

Exhibit 3

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

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE, LP
FOR ORDER ACCEPTING CERTIFICATION
OF PERMIT ISSUED IN DOCKET
HP09-001 TO CONSTRUCT THE
KEYSTONE XL PIPELINE

**YANKTON SIOUX TRIBE'S
SECOND
INTERROGATORIES
AND REQUESTS FOR
PRODUCTION
OF DOCUMENTS TO
TRANSCANADA
KEYSTONE PIPELINE, LP**

HP14-001

TO: TransCanada

PLEASE TAKE NOTICE that, the Yankton Sioux Tribe (hereinafter "Yankton") hereby requests that the Applicant TransCanada (hereinafter "Keystone") answer fully, in writing and under oath, the interrogatories set forth herein within the time provided by the South Dakota Public Utilities Commission ("PUC") Order dated December 17, 2014. These Interrogatories shall be construed to include any supplemental information, knowledge, or data responsive hereto which is later discovered or obtained by you.

Yankton requests that Keystone respond in writing to the Requests for Production of Documents below and produce all responsive documents for inspection and copying at the offices of the undersigned counsel within the time frame set forth by the PUC Order dated December 17, 2014.

DEFINITIONS

These Interrogatories ("Interrogatories") and Requests for Production ("Document Requests") incorporate the following definitions:

1. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
2. "Any" and "all" shall each be understood to mean "any and all."
3. "Communication" means the oral, written, or electronic transmittal of information in the form of facts, statements, ideas, inquiries or otherwise.
4. "Concerning" means relating to, referring to, describing, regarding, evidencing, or constituting.

5. "Document" shall be given the broadest reading possible under the Commission's rules and shall include, without limitation, the original and any copy, regardless of its origin or location, of any hard copy or electronic book, pamphlet, periodical, letter, memorandum, telegram, minutes, chart, tabulation, manual, guide, outline, abstract, history and/or record of meetings, conferences, and telephone or other conversations or communications, report, study, handwritten note, diary, desk calendar, work paper sheet, spreadsheet, paper, graph, index, tape, disk, audio or video recording, electronic data, magnetically and optically recorded document, electronically created or recorded document, archival copy of magnetically or optically recorded documents, document that has been logically deleted but not physically erased, computer hard drive, computer memory, network drive, floppy disk, CD ROM, backup tape, other archival media, email, instant message, intranet, extranet, voicemail, microfiche, recording sheet, Microsoft Word or other word processing file, Microsoft Excel or other spreadsheet file, Microsoft Outlook or other email, task, contact, or calendar file, Microsoft PowerPoint or other slide file, Microsoft Access or other database file, PDF or other image file, or data processing card, program or any other written, recorded, transcribed, punched, taped, filmed, or other graphic matter, however produced or reproduced, to which you or any of your agents, including, but not limited to, your attorneys, accountants, and all other representatives, have or have had. A true copy will suffice so long as you waive any objection to authenticity and will have the original available for inspection upon request. The terms "document," "documents," "record," or "records" also include copies of drafts and other documents that are not identical duplicates of the originals, as well as copies of documents of which the originals are not in the possession, custody, or control of the responding party.

6. "Identify" when referring to a person means to state the person's full name, present or last known address, telephone number, present or former employer and job title, and, if the person is deceased, his or her date of death. In addition, if the person is your current or former employee, state all job titles held by the person while employed by you and the dates that each job title was held. When referring to a document, "identify" means to give a reasonable description thereof, its date, author(s), recipient(s), media document is stored on if not stored in hard copy, and the full name and the present or last known address of the person, firm or corporation having possession, custody or control thereof.

7. "Keystone" refers to TransCanada Keystone Pipeline LP, including its officers and agents.

8. The term "objective metadata" means the custodian of the document, the author of the document, all recipients, including "cc" and "bcc" recipients, of the document, the document title, the document creation date, the document modification date(s), the document type, and parent/attachment Bates-range information.

9. "Parties" shall mean the parties to this proceeding before the South Dakota Public Utilities Commission.

10. "Person" is defined as any natural person or any business, legal, or governmental entity or association.

11. The "Tribe" means the Yankton Sioux Tribe.
12. "Trust land(s)" means any land held in trust by the United States on behalf of an Indian tribe or an individual Indian.
13. The terms "you" and "your" means the Keystone, their agents, executors, administrators, assigns, attorneys, solicitors, servants, employees, and representatives.

INTERROGATORIES INSTRUCTIONS

14. Each Interrogatory shall be answered separately and fully in writing under oath.
15. Each Interrogatory should be answered upon Keystone's entire knowledge and based upon all information that is available to Keystone or subject to reasonable inquiry by the Keystone. This includes all information in Keystone's possession or the possession of Keystone's attorneys, advisers, employees, agents, or other persons directly or indirectly employed by or connected with the Keystone or its attorneys and anyone else otherwise subject to Keystone's control.
16. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If you are unable to answer any Interrogatory fully and completely after exercising due diligence to secure the information necessary to make a full and complete answer, state the part that can be answered and answer the same in full to the extent possible. State further and specifically the reason(s) why the remainder cannot be answered, and state whatever information or knowledge you may have concerning the unanswered portions.
17. If Keystone does not have adequate knowledge to fully answer an Interrogatory, say so, but make a reasonable and good faith effort to obtain the information by asking other persons or organizations, unless the information is equally available to the asking party.
18. Whenever an Interrogatory may be answered by referring to a document, Keystone may specify the document, in sufficient detail to enable the asking party to locate and identify it as readily as you could, and attach such document as an exhibit to the response.
19. In responses to these discovery requests, Keystone should use all such defined terms with the same meaning or definition adopted by the Tribe. If Keystone uses any of terms differently than the Tribe, please indicate the particular definition or meaning that you are ascribing to any defined, collective, or unspecific term or phrase in the response to each discovery request.
20. Where a claim of privilege is asserted in responding or objecting to any discovery requested in these Interrogatories and information is not provided on the basis of such assertion, Keystone shall, in its response or objection, identify the nature of the privilege (including work product) that is being claimed. When any privilege is claimed, Keystone shall indicate, as to the information requested, whether (a) any documents exist, or (b) any communications took place, and (c) also provide the following information for each such document in a "privilege log":
 - A. the type of document;
 - B. the general subject matter of the document;

- C. the date of the document;
- D. the author(s) of the document;
- E. the addressee(s) and any other recipient(s) of the document; and
- F. the custodian of the document, where applicable.

21. If Keystone objects or otherwise declines to answer any of the following Interrogatories fully and completely, set forth the grounds upon which Keystone relies with specificity so as to permit the Commission to determine the legal sufficiency of the objection, and provide the most responsive information you are willing to provide without an order to produce.

22. If, in answering the Interrogatories, Keystone claims any ambiguity in either the Interrogatories or in an applicable definition or instruction, identify in your response the language Keystone consider ambiguous and state the interpretation Keystone is using in responding.

23. The use of the singular form of any word includes the plural and vice versa; and the use of any tense of any verb shall also include within its meaning all other tenses of that verb.

REQUESTS FOR PRODUCTION OF DOCUMENTS INSTRUCTIONS

24. These Document Requests include and are applicable to electronically-stored information, including any documents in electronic format. The term "electronically-stored information" refers to any original and any non-identical copies (whether non-identical because of notes made on copies or embedded or attached comments, annotations, transmissions, notations, or highlighting of any kind), of electronically- or digitally-stored information, including but not limited to, programming notes or instructions, activity listings of electronic mail receipts or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail or email, operating systems, source code of all types, programming languages, linkers and compilers, peripheral devices, external drives, PDF files, PRF files, PST files, batch files, ASCII files, crosswalks, code keys, pull down tables, logs, file layouts or any miscellaneous files or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists of an active file, backup file, deleted file or file fragment. Electronically-stored information also includes data stored on computer memory or memories, hard disks, floppy disks, zip drives, CD-ROM discs, Blackberry or other handheld devices, Instant Messenger programs, Bernoulli Boxes or their equivalents, magnetic tapes, microfiche, punched cards, punched tape, computer chips (including, without limitation, EPROM, PROM, ROM or RAM of any kind) or media cards on or in any other vehicle for electronic or digital data storage or transmittal.

25. All responsive and/or relevant electronically-stored information is to be preserved in native format with all corresponding metadata and embedded data intact. Adequate preservation of electronically-stored information requires intervention to prevent loss due to routine operations. Continued use of your computers and other devices may cause electronically-stored information to be altered or erased. Consequently, alteration and erasure may result from your failure to act diligently to prevent loss or corruption of electronically-stored information. Therefore, to the

extent you have not already done so, you must act affirmatively to properly segregate relevant information, as well as applicable hardware and software, to prevent loss or corruption.

26. If any document which you are requested to produce or identify herein was at one time in existence, but has been lost, discarded or destroyed, identify in writing each document and provide the following information:

- A. the date or approximate date it was lost, discarded or destroyed;
- B. the circumstances and manner in which it was lost, discarded or destroyed;
- C. the reason or reasons for disposing of the document (if discarded or destroyed);
- D. the identity of all persons having knowledge of the document;
- E. the identity of the person(s) who lost, discarded, or destroyed the document;
- F. the identity of all persons having knowledge of the contents thereof; and
- G. a detailed summary of the nature and contents of the document.

27. If any request for documents is deemed to call for the production of privileged or work product materials, and such privilege or work product protection is asserted, provide the following information, unless the parties have entered into an agreement providing otherwise:

- A. the reason for withholding the document;
- B. a statement of the basis for the claim of privilege, work product or other ground of non-disclosure;
- C. a brief description of the document, including:
 - i. the date of the document;
 - ii. number of pages, attachments and appendices of this documents;
 - iii. the names of its author(s) or preparer(s) and an identification by employment and title of each such person;
 - iv. the name of each person who was sent, shown, or received a blind or carbon copy of the document, together with an identification of each such person's employer and job title;
 - v. the present custodian of the document;
 - vi. the subject matter of the document; and
 - vii. the type or nature of the document.

28. In responding to each Document Request, produce all documents that are in your possession, custody, or control, including, but not limited to, those maintained or stored by attorneys and all other persons acting or purporting to act on your behalf.

29. If you know of any documents responsive to a particular Document Request but cannot produce them, so indicate in your response, produce all documents responsive to that Document Request which are in your possession, custody, or control, and identify each person who you believe has additional documents responsive to that Document Request.

30. If Keystone objects to any part of a Document Request, produce all documents responsive to those parts of the Document Request to which Keystone does not object.

31. Each of the following Document Requests is continuing in nature. Accordingly, if, after serving a response to any Document Request or producing any documents responsive thereto, or any part thereof, Keystone obtains or becomes aware of additional documents responsive to such Document Request, or become aware that in some material respect to a previous response or document production is incomplete or incorrect, Keystone is required to supplement its response and/or your document production.

32. Documents are to be produced in full. If any requested Document cannot be produced in full, produce it to the extent possible, indicating which Document, or portion of that Document, is being withheld, and the reason that Document is being withheld.

33. Documents attached to each other should not be separated. To the extent documents have been separated, links to relevant attachments or identification, in list form, of corresponding attachment information shall be produced.

34. Keystone must produce the original of each Document requested together with all non-identical copies and drafts of that Document. If the original of any Document cannot be located, provide a copy in lieu thereof, which shall be legible and bound or stapled in the same manner as the original.

35. Documents which are maintained in the usual course of business in hardcopy form are to be produced in hardcopy form, unless otherwise agreed upon by the parties. To the extent such documents have been copied and converted to electronic form, you are instructed to so advise the requesting party prior to actual production to permit the parties to assess and discuss the extent to which such documents should be produced in electronic form, and, if so, the requested characteristics of such a production.

36. Electronically-stored information shall be produced in such fashion as to identify the location (i.e., the network file folder, hard drive, back-up tape or other location) where it is stored and, where applicable, the natural person in whose possession it was found (or on whose hardware device they reside or are stored) and the business address of each respective custodian. In addition, a separate list identifying all custodians for whom electronically-stored information is being produced and the corresponding bates range(s) of documents/information for each respective custodian is hereby requested.

37. Unless otherwise provided or agreed upon by the parties, databases and spreadsheets are to be produced in native format, with all corresponding metadata and embedded data intact and all cells of information accessible, including, but not limited to notes, comments, embedded formulas, headings, column titles and hidden cells.

38. Unless otherwise provided or agreed upon by the parties, PowerPoint or other similar electronic presentation files shall be produced in native format with all objective metadata, and other metadata, including, but not limited to notes, comments, presentations scripts and embedded formulas.

39. In the event that documents originally maintained in hard copy form are converted to electronic form such documents are to be produced in a searchable format, to be discussed and agreed upon by the parties, and with any compiled objective coding information and/or objective metadata intact and/or linked.

40. If you produce an electronically-stored or converted document which has attachments, enclosures, and/or exhibits, such attachments, enclosures, and/or exhibits should also be produced and proximately linked to the document containing the attachments, enclosures, and/or exhibits.

41. The fact that a document has been or will be produced by another party (or non-party) does not relieve you of the obligation to produce your copy of the same document, even if the two documents are identical in all respects.

INTERROGATORIES

INTERROGATORY NO. 45:

For each person who you expect to call as a fact witness in Docket HP14-001, provide a description of the witness's educational background, specialized training, and employment history relevant to the witness's expected testimony and a description of all exhibits that the witness will attach to his or her testimony.

INTERROGATORY NO. 46:

Describe the information furnished by Keystone to each fact witness for the purposes of his or her testimony.

INTERROGATORY NO. 47:

Pursuant to Condition One, describe any other permits that Keystone will file closer to the time period of construction referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, Answer to Interrogatory No. 8 and list the agencies that Keystone will submit each permit to.

INTERROGATORY NO. 48:

Pursuant to Conditions 43, 44, and 6, provide the job title, scope of work, and dates of employment for Keystone employee Calvin Harlan.

INTERROGATORY NO. 49:

Pursuant to Conditions 6, 43, and 44, describe the contacts Calvin Harlan has had with the Yankton Sioux Tribe or any of its employees, agents, or representatives.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 8:

Provide a copy of each document that supports the proposed changes to the Findings of Fact identified in Appendix C to Keystone's application filed on September 14, 2014 with the PUC.

REQUEST FOR PRODUCTION NO. 9:

Provide a copy of each document furnished by Keystone to each fact witness for the purposes of his or her testimony.

REQUEST FOR PRODUCTION NO. 10:

Provide a copy of each document that each of Keystone's fact witness will attach to his or her testimony.

REQUEST FOR PRODUCTION NO. 11:

Pursuant to Condition One, provide a copy of the Notice and Intent and Certificate of Application Form to Receive Coverage Under the General Permit for Temporary Discharges and a Temporary Water Use Permit referenced in Keystone's Responses to Yankton Sioux Tribe's First Interrogatories and Request for Production of Documents, Answer to Interrogatory No. 8.

Dated this 20th day of February 2015.

Thina Real Bird

Thomasina Real Bird, SD Bar No. 4415
FREDERICKS PEEBLES & MORGAN LLP
1900 Plaza Drive
Louisville, Colorado 80027
Telephone: (303) 673-9600
Facsimile: (303) 673-9155
Email: trealbird@ndnlaw.com
Attorney for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on this 20th day of February, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S SECOND INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO TRANSCANDA PIPELINE, LP**, to the following:

James E. Moore
WOODS, FULLER, SHULTZ & SMITH, P.C.
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Email james.moore@woodsfuller.com

Bill G. Taylor
WOODS, FULLER, SHULTZ & SMITH,
P.C.
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
Email: bill.taylor@woodsfuller.com



Patricia Krakowski
Legal Assistant

Patricia Krakowski

From: Patricia Krakowski
Sent: Friday, February 20, 2015 3:26 PM
To: 'James E. Moore (james.moore@woodsfuller.com)'; 'Bill G. Taylor'
Cc: Thomasina Real Bird; Jennifer Baker; Jessica Wagner
Subject: Yankton Sioux Tribe's Second Interrogatories and Requests for Production of Documents
Attachments: 15_02_20 YST Second Interrogs and RFP to TransCanada.pdf

Dear Mr. Moore and Mr. Taylor:

Enclosed please find the Yankton Sioux Tribe's Second Interrogatories and Requests for Production of Documents to TransCanada Keystone Pipeline. Please advise if you have any issues opening this document.

Sincerely,

Patricia Krakowski
Legal Assistant to Jeff Rasmussen*,
Thomasina Real Bird and Alvina Earnhart**
**Licensed in Washington*
***Licensed in New Mexico*

Fredericks, Peebles & Morgan LLP
1900 Plaza Drive
Louisville, CO 80027
Phone: (303) 673-9600
Direct: (303) 815-1731
Fax: (303) 673-9155
Email: ptrakowski@ndnlaw.com
Web: www.ndnlaw.com



**FREDERICKS
PEEBLES &
MORGAN LLP**
ATTORNEYS AT LAW

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