

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. OP-0003
OF TRANSCANADA KEYSTONE)	
PIPELINE, LP FOR ROUTE APPROVAL OF)	APPLICANT'S MOTION TO COMPEL
THE KEYSTONE XL PIPELINE PROJECT)	
PURSUANT TO THE MAJOR OIL)	
PIPELINE SITING ACT)	
_____)	

Applicant, TransCanada Keystone Pipeline, LP ("Keystone"), pursuant to paragraphs 19 and 20 of the Case Management Plan, moves for an order compelling responses by the Landowners/Intervenors ("Landowners") to the following discovery:

Paragraph 19 Motion - Discovery Default

1) Landowners:¹ Request for Admission (Second Set) served June 19, 2017. Responses due July 3, 2017.

Request for Production (Second Set) served June 19, 2017. Responses due July 3, 2017.

Interrogatories (Third Set) served June 19, 2017. Responses due July 3, 2017.

To date, no responses have been provided by Landowners to the above-listed (attached as Exhibits 1 - 3) discovery, and the "default" motion to compel provision of the Case Management Plan applies. Keystone is filing this motion in order to comply with the time requirements in the Amended Case Management Plan, but Keystone will work with counsel for Landowners to the extent there are questions regarding the discovery requests. At this point, Keystone is not seeking to have the Requests for Admission deemed admitted but requests an order compelling responses.

¹ For Landowners' discovery, the example of Allpress discovery is attached but all landowners received the same discovery requests.

Paragraph 20 Motion - Discovery Dispute

1) Landowners: Requests for Admission (First Set) and Interrogatory No. 22

Keystone served 15 requests for admission on Landowners' counsel on June 9, 2017. Keystone also served a related interrogatory at the same time; the requests for production were one attachment and the interrogatories were a separate attachment. On Friday, June 23, 2017, Landowners responded to the interrogatory stating no requests for admission were served. But, Keystone's counsel was able to obtain a report from its computer system reflecting that its service email was delivered to Landowners' counsel with the full set of attachments. It is not known whether Landowners' counsel's server blocked 1 of the 2 attachments, and no email response was received suggesting there was any difficulty or problem with delivery. Counsel for the parties have attempted to meet and confer regarding the requests to admit. Keystone has not sought to have the requests deemed admitted per a default but is seeking factual responses to this discovery. The parties are working on an agreement to stipulate to the authenticity of documents which will eliminate certain requests, but other requests have not been agreed upon.

Keystone respectfully requests an order compelling responses to the Requests for Admission (First Set) and the corresponding interrogatory no. 22. Copies of these discovery requests, including Landowners' original response to interrogatory no. 22, are attached as Exhibits 4 and 5.

2) Landowners: Request for Production No. 4. (attached as Exhibit 6)

This document request seeks communications between intervenors regarding the Keystone XL pipeline or the proposed routes. Landowners have yet to produce any records relating to any requests, but this request is of particular significance because of what it may discover.

Recently, another intervenor produced a document reflecting a string of emails involving Bold Alliance and the Ponca Tribe of Nebraska which related to gaining access to landowner intervenors' property to conduct cultural surveys (a copy is attached as Exhibit 7). If such activities are ongoing, and if the efforts will lead to evidence which can be used to cross-examine Keystone's witnesses, then the information is discoverable and should be produced. The stipulation that the intervenors are against the pipeline and all of its possible routes is not sufficient to cure this refusal to produce.

WHEREFORE, Keystone respectfully requests an order compelling responses to the above-referenced discovery.

Dated this 7th day of July, 2017.

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/ Patrick D. Pepper

James G. Powers (17780)

Patrick D. Pepper (23228)

McGrath North Mullin & Kratz, PC LLO

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2017, that a copy of the foregoing was served by email to the individuals and entities listed below:

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/s/ Patrick D. Pepper_____

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION)
OF TRANSCANADA KEYSTONE)
PIPELINE, LP FOR ROUTE APPROVAL)
OF THE KEYSTONE XL PIPELINE)
PROJECT PURSUANT TO THE MAJOR)
OIL PIPELINE SITING ACT)

APPLICATION NO. OP-003

**Applicant's Requests for Admission
Allpress Brothers, LLC (Second Set)**

INTERVENORS/LANDOWNERS:)
ALLPRESS BROTHERS, LLC, ET AL.,)

TO: Allpress Brothers, LLC and its attorneys David A. Domina and Brian E. Jorde at Domina Law Group PC LLO, 2425 S. 144th St., Omaha, NE 68144.

Pursuant to the Case Management Plan for Application No. OP-003, you are hereby requested to admit the truth of the following matters within ten (10) days after service. The matter(s) will be admitted unless you object to, or deny, the request(s) within such time.

If an objection is made, the reasons therefore shall be stated. If the matter is denied, your response must fairly meet the substance of the requested admission. When good faith requires you to qualify your answer or deny only a part of the matter, you shall specify so much of the requested admission as is true and either qualify or deny the remainder. Lack of information or knowledge may not be given as a reason for failure to admit or deny, unless you state that you have made a reasonable inquiry and the information known or readily obtainable by you is insufficient to enable you to admit or deny the matter.

DEFINITIONS

1. "Keystone" means the Applicant in this proceeding, TransCanada Keystone Pipeline, L.P., its agents, attorneys, employees, and other representatives.

EXHIBIT

1

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2. “Application” means Keystone’s Application for route approval, Application No. OP-003, which was filed with the Nebraska Public Service Commission on February 16, 2017.

3. “Keystone XL Pipeline” means the pipeline that is the subject of Keystone’s Application No. OP-003.

4. “Preferred Route” means the preferred route for the Keystone XL Pipeline as identified in Keystone’s Application No. OP-003.

5. “Alternative Routes” means the Sandhills Alternative Route and Keystone Mainline Alternative Route for the Keystone XL Pipeline as identified in Keystone’s Application No. OP-003.

REQUESTS FOR ADMISSION

REQUEST NO. 16. Admit that you have denied access to Keystone to conduct surveys for the Keystone XL pipeline on your property.

RESPONSE:

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/ James G. Powers

James G. Powers (17780)
Patrick D. Pepper (23228)
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jpowers@mcgrathnorth.com
Patrick D. Pepper –
ppepper@mcgrathnorth.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Intervenor Landowners' attorneys via email this 19th day of June, 2017.

David A. Domina
Brian F. Jorde
Domina Law Group PC LLO
2425 S. 144th Street
Omaha, NE 68144
ddomina@dominalaw.com
bjorde@dominalaw.com

/s/ James G. Powers

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION)
OF TRANSCANADA KEYSTONE)
PIPELINE, LP FOR ROUTE APPROVAL)
OF THE KEYSTONE XL PIPELINE)
PROJECT PURSUANT TO THE MAJOR)
OIL PIPELINE SITING ACT)

APPLICATION NO. OP-003

**Applicant's Request for Production to
All Landowner Intervenor
(Second Set)**

INTERVENORS/LANDOWNERS:)
ALLPRESS BROTHERS, LLC, ET AL.,)
_____)

TO: All Landowner Intervenor and their attorneys David A. Domina and Brian E. Jorde at
Domina Law Group PC LLO, 2425 S. 144th St., Omaha, NE 68144.

Pursuant to the Case Management Plan for Application No. OP-003, you are hereby
requested to produce for copying and inspection the following documents within ten (10) days
after service.

Each response shall state with respect to each item or category that production,
inspection, and related activities will be permitted as requested, unless properly objected to. If
you withhold any document requested on grounds of privilege or work product of legal counsel:
(a) identify the name, position and address of each person involved in the privilege or the work
product protected document/claim; (b) describe the document withheld, providing as much
specificity as is practicable without disclosing its content; and (c) state the specific reason or
reasons why the document has been withheld.

Notice is hereby given that the Applicant seeks discovery of electronic documents
including e-mail. The Intervenor is obligated to take all reasonable steps necessary to preserve
such electronic evidence relative to this case.

EXHIBIT

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The documents shall be produced in a manner that corresponds to the following requests or as the documents are kept in the ordinary course of business.

These requests shall be deemed continuing, and should the Intervenor, the Intervenor's agents, attorneys, or other representatives obtain additional documents and/or information pertaining to these requests, then such documents and/or information shall be provided and your responses supplemented as soon as the documents and/or information becomes available.

Unless otherwise indicated, the time period for the requests is January 1, 2015 through the date of your response.

DEFINITIONS

1. "Intervenor" means All Landowners and their agents, attorneys, and other representatives.

2. "Keystone" means the Applicant, its agents, attorneys, and other representatives.

3. "Preferred Route" means the preferred route for the proposed pipeline as identified in Application No. OP-003.

4. "Alternative Routes" means the Sandhills Alternative Route and Keystone Mainline Alternative Route as identified in Application No. OP-003.

5. "Document(s)" means all materials within the scope of Neb. Ct. R. Disc. § 6-334, including, without limitation, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically-stored information, that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. Documents include, but are not limited to, electronic mail or e-mail, text messages, facsimiles, instant messages (IMs), calendars, diaries, appointment

books, agendas, journals, drafts, voicemail messages, post cards, post-it notes, reports, logs, message slips, invoices, checks, paystubs, letters, memoranda, agreements, contracts, tax returns, bank statements, video recordings, audio recordings, computer programs, printouts, and all other written, graphic or electronic materials of any nature whatsoever. A draft or non-identical copy of a document is a separate document within the meaning of this term. A document includes all appendices, schedules, exhibits and other attachments.

REQUESTS FOR PRODUCTION

REQUEST NO. 13: For each expert witness you expect to call at the hearing of this matter, please produce all documents reflecting the existence or content of any testimony or expert witness opinions provided or prepared by the expert witnesses in their capacities as expert witnesses within the previous five years.

RESPONSE:

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/ Patrick D. Pepper

James G. Powers (17780)
Patrick D. Pepper (23228)
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
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David A. Domina
Brian F. Jorde
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2425 S. 144th Street
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/s/ Patrick D. Pepper

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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PROJECT PURSUANT TO THE MAJOR)
OIL PIPELINE SITING ACT)

APPLICATION NO. OP-003

**Applicant's Interrogatories to
Intervenor Allpress Brothers, LLC
(Third Set)**

INTERVENORS/LANDOWNERS:)
ALLPRESS BROTHERS, LLC, ET AL.,)
_____)

TO: Allpress Brothers, LLC and its attorneys David A. Domina and Brian E. Jorde at Domina Law Group PC LLO, 2425 S. 144th St., Omaha, NE 68144.

Pursuant to the Case Management Plan for Application No. OP-003, you are hereby requested to answer the following interrogatories separately and fully, in writing and under oath, within ten (10) days after service.

Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys. If you object to an interrogatory, the reasons for such objection shall be stated in lieu of an answer, and the objection should be signed by the attorney making it.

These interrogatories shall be deemed continuing, and should the Intervenor, or the Intervenor's agents, attorneys, or other representatives obtain additional information pertaining to these interrogatories, or becomes aware that a previous answer was incorrect, then that information shall be provided to the Applicant and the answers supplemented as soon as that information becomes available.



DEFINITIONS

1. “Intervenor” means Allpress Brothers, LLC and its agents, attorneys, and other representatives.
2. “Landowners’ Petition” means the 1st Amended Petition of Formal Intervention By Certain Nebraska Landowners With Real Estate on Proposed Pipeline Route Described in TransCanada Keystone Pipeline LP Application No. OP-003 filed with the Public Service Commission on April 4, 2017.
3. “Preferred Route” means the preferred route for the proposed pipeline as identified in Application No. OP-003.
4. “Alternative Routes” means the Sandhills Alternative Route and Keystone Mainline Alternative Route as identified in Application No. OP-003.

INTERROGATORIES

INTERROGATORY NO. 23. Identify and describe any individual, in person conversations you had with Keystone, its agents, affiliates, or representatives regarding the Keystone XL Pipeline, excluding any conversations had at any informational group meetings held by Keystone.

ANSWER:

INTERROGATORY NO. 24. As required by section 6-336(a), for each Request for Admission to which you responded with a statement of lack of information or knowledge, please provide a description of the reasonable inquiry you made, including who made the inquiry, when the inquiry was made, and what information was unavailable as to provide an admission or denial of the fact requested to be admitted.

ANSWER:

INTERROGATORY NO. 25. For each expert witness you expect to call at the hearing of this matter, please identify all instances within the last five years where the expert witnesses have previously testified or provided expert witness opinions in their capacities as expert witnesses and the terms of the expert witness' compensation in this matter.

ANSWER:

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/James G. Powers
James G. Powers (17780)
Patrick D. Pepper (23228)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Intervenor Landowners' attorneys via email this 19th day of June, 2017.

David A. Domina
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/s/ James G. Powers

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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OF THE KEYSTONE XL PIPELINE)
PROJECT PURSUANT TO THE MAJOR)
OIL PIPELINE SITING ACT)

APPLICATION NO. OP-003

**Applicant's Requests for Admission
Allpress Brothers, LLC (First Set)**

INTERVENORS/LANDOWNERS:)
ALLPRESS BROTHERS, LLC, ET AL.,)

TO: Allpress Brothers, LLC and its attorneys David A. Domina and Brian E. Jorde at Domina Law Group PC LLO, 2425 S. 144th St., Omaha, NE 68144.

Pursuant to the Case Management Plan for Application No. OP-003, you are hereby requested to admit the truth of the following matters within ten (10) days after service. The matter(s) will be admitted unless you object to, or deny, the request(s) within such time.

If an objection is made, the reasons therefore shall be stated. If the matter is denied, your response must fairly meet the substance of the requested admission. When good faith requires you to qualify your answer or deny only a part of the matter, you shall specify so much of the requested admission as is true and either qualify or deny the remainder. Lack of information or knowledge may not be given as a reason for failure to admit or deny, unless you state that you have made a reasonable inquiry and the information known or readily obtainable by you is insufficient to enable you to admit or deny the matter.

DEFINITIONS

1. "Keystone" means the Applicant in this proceeding, TransCanada Keystone Pipeline, L.P., its agents, attorneys, employees, and other representatives.

EXHIBIT

4

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2. “Application” means Keystone’s Application for route approval, Application No. OP-003, which was filed with the Nebraska Public Service Commission on February 16, 2017.

3. “Keystone XL Pipeline” means the pipeline that is the subject of Keystone’s Application No. OP-003.

4. “Preferred Route” means the preferred route for the Keystone XL Pipeline as identified in Keystone’s Application No. OP-003.

5. “Alternative Routes” means the Sandhills Alternative Route and Keystone Mainline Alternative Route for the Keystone XL Pipeline as identified in Keystone’s Application No. OP-003.

REQUESTS FOR ADMISSION

REQUEST NO. 1: Admit the document hereto attached as Exhibit “A” is a true and accurate copy of Executive Order 13337.

RESPONSE:

REQUEST NO. 2: Admit the document produced by Keystone as KXL016637-016641 is a true and accurate copy of the Presidential Permit for the Keystone XL Pipeline.

RESPONSE:

REQUEST NO. 3: Admit the document produced by Keystone as KXL016642-016672 is a true and accurate copy of the Department of State’s Record of Decision and National Interest Determination for the Keystone XL Pipeline

RESPONSE:

REQUEST NO. 4: Admit the document produced by Keystone as KXL016704-017181 is a true and accurate copy of the Nebraska Department of Environmental Quality's Final Evaluation Report of the Keystone XL Pipeline, dated January 2013.

RESPONSE:

REQUEST NO. 5: Admit the document produced by Keystone as KXL008992-016491 is a true and accurate copy of the U.S. Department of State's Final Supplemental Environmental Impact Statement for the Keystone XL Project, dated January 2014.

RESPONSE:

REQUEST NO. 6: Admit the Nebraska Department of Environmental Quality conducted an evaluation of the potential environmental impacts of the Keystone XL Pipeline along the Preferred Route in Nebraska in its Final Evaluation Report of the Keystone XL Pipeline, dated January 2013.

RESPONSE:

REQUEST NO. 7: Admit the Nebraska Department of Environmental Quality's Final

Evaluation Report of the Keystone XL Pipeline, dated January 2013, concluded the normal operation of the proposed Keystone XL Pipeline would have no effect on ground water quality or use.

RESPONSE:

REQUEST NO. 8: Admit the Nebraska Department of Environmental Quality's Final Evaluation Report of the Keystone XL Pipeline, dated January 2013, concluded the normal operation of the proposed Keystone XL Pipeline would have no effect on surface water quality or use.

RESPONSE:

REQUEST NO. 9: Admit the United States Department of State conducted an evaluation of the potential environmental impacts of the Keystone XL Pipeline along the Preferred Route in Nebraska in its Final Supplemental Environmental Impact Statement for the Keystone XL Project, dated January 2014.

RESPONSE:

REQUEST NO. 10: Admit that construction and operation of the Keystone XL Pipeline along the Preferred Route would have less of an impact on Nebraska's natural resources than construction and operation of the Keystone XL Pipeline on either of the Alternative Routes

provided in Keystone's Application.

RESPONSE:

REQUEST NO. 11: Admit that your property does not possess any unique characteristics that would make construction of the Keystone XL Pipeline along any alternative route in Nebraska more preferable.

RESPONSE:

REQUEST NO. 12: Admit the letter from Nebraska Historical Society to the Public Service Commission dated March 5, 2017 and regarding the Keystone XL Pipeline (available at <http://www.psc.nebraska.gov/natgas/Keystone/State%20Agency%20Responses/State%20Historical%20Society.pdf>) determined Keystone has complied with the National Historical Preservation Act of 1966.

RESPONSE:

REQUEST NO. 13: Admit that Neb. Rev. Stat § 57-1403(3) is a valid law as applied to Keystone's Application for the Preferred Route.

RESPONSE:

REQUEST NO. 14: Admit there are currently underground pipelines that cross your property located along the Preferred Route.

RESPONSE:

REQUEST NO. 15: Admit that you are opposed to the construction of the Keystone XL Pipeline regardless of its location in Nebraska.

RESPONSE:

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/ James G. Powers

James G. Powers (17780)

Patrick D. Pepper (23228)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the Intervenor Landowners' attorneys via email this 9th day of June, 2017.

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/s/ James G. Powers

U.S. Department of State

Diplomacy in Action

Executive Order 13337: Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

Other Releases
Washington, DC
April 30, 2004

Executive Order 13337 of April 30, 2004

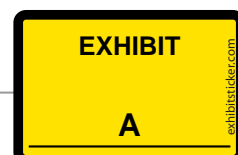
Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to amend Executive Order 11423 of August 16, 1968, as amended, and to further the policy of my Administration as stated in Executive Order 13212 of May 18, 2001, as amended, to expedite reviews of permits as necessary to accelerate the completion of energy production and transmission projects, and to provide a systematic method for evaluating and permitting the construction and maintenance of certain border crossings for land transportation, including motor and rail vehicles, that do not require construction or maintenance of facilities connecting the United States with a foreign country, while maintaining safety, public health, and environmental protections, it is hereby ordered as follows:

Section 1. (a) Except with respect to facilities covered by Executive Order 10485 of September 3, 1953, and Executive Order 10530 of May 10, 1954, the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits, as referred to in Executive Order 11423, as amended, for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country.

(b) Upon receipt of a completed application pursuant to paragraph (a) of this section, the Secretary of State shall:

- (i) Request additional information needed from the applicant, as appropriate, before referring the application to other agencies pursuant to paragraph (b)(ii) of this section;
- (ii) Refer the application and pertinent information to, and request the views of, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Energy, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, or the heads of the departments or agencies in which the relevant authorities or responsibilities of the foregoing are subsequently conferred or transferred, and, for applications concerning the border with Mexico, the United States Commissioner of the International Boundary and Water Commission; and
- (iii) Refer the application and pertinent information to, and request the views of, such other Federal Government department and agency heads as the Secretary of State deems appropriate.



(c) All Federal Government officials consulted by the Secretary of State pursuant to paragraph (b)(ii) or (b)(iii) of this section shall provide their views and render such assistance as may be requested, consistent with their authority, in a timely manner, but not to exceed 90 days from the date of the request.

(d) Should any of the Federal Government officials consulted pursuant to paragraph (b)(ii) or (b)(iii) of this section request from the Department of State additional information that is necessary for them to provide their views or to render such assistance as may be required, the time elapsed between the date of that request for additional information and the date such additional information is received shall not be counted in calculating the time period prescribed in paragraph (c) of this section.

(e) The Secretary of State may also consult with such State, tribal, and local government officials and foreign governments, as the Secretary deems appropriate, with respect to each application. The Secretary shall solicit responses in a timely manner, not to exceed 90 days from the date of the request.

(f) Upon receiving the views and assistance requested pursuant to paragraphs (b) and (e) of this section, the Secretary of State shall consider, in light of any statutory or other requirements or other considerations, whether or not additional information is needed in order to evaluate the application and, as appropriate, request such information from the applicant.

(g) After consideration of the views and assistance obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments submitted pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would serve the national interest, the Secretary shall prepare a permit, in such form and with such terms and conditions as the national interest may in the Secretary's judgment require, and shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that a permit be issued.

(h) After consideration of the views obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments provided pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would not serve the national interest, the Secretary shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that the application be denied.

(i) The Secretary of State shall issue or deny the permit in accordance with the proposed determination unless, within 15 days after notification pursuant to paragraphs (g) or (h) of this section, an official required to be consulted under paragraph (b)(ii) of this section shall notify the Secretary of State that he or she disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall consult with any such requesting official and, if necessary, shall refer the application, together with statements of the views of any official involved, to the President for consideration and a final decision.

Sec. 2. (a) Section 1(a) of Executive Order 11423, as amended, is amended to read as follows: "Except with respect to facilities covered by Executive Order Nos. 10485 and 10530, and by section 1(a) of the Executive Order of April 30, 2004, entitled "Issuance of Permits with Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States" (the order of April 30, 2004), the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance, at the borders of the United States, of:

(i) pipelines, conveyor belts, and similar facilities for the exportation or importation of all products, except those specified in section 1(a) of the order of April 30, 2004, to or from a foreign country;

(ii) facilities for the exportation or importation of water or sewage to or from a foreign country;

(iii) facilities for the transportation of persons or things, or both, to or from a foreign country;

(iv) bridges, to the extent that congressional authorization is not required;

(v) similar facilities above or below ground; and

(vi) border crossings for land transportation, including motor and rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities identified in (iii) above. (b) Section 1(b) of Executive Order 11423, as amended, is amended by deleting the text "(a)(iii), (iv), or (v)" and by inserting the text "(a)(iii), (iv), (v), or (vi)" in lieu thereof.

Sec. 3. (a) The Secretary of State may provide for the publication in the Federal Register of notice of receipt of applications, for the receipt of public comments on applications, and for notices related to the issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, including, but not limited to, those relating to the International Boundary and Water Commission, as may from time to time be deemed necessary or desirable for the exercise of the authority conferred by this order.

Sec. 4. All permits heretofore issued with respect to facilities described in section 2(a) of this order pursuant to Executive Order 11423, as amended, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the appropriate authority.

Sec. 5. Nothing contained in this order shall be construed to affect the authority of any department or agency of the United States Government, or to supersede or replace the requirements established under any other provision of law, or to relieve a person from any requirement to obtain authorization from any other department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency.

Sec. 6. This order is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,

April 30, 2004.

The Office of Website Management, Bureau of Public Affairs, manages this site as a portal for information from the U.S. State Department.

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Note: documents in Portable Document Format (PDF) require Adobe Acrobat Reader 5.0 or higher to view, [download Adobe Acrobat Reader \(http://get.adobe.com/reader/\)](http://get.adobe.com/reader/).

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

**IN THE MATTER OF THE
APPLICATION OF TRANSCANDA
KEYSTONE PIPELINE, LP FOR
ROUTE APPROVAL OF THE
KEYSTONE XL PIPELINE PROJECT
PURSUANT TO THE MAJOR OIL
PIPELINE SITING ACT**

APPLICATION NO. OP-003

**All Landowner/Intervenors' Answer to
TransCanada's Interrogatories
(Second Set)**

To: TransCanada Keystone Pipeline, LP
c/o James G. Powers and Patrick D. Pepper, Its Attorney

All Landowner/Intervenor responds as follows:

Objections to Definitions

Landowner/Intervenor respectfully objects to the definitions set forth on pages 2 of Applicant's Interrogatories. *Neb Ct R Disc* 6-326, 6-333 and 6-334, respectively, do not authorize a party to define terms as was done in these Interrogatories.

The definitions tendered are respectfully disregarded. Instead, the words contained in the Interrogatories are used and understood as they would be used by an adult American citizen, residing in the central part of the United States in the early 21st Century with a high school education who speaks English as a first language.

Answers to Interrogatories

INTERROGATORY NO. 22: For each of Keystone's Requests for Admission to the Intervenor that the Intervenor did not unconditionally admit, please describe with specificity the Intervenor's reasons for denial or partial denial and state all facts and identify all documents and other evidence which support that denial.

ANSWER: No Requests for Admission were served upon any Landowner/Intervenors.

June 23, 2017



All Landowner Intervenor

By: _____

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Intervenor's Lawyers


Certificate of Service

On June 23, 2017, a copy of the foregoing was served by email to:

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Attorneys for TransCanada Keystone Pipe, LP

_____
Brian E. Jorde

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

**IN THE MATTER OF THE
APPLICATION OF TRANSCANDA
KEYSTONE PIPELINE, LP FOR
ROUTE APPROVAL OF THE
KEYSTONE XL PIPELINE PROJECT
PURSUANT TO THE MAJOR OIL
PIPELINE SITING ACT**

APPLICATION NO. OP-003

**Landowner/Intervenor Allpress
Brothers, LLC Response to
TransCanada's Request for Production
of Documents
(First Set)**

To: TransCanada Keystone Pipeline, LP
c/o James G. Powers and Patrick D. Pepper, Its Attorney

The above noted Landowner/Intervenor responds as follows:

Objections to Definitions

Landowner/Intervenor respectfully objects to the definitions set forth on pages 2 and 3 of Applicant's Request for Production. *Neb Ct R Disc* 6-326, 6-333 and 6-334, respectively, do not authorize a party to define terms as was done in these Request for Production.

The definitions tendered are respectfully disregarded. Instead, the words contained in the Request for Production are used and understood as they would be used by an adult American citizen, residing in the central part of the United States in the early 21st Century with a high school education who speaks English as a first language.

Responses to Request for Production

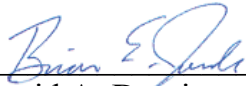


Request for Production No. 4: All Documents reflecting the existence or content of communications between the Intervenor and any other intervenor (including, but not limited to, other landowners and employees or representatives of Bold Alliance and the Sierra Club) regarding the pipeline project or any of the routes proposed in Keystone's Application No. OP-003.

Response: ~~Keystone~~ Intervenor objects to the request because it is overbroad, not limited in time or scope, and unduly burdensome, and ~~Keystone~~ Intervenor objects to the extent it requires production in a manner beyond or in excess of the manner required by the Nebraska Civil Discovery Rules. Intervenor also objects as this discovery is not reasonably calculated to lead to the discovery of admissible evidence. Intervenor does not have a burden of proof or a burden of disproof. Objection as this request is intended to harass and intimidate Landowner/Intervenor and even if such data did exist it is not relevant to this proceeding. Landowner/Intervenor will stipulate that Landowner/Intervenor does not believe that any proposed route of the Keystone XL within, through, on and/or under Nebraska will serve the public interest of Nebraska or Nebraskans. Given this stipulation there is no relevance to any communications expressing any opposition to the KXL pipeline or proposed routes. Subject to and without waiving these objections, ~~Keystone~~ Intervenor does not believe it has any such documents.

June 19, 2017

Allpress Brothers, LLC, Intervenor,

By: 
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Intervenor's Lawyers

Certificate of Service

On June 19, 2017, a copy of the foregoing was served by email to:

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ppepper@mcgrathnorth.com
Attorneys for TransCanada Keystone Pipe, LP


Brian E. Jorde

Subject: FW: cultural resources study
From: Randy Teboe <rteboe@poncatribes-ne.org>
Date: 06/16/2017 08:14 AM
To: Rhiannon Clausen <rclausen@poncatribes-ne.org>

From: Randy Teboe
Sent: Tuesday, April 18, 2017 3:34 PM
To: 'tg64152@windstream.net'
Cc: mekasi@boldoklahoma.org; Hannah Adams; Mark Hefflinger; 'janekleeb@gmail.com'
Subject: RE: cultural resources study

Tom, I am following up with you on the resource study I wanted to confirm that we will be meeting in Spencer at 10:00 am on Friday April 21st. Do you think there is enough land to be there for two days? Are we set up to go to Neligh on Sunday?

From: Jane Fleming Kleeb [mailto:janekleeb@gmail.com]
Sent: Monday, April 17, 2017 8:17 AM
To: Randy Teboe
Cc: mekasi@boldoklahoma.org; Tom Genung; Hannah Adams; Mark Hefflinger
Subject: cultural resources study
Importance: High

Hello, two landowners would love to have you on the land to do a study—you will need to confirm with them the exact day and time.

Mekasi and Tom work for Bold—I figured you three could get on the phone to discuss exact days and times. Tom will then communicate that to the landowners.

Mekasi is a member of the Ponca Nation, his mom is Casey Camp, he is the lead on all tribal actions we do with Native Allies. Tom is a landowner whose family land was on the route but got re-routed around and is now working with Bold to keep landowners engaged and active.

I asked Bob and Nancy for next Thursday or Friday.

Art will be out of town but can do it on Sunday.

Tom can reach out to other landowners so at least 2-3 done a day.

The other ones I think are needed include (Tom can get permission):

Tammy Cheatum (Antelope/Orchard), Mike and Cheri Blocher (Antelope/ Oakdale), Ken Dittrich (Antelope/ Tilden) Sherry Loseke (Boone), Bill Schultz (Boyd), Ron and Jeanne Crumly (Holt), Richard and Bonny Kilmurry, Diana and Stix Steskl (Holt)

CONFIRMED



Bob and Nancy Allpress (close to SD border, Sandhills, water)

46165 Badger Road

Naper NE 68755

At Oneill, take Hwy 281 north to Spencer then left on Hwy 12 to Butte and on to Naper. 5 miles west of Naper, take a left on 465th Ave. Go 3 miles on gravel to Badger Road (big white mail box). Right on Badger for 4.6 miles. The first house is my brother's. Continue on through the trees for .6 miles and you will be in our front yard.

Art and Helen Tanderup (Ponca Trail)

52343 857th RD

Neligh NE 68756

From Neligh: 8 miles north on HWY 14 to 857 RD, west 2/3 of a mile, then north up the lane. You will see pipeline fighting signs on a gate.

Jane Kleeb

[@janekleeb](mailto:jane@janekleeb.com)