

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION	:	HP 14-001
BY TRANSCANADA KEYSTONE		
PIPELINE, LP FOR A PERMIT UNDER	:	TRANSCANADA KEYSTONE
THE SOUTH DAKOTA ENERGY		PIPELINE, LP'S OBJECTIONS TO
CONVERSION AND TRANSMISSION	:	CINDY MYERS' FIRST
FACILITIES ACT TO CONSTRUCT THE		INTERROGATORIES AND
KEYSTONE XL PROJECT	:	REQUEST FOR PRODUCTION OF
		DOCUMENTS
	:	

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TransCanada Keystone Pipeline, LP (“Keystone”) makes the following objections to interrogatories pursuant to SDCL § 15-6-33 and objections to request for production of documents pursuant to SDCL § 15-6-34(a). Keystone will further respond, as indicated throughout the objections, on or before February 6, 2015. These 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.

GENERAL OBJECTION

Keystone objects to the instructions and definitions contained in Cindy Myers’ First Set of Interrogatories and Requests for Production of Documents to the extent that they are inconsistent with the provisions of SDCL Ch. 15-6. *See* ARSD 20:10:01:01.02.

Keystone's answers are based on the requirements of SDCL §§ 15-6-26, 15-6-33, 15-6-34, and 15-6-36.

#### INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please identify the person or persons providing each answer to an Interrogatory or portion thereof, giving the full name, address of present residence, date of birth, business address and occupation.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

2. Prior to answering these interrogatories, have you made due and diligent search of all books, records, and papers of the Applicant with the view of eliciting all information available in this action?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

2(a). Describe how TransCanada will comply with these Acts as they apply to the project in relation to rivers, ground water and water system crossings in South Dakota.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

2(b). Provide research entailing migration of benzene in watersheds, rivers and ground water.

ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

8(a). Explain what changes have been made in the Emergency Response Plan and Integrity Management Plan since 2010.

OBJECTION: To the extent that this request seeks production of the Emergency Response Plan, the request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the emergency response plan and the integrity management plan could commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

8(b). Provide the Emergency Response Plan.

OBJECTION: The request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the emergency response plan could commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

8(c). Provide the Integrity Management Plan.

OBJECTION: The request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the integrity management plan could commercially disadvantage Keystone. In addition, Keystone is

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not required to submit its Integrity Management Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation.

18(a). Where will fuel storage facilities be located within 200 feet of private wells and 400 feet of municipal wells?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

18(b). How will minimizing and exercising vigilance be enforced?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

21(a). Define "frac-out."

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

21(b). What are concerns and safety issues related to a "frac-out."

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

21(c). Provide "frac-out plan."

ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

34(a). Describe what progress has been made in the evaluation and performance assessment activities regarding high consequence areas since 2010.

OBJECTION: To the extent that this request seeks a list of High Consequence Areas, the identity and location of High Consequence Areas is confidential by statute and Keystone is required by PHMSA to keep this information confidential. To the extent that this request seeks production of the Emergency Response Plan, the request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the emergency response plan could commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>. Without waiving the objection, Keystone will provide a response to the rest of the request on or before February 6, 2015.

34(b). Define "high consequence area."

OBJECTION: To the extent that this request seeks a list of High Consequence Areas, the identity and location of High Consequence Areas is confidential by statute and Keystone is required by PHMSA to keep this information confidential. Without waiving the objection, Keystone will provide a response to the rest of the request on or before February 6, 2015.

34(c). Provide a completed list of high consequence areas.

OBJECTION: The identity and location of High Consequence Areas is confidential by statute and Keystone is required by PHMSA to keep this information confidential.

34(d). Explain how project inhabitants and local communities will be informed and educated about high consequence areas.

OBJECTION: To the extent that this request seeks a list of High Consequence Areas, the identity and location of High Consequence Areas is confidential by statute and Keystone is required by PHMSA to keep this information confidential. Without waiving the objection, Keystone will provide a response to the rest of the request on or before February 6, 2015.

34(c). Provide a copy of the Emergency Response Plan. (Requested above with #8.)

OBJECTION: The request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the emergency response plan could commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

34(f). Provide Integrity Management Plan. (Requested above with #8.)

OBJECTION: The request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the integrity management plan could commercially disadvantage Keystone. In addition, Keystone is



not required to submit its Integrity Management Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation.

35(a). Provide the Integrity Management and Emergency Response Plans. (Requested above.)

OBJECTION: The request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the province of PHMSA. The PUC's jurisdiction over pipeline safety is preempted by federal law. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. Public disclosure of the emergency response plan and the integrity management plan could commercially disadvantage Keystone. In addition, Keystone is not required to submit these documents to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

35(b). Define "Unusually Sensitive Areas."

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(c). Define "Hydrologically Sensitive Areas."

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(d). Explain how unusually sensitive areas and hydrologically sensitive areas are addressed differently compared to other areas.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(e). Confirm that you are not fully aware of all vulnerable and beneficially useful aquifers and your intent is to only become aware of them during construction and route evaluation not yet completed.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(f). Define "unconfined aquifers."

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(g). List known unconfined aquifers to be crossed by the project.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(h). Explain the concern of routing through unconfined aquifers.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(i). Describe how it could be possible to route through an unknown, unconfined aquifer during construction.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(j). Provide documentation of further route evaluation since 2010, including assessments for aquifers and hydrologically sensitive areas.

OBJECTION AND RESPONSE: This request is vague, overlybroad, and unduly burdensome. Without waiving the objection, any responsive, non-privileged documents showing changes in the route or addressing aquifers and hydrologically sensitive areas will be provided on or before February 6, 2015.

35(k). Explain how you will deem an aquifer vulnerable and beneficially useful?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

35(l). This condition states: "...in some reaches of the Project in southern Tripp County, the High Plains Aquifer is present at or very near ground surface and is overlain by highly permeable sands permitting the uninhibited infiltration of contaminants."

Sandy soil and ground water at or above the surface means a pipe with expected pinhole

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leaks will be immersed in ground water. This is the exact type of situation of soil/ground water which caused the route change in Nebraska. If this was reason to change the route in Nebraska, explain why it is still acceptable in South Dakota.

OBJECTION AND RESPONSE: This request is argumentative and assumes facts not in evidence. Without waiving the objection, Keystone will answer this interrogatory on or before February 6, 2015.

35(m). Explain TransCanada's follow-up with suggestion by DENR staff, given in testimony, to reroute the KXL pipeline around the city of Colome's source water area.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

36(a). Identify all emergency medical response planning contained within the emergency response plan.

OBJECTION: This request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the exclusive province of PHMSA. The PUC's jurisdiction over the emergency response plan is preempted by federal law, which has exclusive jurisdiction over issues of pipeline safety. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. *See* Amended Final Order, HP 09-001,

Condition ¶ 36. Public disclosure of the emergency response plan would commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at <http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>.

36(b). What actions have been taken by TransCanada to ensure the medical communities in South Dakota are prepared and educated to treat people exposed to spills and water contamination from spills?

OBJECTION AND RESPONSE: To the extent that this request seeks production of the Emergency Response Plan, this request seeks information that is beyond the scope of the PUC's jurisdiction and Keystone's burden under SDCL § 49-41B-27. This request also seeks information addressing an issue that is governed by federal law and is within the exclusive province of PHMSA. The PUC's jurisdiction over the emergency response plan is preempted by federal law, which has exclusive jurisdiction over issues of pipeline safety. *See* 49 C.F.R. Part 194; 49 U.S.C. § 60104(c). This request further seeks information that is confidential and proprietary. *See* Amended Final Order, HP 09-001, Condition ¶ 36. Public disclosure of the emergency response plan would commercially disadvantage Keystone. In addition, Keystone is not required to submit its Emergency

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Response Plan to PHMSA until sometime close to when the Keystone Pipeline is placed into operation. Keystone's Emergency Response Plan is addressed in The Final Supplemental Environmental Impact Statement at

<http://keystonepipeline-xl.state.gov/documents/organization/221189.pdf>. Without

waiving the objection, Keystone will provide a response on or before February 6, 2015.

36(c). How will inhabitants and communities near the project area be notified of spills?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

40(a). Provide documentation supporting your assertion that polyethylene water piping is permeable to BTEX.

ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

40(b). Explain health concerns related to BTEX.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

40(c). Provide an MSDS of all products to be transported in KXL, including the diluents.

ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

40(d). Provide list of ground water quality standards, specifically listing chemicals involved in tar sands oil product and diluents.

OBJECTION: Keystone does not determine ground water quality standards. They are established by the South Dakota Department of Environment and Natural Resources.

40(e). Describe how the decision was made to designate concern of BTEX only within 500 feet of the Project.

OBJECTION: This request seeks information that is not within Keystone's custody or control. This decision was made by the PUC as part of Amended Permit Condition 40.

40(f). Confirm this safety measure will only be implemented at the request of a landowner or public water supply system.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

40(g). Explain why this measure is optional instead of mandatory.

OBJECTION: This request seeks information that is not within Keystone's custody or control. This decision was made by the PUC as part of Amended Permit Condition 40.

40(h). TransCanada has agreed to do this: "At least forty-five days prior to commencing construction, Keystone shall publish a notice in each newspaper of general circulation in each county through which the Project will be constructed advising landowners and public water supply systems of this condition." What percent of inhabitants do you expect to reach by issuing a warning in this manner?

OBJECTION AND RESPONSE: This request is speculative and argumentative. A notice is not a "warning." Without waiving the objection, Keystone expects that notice in newspapers of general circulation would reach a substantial portion of the inhabitants.

46(a). Provide written plan as to how you will find and provide a permanent water supply for various locations along route if a well should become contaminated, including specific alternate sources.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(b). Define "quantity" as it is used in this condition.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(c). Provide cost estimates for providing water to the city of Colome, domestic wells or an entire ranching operation should water supplies become contaminated.



ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

46(d). Explain how providing a permanent water supply will be ensured into perpetuity.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(e). Explain how people and cattle using private wells and public wells can be assured their water is free of contamination from undetected leakage, particularly in Tripp County.

OBJECTION: This request seeks information that is not within Keystone's custody or control.

46(f). Describe what experience South Dakota has had cleaning up tar sands oil product spills into rivers and ground water.

OBJECTION: This request seeks information that is not within Keystone's custody or control.

46(g). Describe any experience the State of South Dakota or any other state has had in "sparging" ground water in order to cleanse tar sands oil product from aquifers.

OBJECTION: This request seeks information that is not within Keystone's custody or control.

46(h). Describe types of spills which may be difficult or impossible to remediate.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(i). Identify responsible parties who will conduct water analysis to assure toxins from undetected leaks have not migrated into water resources, including frequency of testing and who will assume cost of testing.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(j). Describe potential scenarios in which medical costs related to contamination will be reimbursed.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(k). Provide a detailed listing of potential toxins which could contaminate wells.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

46(l). Provide documentation detailing adverse health effects caused from exposure to these toxins, including the various routes of entry into the human body.

ANSWER: Any responsive, non-privileged documents will be provided on or before February 6, 2015.

18(a). Regarding an advisory warning issued in September, 2014 by the federal Pipeline

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and Hazardous Materials Safety Administration, what are TransCanada's plans to ensure pipeline safety due to the fact different types of product will be transported in KXL?

OBJECTION AND RESPONSE: This request seeks information related to pipeline safety, which is within the exclusive jurisdiction of PHMSA. Without waiving the objection, Keystone will answer this interrogatory on or before February 6, 2015.

18(b). PHMSA cautioned pipeline operators across the country about "the potential significant impact flow reversals, product changes and conversion to service may have on the integrity (safety) of a pipeline." The advisory adds: "Flow reversals, product changes, and conversions to service may impact various aspects of a pipeline's operation, maintenance, monitoring, integrity management, and emergency response. Pressure gradients, velocity, and the location, magnitude, and frequency of pressure surges and cycles may change. Operators may also consider increasing the throughput capacity of the pipeline. Increasing throughput may also impact the pressure profile and pressure transients. ... Leak detection and monitoring systems may be affected."

OBJECTION: This request is not a question and cannot be answered. It also relates to an issue that is within the exclusive jurisdiction of PHMSA and is therefore not relevant or likely to lead to the discovery of admissible evidence.

18(c). Current regulations state: "Operators must review their integrity (safety) management program. ... Operators must notify PHMSA if these changes will

substantially affect their integrity management program, its implementation, or modifies the schedule for carrying out the program elements.”

OBJECTION: This request is not a question and cannot be answered. It also relates to an issue that is within the exclusive jurisdiction of PHMSA and is therefore not relevant or likely to lead to the discovery of admissible evidence.

18(d). KXL is intended to transport two very different products, the much less dense and highly volatile Bakken oil product and the heavy diluted bitumen from Alberta. How will the two very different products affect KXL's operation, maintenance, monitoring, integrity management, and emergency response? How will the two very different products affect pressure gradients, velocity, and the location, magnitude, and frequency of pressure surges and cycles?

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

33(a). Provide updated maps.

OBJECTION: This request is vague, overlybroad, unduly burdensome, and seeks information that is not relevant or likely to lead to the discovery of admissible evidence. Without waiving the objection, Keystone will provide maps showing changes to the route on or before February 6, 2015.

41(a). Provide map detailing all water bodies to be crossed in S.D., to include locations KXL would cross the Missouri and Yellowstone Rivers upstream from S.D.

OBJECTION: Keystone has previously filed with the PUC maps showing the route through South Dakota, which also show where the pipeline crosses rivers and other water bodies. Waterbody crossing permitting is within the control of the United States Army Corps of Engineers, and is beyond Keystone's control.

41(b). Provide map clearly depicting all waterways crossed by route which are tributaries into the Missouri River.

OBJECTION: Keystone has previously filed with the PUC maps showing the route through South Dakota, which also show where the pipeline crosses rivers and other water bodies.

41(c). Identify distances from KXL waterway crossings to point of confluence with the Missouri River.

OBJECTION: This request seeks information that is beyond Keystone's custody and control and not maintained within the ordinary course of business.

41(d). Provide map(s) demonstrating all public water utility intakes on the Missouri River system.

OBJECTION AND RESPONSE: This request is overlybroad, unduly burdensome, and seeks information that is not within Keystone's custody or control.

Without waiving the objection, Keystone will provide information related to defined well head protection areas and source water intakes within the area of its risk assessment to the extent that they are not confidential.

41(e). By what date will permitting of water body crossings be completed?

OBJECTION: Permitting of water body crossings is within the control of the United States Army Corps of Engineers, and is beyond Keystone's control.

41(f). Provide a copy of the CMR Plan. Ex TC-1, 5.4.1, pp. 45-46.

OBJECTION: A current copy of the CMR Plan is attached to Keystone's certification petition and is on file with the PUC.

41(g). Provide research which describes migration of spillage in these waterways.

OBJECTION: This request is vague, overlybroad, and unduly burdensome.

41(h). Please explain and describe water protection areas located downstream of major river crossings on the proposed route.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

41(i). Explain risks of HDD, including possibility of contaminants being released into waterways during this process.

ANSWER: Keystone will answer this interrogatory on or before February 6, 2015.

50(a). Provide a map depicting the High Consequence Areas.

OBJECTION: This request seeks the identity and location of High Consequence Areas, which is confidential by statute, and Keystone is required by PHMSA to keep this information confidential.

50(b). Explain why the total length of pipe affecting HCA decreased from 34.3 miles to 19.9 miles.

OBJECTION: To the extent that this request seeks the identity and location of High Consequence Areas, that information is confidential by statute and Keystone is required by PHMSA to keep this information confidential. Keystone will provide a response to the rest of the request on or before February 6, 2015.

50(c). Explain how the statistic which states a spill could affect a HCA no more than once in 250 years.

OBJECTION: To the extent that this request seeks the identity and location of High Consequence Areas, that information is confidential by statute and Keystone is required by PHMSA to keep this information confidential. Keystone will provide a response to the rest of the request on or before February 6, 2015.

107(a). Provide the analysis by Dr. Michael Madden which professes the Project would not (ii) substantially impair the health, safety, or welfare of the inhabitants in the project area.

OBJECTION: Dr. Madden was PUC Staff's witness in Docket 09-001, and his direct testimony is a matter of public record.

107(b). Explain how the 2010 permit, which relies on the federal environmental impact statement prepared by the Department of State, addresses specific concerns of South Dakota, including the health, safety and welfare of South Dakota citizens.

OBJECTION: This request is vague, unclear, argumentative, and seeks information that is not relevant or likely to lead to the discovery of admissible evidence. The PUC addressed the health, safety, and welfare of South Dakota residents in the Amended Final Decision and Order in Docket 09-001. In addition, South Dakota residents had notice and opportunity to participate in the lengthy NEPA process conducted by the Department of State.

107(c). Explain your interpretation of "substantially" as it is used in state law SDCL 49-41 B-22 which states the applicant for a facility construction permit has the burden of proof to establish that:

(3) "The facility will not substantially impair the health, safety or welfare of the inhabitants."

OBJECTION: This request seeks a legal opinion or conclusion and is therefore beyond the scope of discovery and not likely to lead to the discovery of



admissible evidence under SDCL § 15-6-26(b). It was an issue for the PUC to determine in Docket HP 09-001.

107(d). State with 100% certainty that this project will have no impact on the health, safety or welfare of the people of South Dakota.

OBJECTION: This request is argumentative and seeks information that is not relevant or likely to lead to the discovery of admissible evidence. The PUC addressed the health, safety, and welfare of South Dakota residents in the Amended Final Decision and Order in Docket 09-001. Keystone has not asserted that the project would have “no impact” on the health, safety, or welfare of the people of South Dakota.

107(e). Describe how areas of dense populations versus areas of sparse populations affect project decision.

OBJECTION AND RESPONSE: This request is vague and unclear. Without waiving the objection, to the extent feasible and consistent with other routing criteria, areas of dense population are avoided during project routing.

Dated this 23<sup>rd</sup> day of January, 2015.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

William Taylor

James E. Moore

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Attorneys for Applicant TransCanada

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of January, 2015, I sent by e-mail transmission, a true and correct copy of Keystone's Objections to Cindy Myers' First Interrogatories and Request for Production of Documents, to the following:

Cindy Myers, R.N.

PO Box 104

Stuart, NE 68780

[csmyers77@hotmail.com](mailto:csmyers77@hotmail.com)

/s/ James E. Moore

One of the attorneys for TransCanada