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South Dakota Public Utilities Commission  
Pierre, South Dakota

Closing Statement  
Regarding: HP 14-001

Good morning everyone—Commissioners, Counselors, Intervenors.

My name is Wrexie Bardaglio. I am a fifth-generation Nebraskan, living in the Finger Lakes of New York. I still have family living in Hastings, and I had ancestors who lived here in South Dakota, although I no longer have blood kin here.

TransCanada doesn't want us to talk about the weather. We aren't supposed to talk about the weather, but in Nebraska and South Dakota this is all we talk about, from the time we first open our mouths.

When we call up our friend, the first thing we ask is "What's the weather like out there?" When we make plans to go out or take a trip, we always ask "What's the weather supposed to be doing up there?"

You don't tell a Nebraskan or a South Dakotan not to talk about the weather. People who live close to the land talk about the weather all the time, but TransCanada says we can't do that. They didn't want the foremost guy in the world who knows about what the weather is doing to our little spinning blue orb to come and talk to us.

Still, we talk about the weather because that's who we are. But the weather doesn't look so good for us, my kids, all our kids, the next seven generations. The weather doesn't look so good for the TransCanada

lawyers here either, for Mr. Girling, all their employees, all their families and their seven generations. It doesn't look so good for any of us. But we are not supposed to talk about the weather because apparently that isn't germane to whether TransCanada can continue to meet the conditions of the 2010 permit.

Well, things aren't the same as they were in 2010. In fact, they're not the same as they were in 2012 or even 2014. But we can't talk about the weather.

We are also not supposed to talk about the fact that the safest pipeline ever built would cross the Treaty Territory of the signatories to the Fort Laramie Treaty of 1868 without their consent. TransCanada seems to think we are not supposed to talk about that either, although that's a legally binding agreement between the United States and the signatories to that Treaty, the nine sovereign nations of the Great Sioux Nation.

It would appear that TransCanada is afraid of sovereign Tribal Nations, and they have a right to be. Sovereign nations are generally difficult to ignore.

The reason these Tribal Nations retained Treaty rights is because they had to have access to those resources they need to sustain themselves. Hunting and fishing and water. Water is life. Everybody knows that. If you contaminate water, you destroy life. This is all about water. This is about the rights to protect water.

TransCanada isn't happy that we want to talk about the fact that a 36 inch pipeline, if TransCanada has its way, is going to bifurcate the United States north to south, right straight down thru the Ogallala Aquifer, all the way to the Gulf, to carry tar sands, bitumen, asphalt, that's what bitumen is—the main ingredient in asphalt—to be further refined and shipped overseas.

Now, what is the benefit of putting a risky unsafe pipeline down thru the United States? It certainly isn't going to materially benefit Nebraska and South Dakota citizens—in fact, the tax benefits to the state of South Dakota have been grossly overstated. It certainly isn't going to benefit

the citizens of all the other states that the waters of the Ogallala nourish. No, it's for the benefit of TransCanada's investors.

I really don't understand how TransCanada can maintain that they have a safe pipeline that won't contaminate and poison our water when there is an accident—not if, but when—when evidence shows us corroded walls in some places thinner than a dime, among other flaws and weaknesses. If the pipeline was so safe, TransCanada wouldn't be so determined to minimize their liability to practically nothing by making sure they are exempt from paying into the Oil Spill Liability Fund, because that dilbit of theirs is not oil. On the other hand TransCanada and other Canadian tar sands corporations are waging a systematic and relentless campaign to have us all think of tar sands as “oil sands.” It's a little more sanitary. They're trying to sanitize that product so we won't think it is so dreadful. They're trying to have it both ways. You can't have it both ways. It's not oil. It's tar sands. We don't need Canadian tar sands for energy independence. What we need is to put our efforts and our resources into alternative technologies, with oil and gas continuing to be part of the tool kit—not the entire tool kit—for a healthier, cleaner future, if we can have one.

TransCanada has worked really hard to make sure the issues where the truth lies aren't allowed. If you're not afraid of the truth, you're not afraid of a frank discussion, but the truth is TransCanada has a lot to be afraid of. They have a safety record that been revealed to be appalling. They have a product that's not going to do anybody any good in South Dakota or anywhere else unless they're investors or unless they're exporting to other nations, which is what they are planning to do. That's a truth that I don't think many South Dakotans really care about. What's in it for them? Nothing.

Our daughter was married last week in Maine, and I've just driven three days to get here. Yes, that's a lot of carbon.

I drove out here to talk about the water, to talk about the retained Treaty Territory rights of sovereign Tribal Nations, to talk about the kinds of people I know who I grew up with who always talk about the weather. I drove out here to talk about our newly married daughter and our children and our grandchildren and what kind of a future they have

on a planet that's drying up, on a planet that's short on water already. I drove out here because I wanted to look you TransCanada lawyers in the eye, and look you Commissioners in the eye, and shake the hands of people who are making a difference, all the intervenors present here who have been fighting for years to keep this Keystone project from happening.

I'm going to close by sharing with you a little exchange I had with my youngest grandchild, Lily, 11 years old. During a particularly terrifyingly bad storm she said to me, "Nana, I'm really afraid of the weather."

And I said to her, "Don't be afraid, Lily. Learn all you can, because the more you know the less afraid you'll be. It might not be easy, and it might not be pretty, but you won't be so afraid."

I pray the Commissioners will search their hearts and ponder the legal arguments made here by the intervenors, legal arguments stemming from a place of passion and truth and in some cases extraordinary generosity, as I learned yesterday. My e-filed opening statement and this closing statement represent the universe of what I felt I had to offer these proceedings, but as with everything else that has been offered by the intervenor group, my remarks are heartfelt and come with my request that you deny TransCanada's application to recertify their 2010 permit to construct the Keystone pipeline.

I thank you for your time.