

# Nebraska Public Service Commission

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## FOR IMMEDIATE RELEASE

### TRANSCANADA FILES APPLICATION FOR APPROVAL OF PIPELINE ROUTE

Lincoln, February 16, 2017- On Thursday, February 16, 2017, the Nebraska Public Service Commission received an application from TransCanada Keystone Pipeline, L.P., seeking approval of a proposed route for the Keystone XL Pipeline pursuant to [the Major Oil Siting Act](#) (*Neb. Rev. Stat. §57-14-1 et seq.*).

Burden of Proof- The pipeline carrier has the burden to establish that the proposed route of the major oil pipeline *would serve the public interest*.

Commission Determination- In determining whether the pipeline carrier has met its burden, the Act prohibits the Commission from evaluating safety considerations, including the safety as to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, maintenance, and risk or impact of spills or leaks from the major oil pipeline.

The Commission's review is limited to siting or choosing the route of the major oil pipeline and **shall** include an evaluation of:

- 1) Whether the pipeline carrier has demonstrated compliance with all applicable state statutes, rules and regulations and local ordinances;
- 2) Evidence of the impact due to intrusion upon natural resources and not due to safety of the proposed route of the major oil pipeline to the natural resources of Nebraska, including:
  - an environmental impact study;
  - a comprehensive soil permeability study;
  - a distance-to-groundwater survey;
  - evidence regarding the impact of the pipeline on wildlife; and
  - evidence regarding the impact of the pipeline on plants located within and surrounding the proposed route;
- 3) Evidence of methods to minimize or mitigate the potential impacts of the major oil pipeline to natural resources;
- 4) Evidence regarding the economic and social impacts of the major oil pipeline, including estimates regarding tax paid by the carrier to local and state government along the route of the proposed pipeline and information regarding impact on employment in Nebraska;
- 5) Whether any other utility corridor exists that could feasibly and beneficially be used for the route of the major oil pipeline.

- 6) The impact of the major oil pipeline on the orderly development of the area around the proposed route of the major oil pipeline.
- 7) The reports of the agencies filed pursuant to the Act; and
- 8) The views of the governing bodies of the counties and municipalities in the areas around the proposed route of the major oil pipeline.

Timing- The Commission has 210 days from receipt of an application to enter an order approving or denying the application. The Act also provides for an additional five months, for just cause, for the Commission to issue its decision.

Procedure- Interested individuals and groups have the ability to file a formal motion with the Commission seeking formal intervention in the docket. Those wishing formal intervention must demonstrate they have a substantial legal interest in the proceedings.

- Formal intervenors are considered parties and have the ability to promulgate discovery, offer evidence including witness testimony, cross-examine witnesses of other parties, and appeal the final decision of the Commission.
- Only duly authorized members of the bar will be able to represent other individuals and groups in the proceeding.
- Individuals may represent themselves, however, they may not represent businesses or family farms they own and/or operate.

Public Comment- The Commission will be taking public comment at dates and times to be determined. Any comments received will be made a part of the formal record of the proceeding. Public commenters are not parties and will not be able to engage in discovery, offer witnesses and evidence, or appeal.

“The Commission is committed to building a comprehensive record,” said Jeff Pursley, PSC Executive Director. “We will follow all aspects of the law as we fulfill the duties assigned to us by the Legislature.”  
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