

ATTACHMENT B

BOLD FINAL DISCOVERY REQUEST TO TRANSCANADA

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

IN THE MATTER OF THE)	
APPLICATION BY TRANSCANADA)	HP 14-001
KEYSTONE PIPELINE, LP FOR A)	
PERMIT UNDER THE SOUTH)	BOLD NEBRASKA'S SECOND
DAKOTA ENERGY CONVERSION)	INTERROGATORIES
AND TRANSMISSION FACILITIES)	AND REQUESTS FOR PRODUCTION
ACT TO CONSTRUCT THE)	OF DOCUMENTS TO TRANSCANADA
KEYSTONE XL PROJECT)	KEYSTONE PIPELINE, LP
)	

TO: TRANSCANADA KEYSTONE PIPELINE, LP, AND ITS ATTORNEYS, WILLIAM TAYLOR AND JAMES E. MOORE, WOODS, FULLER, SHULTZ & SMITH P.C., PO BOX 5027, 300 SOUTH PHILLIPS AVENUE, SUITE 300, SIOUX FALLS, SD 57117-5027

Please take notice that the above named Intervenor requests that TransCanada Keystone Pipeline, LP, provide answers and produce documents specified below by February 6, 2015, as required by SDCL §§ 15-6-33 and 15-6-34, and the Order Setting Procedural Schedule dated December 17, 2014, of the South Dakota Public Utilities Commission (“Commission”) to Paul Blackburn, P.O. Box 17234, Minneapolis, MN 55417. If objection is made, please state the reason for it. Bold reserves the right to submit additional interrogatories or requests for production of documents to the extent allowed by the Commission.

INSTRUCTIONS

1. These interrogatories and requests for production of documents are deemed to be continuing in nature and should you, your counsel, or anyone representing your interest become aware of or acquire any additional knowledge which affects the accuracy or completeness of any answers herein, or which relates to the matters into which these interrogatories inquire, it is hereby demanded that such knowledge be immediately

transferred to the undersigned attorney by way of supplemental answers to the full extent required by South Dakota Rules of Civil Procedure.

2. In answering these interrogatories and requests for production of documents you are required to furnish all information that is available to you or subject to reasonable inquiry by you, including information in the possession of you, your attorney, accountants, advisors, corporate affiliates, or other persons directly or indirectly employed by, or connected with you or your attorney, and anyone else otherwise subject to your control.
3. In answering the interrogatories, you are required to answer each interrogatory and subpart separately, stating the facts, documents, witnesses, communications, and other information applicable to each such Interrogatory or subpart.
4. In answering these requests for production you are required to furnish all responsive documents in the possession of you, your attorney, accountants, advisors, or other persons directly or indirectly employed by, or connected with you or your attorney, and anyone else otherwise subject to your control.
5. All documentary materials produced and made available for inspection and copying shall be grouped or designated according to the individual paragraph or paragraphs of this demand to which it is responsive.
6. If the requested information is stored only on software or otherwise is “computer based information,” you are directed either to produce the raw data along with codes and programs necessary for translating it into usable form by Defendants, or to produce the information in a finished, usable form. In either case, you must include all necessary glossaries, keys, indices, and software necessary for interpretation of the material.
7. If you object to any interrogatory or request for production of documents on grounds of

privilege, provide for each answer withheld on such grounds: a general description and summary of the information sufficient to sustain your claim of privilege, and the nature and basis for the privilege claimed to be applicable.

8. Each interrogatory and request for production of documents (as well as these Instructions) may contain one or more terms that are defined below. You should construe each defined term according to the meaning of that word as set forth below. All other words should be construed consistent with customary usage given the context in which the words appear such that in each instance you should construe any word to bring that word within the scope and embed of the discovery request in which it appears. Consistent with the above, the singular usage of a word shall be considered to include within its meaning the plural, and vice versa; the conjunctive shall be considered to include within its meaning the disjunctive, and vice versa; and the feminine shall be considered to include within its meaning the masculine, and vice versa.

DEFINITIONS

When used herein, the following terms and phrases shall be understood to have the following meanings:

1. “Agent” means any person that could possibly be construed by a third party as acting on behalf of TransCanada, even if TransCanada would dispute an agency relationship.
2. “Base Keystone Pipeline” means the TransCanada pipeline approved by order of the South Dakota Public Utilities Commission in Docket HO07-001.
3. “Communication” or “Communications” means any verbal, written and/or electronic means of conversation or other statement from one person to another, including, but not limited to, any interview, conference, meeting or telephone conversation.

6. “Condition Paragraph” means a numbered condition paragraph contained in Exhibit A to the Amended Final Decision and Order dated June 29, 2010, in docket HP09-001 of the South Dakota Public Utilities Commission.
4. “Describe” or “state” means to provide a comprehensive, complete, accurate, and detailed description, enumeration, explanation, or listing of the matter inquired about.
5. “Document” and “documentation” means any printed, typewritten, handwritten, graphic, electronic, magnetic, mechanical or otherwise recorded matter, information or data compilation, whether produced, recorded, reproduced, contained, or stored on paper, computer, magnetic media, tape, cassette, disc, belt, card, film, fiche or any other thing, device or medium. “Document” includes originals, non-identical copies of originals, and drafts, whether sent, received, or neither.
6. “Fact Paragraph” means a numbered fact paragraph contained in the Amended Final Decision and Order dated June 29, 2010, in docket HP09-001 of the South Dakota Public Utilities Commission (“2010 Final Order”).
7. “Identify” means:
 - (a) When used in reference to a natural person, to state:
 - (1) that person’s full name and present or last known address; and
 - (2) that person’s present or last known position, title and employer or business affiliation.
 - (b) When used in reference to a business entity, to state:
 - (1) the entity’s name and address;
 - (2) its principal place of business; and
 - (3) the legal nature of the entity (*e.g.*, corporation).

- (c) When used in reference to a document, to state:
- (1) the document's date;
 - (2) its author;
 - (3) its addressee;
 - (4) its type; and
 - (5) its present custodian.
8. "Information" or "evidence" means any facts, knowledge, data, beliefs, or opinions, however obtained.
9. "Keystone XL Pipeline" means the pipeline that is the subject of the Petition for Order Accepting Certification Under SDCL § 49-41B-27, filed by TransCanada on September 15, 2014, in Docket HP14-001.
10. "Keystone Pipeline System" means the existing and proposed crude oil pipelines owned or controlled by TransCanada that transport crude oil from the WCSB or the Williston Basin to Wood River, Illinois, Cushing, Oklahoma, or locations in the State of Texas.
11. "Person" means any natural person, corporation, partnership, company, sole proprietorship, association, institute, joint venture, trust, firm, business, or other entity, irrespective of whether privately or publicly owned or controlled, for profit or not for profit, or partially or fully government-controlled.
12. "TransCanada" means TransCanada Keystone Pipeline, LP, as well as its corporate parents, affiliates, and subsidiaries and each of their present or former employees, agents, attorneys, and all other persons acting or purporting to act for or on their behalf.
13. "Record" or "recording" means all recorded information, regardless of physical form (including but not limited to paper, e-mail, computer file, photographs, audiotape, or

videotape).

14. “Relating to” or “relate to” means regarding, concerning, discussing, reflecting, referring to, alluding to, explaining, showing, describing, studying, embodying, pertaining to, constituting, comprising, responding to, connected with, commenting on, or having any logical or factual connection whatsoever with the subject matter in question.
15. “Representative” means any person that could possibly be construed by a third party as acting on behalf of or speaking or acting for Plaintiff, or relaying information on behalf of Plaintiff, even if Plaintiff would dispute an agency relationship.
16. “Support” and “supporting” mean tending to prove, to substantiate, or to document.
17. “WCSB” means the Western Canadian Sedimentary Basin.
18. “You” and “your” mean TransCanada Keystone Pipeline, LP, as well as its corporate parents, affiliates, and subsidiaries, and each of their present or former employees, agents, attorneys, representatives, and all other persons acting or purporting to act for or on their behalf.

INTERROGATORIES

INTERROGATORY NO. 67: For each person who you expect to call as a fact witness in Docket HP14-001, provide a description of the witness’s educational background, specialized training, and employment history relevant to the witness’s expected testimony and a description of all exhibits that the witness will attach to his or her testimony.

INTERROGATORY NO. 68: Describe the information furnished by TransCanada to each fact witness for the purposes of his or her testimony.

INTERROGATORY NO. 69: With regard to Fact Paragraphs 14, 24, and 27, identify each person that has communicated an intention to TransCanada to construct

infrastructure that would physically connect to and deliver crude oil into the Keystone XL Pipeline in Montana, and provide a description of all communications and documents exchanged between TransCanada and such person or persons.

INTERROGATORY NO. 70: With regard to Fact Paragraphs 24, 26, and 27, identify the persons that own or control infrastructure that is physically attached to the Keystone XL Pipeline and capable of receiving crude oil delivered by the Keystone XL Pipeline, and the capacity of such attached infrastructure to accept delivery of crude oil from the Keystone XL Pipeline.

INTERROGATORY NO. 71: With regard to Condition Paragraphs 8, 34, 35, and 39, for the Keystone XL Pipeline provide an approximate elevation profile (elevation versus pipeline milepost) of the proposed pipeline capturing the segments from the nearest upstream pump station west of the South Dakota state border to the nearest pump station south of the South Dakota state border.

INTERROGATORY NO. 72: With regard to Condition Paragraphs 8, 34, 35, and 39, on the elevation profile provided in response to Interrogatory No. 71, indicate the milepost locations for each pump station and each mainline valve that TransCanada proposes to include in the Keystone XL Pipeline, and for each mainline valve location state the type of mainline valve actuation (*i.e.* manual, automatic, or remotely operated).

INTERROGATORY NO. 73: With regard to Condition Paragraphs 8, 34, 35, and 39, for the Keystone XL Pipeline provide the maximum design flow rate and indicate the suction and discharge pressures at each pump station indicated on the elevation profile provided in response to Interrogatory No. 71.

INTERROGATORY NO. 74: With regard to Condition Paragraphs 8, 34, 35, and 39, on

the elevation profile provided in response to Interrogatory No. 71 indicate the maximum operating pressure (“MOP”) for the pipeline segments.

INTERROGATORY NO. 75: With regard to Condition Paragraphs 8, 34, 35, and 39, for the pipeline segments shown on the elevation profile provided in response to Interrogatory No. 71, describe the main equipment that comprises the Keystone XL Pipeline in these segments and the location of such equipment.

INTERROGATORY NO. 76: With regard to Condition Paragraphs 8, 34, 35, and 39, for the pipeline segments shown on the elevation profile provided in response to Interrogatory No. 71, describe TransCanada’s approach to remote determination of possible pipeline releases.

INTERROGATORY NO. 77: With regard to Fact Paragraph 50 and Condition Paragraphs 8, 34, 35, and 39, on the pipeline elevation profile provided in response to Interrogatory No. 71, indicate the approximate location of high consequence areas.

INTERROGATORY NO. 78: With regard to Condition Paragraphs 8, 34, 35, and 39, state whether or not TransCanada intends to operate the Keystone XL Pipeline in slack line (not liquid full) condition. If TransCanada does not intend to operate the Keystone XL Pipeline in slack line condition, provide a description of how TransCanada will design and control the pipeline to maintain non slack line condition.

INTERROGATORY NO. 79: With regard to Condition Paragraphs 8, 34, 35, and 39, provide an estimated range of the peak number of spill response workers that would be required to respond to a worst case discharge in South Dakota.

INTERROGATORY NO. 80: With regard to Fact Paragraph 18, describe the chemical composition and specifications for the fusion bonded epoxy (“FBE”) coating applied to

pipe segments to be used to construct the Keystone XL Pipeline in South Dakota.

INTERROGATORY NO. 81: With regard to Condition Paragraph 10, identify all persons, other than TransCanada or its employees or contractors, who provided notice to TransCanada of a spill from Base Keystone Pipeline.

INTERROGATORY NO. 82: With regard to Fact Paragraphs 107 and 108, provide the amount of each annual tax payment made by TransCanada from 2009 to 2013 separately for each county crossed by the Base Keystone Pipeline that together total the \$14,122,951 figure provided in response to Bold Nebraska Interrogatory 59.

REQUESTS FOR PRODUCTION OF DOCUMENTS

INTERROGATORY NO. 19: Provide a copy of each document furnished by TransCanada to each fact witness for the purposes of his or her testimony.

INTERROGATORY NO. 20: With regard to Fact Paragraphs 14, 24, and 27, produce all documents exchanged between TransCanada and each person that has communicated an intention to TransCanada to construct infrastructure that would physically connect to and deliver crude oil into the Keystone XL Pipeline in Montana.

INTERROGATORY NO. 21: With regard to Fact Paragraphs 14, 24, 26, and 27, produce the Canadian Association of Petroleum Producers (“CAPP”) 2015 supply forecast update released on or about January 21, 2015, all documents from CAPP describing such update, and all TransCanada documents that discuss such update.

Dated this 20th day of February, 2015. /s/ Paul C. Blackburn

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Attorney for Bold Nebraska

CERTIFICATE OF SERVICE

I hereby certify that on February 20th, 2015, I sent by email a true and correct copy of Bold Nebraska's First Interrogatories and Requests for Production of Documents to TransCanada Keystone Pipeline, LP, to the following:

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/s/ Paul C. Blackburn

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