage for economic losses suffered by a landowner in the event of an oil release event caused by no fault of his own.

ANSWER: Dakota Access has multiple levels of insurance policies to provide coverage and resources in the event of a release. Because such policies are not in the public domain and are considered sensitive confidential business documents, Dakota Access will not release such documentation. However, Dakota Access has multiple policies that provide coverage for a release. Additionally, Dakota Access’s parent companies, both Fortune 100 domestic companies traded on the US stock exchange, have substantial resources to provide additional economic coverage in the event of a release above and beyond the insurance policies.

32. If insurance policies are owned by Dakota Access (as identified in Interrogatory No. 29 above), will landowners be named loss payees or additional insureds? If not, please explain why not.

ANSWER: Yes

33. Identify each entity which will hold title to pipeline assets located in South Dakota. If more than one (1) owner, describe the ownership holdings of each.

ANSWER: Dakota Access, LLC

34. If the pipeline is completed and subsequently desired to be sold to a third party, identify all governmental approvals necessary for such sale and transfer.

ANSWER: Objection. The question calls for a legal conclusion.

35. Has Dakota Access had discussions with any third party regarding sale of the pipeline once completed? If so, describe in detail such discussions any agreements related thereto.

ANSWER: Objection. This question is irrelevant.

36. Describe in detail whether the proposed pipeline's capacity could be expanded beyond 570,000 barrels per day (bpd).

ANSWER: The proposed pipeline's capacity may be increased beyond 570,000 barrels per day by adding additional pump stations at closer intervals along the pipeline route and by injecting higher levels of drag reducing agent. Any expansion of pipeline capacity would undergo a thorough study and review to ensure that an expanded capacity system may be operated in a safe and well-engineered manner.

37. Describe in detail the circumstances in which the proposed pipeline's physical diameter could be increased after pipeline completion.

ANSWER: None.

38. Describe in detail all additional pipelines or pipeline-related facilities that may be installed or are planned to be installed within the easement area after pipeline completion.

ANSWER: See application.

39. Describe in detail the property valuation methods that Dakota Access will rely upon to provide compensation offers to landowners in exchange for a permanent easement, including methods for crop land and land with development potential.

ANSWER: Objection. This question is irrelevant to this proceeding.

40. The proposed pipeline route filed December 23, 2014, crosses the intersection of 274th Street and 467th Avenue, which is the southwest corner of the 2040+ growth plan area of Tea, South Dakota (as published in the Tea Comprehensive Plan 2030). Describe in detail the proposals and discussions with the City of Tea, and explain why the proposed route is not planned further south of Tea and more equidistant between Tea and Lennox to avoid the growth plan areas of both cities?

ANSWER: See the March 19, 2015 filing made in Docket HP14-002

41. The proposed pipeline route filed December 23, 2014, travels easterly north of 275th Street through the City of Harrisburg's 2025-2035 and 2035+ growth plan areas (as published in the Addendum to the 2005-2035 Harrisburg Comprehensive plan dated April 4, 2011). Describe in detail the proposals and discussions with the City of Harrisburg, and explain why the proposed route is not planned further south of Harrisburg to avoid interference with said growth plans?

ANSWER: See the March 19, 2015 filing made in Docket HP14-002

42. Describe in detail why the February 17, 2015 proposed alternate pipeline route is located

east of the route proposed December 23, 2014, in order to align with western boundary of the Sioux Falls Landfill.

ANSWER: See the March 19, 2015 filing made in Docket HP14-002

43. Describe in detail the special construction procedures and methods used to assure that waterways, streams, ponds, lakes, aquifers, and drainage ways will not be adversely affected or permanently disturbed by the construction and installation of the pipeline.

ANSWER: See Application, Section 17

44. What special measures will be taken by Dakota Access to ensure that landowners are not deprived of their future intended use of their property (such as business/operation expansion, commercial development, or residential development).

ANSWER: Objection. This request is overly broad, unduly burdensome, and vague and is not consistent with the Applicants burden of proof per SDCL 49-41B-22.

45. Describe in detail all direct communications (including letters, telephone calls, e-mails, public meetings, private meetings and social events) that Dakota Access representatives have had with the South Dakota PUC Commissioners (and acting commissioners).

ANSWER: No communication with any PUC Commissioner occurred outside publicly noticed meetings. Transcripts of those meetings are available on the docket.

46. Have all affected landowners been notified in writing by Dakota Access of the proposed pipeline and the PUC proceedings in this Matter? If not, please explain why and identify the landowners who have not been notified.

ANSWER: Yes, all affected landowners were notified per SDCL 49-41B-5.2 and 15.

47. If and when the pipeline is no longer in use (i.e., decommissioned), who will be responsible for inspection, maintenance and removal?

ANSWER: Objection. This question calls for speculation. Without waiving objection, the pipeline if and when it is decommissioned will be decommissioned according to the permit and laws and regulations in place at that time.

48. In case of removal, what sources of funds will be used to compensate landowners for economic losses associated with removal?

ANSWER: In the unlikely event the pipeline is removed, any damages to personal property would be mitigated and the landowners compensated for any such damages. Sources of the funds would come from Dakota Access.

49. When pipeline construction requires removal and replacement of fence:

- a. what factors are considered in deciding where to cut a fence?
- b. what procedures are used in cutting and removing fence?
- c. what procedures are used in storing or disposing of fence?
- d. what procedures are used in re-installing or replacing fence?
- e. will a landowner be allowed final approval of the quality of a re-installed or replaced fence?
- f. will you remedy and/or compensate a landowner for fence failures occurring less than one year after removal and replacement? If so, describe in detail the remedy or compensation that will be provided.
- g. will you remedy and/or compensate a landowner for fence failures occurring more than one year after removal and replacement? If so, describe in detail the remedy or compensation that will be provided.

ANSWER: Most all fences will be cut and temporary gaps (gates) installed. Before cutting fences H-Braces shall be installed on each side of the workspace. Fencing material is then attached to newly installed H-Braces before cutting. Landowner has final approval on re-installed fences. Dakota Access will either repair or compensate landowner for any unforeseen failure of fencing.

50. Have you studied the probability of oil releases from the Dakota Access pipeline, if built?

ANSWER: Yes. Dakota Access is currently studying the probability and consequences of a release.

51. Have you studied the environmental and economic effect of oil release events from the pipeline, if built?

ANSWER: Dakota Access is currently studying the potential consequences of an oil spill along the proposed pipeline, which includes environmental and economic considerations.

52. If your answers to Interrogatories Nos. 50 or 51 are affirmative, and assuming the pipeline is operating at full capacity:

- a. how many release/spill events are expected to occur during the pipeline's first twenty (20) years?
- b. how many release/spill events are expected to occur during the pipeline's first forty (40) years?
- c. how many release/spill events are expected to occur during the pipeline's first sixty (60) years?
- d. what is the average expected shutoff response time for a release event?
- e. what is the average expected quantity of crude oil release for each such event?
- f. what is the average expected crude oil temperature in the pipeline?
- g. what is the average expected land area impacted for each such event?
- h. what is the average expected cost of cleanup/remediation for each such event?

- i. what is the average expected monetary compensation for each impacted landowner, and what are the categories for which compensation will be provided (*i.e.*, crop loss, loss of use, loss of value, etc.) ?
- j. in the absence of any release event, what is the average expected premium increase of property insurance and crop insurance (in percentage) to landowners?
- k. following a release event, what is the average expected premium increase of property insurance and crop insurance (in percentage) to landowners?

ANSWER: Overall, this question requires speculation and calls for a legal conclusion which is impossible to ascertain absent a full factual investigation. However, average oil temperature in the pipeline is ~62degrees.

53. Has any employee, commissioner, or acting commissioner of the South Dakota PUC ever been employed by Dakota Access, LLC, or any of its affiliates? If so, please describe in detail such employment and compensation.

ANSWER: No, not that Dakota Access is aware of.

54. Did you approach the State of Minnesota with a proposal for the pipeline to cross through Minnesota? If so, describe in detail such proposed route, and describe in detail why the route is no longer planned through Minnesota.

ANSWER: During the initial route planning process and in the very early commercial planning phase of the project, Dakota Access did consider a route through southwest Minnesota and contemplated a potential interconnect with an existing pipeline in Minnesota that could have led to deliveries of oil to markets serviced by the existing pipeline that reached existing tank terminals in Minnesota and Missouri, as well as refineries in each state. However, as the project developed, the delivery points and interconnection with the existing pipeline did not materialize and became commercially undesirable and infeasible, therefore the route into and across Minnesota was no longer a feasible alternative. Since there was no commercial viability to reach Minnesota with the pipeline, any detailed route information is irrelevant as the route does not meet the purpose and need of the current and contracted pipeline and route. Any route through Minnesota would add length to the overall pipeline, which would lead to increased impacts to private landowners, environmental and public resources that are currently avoided by the current route.

REQUESTS FOR PRODUCTION

Pursuant to SDCL § 15-6-34, produce the following documents:

1. All documents identified in your answers to the preceding Interrogatories.

RESPONSE:

2. All documents you relied upon in formulating your answers to the preceding Interrogatories.

RESPONSE:

3. Please provide any historical data or summaries in your possession regarding crude oil pipeline spills/releases occurring in the United States since 2005, including pipeline owner, pipeline location, pipeline age, pipeline capacity, cause of release, type(s) of material released, size of land area impacted, cost of cleanup/remediation, and compensation to impacted landowners.

RESPONSE: This request is overly burdensome and since the information requested is public domain data and is available through the Department of Transportation (all data except maybe the compensation paid to impacted landowners which Dakota Access would have no ability to provide such data) the intervener Peggy Hoogestraat can generate and analyze the information on her own and at her expense.

Dated this ____ day of _____, 2015.

BY: _____

State of South Dakota)
)ss
County of _____)

On this the ____ day of _____, 2015, before me the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of Dakota Access, LLC, a corporation, and that he as such _____, being authorized so to do, executed the foregoing name of the corporation by himself as _____.

IN WITNESS WHEREOF I hereunto set my hand and official seal this ____ day of _____, 2015.

(SEAL)

Notary Public
Notary Print Name:
My Commission Expires:

As to the objections, these interrogatory answers are signed by Kara C. Semmler this ____ day of _____, 2015.

MAY, ADAM, GERDES & THOMPSON LLP

BY: _____
KARA C SEMMLER
Attorneys for Dakota Access, LLC
503 South Pierre Street
PO Box 160
Pierre, SD 57501-0160
kcs@mayadam.net

CERTIFICATE OF SERVICE

Kara Semmler of May, Adam, Gerdes & Thompson LLP hereby certifies that on the _____ day of _____, 2015, she mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at his last known addresses, to-wit:

Mr. Glenn J. Boomsma
Breit Law Office, P.C.
606 E. Tan Tara Circle
Sioux Falls, SD 57108

KARA C. SEMMLER

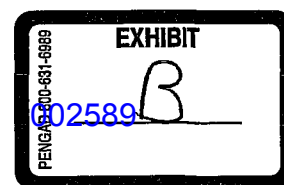
Janice Palmlund

From: Brett Koenecke [Brett@magt.com]
Sent: Saturday, May 02, 2015 10:35 AM
To: glenn@breitlawpc.com
Cc: Kara C. Semmler; Veatch, Stephen
Subject: Dakota Access Preliminary answers
Attachments: Hoogestraat Preliminary Answers.pdf

Glenn

Attached please find preliminary answers to your discovery requests. We plan to send complete responses early next week. Thank you

BK



Glenn Boomsma

From: Brett Koenecke [Brett@magt.com]
Sent: Thursday, May 07, 2015 2:58 PM
To: Glenn Boomsma
Cc: David Edwards
Subject: RE: Dakota Access

Hi Glenn

We'll get final answers out tomorrow afternoon. Thanks for your patience.

BK

From: Glenn Boomsma <gb@breitlawpc.com>
Sent: Thursday, May 7, 2015 1:37 PM
To: Brett Koenecke
Cc: David Edwards
Subject: Re: Dakota Access

Brett,

Late last week you sent me unsigned and incomplete discovery responses. When can I expect the final set? I will need them as soon as possible in order to meet deadlines under the Scheduling Order.

This email shall be deemed my good faith attempt under Rule 37(a)(2) to resolve this discovery issue. I look forward to hearing from you soon.

Thank you.

Glenn J. Boomsma
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002590

5/11/2015

Glenn Boomsma

From: Brett Koenecke [Brett@magt.com]
Sent: Friday, May 08, 2015 4:40 PM
To: Glenn Boomsma
Cc: Kara C. Semmler; Veatch, Stephen; Pieper, Keegan; Edwards, Kristen
Subject: Dakota Access discovery

Glenn

I have some information on pipe segments, pipe yards and coatings which I will distill and get in your hands as soon as i can. I am still awaiting information from FBE coating manufacturers. Thank you for your courtesies extended in this matter. Have a great weekend.

BK

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

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

CERTIFICATE OF SERVICE

HP14-002

The undersigned hereby certifies that a true and correct copy of the foregoing Joinder Of Yankton Sioux Tribe's, Rosebud Sioux Tribe's, Indigenous Environmental Network's, And Dakota Rural Action's Joint Motion To Amend Procedural Schedule, was served upon those listed on the attached PUC Service List via Electronic Filing on May 11, 2015.

BREIT LAW OFFICE, PC

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[Commission Dockets | previous page](#)

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