

Rappold Law Office  
Matthew L. Rappold, Esq.  
816 Sixth Street  
PO Box 873  
Rapid City, SD 57709  
(605) 828-1680  
[Matt.rappold01@gmail.com](mailto:Matt.rappold01@gmail.com)

March 16, 2015

Woods Fuller Shultz and Smith, PC  
300 S. Phillips Avenue, Suite 300  
Sioux Falls, SD 57104

Re: In the Matter of the Application by TransCanada Keystone Pipeline, LP  
HP14-001  
Discovery – Follow up to March 13, 2015 conversation

Dear Mr. Taylor,

I am writing as a follow up to our conversation on March 13, 2015 when we discussed concerns about TransCanada's responses to the Rosebud Sioux Tribe's First Set of Interrogatories and Request for Production of Documents. The following consists of my recollection of the matters we discussed pertaining to this conversation along with proposed options to resolve my disputes and indications where you informed me that you would be maintaining your original objections and positions.

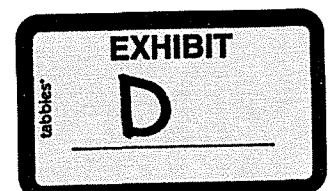
Please advise if you have a differing recollection of our conversation. Thank you and I look forward to hearing from you.

Interrogatory No.: 10 and 11: Based on our conversation you informed me that upon narrowing of the original Interrogatory No's 10 and 11 you would reconsider your original answers. Accordingly the following amended Interrogatory No. 10 and 11 are submitted:

(Amended) Interrogatory No. 10:

From 2005 through the present, has TransCanada received any communications from any regulatory body or agency that may have jurisdiction over the operation of any crude oil pipeline located in the United States alleging that TransCanada has failed to comply with any applicable permits regarding the operation of any crude oil pipeline located in the United States? Amended Permit Conditions 1 and 2.

(Amended) Interrogatory No. 11: Has TransCanada received any communications from any regulatory body or agency that may have jurisdiction over the operation of any crude oil pipeline



located in Canada alleging that TransCanada has failed to comply with any applicable permits regarding the operation of any crude oil pipeline located in Canada? Amended Permit Condition 2.

Interrogatory No. 34: Based on our conversation on March 13, 2015 you will be maintaining your objection, but did give general categories of customers including national and international companies that operate facilities in the tar sands region and informed me that the requested information can be found on the internet.

Interrogatory No. 52: Based on our conversation on March 13, 2015 you will be maintaining your objection to the Interrogatory.

Interrogatory No. 55: I informed you that I would review the documents sent for the inclusion of page numbers identified as “Keystone 0774-0784.” I have reviewed the documents sent that referenced a “spread sheet showing leaks and spills on the Keystone XL pipeline as Keystone 0774-0784” and have not been able to locate the requested page numbers. Please provide the spreadsheets.

Interrogatory No. 65: Based on our discussions we agreed to leave the interrogatory and your response as it is.

Interrogatories No. 70, 71 a and b: Based on our conversation you advised that you were satisfied with your answer provided in your responses.

Interrogatory No. 78: Based on our conversation you advised that you would maintain your position that the requested information is confidential and not subject to disclosure.

RFP's No. 1: You indicated that the requested information could be obtained on the PUC website.

RFP No. 5: You indicated that the Public Liaison reports to the PUC and will stand by your answer.

RFP No.:18: Based on our conversation you advised that upon amendment of the original RFP you would revisit your original answer to RFP No. 18. Accordingly, RFP No. 18 is amended as follows:

Amended RFP No.18: Provide documentation regarding TransCanada's compliance with reclamation and clean up-efforts from all other construction activities related to any other crude oil pipeline that TransCanada operates in the United States and Canada since 2005. Amended Permit Condition 26.

RFP No.:19: Based on our conversation you advised that upon amendment of the original RFP you would revisit your original answer to RFP No. 19. Accordingly, RFP No. 19 is amended as follows:

Amended RFP No.19: Provide documentation regarding TransCanada's compliance with pipeline safety requirements for any other crude oil pipeline that TransCanada has operated in the United States and Canada since 2005. Amended Permit Condition 26.

RFP No. 20: Based on our conversation you advised that you were standing by your objection as previously stated.

RFP No's 24-30: Based on our conversation you advised that I should ask the PUC for a ruling on the confidentiality of the information requested.

RFP No's 45 and 46: Based on our conversation you advised that you were maintaining your position that the requested documents are confidential in nature and protected as such.

Thank you for your attention to this matter and I look forward to hearing from you.

Sincerely,

/s/ Matthew L. Rappold  
Matthew L. Rappold