

Before the Nebraska Public Service Commission

In the Matter of the Application

of

TransCanada Keystone Pipeline LP
For Route Approval of Keystone XL
Pipeline Project, Pursuant to MOPSA

Intervenors:

Susan Dunavan and William Dunavan,
et al

Intervenors.

Application No: OP-003
(Filed by Applicant on 2/16/17)

Landowner Intervenors'
Motions *in Limine*

Landowner Intervenors' Motions *in Limine*

Landowner Intervenors' respectfully requests the Court issue Orders *in Limine* excluding comment during the hearings, testimony of any witness or presentation of any evidence concerning any, each, and all of the following topics:

1. **Specific Evidence.** The Court is asked to exclude any evidence, testimony or arguments by Applicant and any of its witnesses regarding:

1.1. **Other Lawsuits.** Any other lawsuits Landowners have been involved in other than the present case, the prior condemnation matters, and the prior *Thompson v. Heineman* and *Landowners v TransCanada* lawsuits. Any proffer of evidence of this kind to the PSC should be excluded as it is irrelevant to the issue being tried pursuant to *Neb Rev Stat* §§ 27-401 and 27-402. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

1.2. **"State Statutes"** – See Applicant response to Interrogatories 58, 59, 62, 63. It is a specific requirement of MOPSA and relevant inquiry for this commission what State Statues Applicant is required to satisfy and which ones in fact have been satisfied and complied with pursuant to the Application before the PSC.

Applicant was unwilling and unable in discovery to specifically list the state statutes which it must follow and therefore it cannot at the time of trial discuss or offer any evidence to prove that it has in fact complied with all applicable state statutes. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

- 1.3. **“Rules”** – See Applicant response to Interrogatories 66, 67, 70, 71. Same argument for “State Statutes” above.
- 1.4. **“Regulations”** – See Applicant response to Interrogatories 74, 75, 78, 79, 80, 81. Same argument for “State Statutes” above.
- 1.5. **“Local Ordinances”** – See Applicant response to Interrogatories 82, 83, 86, 87, 88, 89. Same argument for “State Statutes” above.
- 1.6. **“Nebraska Benefit of Proposed KXL”** – See Applicant Response to Interrogatory number 120. Applicant was asked to state the benefits of their proposed KXL pipeline to Nebraska and their answer was limited to purported “increased economic activity”, tax revenue and some jobs. Applicant should be prohibited at the time of the hearing from presenting any other alleged benefit or public interest to Nebraska or the citizens of Nebraska. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.7. **“Number of Permanent Nebraska Jobs”**. Applicant should be prevented from presenting any evidence alleging the creation of total permanent job increase due to potential construction of their proposed KXL pipeline from 6 to 10. See Applicant Interrogatory answers numbers 199 and 200. (Insert trial by ambush site here) Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.8. **Jobs, Taxes, Economic activity anywhere other than Nebraska**. Purported jobs, taxes paid, and any alleged economic activity from the proposed Keystone XL pipeline is irrelevant to the Nebraska specific issues and

proceedings and no such testimony or evidence should be allowed. Any proffer of evidence of this kind to the PSC should be excluded as it is irrelevant to the issue being tried pursuant to *Neb Rev Stat* §§ 27-401 and 27-402. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

- 1.9. **“Energy Needs”** – See Applicants responses to Interrogatories No’s 167-173 inclusive. TransCanada continually references *Neb Rev Stat* § 57-1403 (3) “The construction of major oil pipelines in Nebraska is in the public interest of Nebraska and the nation to meet the increasing need for energy.” It is important to note this portion of MOPSA has a qualifier and that is “to meet the increasing need for energy.” Therefore, unless it is proven there is such a need within Nebraska, a State without a specific increase in energy need that will be satisfied by the proposed route(s) of the proposed KXL pipeline would not be in the “public interest.” Applicant refused to answers such interrogatories and therefore must be precluded from any testimony or evidence that suggests their proposed KXL pipeline will specifically solve or cure or assist or in any way be beneficial to the “energy needs” of Nebraska. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.10. **“Energy Security of the United States”**. Applicant should be precluded for offering any evidence regarding any alleged benefit of the proposed KXL pipeline to the “energy security of the united states” as this is irrelevant to any specific energy needs of the State of Nebraska and Applicant has failed to identify what energy needs of Nebraska would go unfulfilled if its Application for its proposed KXL pipeline would be denied. See Applicant Interrogatory answers numbers 240, 241, 242, and 243. Any proffer of evidence of this kind to the PSC should be excluded as it is irrelevant to the issue being tried

pursuant to *Neb Rev Stat* §§ 27-401 and 27-402. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

- 1.11. “**Economic Purpose**”. Applicant should be precluded from offering any evidence regarding any alleged “economic purpose” of the proposed Keystone XL pipeline and how any such economic purpose would serve Nebraska other than as found specifically within Section 19 of its Application because applicant has chosen to only rely upon that Section for any such evidence regarding economic purpose. See Answer to Interrogatory number 44. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.12. “**Aesthetic Purpose**”. Applicant should be precluded from offering any evidence regarding any alleged “aesthetic purpose” of the proposed Keystone XL pipeline and how any such aesthetic purpose would serve Nebraska other than as found in Applicant’s Supplemental Answer to Interrogatory number 48 and initial answers to 46 and 47 by Applicant reference. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.13. Proposed Preferred KXL route “**widely accepted by Landowners**”. Applicant should be prevented from making such argument since they have failed to produce or identify any evidence that supports this conclusion. See Applicant’s answer to Interrogatory number 52.
- 1.14. Proposed preferred route “**ensures the welfare of Nebraskans**” and its impact on “**the welfare of Nebraskans**”. Applicant should be prevented from offering evidence of any kind related to its preferred route allegedly ensuring the welfare of Nebraskans other than as specifically contained within Section 19 of its Application. See Applicant answer to Interrogatory numbers 106 and 107. Admissions of this evidence would be substantially outweighed by the


danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

- 1.15. **“Future use of land”** where Proposed Preferred KXL route would be located. Applicant should be prevented from making such argument that the overwhelming majority of land on the proposed preferred KXL route will remain rural agricultural land following construction since they have failed to produce or identify any evidence that supports this conclusion and are inherently without foundation to make such statements. See Applicant answer to Interrogatory number 111. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.16. **“Fixed Entry Point in South Dakota”**. Applicant should be prevented from offering evidence of any kind of an alleged “fixed exit point” in South Dakota as that has nothing to do with what is or is not the most optimal route, if any, in Nebraska. The PSC is not bound by Applicants preference of where its proposed route enters Nebraska from South Dakota. See Applicant’s answer to Interrogatory 125, 126, and 127. Any proffer of evidence of this kind to the PSC should be excluded as it is irrelevant to the issue being tried pursuant to *Neb Rev Stat* §§ 27-401 and 27-402. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.17. **“Comparative Cost for Twinning Keystone 1”**. Pursuant to Applicants response to Landowners’ Request for Admission number 218, Applicant must be precluded from offering any testimony or evidence that suggest the cost of twining the existing Keystone 1 pipeline would be more costly than that of the preferred route for the proposed KXL pipeline. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.
- 1.18. **National Interest Determination and “Public Interest of KXL”**. TransCanada has attempted to advance the argument in discovery that the

Nebraska State law or any Federal law, including but not limited to any national interest determination concluded or legally establishes that a determination has been made that their proposed KXL project and all potential routes are in the “public interest” of Nebraska. This is not so. Paragraph 7.0 of the Presidential Permit as dated March 23, 2017 (KXL016672) is specifically and exclusively limited to construction and maintenance of facilities “at the border of the United states and Canada.” TransCanada will attempt to stretch this narrow National Interest determination exclusively made for land “at the border of the United states and Canada” to across the entire state of Nebraska. Nebraska is not included within the findings or conclusions of the Presidential Permit and whether or not any route of the proposed KXL “will serve the public interest” of Nebraska is exclusively for determination by the PSC. Further there is no state law that has determined that any proposed route for the KXL pipeline is in the “public interest” of Nebraska. Any proffer of evidence of this kind to the PSC should be excluded as it is irrelevant to the issue being tried pursuant to *Neb Rev Stat* §§ 27-401 and 27-402. Admissions of this evidence would be substantially outweighed by the danger of unfair prejudice and confusion of these issues pursuant to *Neb Rev Stat* § 27-403.

July 24, 2017.

Susan Dunavan, et al., Intervenors,

By: 
David A. Domina, #11043
Brian E. Jorde, #23613
Domina Law Group pc llo
2425 S. 144th Street
Omaha, NE 68144
(402) 493-4100
ddomina@dominalaw.com
bjorde@dominalaw.com

Certificate of Service

Pursuant to 291 *Neb Admin Code* § 015.01(b), a copy of the foregoing is served upon all Intervenor of record to this proceeding or their attorneys of record as follows:

Jacques	Tallichet	2821 S. 79th St	Lincoln	NE	68506	jacques.tallichet@gmail.com
Leverne A	Barrett	1909 Co Rd E	Ceresco	NE	68017	Vernbarrett@fureuretk.com
Becky	Hohnstein	PO Box 272	Minatare	NE	69356	jim.hohnstein@gmail.com
Taylor R M	Keen	5022 Hamilton St	Omaha	NE	68132	taylorkeen7@gmail.com
John	Jarecki	6112 Bedford Ave	Omaha	NE	68104	johnjarecki110@gmail.com
Karen	Jarecki	6112 Bedford Ave	Omaha	NE	68104	tenbuckstwo@yahoo.com
Julie	Shaffer	5405 Northern Hills Dr	Omaha	NE	68152	ksjaffer59@gmail.com
Michelle C	LaMere	PO Box 514	Winnebago	NE	68071	iamere@rocketmail.com
Jonathan H	Thomas	960 S Cotner Blvd	Lincoln	NE	68510	thewild_things@yahoo.com
Jayne	Antony	16064 Sprint St	Omaha	NE	68130	jayneeevan@yahoo.com
Joseph	Pomponio	551B Sand Creek Rd	Albany	NY	12205	lukaz@msn.com
Christine	Polson	4923 Valley St	Omaha	NE	68106	snpolson@cox.net
Wrexie	Bardaglio	9748 Arden Road	Trumansburg	NY	14886	wrexie.bardaglio@gmail.com
Mia	Bergman	86424 514 Ave.	Orchard	NE	68764	mbergman85@hotmail.com
Kimberly E	Craven	33 King Canyon Road	Chadron	NE	69337	kimecraven@gmail.com
Kimberlee A	Frauendorfer	50092 - 520 Ave	Newman Grove	NE	68758	
Randall L	Frauendorfer	50092-520 Ave	Newman Grove	NE	68758	
Troy R	Frauendorfer	Box 493	Newman Grove	NE	68758	
Cathie (Kathryn)	Genung	902 East 7th St	Hastings	NE	68901	tg64152@windstream.net
Louis (Tom)	Genung	902 East 7th St	Hastings	NE	68901	tg64152@windstream.net
Andy	Grier	916 S. 181st St.	Elkhorn	NE	68022	griec01@cox.net
Christy J	Hargesheimer	620 S 30th St	Lincoln	NE	68510	chrispaz@neb.rr.com
Richard S	Hargesheimer	620 South 30th St	Lincoln	NE	68510	rshargy@gmail.com
Marvin E	Hughes	714 W 5th St Ste 120	Hastings	NE	68901	bhughes@gtmc.net
Judy	King	1261 Fall Creek Rd	Lincoln	NE	68510	kingjud@gmail.com
Paul M	Latenser	2271 S 135 Circle	Omaha	NE	68144	pmlatenser@cox.net
Pamela	Luger	8732 Granville Pkwy	LaVista	NE	68128	pam1181@yahoo.com
350.org	Kendall Maxey	20 Jay Street	Brooklyn	NY	11201	kendall@350.org
Elizabeth (Liz)	Mensingher	6509 Wirt St.	Omaha	NE	68104	lizmensinger@gmail.com
Janece	Mollhoff	2354 Euclid Street	Ashland	NE	68003	wjmollhoff@windstream.net
Crystal	Miller	7794 Greenleaf Drive	LaVista	NE	68128	neccmiller@juno.com
Greg	Nelson	3700 Sumner St	Lincoln	NE	68506	gnelson@inetnebr.com
Julie	Nichols	1995 Park Ave	Lincoln	NE	68502	willpower2@earthlink.net
James Douglas	Osborn	43110 879th Rd	Ainsworth	NE	69210	jdosborn30@yahoo.com
Jana	Osborn	1112 Meadowlark	Alliance	NE	69301	janajaryb@gmail.com
Dave	Polson	4923 Valley Street	Omaha	NE	68106	honk@cox.net
Collin A	Rees	4721 Heather Lane	Kearney	NE	68845	collin@priceofoil.org
Donna	Roller	2000 Twin Ridge Rd.	Lincoln	NE	68506	rollerski@gmail.com
Corey	Runmann	2718 S. 12th St.	Lincoln	NE	68502	rumannc@gmail.com
Cecilia	Rossiter	949 N 30th St	Lincoln	NE	68503	punion@gmail.com
Sandra	Slaymaker	102 E 3rd St., #2	Atkinson	NE	68713	sandyslaymaker@gmail.com

Lois	Schreur	2544 N. 61st Street PO Box 4376	Omaha	NE	68104	leschreur@centurylink.net
Susan	Soriente	1110 Rockhurst Drive	Lincoln	NE	68510	ssoriente@gmail.com
Susan	Straka-Heyden	46581 875th Rd	Stuart	NE	68780	suzie_sl@hotmail.com
Oil Change International		714 G St., SE Suite 202	Washington	DC		lorne@priceofoil.org
Tristan	Lorne Stockman Scorpio	208 S Burlington Ave Ste 103 Box 325	Hasting	NE	20003 68901	linda@boldnebraska.org
Kimberly L	Stuhr	19303 Buffalo Rd	Springfield	NE	68059	kimberlystuhr13@yahoo.com
Paul	Theobald	85718 544th Avenue	Foster	NE	68765	pthobald36@gmail.com
Christine	Troshynski	101 S. 1st St.	Emmet	NE	68734	ctroshynski@gmail.com
Elizabeth L	Troshynski	87769 484th Ave	Atkinson	NE	68713	btroshyn@hotmail.com
Julie	Walker	2570 West Luther St.	Martell	NE	68404	jw9095@yahoo.com
Susan C	Watson	2035 N 28th St Apt 213	Lincoln	NE	68503	scwatson1965@gmail.com
Susan J	Weber	2425 Folkways Blvd Apt 329	Lincoln	NE	68521	susanjweber4@yahoo.com
Douglas	Whitmore	8856 N 83rd Ave	Omaha	NE	68122	douglas@whitmore4congress.com
Sandy	Zdan	4817 Douglas	Omaha	NE	68132	sandywz@cox.net
Sarah	Zuekerman	1729 K St #7	Lincoln	NE	68508	sarahj1182@gmail.com
Blake & Uhlig,PA	Robert J Henry Michael E Stapp	753 State Avenue Ste 475	Kansas City	KS	66101	rjh@blake-uhlig.com
Blake & Uhlig,PA		753 State Avenue Ste 475	Kansas City	KS	66101	rjh@blake-uhlig.com
O'Donoghue & O'Donoghue LLP	Robert J Henry Nuchael E Amash Ellen O. Boardman	4748 Wisconsin Avenue, NW	Washington	DC	20016	boardman@odonoghuelaw.com
Robert	O'Connor, Jr.	PO Box 45116	Omaha	NE	68154	reolaw@aol.com
Kenneth C	Winston	1327 H St Ste 300	Lincoln	NE	68508	kwinston@inebraska.com
Cavanaugh Law Firm, PC LLO	James P Cavanaugh	6035 Binney Street Ste 100	Omaha	NE	68104	cavanaughlawfirm@aol.com
Brad S Jolly & Associates	Brad S Jolly	15355 Gadsen Dr	Brighton	CO	80603	bsj@bsjlawfirm.com
Fredericks Peebles and Morgan LLP	Jennifer S Baker	1900 Plaza Drive	Louisville	CO	80027	jbaker@ndnlaw.com
McGrath North Mullin & Kratz, PC LLO	James G. Powers	First National Tower Ste 3700 1601 Dodge Street	Omaha	NE	68102	jpowers@mcgrathnorth.com
McGrath North Mullin & Kratz, PC LLO	Patrick D. Pepper	First National Tower Ste 3700 1601 Dodge Street	Omaha	NE	68102	ppepper@mcgrathnorth.com

s/ Brian E. Jorde
Brian E. Jorde

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)	
THE KEYSTONE XL PIPELINE PROJECT)	
PURSUANT TO THE MAJOR OIL)	
PIPELINE SITING ACT)	
)	
)	
Intervenors/Landowners)	
)	
Susan Dunavan and William Dunavan, et al.,)	
)	

TRANSCANADA KEYSTONE PIPELINE, LP'S ANSWERS TO THE INTERVENORS/LANDOWNERS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

COMES NOW TransCanada Keystone Pipeline, LP (“Keystone”) and for its answers and responses to the Intervenors/Landowners Susan Dunavan, et al.’s (“Landowners”) First Set of Interrogatories and Requests for Production states as follows:

GENERAL OBJECTIONS & RESERVATION OF RIGHTS

1. Keystone generally objects to the Landowners’ First Set of Interrogatories and Requests for Production to the extent those discovery requests inquire into matters which are beyond the scope of the Public Service Commission’s (“PSC”) permitted inquiry under the Major Oil Pipeline Siting Act, Neb. Rev. Stat. § 57-1401, *et seq.* (“MOPSA”), which prevents regulation and evaluation of safety of major oil pipelines and pipeline facilities. *See* Neb. Rev. Stat. §§ 57-1403(1) (may not regulate safety of the major oil pipelines and pipeline facilities); 57-1407(4) (may not consider “risks or impacts of spills or leaks from major oil pipeline”); 291 N.A.C. § 023.01 (regulations do not intend to regulate safety as to major oil pipelines and pipeline facilities); 291 N.A.C. § 023.07 (Commission shall not evaluate safety considerations).

Interrogatory No. 58. Identify each and every applicable Nebraska state statute that relates to any aspect of your proposed location for your preferred route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 59. Identify each and every applicable Nebraska state statute that relates to any aspect of your proposed location for your Keystone Mainline Alternative route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 62. For each and every applicable state statute identified in Interrogatory No. 58 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 58. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the noxious weed control act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 63. For each and every applicable state statute identified in Interrogatory No. 59 above, specifically describe how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 59. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the noxious weed control act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 66. Identify each and every applicable rule to any aspect of your purposed location for your preferred route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 67. Identify each and every applicable rule to any aspect of your purposed location for your Keystone Mainline Alternative route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 70. For each and every applicable rule identified in Interrogatory No. 66 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 66. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 71. For each and every applicable rule identified in Interrogatory No. 67 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 67. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 74. Identify each and every applicable regulation to any aspect of your purposed location for your preferred route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 75. Identify each and every applicable regulation to any aspect of your proposed location for your Keystone Mainline Alternative route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 78. For each and every applicable regulation identified in Interrogatory No. 74 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 74. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 79. For each and every applicable regulation identified in Interrogatory No. 75 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 75. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 80. For each and every applicable regulation identified in Interrogatory No. 76 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objection to interrogatory no. 76.

Interrogatory No. 81. For each and every applicable regulation identified in Interrogatory No. 77 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objection to interrogatory no. 77.

Interrogatory No. 82. Identify each and every applicable local ordinance to any aspect of your purposed location for your preferred route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 83. Identify each and every applicable local ordinance to any aspect of your purposed location for your Keystone Mainline Alternative route of the proposed Keystone XL Pipeline.

Answer: Keystone objects to the question as overbroad. Any valid laws (whether statutes, rules, regulations, or local ordinances) in the State of Nebraska could theoretically “apply” to the Preferred Route of the Keystone XL Pipeline. As set forth in Section 12.0 of Keystone’s Application, Keystone will comply with all applicable state statutes, rules, regulations and local ordinances. Keystone will also acquire permits whether federal, state, or local, and it will adhere to those permits. Keystone obviously is complying with MOPSA, it will comply with the Oil Pipeline Reclamation Act, the Noxious Weed Control Act, property and sales/use tax statutes, and environmental statutes. Importantly, Keystone, through Tony Palmer, has testified it will comply with all laws, rules, regulations and local ordinances.

Interrogatory No. 86. For each and every applicable local ordinance identified in Interrogatory No. 82 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 82. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 87. For each and every applicable local ordinance identified in Interrogatory No. 83 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objections to interrogatory no. 83. Subject to that objection, Keystone submits that its Application is a required step to comply with MOPSA, the CMRP complies with the Oil Pipeline Reclamation Act, and the CMRP, the Con Rec Units, and the Weed Management Plan complying with the Noxious Weed Control Act. Compliance with the overwhelming majority of legal requirements is prospective in nature. Keystone incorporates its answer and evidence proving compliance (currently and prospectively) from Section 12 of the Application.

Interrogatory No. 88. For each and every applicable local ordinance identified in Interrogatory No. 84 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objection to interrogatory no. 84.

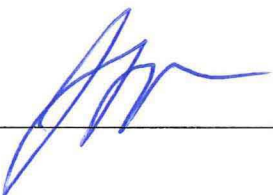
Interrogatory No. 89. For each and every applicable local ordinance identified in Interrogatory No. 85 above, specifically described how you have successfully complied with each and every one of those.

Answer: Keystone incorporates its objection to interrogatory no. 85.

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 and United States mail, postage prepaid, this 15 day of May, 2017.

David A. Domina
Brian E. Jorde
Domina Law Group, PC, LLO
2425 S. 144th St.
Omaha, NE 68144-3267
ddomina@dominalaw.com
BJorde@dominalaw.com



Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 120. Specifically describe each and every way you believe the operation of your proposed Keystone XL Pipeline will directly benefit the citizens of Nebraska in any way.

Answer: Keystone objects because the question in this case is not whether the Keystone XL Pipeline directly benefits the citizens of Nebraska. That question has already been determined as a matter of law in Neb. Rev. Stat. § 57-1403(3) and in the Presidential Permit issued by the United States Department of State on March 23, 2017. As reflected in Keystone's Application, there are numerous benefits to the citizens of Nebraska through the Keystone XL Pipeline including increased economic activity along the preferred route and in the State, generally, increased property tax revenue for the counties along the Preferred Route, increased tax revenue to the State for use taxes, increased employment for construction of the pipeline, and assisting the nation and its citizens in fulfilling its energy needs for a reliable trading partner.

Interrogatory No. 121. Specifically describe each and every way either you directly or through any person or entity compensated by you, or any parent company or corporation, subsidiary, or related company or corporation, in any way participated in the development of any of the language as found in each and every statute that makes up the *Major Oil Pipeline Siting Act*.

Answer: Keystone objects to this interrogatory as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 122. Describe the specific need(s) the United States has for your specifically proposed Keystone XL Pipeline.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by the United States is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, and taking into consideration the Final Supplemental Environmental Impact Statement (which includes the Preferred Route), has

concluded that the project would support a combined total of approximately 42,100 jobs throughout the United States for the two year construction period. About 12,000 jobs would be supported in Montana, South Dakota, Nebraska, and Kansas.

Interrogatory No. 198: For any time you have ever either in writing or orally stated your estimation of the total number of new temporary jobs within Nebraska that would result from the existence of your proposed Keystone XL pipeline, please identify the date of such statement or publication, the source or speaker, and the amount of temporary jobs claimed.

Answer: Keystone objects because this interrogatory is overbroad and unduly burdensome. Keystone has provided a detailed socio-economic analysis as part of its application, and that analysis is incorporated herein by reference as though set forth fully herein. The Department of State in the Final Environmental Impact Statement and Final Supplemental Environmental Impact Statement also provided a thorough analysis of the socio-economic impacts. Keystone will rely upon those studies in support of its application. In addition, the Department of State's March 23, 2017 Record of Decision/National Interest Determination concluded that the project would support a combined total of approximately 42,100 jobs throughout the United States for the two year construction period. About 12,000 jobs would be supported in Montana, South Dakota, Nebraska, and Kansas.

Interrogatory No. 199: If your proposed preferred Route for your proposed Keystone XL pipeline was constructed, how many new people, above and beyond those already employed by you in Nebraska, would you employ on a permanent basis within the state of Nebraska?

Answer: Keystone anticipates it would employ approximately 6-10 new individuals in the State of Nebraska if Keystone XL was constructed on the Preferred Route.

Interrogatory No. 200: If your proposed Mainline Alternative Route for your proposed Keystone XL pipeline was constructed, how many new people, above and beyond those already employed by you in Nebraska, would you employ on a permanent basis within the state of Nebraska?

Answer: Keystone anticipates it would employ approximately 6-10 new individuals in the State of Nebraska if Keystone XL was constructed on the Mainline Alternative Route.

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)
THE KEYSTONE XL PIPELINE PROJECT)
PURSUANT TO THE MAJOR OIL)
PIPELINE SITING ACT)
)
)
)
Intervenors/Landowners)
)
Susan Dunavan and William Dunavan, et al.,)
_____)

**TRANSCANADA KEYSTONE PIPELINE, LP'S ANSWERS TO THE
INTERVENORS/LANDOWNERS' SECOND SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

COMES NOW TransCanada Keystone Pipeline, LP (“Keystone”) and for its answers and responses to the Intervenors/Landowners Susan Dunavan, et al.’s (“Landowners”) Second Set of Interrogatories and Requests for Production states as follows:

GENERAL OBJECTIONS & RESERVATION OF RIGHTS

1. Keystone generally objects to the Landowners’ Second Set of Interrogatories and Requests for Production to the extent those discovery requests inquire into matters which are beyond the scope of the Public Service Commission’s (“PSC”) permitted inquiry under the Major Oil Pipeline Siting Act, Neb. Rev. Stat. § 57-1401, *et seq.* (“MOPSA”), which prevents regulation and evaluation of safety of major oil pipelines and pipeline facilities. *See* Neb. Rev. Stat. §§ 57-1403(1) (may not regulate safety of the major oil pipelines and pipeline facilities); 57-1407(4) (may not consider “risks or impacts of spills or leaks from major oil pipeline”); 291 N.A.C. § 023.01 (regulations do not intend to regulate safety as to major oil pipelines and pipeline facilities); 291 N.A.C. § 023.07 (Commission shall not evaluate safety considerations). As expressly recognized in the PSC’s February 16, 2017 notification of Keystone’s Application

Interrogatory No. 167: Specifically describe Nebraska's energy needs that are not currently being met by Nebraska's existing energy supply.

Answer: Keystone objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 168: Specifically describe Nebraska's energy needs that are not currently being met by Nebraska's available energy supply.

Answer: Keystone objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 169: Specifically describe Nebraska's energy needs that are not currently being met by Nebraska's existing energy supply that the proposed preferred route of the Keystone XL pipeline would fulfill.

Answer: Keystone objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United

States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 170: Specifically describe the Nebraska's energy needs that the proposed preferred route of the Keystone XL pipeline would fulfill.

Answer: Keystone objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 171: Specifically describe the Nebraska's energy needs that the proposed Mainline Alternative route of the Keystone XL pipeline would fulfill.

Answer: Keystone objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 172: Specifically describe the Nebraska's energy needs that your proposed I-90 Corridor Alternative A route of the Keystone XL pipeline would fulfill.

Answer: Keystone objects because Keystone did not propose an I-90 Corridor Alternative as part of this application. The I-90 Corridor Alternative A Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Keystone also objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United

States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

Interrogatory No. 173: Specifically describe the Nebraska's energy needs that your I-90 Corridor Alternative B route of the Keystone XL pipeline would fulfill.

Answer: Keystone objects because Keystone did not propose an I-90 Corridor Alternative as part of this application. The I-90 Corridor Alternative B Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Keystone also objects to the interrogatory as seeking irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. The question of energy needs for the State is not within the ambit of the proceedings established by the Major Oil Pipeline Siting Act. Moreover, the question of Nebraska's energy needs has been answered affirmatively by the State of Nebraska in Neb. Rev. Stat. § 57-1403(3) and within the United States' determination that the Keystone XL Pipeline is in the national interest in the Presidential Permit dated March 23, 2017.

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 and United States mail, postage prepaid, this 15th day of May, 2017.

David A. Domina
Brian E. Jorde
Domina Law Group, PC, LLO
2425 S. 144th St.
Omaha, NE 68144-3267
ddomina@dominalaw.com
BJorde@dominalaw.com



[T]he proposed Project will meaningfully support energy security by providing additional infrastructure for the dependable supply of crude oil. Global energy security is a vital part of U.S. national security. Moreover, crude oil is vital to the U.S. economy and is used to produce transportation fuels, fuel oils for heating and electricity generation, asphalt for our roads, and petrochemical feedstocks used for the manufacturing of chemicals, synthetic rubber, and a variety of plastics. Accordingly, the Department works closely with our international partners to ensure that adequate supplies of energy reach the global economy and to help manage geopolitical changes arising from shifting patterns of energy production and consumption. Whether promoting national and regional markets that facilitate financing for transformational and clean energy or inspiring civil society and governments to embrace the transparent and responsible development of natural resources, the Department works to ensure energy is employed as a tool for stability, security, and prosperity. For U.S. policy makers, this has often translated into an acute focus on oil markets. Historically, oil has been a major source of U.S. energy security concerns due to our relatively high volume of net imports, and oil's economic importance and military uses. Such concerns are well founded. Over the past year, crude oil supply disruptions internationally have trended noticeably higher when controlling for Iran's return to the international oil market. Largely attributable to political instability and manipulative market tactics on the part of OPEC, when compared to disruptions at [November 2015], today unplanned disruptions are over 500,000 bpd higher, having reached a peak high of nearly one million bpd in September 2016. Moreover, OPEC's spare capacity remains at or below two million bpd, which provides very little cushion for fluctuations in supply in a context of rapidly rising demand or further geopolitical disruptions. While U.S. oil imports have abated sharply in recent years, the United States remains a net oil importer. Moreover, even if the United States were self-sufficient in terms of meeting its domestic energy needs, because oil is traded globally, the United States would stay integrated with global oil markets and subject to global price volatility. Accordingly, the U.S. national interest in ensuring access to a stable, reliable, and affordable energy supplies will persist in the future.

ROD/NID at pp 27-28 (emphasis added). This finding clearly demonstrates the importance of the Keystone XL project to improving U.S. energy security. As part of the United States, Nebraska benefits from this improved energy security. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 240: Describe how, as of February 16, 2017, Nebraska is energy insecure or in any way lacks "energy security" and include what facts do you base your answer on?

Answer: Keystone objects to the question because it seeks irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. Subject to

and without waiving this objection, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United States of America. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 241: Describe how, as of May 5, 2017, Nebraska is energy insecure or in any way lacks "energy security" and include what facts do you base your answer on?

Answer: Keystone objects to the question because it seeks irrelevant information which is not reasonably calculated to lead to the discovery of admissible evidence. . Subject to and without waiving this objection, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United States of America. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 242: Specifically describe how your proposed Keystone XL pipeline "would improve energy security" within Nebraska any different than how energy security would purportedly be improved with in Nebraska if a competitor of yours were instead to propose a competing pipeline transporting Canadian tar sands?

Answer: Keystone objects because this question because it seeks irrelevant information which is not reasonably calculated to lead to discovery of admissible evidence insofar as it seeks information regarding whether major oil pipelines are in the public interest rather than the proper siting for a major oil pipeline. Keystone also objects because the interrogatory is an incomplete hypothetical and calls for speculation. Subject to and without waiving these objections, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United States of America. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 243: Do you believe a TransCanada owned tar sands pipeline would "improve energy security" of Nebraska any better than any other identical pipeline owned by a competing company to TransCanada?

Answer: Keystone objects to the question because it is an incomplete hypothetical and calls for speculation. Keystone also objects because this question seeks irrelevant information which is not reasonably calculated to lead to discovery of admissible evidence insofar as it seeks information regarding whether major oil pipelines are in the public interest rather than the proper siting for a major oil pipeline. Subject to and without waiving these objections, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United States of America. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 244: How would your proposed preferred Keystone XL pipeline running through Nebraska "improve energy security" of Nebraska any better than Kinder Morgan Trans Mountain Expansion Tar Sands Pipeline or than Enbridge's Line 3 Tar Sands Pipeline?

Answer: Keystone objects to the question because it calls for speculation. Keystone also objects because this question seeks irrelevant information which is not reasonably calculated to lead to discovery of admissible evidence insofar as it seeks information regarding whether major oil pipelines are in the public interest rather than the proper siting for a major oil pipeline. Subject to and without waiving these objections, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United States of America. This finding is fully consistent with the finding of the Nebraska Legislature that major oil pipelines are in the public interest of the State. Neb. Rev. Stat. § 57-1403(3). Further, neither the Kinder Morgan Trans Mountain pipeline, nor the Enbridge Line 3 pipeline replacement has received such a State Department finding.

Interrogatory No. 245: How would your proposed preferred Keystone XL pipeline running through Nebraska "improve energy security" of the United States any better than Kinder Morgan Trans Mountain Expansion Tar Sands Pipeline or than Enbridge's Line 3 Tar Sands Pipeline?

Answer: Keystone objects to the question because it calls for speculation. Keystone also objects because this question seeks irrelevant information which is not reasonably calculated to lead to discovery of admissible evidence insofar as it seeks information regarding whether major oil pipelines are in the public interest rather than the proper siting for a major oil pipeline. Subject to and without waiving these objections, Keystone notes that the United States Department of State's rationale (set forth in response to Interrogatory No. 239) in determining that the Keystone XL pipeline is in the national interest because it enhances the energy security of the United States applies to the State of Nebraska in its capacity as a State within the United

Commission based upon the evidence presented, including the entirety of Keystone's Application and evidence, and Keystone's evidence regarding the economic benefit is primarily explained in Section 19 of its Application.

Interrogatory No. 44. Given that Nebraska has the authority as a sovereign state to protect its land and natural resources for economic purposes for the benefit of its residents and future generations of Nebraskans, please specifically describe what you believe each and every "economic purpose" is that the Keystone XL Pipeline would serve in Nebraska.

Answer: Keystone objects to the interrogatory to the extent it seeks to invade the province of the Public Service Commission; the PSC's authority and purpose are described in MOPSA and this interrogatory presents an incomplete hypothetical. The economic purposes to be considered by the Public Service Commission are to be determined by the Public Service Commission based upon the evidence presented, including the entirety of Keystone's Application and evidence, and Keystone's evidence regarding the economic benefit is primarily explained in Section 19 of its Application.

Interrogatory No. 45. Specifically describe in detail each and every "economic purpose" of Nebraska you believe your current Keystone I Pipeline has served and quantify each.

Answer: Keystone Mainline has been a valuable addition to Nebraska's state and local economies. Keystone has paid millions of dollars in taxes which have been used by state and local government units to fund government operations. Keystone has employed many individuals within the State of Nebraska, who have benefited from the work associated with the construction, maintenance, and operation of the Keystone Mainline Pipeline. The Keystone Mainline has also caused an increase in economic activity through the state and in the counties where it is located. The Keystone Mainline Pipeline has also provided a reliable transportation source for the importation of oil for the nations' economy and energy security.

Interrogatory No. 46. In the context of your Application No. OP-003, what do you believe "aesthetic purpose" means?

Answer: Keystone objects because the meaning of words in a statute is a question of law. See *TracFone Wireless, Inc. v. Nebraska Public Service Com'n.*, 279 Neb. 426, 431 (2010). According to MOPSA, Nebraska has the authority as a sovereign state to protect its land and natural resources for aesthetic purposes through approval or disapproval of the route of a major oil pipeline, so long as it does not regulate in the area of safety as to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance. Here, the Keystone XL Pipeline is an underground pipe, which,

In addition to Dr. Goss, the United States Department of State (“DOS”) has extensively studied the Keystone XL Pipeline. On March 23, 2017, when DOS issued the Presidential Permit, it also issued a Record of Decision and National Interest Determination. That document is publicly available, and has been produced at KXL016642 – KXL016672. In finding that the Keystone XL Pipeline (along the Preferred Route) is in the national interest, the United States Department of State made detailed socio-economic findings, including that the project would support 42,100 jobs throughout the United States during construction, with approximately 12,000 jobs in Montana, South Dakota, Nebraska and Kansas. According to the DOS, the construction of the Keystone XL Pipeline would contribute approximately \$3.4 billion to the United States’ gross domestic product. The DOS also found that the “economic benefits are likely to be meaningful and reflect the importance policymakers place on positive near- and long-term economic growth.”

Keystone also provided considerable evidence of its reclamation plans, specifically including those which comply with the Oil Pipeline Reclamation Act. By application of those plans and by compliance with all federal, state, local and tribal laws and regulations which is required in Article 3 of the Presidential Permit, the property along the Preferred Route will retain its use from before construction, thereby protecting the economic interests associated with the property.

Interrogatory No. 48: Given that Nebraska has the authority as a sovereign state to protect its land and natural resources for aesthetic purposes for the benefit of its residents and future generations of Nebraskans, please specifically describe what you believe each and every “aesthetic purpose” is that Keystone XL pipeline would serve in Nebraska.

Answer: See answer and objection to Nos. 46 and 47 which are incorporated herein by reference. Keystone further notes that its Construction Mitigation and Reclamation Plan (“CMRP”) ensures the reclamation of the existing property in a manner which promotes aesthetic purposes.

Supplemental Answer: Keystone believes the Keystone XL Pipeline along the Preferred Route serves the aesthetic purposes contemplated in MOPSA. MOPSA was, itself, enacted for the protection of aesthetic values (among other “purposes”). Keystone’s compliance with MOPSA and, in particular, presenting the Preferred Route to the Public Service Commission is in furtherance of all of the stated purposes of MOPSA, including the protection of aesthetic values.

The Keystone XL pipeline is an underground pipe. With the exception of the above-ground structures associated with the pipeline, it will not be seen. Whether a person finds the associated above-ground structures aesthetically pleasing is personal to the individual. Keystone is committed to complying with the Oil Pipeline Reclamation Act, which mandates that the areas through which a pipeline is constructed is restored “as close as reasonably practicable to the condition, contour, and vegetation that existed prior to construction.” Keystone’s CMRP, Noxious Weed Management Plan, and Construction/Reclamation Units (Appendices D, E, & F of the application which is incorporated herein by reference) explain in considerable detail how

Commission based upon the evidence presented, including the entirety of Keystone's Application and evidence, and Keystone's evidence regarding the economic benefit is primarily explained in Section 19 of its Application.

Interrogatory No. 44. Given that Nebraska has the authority as a sovereign state to protect its land and natural resources for economic purposes for the benefit of its residents and future generations of Nebraskans, please specifically describe what you believe each and every "economic purpose" is that the Keystone XL Pipeline would serve in Nebraska.

Answer: Keystone objects to the interrogatory to the extent it seeks to invade the province of the Public Service Commission; the PSC's authority and purpose are described in MOPSA and this interrogatory presents an incomplete hypothetical. The economic purposes to be considered by the Public Service Commission are to be determined by the Public Service Commission based upon the evidence presented, including the entirety of Keystone's Application and evidence, and Keystone's evidence regarding the economic benefit is primarily explained in Section 19 of its Application.

Interrogatory No. 45. Specifically describe in detail each and every "economic purpose" of Nebraska you believe your current Keystone I Pipeline has served and quantify each.

Answer: Keystone Mainline has been a valuable addition to Nebraska's state and local economies. Keystone has paid millions of dollars in taxes which have been used by state and local government units to fund government operations. Keystone has employed many individuals within the State of Nebraska, who have benefited from the work associated with the construction, maintenance, and operation of the Keystone Mainline Pipeline. The Keystone Mainline has also caused an increase in economic activity through the state and in the counties where it is located. The Keystone Mainline Pipeline has also provided a reliable transportation source for the importation of oil for the nations' economy and energy security.

Interrogatory No. 46. In the context of your Application No. OP-003, what do you believe "aesthetic purpose" means?

Answer: Keystone objects because the meaning of words in a statute is a question of law. See *TracFone Wireless, Inc. v. Nebraska Public Service Com'n.*, 279 Neb. 426, 431 (2010). According to MOPSA, Nebraska has the authority as a sovereign state to protect its land and natural resources for aesthetic purposes through approval or disapproval of the route of a major oil pipeline, so long as it does not regulate in the area of safety as to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance. Here, the Keystone XL Pipeline is an underground pipe, which,

therefore, has little impact on the aesthetics of property, which is currently primarily rural agricultural land and will remain primarily rural agricultural land following construction.

Interrogatory No. 47. Given that Nebraska has the authority as a sovereign state to protect its land and natural resources for aesthetic purposes for the benefit of its residents and future generations of Nebraskans, please specifically describe your understanding of each and every “aesthetic purpose” that is to be considered by the Public Service Commission.

Answer: Keystone objects to this interrogatory because by presenting an incomplete hypothetical it seeks to invade the province of the Public Service Commission’s authority to make decisions based upon the statutorily-defined scope of its authority in MOPSA. Keystone recognizes that beauty (or aesthetics) is in the eye of the beholder, but Keystone notes that its proposed pipeline is primarily below ground and should have no adverse impact on the current aesthetic purpose of the property through which it will cross. Any above-ground facilities are necessary to the operation of the pipeline.

Interrogatory No. 48. Given that Nebraska has the authority as a sovereign state to protect its land and natural resources for aesthetic purposes for the benefit of its residents and future generations of Nebraskans, please specifically describe what you believe each and every “aesthetic purpose” is that the Keystone XL pipeline would serve in Nebraska.

Answer: See answer and objection to Nos. 46 and 47 which are incorporated herein by reference. Keystone further notes that its Construction Mitigation and Reclamation Plan (“CMRP”) ensures the reclamation of the existing property in a manner which promotes aesthetic purposes.

Interrogatory No. 49. Specifically describe in detail each and every “aesthetic purpose” of Nebraska you believe your current Keystone I Pipeline has served and quantify each such purpose.

Answer: The land associated with the Keystone Mainline Pipeline has maintained its aesthetic qualities through the State consistent with the surrounding landscape. The land along the Keystone Mainline has retained its purpose (e.g. agriculture) from before construction. Keystone’s operation of the pipeline has allowed the land to continue to flourish, produce crops, and otherwise retain its aesthetic properties.

Interrogatory No. 50. In the context of your Application No. OP-003, what do you believe “social impact” means?

Answer: Keystone objects to this interrogatory because the plain meaning of words in a statute is a question of law for the Public Service Commission, and Keystone objects to invading the Public Service Commission's province. *See TracFone Wireless, Inc. v. Nebraska Public Service Com'n.*, 279 Neb. 426, 431 (2010). Subject to and without waiving these objections, Keystone's views of the social impact are addressed in its Application.

Interrogatory No. 51. Specifically list and describe each and every "social impact" of the preferred route of the Keystone XL Pipeline that you considered in your Application No. OP-003.

Answer: Keystone objects to the interrogatory because "each and every" is overbroad. As stated in section 19 of the Application, employment in Nebraska and along its Preferred Route will be positively impacted by the Keystone XL Pipeline. Moreover, as the Application explains, the overwhelming majority (greater than 90%) of landowners along the route have already executed easements for the Keystone XL Preferred Route. Many of these landowners are individuals and/or family farmers. The land along the Preferred Route will remain productive rural agricultural land following construction of the Preferred Route, and Keystone has thorough Construction Mitigation and Reclamation Plan and Commitment database to ensure that landowners-specific concerns are addressed.

Keystone believes that extensive environmental review (state and federal) of the Preferred Route plus its relationships with the overwhelming majority of landowners along the Preferred Route has allowed the company to keep its landowners and the communities through which the pipeline will pass educated about the Keystone XL Pipeline. No other proposed route in Nebraska has the depth of relationships that Keystone's Preferred Route currently possesses. As a result, any other route in Nebraska will have to establish new relationships and new education, which creates additional social engagement.

Interrogatory No. 52. Specifically list and describe each and every "social impact" of the Keystone Mainline Alternative route of the Keystone XL Pipeline that you considered in your Application No. OP-003.

Answer: Keystone objects to the interrogatory because "each and every" is overbroad. Keystone states that the Preferred Route as contrasted with the Mainline Alternative has less social impacts because Keystone has already acquired greater than 90% of the easements along the Preferred Route, whereas the Mainline Alternative would require new negotiation, education, and relationships with landowners and communities where the Preferred Route and Mainline Alternative diverge. Although the Mainline Alternative loosely parallels the Keystone Mainline, there will inevitably be new landowners impacted and existing landowners faced with a second pipeline on their property based upon the objections of other Nebraskans. The social impact of one set of Nebraskans (i.e. some of those on the Preferred Route) telling another set of

Nebraskans (i.e. those on the Keystone Mainline) that the Preferred Route group's land is more important than Mainline Alternative's land is an undesirable social impact. This social impact is particularly undesirable when the Preferred Route has been so extensively studied, analyzed, and widely accepted by landowners and federal regulators.

Interrogatory No. 53. Specifically list and describe each and every "social impact" of the I-90 Corridor Alternative A route of the Keystone XL Pipeline that you considered in your Application No. OP-003.

Answer: Keystone objects to this interrogatory because the I-90 Corridor Alternative was not considered as part of this Application. The I-90 Corridor Alternative A Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 54. Specifically list and describe each and every "social impact" of the I-90 Corridor Alternative B route of the Keystone XL Pipeline that you considered in your Application No. OP-003.

Answer: Keystone objects to this interrogatory because the I-90 Corridor Alternative was not considered as part of this Application. The I-90 Corridor Alternative B Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 55. Specifically describe each and every "social impact" of the route on which your current Keystone 1 Pipeline is located that you considered prior to its construction.

Interrogatory No. 104. Identify each and every potential impact on the “orderly development of the area around” your I-90 Corridor Alternative B route of the proposed Keystone XL Pipeline.

Answer: Keystone objects because it did not propose the I-90 Corridor Alternative as a route for this Application. The I-90 Corridor Alternative B Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 105. Specifically describe your understanding of the phrase “ensure the welfare of Nebraskans” as it exists within *Nebraska Revised Statutes* § 57-1402(1).

Answer: Keystone objects because the meaning of words in a statute is a question of law and, therefore, it is exclusively within the province of the Public Service Commission. *See TracFone Wireless, Inc. v. Nebraska Public Service Com’n.*, 279 Neb. 426, 431 (2010).

Interrogatory No. 106. Specifically describe each and every way the proposed Keystone XL Pipeline would “ensure the welfare of Nebraskans.”

Answer: Keystone objects because the phrase “each and every” is overbroad and unduly burdensome. Keystone also objects because the question of whether a major oil pipeline is in the public interest is a legislative question which has been affirmatively answered. *See* Neb. Rev. Stat. § 57-1403(3). Also the Keystone XL Pipeline has been determined to be in the nation’s interest via the Presidential Permit. Keystone’s Application reflects the positive impact on the welfare of Nebraskans specifically as set forth in Section 19 of the Application. The welfare of Nebraskans is also ensured because this Preferred Route was analyzed and approved in conjunction with a national interest determination reflected in the Presidential Permit dated March 23, 2017. Nebraska law also conclusively states that construction of major oil pipelines is in Nebraska’s interest.

Interrogatory No. 107. Identify each and every potential impact on the “the welfare of Nebraskans” your preferred route of the proposed Keystone XL Pipeline would have.

Answer: Keystone objects because the phrase “each and every” is overbroad and unduly burdensome. Keystone’s Application reflects the positive impact on the welfare of Nebraskans specifically as set forth in Section 19 of the Application. The welfare of Nebraskans is also ensured because this Preferred Route was analyzed and approved in conjunction with a national interest determination reflected in the Presidential Permit dated March 23, 2017. Nebraska law also conclusively states that construction of major oil pipelines is in Nebraska’s interest.

Interrogatory No. 108. Identify each and every potential impact on the “the welfare of Nebraskans” your Keystone Mainline Alternative route of the proposed Keystone XL Pipeline would have.

Answer: Keystone objects because the phrase “each and every” is overbroad and unduly burdensome. Keystone’s Application reflects the positive impact on the welfare of Nebraskans specifically as set forth in Section 19 of the Application. The welfare of Nebraskans is also ensured because this Preferred Route was analyzed and approved in conjunction with a national interest determination reflected in the Presidential Permit dated March 23, 2017. Nebraska law also conclusively states that construction of major oil pipelines is in Nebraska’s interest.

Interrogatory No. 109. Identify each and every potential impact on the “the welfare of Nebraskans” your I-90 Corridor Alternative A route of the proposed Keystone XL Pipeline would have.

Answer: Keystone objects because it did not propose the I-90 Corridor Alternative as a route for this Application. The I-90 Corridor Alternative A Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 110. Identify each and every potential impact on the “the welfare of Nebraskans” your I-90 Corridor Alternative B route of the proposed Keystone XL Pipeline would have.

Answer: Keystone objects because it did not propose the I-90 Corridor Alternative as a route for this Application. The I-90 Corridor Alternative B Route was developed by the US Department of State (DOS) as an alternative route and considered in its National Environmental

Policy Act review. In its 2011 Final Environmental Impact Statement, the DOS evaluated this potential route at a screening level and eliminated it from further consideration for a number of reasons: (i) there was no environmental advantage in terms of risk to groundwater overall or in Nebraska; (ii) the alternative would not offer an overall environmental advantage over the preferred route; and (iii) the route was not technically practical or feasible.

Interrogatory No. 111. Specifically describe each and every protection of property rights of each and every Nebraskan that you have considered related to your preferred location of your proposed Keystone XL Pipeline within and throughout Nebraska.

Answer: Keystone objects to this interrogatory because the request for “each and every protection” and “each and every Nebraskan” are overbroad and unduly burdensome. Keystone’s construction plan limits the property rights used to temporary and permanent easements where the pipe is to be located. Keystone’s reclamation plan ensures that the land used for this pipeline is returned to its condition as close as practicable to its original condition following construction. (*See, generally*, Application Appendix D, Keystone CMRP, and the Oil Pipeline Reclamation Act) For the Preferred Route, the overwhelming majority of land is currently used as rural agricultural land, and it will remain rural agricultural land following construction. More importantly, the significant majority of the property rights for the Preferred Route are acquired whereas, for alternative routes, property right acquisition would be required.

Interrogatory No. 112. Specifically describe each and every protection of aesthetic values of each and every Nebraskan that you have considered related to your preferred location of your proposed Keystone XL Pipeline within and throughout Nebraska.

Answer: Keystone objects because “each and every protection” and “each and every Nebraskan” are overly broad and unduly burdensome. The Keystone XL Pipeline is to be primarily located underground, and Keystone’s CMRP and Nebraska law require the above-ground land to be reclaimed to as close as practicable to its original condition. As such, aesthetics are not impacted or minimally impacted after construction.

Interrogatory No. 113. Specifically describe each and every protection of economic interests of each and every Nebraskan that you have considered related to your preferred location of your proposed Keystone XL Pipeline within and throughout Nebraska.

Answer: Keystone objects because “each and every protection” and “each and every Nebraskan” are overly broad and unduly burdensome. The Keystone XL Pipeline provides counties along the Preferred Route with property tax revenue, the state with use tax revenue, and

concluded that the Keystone XL Pipeline is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 123. Describe the specific need(s) the United States has for your specifically proposed Keystone XL Pipeline that will not be met unless KXL is constructed across Nebraska.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by the United States is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, and taking into consideration the Final Supplemental Environmental Impact Statement (which includes the Preferred Route), has concluded that the Keystone XL Pipeline is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 124. Describe the specific need(s) Nebraska has for your specifically proposed Keystone XL Pipeline.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by Nebraska is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, and taking in to consideration the Final Supplemental Environmental Impact Statement (which includes the Preferred Route), has concluded that the Keystone XL Pipeline is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 125. Describe the specific need(s) that Nebraska has for your specifically proposed Keystone XL Pipeline that will not be met unless KXL is constructed across Nebraska.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by Nebraska is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, has concluded that the Keystone XL Pipeline in accordance in the Final Supplemental Environmental Impact Statement (which includes the Preferred Route) is in the nation's interest. Moreover, Nebraska law has

conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 126. Describe the specific need(s) Keya Paha County, Nebraska, has for your Keystone XL Pipeline.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by Keya Paha County is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, has concluded that the Keystone XL Pipeline in accordance in the Final Supplemental Environmental Impact Statement (which includes the Preferred Route) is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 127. Describe the specific need(s) that Keya Paha County, Nebraska has for your Keystone XL Pipeline that will not be met unless KXL is constructed across Keya Paha County, Nebraska.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by Keya Paha County is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, has concluded that the Keystone XL Pipeline in accordance in the Final Supplemental Environmental Impact Statement (which includes the Preferred Route) is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

Interrogatory No. 128. Describe the specific need(s) Boyd County, Nebraska, has for your Keystone XL Pipeline route.

Answer: Keystone objects to this question as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question of need by Boyd County is beyond the scope of this proceeding. But, as reflected in the March 23, 2017, Presidential Permit, the Department of State, on behalf of the United States, has concluded that the Keystone XL Pipeline in accordance in the Final Supplemental Environmental Impact Statement (which includes the Preferred Route) is in the nation's interest. Moreover, Nebraska law has conclusively found that the construction of major oil pipelines, which includes Keystone XL, is in the nation's interest and the State's. *See* Neb. Rev. Stat. § 57-1403(3).

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)
THE KEYSTONE XL PIPELINE PROJECT)
PURSUANT TO THE MAJOR OIL)
PIPELINE SITING ACT)
)
Intervenors/Landowners)
)
)
)
Susan Dunavan and William Dunavan, et al.,)
_____)

TRANSCANADA KEYSTONE PIPELINE, LP'S RESPONSES TO INTERVENORS/LANDOWNER'S' SECOND SET OF REQUESTS FOR ADMISSION

COMES NOW TransCanada Keystone Pipeline, LP ("Keystone") and for its Responses to Intervenors/Landowners' ("Landowners") Second Set of Requests for Admission states as follows:

GENERAL OBJECTIONS

1. Keystone objects to the Requests for Admission served by the Landowners on May 5, 2017 at 6:13 p.m. because under the Case Management Plan all written discovery was to be served by intervenors between April 5, 2017 and 3:00 p.m. central on May 5, 2017. These intervenors, along with others, served in excess of 200 interrogatories, 62 requests for production, and 138 requests for admission following the 3:00 p.m. deadline specified by the PSC in paragraph 14 of the CMP.

2. Keystone generally objects to the Landowners' Requests for Admission to the extent they inquire into matters which are beyond the scope of the Public Service Commission's ("PSC") permitted inquiry under the Major Oil Pipeline Siting Act, Neb. Rev. Stat. § 57-1401, *et seq.* ("MOPSA"), which prevents regulation and evaluation of safety of major oil pipelines and

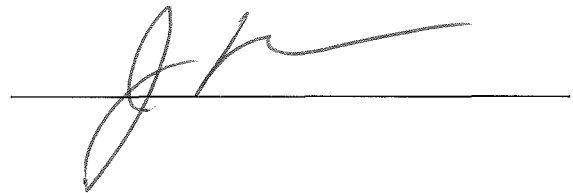
Request No. 218: Admit that your proposed Preferred Route across Nebraska is less costly financially to you than it would be to twin or closely parallels your existing Keystone I route.

Response: Keystone objects because it has not proposed a complete “twinning” or close paralleling of the Keystone Mainline. As such, Keystone does not have comparative cost data for a route it has not proposed. Subject to and without waiving that objection, Keystone denies the request.

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 and United States mail, postage prepaid, this 19th day of May, 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

A handwritten signature in black ink, appearing to be "BJ", is written over a solid horizontal line. The signature is stylized and cursive.