



**ANSWER:** Gary F. Dorr, 27853 292d St. Winner, SD 57580, (605) 828-8391.

**INTERROGATORY NO. 2:** State the name, current address, and telephone number of any person, other than your legal counsel, who you talked with about answering these interrogatories, who assisted you in answering these interrogatories, or who provided information that you relied on in answering these interrogatories.

**ANSWER:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and burdensome. Specifically, identification of all individuals with whom Gary Dorr may have discussed the interrogatories to any degree, including their mere existence, would not lead to the discovery of admissible evidence.

**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:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this interrogatory.

Without waving this objection, Gary Dorr has not yet determined who he intends to call as a fact witness.

**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. 19-15, 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:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or Finding of Fact addressed," which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and burdensome. Specifically, identification of all individuals and their publications for the last 10

years with whom Gary Dorr may have discussed the interrogatories to any degree, including their mere existence, would not lead to the discovery of admissible evidence.

Without waving this objection, Gary Dorr has not yet determined which individuals, who would qualify as an expert witness under SDCL Ch. 19-15, to call as expert witnesses in the evidentiary hearing.

**INTERROGATORY NO. 5:** Identify by number each condition in Exhibit A to the Amended Final Decision and Order dated June 29, 2010, entered in HP09-001, 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:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and burdensome. Specifically, it ignores deadlines for additional discovery requests, which were set in the Order Granting Motion to Define Issues and Setting Procedural Schedule.

Without waving this objection, Gary Dorr has not yet determined who he intends to call

as a fact witness.

**INTERROGATORY NO. 6:** Identify by number each finding of fact in the Amended Final Decision and Order dated June 29, 2010, entered in HP09-001, 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:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Specifically, it ignores deadlines for additional discovery requests, which were set in the Order Granting Motion to Define Issues and Setting Procedural Schedule. Providing a separate list containing each individual fact that Gary Dorr intends to present would be unduly burdensome.

Without waving this objection, Gary Dorr has not yet determined who he intends to call as a fact witness.

**INTERROGATORY NO. 7:** In addition to the facts identified in your responses to interrogatory numbers 5 and 6, identify any other reasons that you contend Applicant cannot continue to meet the conditions on which the Permit granted, and for each reason that you identify, state:

- a. the condition in the Amended Final Decision and Order dated June 29, 2010 entered in HP09-001, identified by number;
- b. the facts on which your contention is based; and
- c. the name, current address, and telephone number of each witness who will testify in support of your contention.

**ANSWER:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Specifically, it ignores deadlines for additional discovery requests, which were set in the Order Granting Motion to Define Issues and Setting Procedural Schedule.

Without waving this objection, Gary Dorr has not yet determined who he intends to call as a fact witness.

**INTERROGATORY NO. 8:** In addition to the facts identified in your responses to the preceding interrogatories, identify any other reason why the Public Utilities Commission should

not accept Applicant's certification filed September 15, 2014 in HP14-001, and for each reason 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 in support of your contention.

**ANSWER:** Gary Dorr objects to this question because this interrogatory does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or Finding of Fact addressed," which Keystone has not done with respect to this interrogatory.

Gary F. Dorr also objects to this interrogatory because it is overly broad, vague, and unduly burdensome. Specifically, it ignores deadlines for additional discovery requests, which were set in the Order Granting Motion to Define Issues and Setting Procedural Schedule.

Without waving this objection, Gary Dorr has not yet determined who he intends to call as a fact witness.

### **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:** Gary Dorr objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or

Finding of Fact addressed,” which Keystone has not done with respect to this request.

Gary F. Dorr also objects to this request because it is overly broad, vague, and unduly burdensome. Without waving this objection, Gary Dorr has not yet determined which documents he intends to offer as exhibits but will be submitting at a minimum, copies of the 1851 and 1868 Treaties of Fort Laramie as exhibits attached hereto as attachment #1 and attachment #2.

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

**ANSWER:** See Gary Dorr’s response to Interrogatory No. 5, and Gary Dorr also objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this request.

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

**ANSWER:** See Gary Dorr’s response to Interrogatory No. 6, and Gary Dorr also objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this request.

**REQUEST FOR PRODUCTION NO. 4:** All documents on which you rely in support of your

answer to Interrogatory No. 7.

**ANSWER:** See Gary Dorr's response to Interrogatory No. 7, and Gary Dorr also objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or Finding of Fact addressed," which Keystone has not done with respect to this request.

**REQUEST FOR PRODUCTION NO. 5:** All documents on which you rely in support of your answer to Interrogatory No. 8.

**ANSWER:** See Gary Dorr's response to Interrogatory No. 8, and Gary Dorr also objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or Finding of Fact addressed," which Keystone has not done with respect to this request.

**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:** Gary Dorr objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to "identify by number and letter the specific Condition or Finding of Fact addressed," which Keystone has not done with respect to this request. Gary Dorr also objects to this request for production of documents because it: (a) is not limited to a reasonable time period; (b) contains vague, ambiguous, and undefined terms and phrases that are open to a variety of meanings and interpretations; (c) seeks information or material that is a

matter of public record and/or equally available to Keystone; (d) is overly broad, unduly burdensome; and (e) seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. The term “relied on” is undefined and unrestricted to any type of information relied on by an expert to any degree at any time in any matter and as such seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Information responsive to this interrogatory may include thought processes and trial strategies and other information that is protected by the work product doctrine. Without waiving these objections, Gary Dorr has not yet determined which expert witnesses to call in this proceeding.

**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:** Gary Dorr objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this request. Gary Dorr also objects to this request for production of documents because it: (a) is not limited to a reasonable time period; (b) contains vague, ambiguous, and undefined terms and phrases that are open to a variety of meanings and interpretations; (c) seeks information or material that is a matter of public record and/or equally available to Keystone; (d) is overly broad; and (e) seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. The phrase “All documents that you have sent to or received from any expert” seeks documents sent at any time on any matter regardless of relevance to this proceeding or availability to Keystone. Information responsive to this interrogatory may include

thought processes and trial strategies and other information that is protected by the work product doctrine. Without waiving these objections, Gary Dorr has not yet determined which expert witnesses to call in this proceeding.

**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:** Gary Dorr objects to this question because this request does not comply with the Order Granting Motion to Define Issues, issued by the Commission on December 17, 2014. That Order requires all parties to “identify by number and letter the specific Condition or Finding of Fact addressed,” which Keystone has not done with respect to this request. Without waiving these objections, Gary Dorr has not yet determined which expert witnesses to call in this proceeding.

Dated this 6th day of February, 2015.

/s/ Gary F. Dorr  
Gary F. Dorr  
27853 29d St  
Winner, SD 57580  
(605) 828-8391  
gfdorr@gmail.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 6<sup>th</sup>, 2015, I sent by email a true and correct copy of Gary Dorr’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/ Gary F. Dorr  
Gary F. Dorr