

Nebraska Public Service Commission

COMMISSIONERS:
ROD JOHNSON
FRANK E. LANDIS
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM



300 The Atrium, 1200 N Street, Lincoln, NE 68508
Post Office Box 94927, Lincoln, NE 68509-4927
Website: psc.nebraska.gov
Phone: (402) 471-3101
Fax: (402) 471-0254

NEBRASKA CONSUMER HOTLINE:
1-800-528-0017

EXECUTIVE DIRECTOR:
MICHAEL G. HYBL

August 4, 2017

CERTIFICATION

To Whom It May Concern:

I, Michael G. Hybl, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed OP-0003 on the 4th day of August 2017. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Nichole Mulcahy, Natural Gas Deputy Director, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 4th day of August 2017.

Sincerely,

A handwritten signature in black ink that reads "Michael G. Hybl".

Michael G. Hybl
Executive Director

MGH:da

Enclosure

cc: Service Lists: U.S. Mail and Email

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. OP-0003
of TransCanada Keystone Pipeline,)
L.P., Calgary, Alberta, seeking) ORDER GRANTING MOTION TO
approval for Route Approval of the) STRIKE MYERS DIRECT
Keystone XL Pipeline Project) TESTIMONY
Pursuant to the Major Oil Pipeline)
Siting Act.) Entered: August 4, 2017

BY THE HEARING OFFICER:

On February 16, 2017, TransCanada Keystone Pipeline, L.P., of Calgary, Alberta, ("TransCanada" or "Applicant") filed an Application with the Nebraska Public Service Commission ("Commission") seeking approval of a route for the Keystone XL Pipeline Project pursuant to the Major Oil Pipeline Siting Act, Neb. Rev. Stat. §§ 57-1401 - 57-1413 ("Siting Act").

On March 31, 2017, the Hearing Officer entered orders granting petitions for formal intervention.¹

On April 5, 2017, the Hearing Officer entered an order adopting a case management plan ("CMP") and giving notice of the public hearing in the above-captioned docket.

On July 24, 2017, prehearing motions seeking to strike certain portions of direct pre-filed testimony were filed by TransCanada, including an objection to the entirety of informal intervenor, Cindy Myer's testimony. Ms. Meyers filed a response to the objection and a telephonic hearing on the objection was held on August 3, 2017. James Powers and Patrick Pepper appeared for TransCanada and Ms. Myers appeared pro se.

O P I N I O N

In previous orders issued in this proceeding, the Commission has concluded that its authority under the Siting Act is limited. Specifically, an order issued on June 14, 2017, stated, "[T]he Siting Act specifically prohibits the Commission from considering safety considerations including the risks of spills and leaks and therefore any data on the subject is clearly outside the scope of this proceeding."

TransCanada's objection to testimony regarding the risk or impact of pipeline leaks or spills is sustained. This would include Ms. Myers' testimony beginning with the second paragraph on page 2 to the end and the exhibits offered in support of that testimony. This decision does not preclude the Commission from considering

¹ Petitions for informal intervention were also granted in the March 31, April 5, and July 26, 2017 Orders

Application No. OP-0003

Page 2

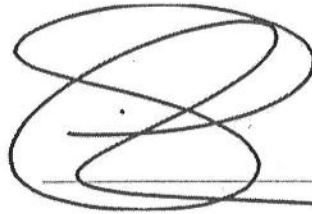
the impact of contamination on soil or water from construction of the pipeline or some other source related to the construction or maintenance of the pipeline.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the TransCanada Prehearing Motion regarding the pre-filed testimony of Cindy Myers is hereby granted as found herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 4th day of August, 2017.

BY:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above a horizontal line.

Judge Karen B. Flowers (ret.)
HEARING OFFICER

OP-0003 SERVICE LIST

James G Powers
McGrath, North etal.
First National Tower Ste 3700
1601 Dodge Street
Omaha, NE 68102
jpowers@mcgrathnorth.com

Patrick D Pepper
McGrath, North etal.
First National Tower Ste 3700
1601 Dodge Street
Omaha, NE 68102
ppepper@mcgrathnorth.com

Jayne Antony
16064 Sprint St
Omaha, NE 68130-2030
jayneevan@yahoo.com

Jennifer S Baker
Fredericks Peebles and Morgan LLP
1900 Plaza Drive
Louisville, CO 80027
jbaker@ndnlaw.com

Wrexie Bardaglio
9748 Arden Road
Trumansburg, NY 14886
wrexie.bardaglio@gmail.com

Leverne A Barrett
1909 Co Rd E
Ceresco, NE 68017
Vernbarrett@fururetk.com

Mia Bergman
86424 514 Ave.
Orchard, NE 68764
mbergman85@hotmail.com

Ellen O Boardman
O'Donoghue & O'Donoghue LLP
4748 Wisconsin Avenue, NW
Washington, DC 20016
eboardman@odonoghuelaw.com

Anna Friedlander
O'Donoghue & O'Donoghue LLP
4748 Wisconsin Avenue, NW
Washington, DC 20016
afriedlander@odonoghuelaw.com

Robert O'Connor, Jr
O'Connor Law Firm
PO Box 45116
Omaha, NE 68145
reolaw@aol.com

James P Cavanaugh
Cavanaugh Law Firm, PC LLO
6035 Binney Street Ste 100
Omaha, NE 68104
cavanaughlawfirm@aol.com

Dara Illowsky
1650 38th Street Suite 102w
Boulder, CO 80301
dara.illowsky@sierraclub.org

Kimberly E Craven
33 King Canyon Road
Chadron, NE 69337
Kimecraven@gmail.com

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
griea01@cox.net

OP-0003 SERVICE LIST

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

Robert J Henry
Blake & Uhlig,PA
753 State Avenue Ste 475
Kansas City, KS 66101
rjh@blake-uhlig.com

Michael J Stapp
Blake & Uhlig,PA
753 State Avenue Ste 475
Kansas City, KS 66101
mjs@blake-uhlig.com

Michael E Amash
Blake & Uhlig,PA
753 State Avenue Ste 475
Kansas City, KS 66101
mea@blake-uhlig.com

Becky Hohnstein
PO Box 272
Minatare, NE 69356
jimhohnstein@gmail.com

Marvin E Hughes
714 W 5th St Ste 120
Hastings, NE 68901
bhughes@gtmc.net

John Jarecki
6112 Bedford Ave
Omaha, NE 68104
johnjarecki110@gmail.com

Karen Jarecki
6112 Bedford Ave
Omaha, NE 68104
tenbuckstwo@yahoo.com

Brad S Jolly
Brad S Jolly & Associates
15355 Gadsen Dr
Brighton, CO 80603
bsj@bsjlawfirm.com

Brian F Jorde
Domina Law Group PC LLO
2425 S 144th Street
Omaha, NE 68144-3267
bjorde@dominalaw.com

Dave Domina
Domina Law Group PC LLO
2425 S 144th Street
Omaha, NE 68144-3267
ddomina@dominalaw.com

Taylor R M Keen
5022 Hamilton St
Omaha, NE 68132-1448
taylorkeen7@gmail.com

Judy King
1261 Fall Creek Rd
Lincoln, NE 68510
kingjud@gmail.com

Michelle C LaMere
PO Box 514
Winnebago, NE 68071
iamere@rocketmail.com

Pamela Luger
8732 Granville Pkwy
LaVista, NE 68128
pam1181@yahoo.com

OP-0003 SERVICE LIST

Kendall Maxey
350.org
20 Jay Street
Brooklyn, NY 11201
kendall@350.org

Elizabeth (Liz) Mensinger
6509 Wirt St.
Omaha, NE 68104
lizmensingerg@gmail.com

Cindy Myers
PO Box 104
Stuart, NE 68780
csmyers77@hotmail.com

Crystal Miller
7794 Greenleaf Drive
LaVista, NE 68128
neccmiller@juno.com

Janece Mollhoff
2354 Euclid Street
Ashland, NE 68003
wjmollhoff@windstream.net

Greg Nelson
3700 Sumner St
Lincoln, NE 68506
gnelson@inetnebr.com

Julie Nichols
1995 Park Ave
Lincoln, NE 68502
willpower2@earthlink.net

Jana Osborn
1112 Meadowlark
Alliance, NE 69301
janajearyb@gmail.com

James Douglas Osborn
43110 879th Rd
Ainsworth, NE 69210
jdosborn30@yahoo.com

Christine Polson
4923 Valley St
Omaha, NE 68106
snpolson@cox.net

Dave Polson
4923 Valley Street
Omaha, NE 68106
honk@cox.net

Joseph Pomponio
551B Sand Creek Rd
Albany, NY 12205
lukaz@msn.com

Collin A Rees
4721 Heather Lane
Kearney, NE 68845
collin@priceofoil.org

Donna Roller
2000 Twin Ridge Rd.
Lincoln, NE 68506
rollerski@gmail.com

Cecilia Rossiter
949 N 30th St
Lincoln, NE 68503
punion@gmail.com

Corey Runmann
2718 S. 12th St.
Lincoln, NE 68502
rumannc@gmail.com

Lois Schreur
2544 N. 61st Street
PO Box 4376
Omaha, NE 68104
leschreur@centurylink.net

OP-0003 SERVICE LIST

Tristan Scorpio
208 S Burlington Ave Ste 103
Box 325
Hasting, NE 68901
linda@boldnebraska.org

Julie Shaffer
5405 Northern Hills Dr
Omaha, NE 68152
ksjaffer59@gmail.com

Sandra Slaymaker
102 E 3rd St #2
Atkinson, NE 68713
sandyslaymaker@gmail.com

Susan Soriente
1110 Rockhurst Drive
Lincoln, NE 68510
ssoriente@gmail.com

Lorne Stockman
Oil Change International
714 G St., SE Suite 202
Washington, DC 20003
lorne@priceofoil.org

Susan Straka-Heyden
46581 875th Rd
Stuart, NE 68780
suzie_sl@hotmail.com

Kimberly L Stuhr
19303 Buffalo Rd
Springfield, NE 68059
kimberlystuhr13@yahoo.com

Jacques Tallichet
2821 S. 79th St
Lincoln, NE 68506
jacques.tallichet@gmail.com

Paul Theobald
85718 544th Avenue
Foster, NE 68765
ptheobald36@gmail.com

Jonathan H Thomas
960 S Cotner Blvd
Lincoln, NE 68510
thewild_things@yahoo.com
Elizabeth L Troshynski
87769 484th Ave
Atkinson, NE 68713
btroshyn@hotmail.com

Christine Troshynski
101 S. 1st St.
Emmet, NE 68734
ctroshynski@gmail.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

Kenneth C Winston
1327 H St Ste 300
Lincoln, NE 68508
kwinston@inebraska.com

OP-0003 SERVICE LIST

Sandy Zdan
4817 Douglas
Omaha, NE 68132
sandywz@cox.net

National Association of Manufacturers
Ross Eisenberg
733 10th Street, NW, Ste. 700
Washington, DC 20001

Sarah Zuekerman
1729 K St #7
Lincoln, NE 68508
sarahj1182@gmail.com

Lisa May
1008 13th Avenue
Kearney, NE 68845

Consumer Energy Alliance
Michael Whatley
1666 K Street NW, Ste. 500
Washington, DC 20006

Ports to Plains Alliance
Michael Reeves
5401 N. MLK #395
Lubbock, TX 79403

South Dakota Oil & Gas Association
Adam Martin
PO Box 3224
Rapid City, SD 57709

Association of Oil Pipe Lines
Steven M. Kramer
900 17th Street, NW, Ste. 600
Washington, DC 20006

Nebraska Chamber of Commerce & Industry
Ronald J. Sedlacek
PO Box 95128
Lincoln, NE 68509

American Petroleum Institute
Judith Thorman
216 West Jackson Blvd., Ste. 915
Chicago, IL 60606