

ATTACHMENT K

**BOLD SUPPLEMENTAL RESPONSE TO TRANSCANADA'S INITIAL
DISCOVERY REQUESTS**

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

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

Bold Nebraska (“Bold”), by and through its attorney, hereby submits the following supplemental responses to the interrogatories sent to it by TransCanada Keystone Pipeline, LP (“TransCanada”), dated December 18, 2014. Bold’s answers are based on its reasonable inquiries and the information known to it as of the date of these responses. Bold’s responses, therefore, are not intended to be, nor shall be deemed to be, a representation that no other facts or contentions other than those specified in the responses do or do not exist. Discovery and other investigation or research concerning this action is continuing. Bold reserves the right, therefore, to amend or supplement its responses in accordance with the South Dakota Public Utility Commission (“SDPUC”) scheduling order dated December 17, 2014. Bold’s responses and objections are made within the scope of SDCL § 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule.

INTERROGATORIES

INTERROGATORY NO. 3: State the name, current address, and telephone number of each fact witness you intend to call to offer testimony at the evidentiary hearing in this case set for May 2015.

ANSWER: Bold does not intend to present any non-expert fact witnesses.

INTERROGATORY NO. 4: State the name, current address, and telephone number of each witness whom you intend to call at the evidentiary hearing as an expert witness under SDCL Ch. 1915, and for each expert, state:

- a. the subject matter on which the expert is expected to testify;
- b. the substance of each opinion to which the expert is expected to testify;
- c. the facts supporting each opinion to which the expert is expected to testify;
- d. the expert's profession or occupation, educational background, specialized training, and employment history relevant to the expert's proposed testimony;
- e. the expert's previous publications within the preceding 10 years; and
- f. all other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

ANSWER: Without waiving its prior objections to this interrogatory, Bold states that it intends call Richard B. Kuprewicz, President, ACCUFACTS INC., 4643 192nd Drive NE, Redmond, WA, 98074, (425) 836-4041, as a witness in the evidentiary hearing set for this case.

Mr. Kuprewicz is expected to testify on: (1) the potential worst case discharge volumes from the proposed Keystone XL Pipeline in critical areas within the State of South Dakota and in critical areas in other states immediately adjacent to boundary waters shared with the State of South Dakota, a spill from which could threaten South Dakota waters; (2) the placement of valves and control equipment to minimize the potential impacts of such worst case discharges;

(3) the potential impacts of various types of crude oil on the water resources of the State of South Dakota; and (4) the adequacy and effectiveness of TransCanada's planned on-the-ground capacity to respond to such worst case discharges.

Mr. Kuprewicz has not yet developed his opinions or the facts upon which they are based because his analysis requires full responses to the information requested by Bold's interrogatories 71 to 79, which TransCanada has so far refused to provide.

With regard to Mr. Kuprewicz's background, Bold has attached to this response a copy of Mr. Kuprewicz's resume.

INTERROGATORY NO. 5: Identify by number each condition in Exhibit A to the Amended Final Decision and Order dated June 29, 2010, entered in HP09001, that you contend Applicant TransCanada Keystone Pipeline, LP, cannot now or in the future meet, and for each condition that you identify, state:

- a. the facts on which your contention is based; and
- b. the name, current address, and telephone number of each witness who will testify that Applicant is unable to meet the condition.

ANSWER: Without waiving its prior objections to this interrogatory, Bold asserts that TransCanada will not now or in the future comply with conditions 1 and 2 related to TransCanada's duty to comply with the oil spill response requirements of the Oil Pollution Act ("OPA"), 33 U.S.C. § 1321 (2015) and 33 USCS §§ 1251 *et seq.* (2015), and the OPS's implementing regulations at 49 C.F.R. Part 194. The facts on which these contentions will be based require full access to the information requested by Bold's interrogatories 71-79, which

TransCanada has so far refused to provide. The witness that Bold intends to call on these matters is Richard Kuprewicz.

INTERROGATORY NO. 6: Identify by number each finding of fact in the Amended Final Decision and Order dated June 29, 2010, entered in HP09001, that you contend is no longer accurate because of a change in facts or circumstances related to the proposed construction and operation of the Keystone XL Pipeline in South Dakota, and for each finding that you identify, state:

- a. the facts on which your contention is based; and
- b. the name, current address, and telephone number of each witness who will testify that the finding of fact is no longer accurate.

ANSWER: Without waiving its prior objections to this interrogatory, Bold asserts that TransCanada will not now or in the future comply with the oil spill response requirements of the Oil Pollution Act, 33 U.S.C. § 1321 (2015) and 33 USCS §§ 1251 et seq. (2015), and this act's implementing regulations at 49 C.F.R. Part 194, such that fact paragraphs 98, 99, and 100 are no longer accurate. The facts on which this contention will be based require access to the full information requested by Bold's interrogatories 71-79, which TransCanada has so far refused to provide. The witness that Bold intends to call on these matters is Richard Kuprewicz.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents that you intend to offer as exhibits at the evidentiary hearing in this matter.

ANSWER: Without waiving its prior objections to this request for production of documents, Bold has not yet determined which documents it intends to offer as exhibits. Bold intends to offer analysis by Mr. Kuprewicz, but such analysis depends on his access to the full information requested by Bold's interrogatories 71-79. As Mr. Kuprewicz does not yet have access to the information he requires for this analysis, he is not currently able to perform this analysis such that the exhibits that he would present in the evidentiary hearing are unknown.

REQUEST FOR PRODUCTION NO. 2: All documents on which you rely in support of your answer to Interrogatory No. 5.

ANSWER: Without waiving its prior objections to this request for production of documents, Bold has not yet determined which documents Mr. Kuprewicz intends to rely on in the evidentiary hearing. Bold intends to offer analysis by Mr. Kuprewicz, but such analysis depends on his access to the full information requested in Bold's interrogatories 71-79. As Mr. Kuprewicz does not yet have access to the information he requires for this analysis, he is not currently able to perform this analysis such that the documents on which his testimony would rely in the evidentiary hearing are unknown.

REQUEST FOR PRODUCTION NO. 3: All documents on which you rely in support of your answer to Interrogatory No. 6.

ANSWER: See Bold's response to request for production 2.

REQUEST FOR PRODUCTION NO. 6: All documents relied on by any expert whose testimony you intend to offer at the evidentiary hearing in this matter.

ANSWER: See Bold's response to request for production 2.

REQUEST FOR PRODUCTION NO. 7: All documents that you have sent to or received from any expert whose testimony you intend to offer at the evidentiary hearing in this matter.

ANSWER: Information responsive to this interrogatory may include attorney thought processes and trial strategies and other information that is protected by the work product doctrine and/or the attorney-client privilege. Without waiving this objection, Bold has not yet received any non-privileged documents from Mr. Kuprewicz.

REQUEST FOR PRODUCTION NO. 8: A current resume for each expert whose testimony you intend to offer at the evidentiary hearing in this matter.

ANSWER: Without waiving its prior objections to this request for production, Bold has attached a resume for Mr. Kuprewicz to this response.

Dated this 23rd day of March, 2015.

/s/ Paul C. Blackburn
Paul C. Blackburn
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Attorney for Bold Nebraska

CERTIFICATE OF SERVICE

I hereby certify that on March 23rd, 2015, I sent by email a true and correct copy of Bold Nebraska's First Response to the Interrogatories and Requests for Production of Documents of TransCanada Keystone Pipeline, LP, to the following:

Mr. James E. Moore
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/s/ Paul C. Blackburn
Paul C. Blackburn

Curriculum Vitae.

Richard B. Kuprewicz

4643 192nd Dr. NE
Redmond, WA 98074

Tel: 425-836-4041 (Office)

E-mail: kuprewicz@comcast.net

Profile:

As president of Accufacts Inc., I specialize in gas and liquid pipeline investigation, auditing, risk management, siting, construction, design, operation, maintenance, training, SCADA, leak detection, management review, emergency response, and regulatory development and compliance. I have consulted for various local, state and federal agencies, NGOs, the public, and pipeline industry members on pipeline regulation, operation and design, with particular emphasis on operation in unusually sensitive areas of high population density or environmental sensitivity.

Employment:

Accufacts Inc.

1999 – Present

Pipeline regulatory advisor, incident investigator, and expert witness on all matters related to gas and liquid pipeline siting, design, operation, maintenance, risk analysis, and management.

Position: President
Duties: > Full business responsibility
> Technical Expert

Alaska Anvil Inc.

1993 – 1999

Engineering, procurement, and construction (EPC) oversight for various clients on oil production facilities, refining, and transportation pipeline design/operations in Alaska.

Position: Process Team Leader
Duties: > Led process engineers group
> Review process designs
> Perform hazard analysis
> HAZOP Team leader
> Assure regulatory compliance in pipeline and process safety management

ARCO Transportation Alaska, Inc.

1991 - 1993

Oversight of Trans Alaska Pipeline System (TAPS) and other Alaska pipeline assets for Arco, after Exxon Valdez event.

Position: Senior Technical Advisor
Duties: > Access to all Alaska operations with partial Arco ownership
> Review, analysis of major Alaska pipeline projects

ARCO Transportation Co.

1989 – 1991

Responsible for strategic planning, design, government interface, and construction of new gas pipeline projects, as well as gas pipeline acquisition/conversions.

Position: Manager Gas Pipeline Projects
Duties: > Project management
> Oil pipeline conversion to gas transmission
> New distribution pipeline installation
> Full turnkey responsibility for new gas transmission pipeline, including FERC filing

Four Corners Pipeline Co.

1985 – 1989

Managed operations of crude oil and product pipelines/terminals/berths/tank farms operating in western U.S., including regulatory compliance/emergency and spill response, and telecommunications and SCADA organizations supporting operations.

- Position:** Vice President and Manager of Operations
Duties:
- > Full operational responsibility
 - > Major ship berth operations
 - > New acquisitions
 - > Several thousand miles of common carrier and private pipelines

Arco Product CQC Kiln

1985

Operations manager of new plant acquisition, including major cogeneration power generation, with full profit center responsibility.

- Position:** Plant Manager
Duties:
- > Team building of new facility that had been failing
 - > Plant design modifications and troubleshooting
 - > Setting expense and capital budgets, including key gas supply negotiations
 - > Modification of steam plant, power generation, and environmental controls

Arco Products Co.

1981 - 1985

Operated Refined Product Blending, Storage and Handling Tank Farms, as well as Utility and Waste Water Treatment Operations for the third largest refinery on the west coast.

- Position:** Operations Manager of Process Services
Duties:
- > Modernize refinery utilities and storage/blending operations
 - > Develop hydrocarbon product blends, including RFGs
 - > Modification of steam plants, power generation, and environmental controls
 - > Coordinated new major cogeneration installation, 400 MW plus

Arco Products Co.

1977 - 1981

Coordinated short and long-range operational and capital planning, and major expansion for two west coast refineries.

- Position:** Manager of Refinery Planning and Evaluation
Duties:
- > Establish monthly refinery volumetric plans
 - > Develop 5-year refinery long range plans
 - > Perform economic analysis for refinery enhancements
 - > Issue authorization for capital/expense major expenditures

Arco Products Co.

1973 - 1977

Operating Supervisor and Process Engineer for various major refinery complexes.

- Position:** Operations Supervisor/Process Engineer
Duties:
- > FCC Complex Supervisor
 - > Hydrocracker Complex Supervisor
 - > Process engineer throughout major integrated refinery improving process yield and energy efficiency

Qualifications:

Currently serving as a member representing the public on the federal Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC), a technical committee established by Congress to advise PHMSA on pipeline safety regulations.

Committee members are appointed by the Secretary of Transportation.

Served seven years, including position as its chairman, on the Washington State Citizens Committee on Pipeline Safety (CCOPS).

Positions are appointed by the governor of the state to advise federal, state, and local governments on regulatory matters related to pipeline safety, routing, construction, operation and maintenance.

Served on Executive subcommittee advising Congress and PHMSA on a report that culminated in new federal rules concerning Distribution Integrity Management Program (DIMP) gas distribution pipeline safety regulations.

As a representative of the public, advised the Office of Pipeline Safety on proposed new liquid and gas transmission pipeline integrity management rulemaking following the pipeline tragedies in Bellingham, Washington (1999) and Carlsbad, New Mexico (2000).

Member of Control Room Management committee assisting PHMSA on development of pipeline safety Control Room Management (CRM) regulations.

Certified and experienced HAZOP Team Leader associated with process safety management and application.

Education:

MBA (1976)
BS Chemical Engineering (1973)
BS Chemistry (1973)

Pepperdine University, Los Angeles, CA
University of California, Davis, CA
University of California, Davis, CA

Publications in the Public Domain:

1. "An Assessment of First Responder Readiness for Pipeline Emergencies in the State of Washington," prepared for the Office of the State Fire Marshall, by Hanson Engineers Inc., Elway Research Inc., and Accufacts Inc., and dated June 26, 2001.
2. "Preventing Pipeline Failures," prepared for the State of Washington Joint Legislative Audit and Review Committee ("JLARC"), by Richard B. Kuprewicz, President of Accufacts Inc., dated December 30, 2002.
3. "Pipelines - National Security and the Public's Right-to-Know," prepared for the Washington City and County Pipeline Safety Consortium, by Richard B. Kuprewicz, dated May 14, 2003.
4. "Preventing Pipeline Releases," prepared for the Washington City and County Pipeline Safety Consortium, by Richard B. Kuprewicz, dated July 22, 2003.
5. "Pipeline Integrity and Direct Assessment, A Layman's Perspective," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated November 18, 2004.
6. "Public Safety and FERC's LNG Spin, What Citizens Aren't Being Told," jointly authored by Richard B. Kuprewicz, President of Accufacts Inc., Clifford A. Goudey, Outreach Coordinator MIT Sea Grant College Program, and Carl M. Weimer, Executive Director Pipeline Safety Trust, dated May 14, 2005.
7. "A Simple Perspective on Excess Flow Valve Effectiveness in Gas Distribution System Service Lines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated July 18, 2005.
8. "Observations on the Application of Smart Pigging on Transmission Pipelines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated September 5, 2005.
9. "The Proposed Corrib Onshore System - An Independent Analysis," prepared for the Centre for Public Inquiry by Richard B. Kuprewicz, dated October 24, 2005.
10. "Observations on Sakhalin II Transmission Pipelines," prepared for The Wild Salmon Center by Richard B. Kuprewicz, dated February 24, 2006.
11. "Increasing MAOP on U.S. Gas Transmission Pipelines," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated March 31, 2006. This paper was also published in the June 26 and July 1, 2006 issues of the Oil & Gas Journal and in the December 2006 issue of the UK Global Pipeline Monthly magazines.
12. "An Independent Analysis of the Proposed Brunswick Pipeline Routes in Saint John, New Brunswick," prepared for the Friends of Rockwood Park, by Richard B. Kuprewicz, dated September 16, 2006.
13. "Commentary on the Risk Analysis for the Proposed Emera Brunswick Pipeline Through Saint John, NB," by Richard B. Kuprewicz, dated October 18, 2006.
14. "General Observations On the Myth of a Best International Pipeline Standard," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated March 31, 2007.
15. "Observations on Practical Leak Detection for Transmission Pipelines – An Experienced Perspective," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated August 30, 2007.
16. "Recommended Leak Detection Methods for the Keystone Pipeline in the Vicinity of the Fordville Aquifer," prepared for TransCanada Keystone L.P. by Richard B. Kuprewicz, President of Accufacts Inc., dated September 26, 2007.
17. "Increasing MOP on the Proposed Keystone XL 36-Inch Liquid Transmission Pipeline," prepared for the Pipeline Safety Trust by Richard B. Kuprewicz, dated February 6, 2009.
18. "Observations on Unified Command Drift River Fact Sheet No 1: Water Usage Options for the current Mt.

Redoubt Volcano threat to the Drift River Oil Terminal,” prepared for Cook Inletkeeper by Richard B. Kuprewicz, dated April 3, 2009.

19. “Observations on the Keystone XL Oil Pipeline DEIS,” prepared for Plains Justice by Richard B. Kuprewicz, dated April 10, 2010.
20. “PADD III & PADD II Refinery Options for Canadian Bitumen Oil and the Keystone XL Pipeline,” prepared for the Natural Resources Defense Council (NRDC), by Richard B. Kuprewicz, dated June 29, 2010.
21. “The State of Natural Gas Pipelines in Fort Worth,” prepared for the Fort Worth League of Neighborhoods by Richard B. Kuprewicz, President of Accufacts Inc., and Carl M. Weimer, Executive Director Pipeline Safety Trust, dated October, 2010.
22. “Accufacts’ Independent Observations on the Chevron No. 2 Crude Oil Pipeline,” prepared for the City of Salt Lake, Utah, by Richard B. Kuprewicz, dated January 30, 2011.
23. “Accufacts’ Independent Analysis of New Proposed School Sites and Risks Associated with a Nearby HVL Pipeline,” prepared for the Sylvania, Ohio School District, by Richard B. Kuprewicz, dated February 9, 2011.
24. “Accufacts’ Report Concerning Issues Related to the 36---inch Natural Gas Pipeline and the Application of Applevue, LLC Premises: 7009 and 7010 River Road, North Bergen, NJ,” prepared for the Galaxy Towers Condominium Association Inc., by Richard B. Kuprewicz, dated February 28, 2011.
25. “Prepared Testimony of Richard Kuprewicz Evaluating PG&E’s Pipeline Safety Enhancement Plan,” Submitted on behalf of The Utility Reform Network (TURN), by Richard Kuprewicz, Accufacts Inc., dated January 31, 2012.
26. “Evaluation of the Valve Automation Component of PG&E’s Safety Enhancement Plan,” extracted from full testimony submitted on behalf of The Utility Reform Network (TURN), by Richard Kuprewicz, Accufacts Inc., dated January 31, 2012, Extracted Report issued February 20, 2012.
27. “Accufacts’ Perspective on Enbridge Filing to NEB for Modifications on Line 9 Reversal Phase I Project,” prepared for Equiterre Canada, by Richard Kuprewicz, Accufacts Inc., dated April 23, 2012.
28. “Accufacts’ Evaluation of Tennessee Gas Pipeline 300 Line Expansion Projects in PA & NJ,” Prepared for the Delaware RiverKeeper Network, by Richard B. Kuprewicz, Accufacts Inc., dated June 27, 2012.
29. “Impact of an ONEOK NGL Pipeline Release in At---Risk Landslide and/or Sinkhole Karst Areas of Crook County, Wyoming,” prepared for land owners, by Richard B. Kuprewicz, Accufacts Inc., and submitted to Crook County Commissioners, dated July 16, 2012.
30. “Impact of Processing Dilbit on the Proposed NPDES Permit for the BP Cherry Point Washington Refinery,” prepared for the Puget Soundkeeper Alliance, by Richard B. Kuprewicz, Accufacts Inc., dated July 31, 2012.
31. “Analysis of SWG’s Proposed Accelerated EVPP and P70VSP Replacement Plans, Public Utilities Commission of Nevada Docket Nos. 12---02019 and 12---04005,” prepared for the State of Nevada Bureau of Consumer Protection, by Richard B. Kuprewicz, Accufacts Inc., dated August 17, 2012.
32. “Accufacts Inc. Most Probable Cause Findings of Three Oil Spills in Nigeria,” prepared for Bohler Advocaten, by Richard B. Kuprewicz, Accufacts Inc., dated September 3, 2012.
33. “Observations on Proposed 12---inch NGL ONEOK Pipeline Route in Crook County Sensitive or Unstable Land Areas,” prepared by Richard B. Kuprewicz, Accufacts Inc., dated September 13, 2012.

34. "Findings from Analysis of CEII Confidential Data Supplied to Accufacts Concerning the Millennium Pipeline Company L.L.C. Minisink Compressor Project Application to FERC, Docket No. CP11---515---000," prepared by Richard B. Kuprewicz, Accufacts Inc., for Minisink Residents for Environmental Preservation and Safety (MREPS), dated November 25, 2012.
35. "Supplemental Observations from Analysis of CEII Confidential Data Supplied to Accufacts Concerning Tennessee Gas Pipeline's Northeast Upgrade Project," prepared by Richard B. Kuprewicz, Accufacts Inc., for Delaware RiverKeeper Network, dated December 19, 2012.
36. "Report on Pipeline Safety for Enbridge's Line 9B Application to NEB," prepared by Richard B. Kuprewicz, Accufacts Inc., for Equiterre, dated August 5, 2013.
37. "Accufacts' Evaluation of Oil Spill Joint Investigation Visit Field Reporting Process for the Niger Delta Region of Nigeria," prepared for Amnesty International, September 30, 2013.
38. "Accufacts' Expert Report on ExxonMobil Pipeline Company Silvertip Pipeline Rupture of July 1, 2011 into the Yellowstone River at the Laurel Crossing," November 25, 2013.
39. "Accufacts Inc. Evaluation of Transco's 42-inch Skillman Loop submissions to FERC concerning the Princeton Ridge, NJ segment," prepared for the Princeton Ridge Coalition, dated June 26, 2014, and submitted to FERC Docket No. CP13-551.
40. Accufacts report "DTI Myersville Compressor Station and Dominion Cove Point Project Interlinks," prepared for Earthjustice, dated August 13, 2014, and submitted to FERC Docket No. CP13-113-000.
41. "Accufacts Inc. Report on EA Concerning the Princeton Ridge, NJ Segment of Transco's Leidy Southeast Expansion Project," prepared for the Princeton Ridge Coalition, dated September 3, 2014, and submitted to FERC Docket No. CP13-551.
42. Accufacts' "Evaluation of Actual Velocity Critical Issues Related to Transco's Leidy Expansion Project," prepared for Delaware Riverkeeper Network, dated September 8, 2014, and submitted to FERC Docket No. CP13-551.
43. "Accufacts' Report to Portland Water District on the Portland – Montreal Pipeline," with Appendix, prepared for the Portland, ME Water District, dated July 28, 2014.