

BEFORE THE PUBLIC UTILITIES COMMISSION  
 OF THE STATE OF SOUTH DAKOTA

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HP 14-001

IN THE MATTER OF THE PETITION OF :  
 TRANSCANADA KEYSTONE PIPELINE, LP :  
 FOR ORDER ACCEPTING CERTIFICATION :  
 OF PERMIT ISSUED IN DOCKET HP09-001 TO :  
 CONSTRUCT THE KEYSTONE XL PROJECT :

AFFIDAVIT OF  
 WILLIAM TAYLOR

0-0

STATE OF SOUTH DAKOTA            )  
   :SS  
 COUNTY OF MINNEHAHA            )

William Taylor, being first duly sworn, states as follows:

- 1.     After business hours on July 9, I received an email from DRA attorney Robin Martinez providing internet access to files containing the exhibits contained in DRA’s Exhibit List filed with the SD Public Utilities Commission on July 7.
  
- 2.     On Tuesday, July 14, I called DRA attorney Robin Martinez to discuss the contents of and his intentions regarding DRA’s July 7 Exhibit List and July 9 document production. In the course of the conversation Mr. Martinez told me
  - 1.   Files numbered 67-128 in the July 7 Exhibit List were delivered to DRA by its proposed witness Evan Vokes.
  - 2.   Items numbered 397-409 are photographs taken by DRA’s proposed witness Sibson.
  - 3.   Items numbered 1058-1062 are geologic reports he intends to use in support of witness testimony.
  - 4.   Items numbered 1063-1073 are photos taken or acquired by Vokes of pipeline construction in Texas.

None of the items described above have been produced in response to discovery requests, appended to pre-filed testimony, or otherwise identified as potential hearing exhibits in the course of these proceedings.

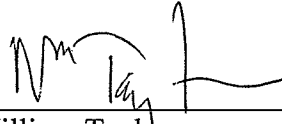
3. Mr. Martinez said items 29-36 are available on the internet, that items 37 and 67 came from a PHMSA Freedom of Information Act request that DRA made, and that 39-65 came from a document request it made to South Dakota DENR. None of the documents have been previously produced or appended to pre-filed testimony. None of the items described above have been produced in response to discovery requests, appended to pre-filed testimony, or otherwise identified as potential hearing exhibits in the course of these proceedings.

4. Mr. Martinez said the remainder of the materials are from Keystone's document production, either formal or posted on Keystone's internet FTP site April 17 in response to the Commission's production order following the April 14 discovery hearing. Because of time constraints and the volume of files involved, I have not had time to confirm the accuracy of Mr. Martinez' assertions as to those materials.


5. Keystone filed and served discovery requests on DRA on December 18, 2014. Discovery request number 1 asked DRA to produce ". . .all documents you intend to offer as exhibits at the evidentiary hearing." On February 6, DRA responded by saying it didn't know what documents it intended to offer, producing no documents. On March 10 DRA supplemented its February 6 response, producing ten documents comprising about 500 pages. Two were witness resumes and a third was a transcript from the 2007 Keystone hearings. The balance were documents were from the public domain and are duplicated in the July 7 exhibit list as items 31-36.

6. DRA hasn't made any further or supplemental production of documents since March 10.

Dated this 16<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
William Taylor

Subscribed and sworn to before me  
this 16<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Notary Public – South Dakota  
My commission expires:

**My Commission Expires  
Sept. 13, 2017**

### CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of July, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of Affidavit of William Taylor, to the following:

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