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From: Mohr, Leah On Behalf Of Johnson, Dustin (PUC)
Sent: Wednesday, February 17, 2010 6:54 AM
To: 'John Kelley'
Subject: RE: Wait on the Vote on Keystone XL

Thanks for taking the time to email your personal thoughts on the Keystone XL project to me and my colleagues Commissioners Kolbeck and Hanson. State law (SDCL 49-41B-24) requires the Commission render a decision within one year of application filing, which for this docket would be March 12. We have spent more than eleven months studying this project and taking evidence. Delaying a decision until late March, as you've requested, is not allowed under state law.

You ask for us to conduct a "fair and thorough examination" of this project, and I can assure you we have for all areas under the Commission jurisdiction. Since 2007 the Commission has reviewed thousands and thousands of pages of information and heard testimony from more than two dozen witnesses on the siting of interstate hydrocarbon pipelines. On the Keystone XL pipeline specifically, five Commission staffers, three Commissioners, and a number of outside expert consultants have spent months reviewing the project. Our environmental review has been conducted independently from any EIS and is not dependent upon the completion of an EIS. Our process reviewed hydrology, wildlife, plants and vegetation, erosion, soil types, noise, and many other areas of concern.

Have you taken an opportunity to review the Commission's order on the Keystone I pipeline (<http://puc.sd.gov/commission/orders/HydrocarbonPipeline/2008/hp07-001.pdf>)? I do not know if the Commission's decision on Keystone XL will be similar, but reading the Keystone I order will provide you some context for the due diligence that is conducted for projects of this type, and for the many conditions the Commission can place upon them. For those interested in hydrocarbon pipelines, I think reading the Keystone I order is well worth the time.

Many thanks,
Dusty

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From: Sierra Club Membership Services On Behalf Of John Kelley

Sent: Tuesday, February 16, 2010 9:18 AM

To: Johnson, Dustin (PUC)

Subject: Wait on the Vote on Keystone XL

Feb 16, 2010

Commissioner Dustin Johnson

Dear Commissioner Johnson,

Do not permit the Keystone XL pipeline until AFTER there is an EIS and

a specific, site-based emergency response plan (as opposed to a generic plan). Between 2002 and 2005 more than 50 pipeline "incidents" were serious enough warranting public evacuations. There are over 150 incidents related to pipelines, and more than 6 million gallons of dangerous liquids spill and leak annually from pipelines.

TransCanada has offered no emergency response plan tailored for SD, and we have not seen an Environmental Impact Statement. Since the PUC held a hearing last fall, information about the marketplace has surfaced indicating that this pipeline is not needed. Without substantive analysis, including current and forecasted oil industry models, it could be that you will be acting prematurely in permitting this pipeline. Make any decision upon Keystone XL contingent upon and until an Environmental Impact Statement has been issued and TransCanada has offered a thoughtful emergency response plan. Please also conduct a fair and thorough examination on whether this pipeline is necessary.

Sincerely,

Mr. John Kelley
Spearfish, SD 57783-8691