

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)
)
)
)

**APPLICANT’S RESPONSE TO MOTION FOR EXTENSION OF TIME
TO SUBMIT EVIDENCE**

TransCanada Keystone Pipeline, LP, (“Keystone”) responds to the formal intervenors’ requests to extend their deadline to provide testimony, exhibits, work papers, and witness lists from May 30, 2017 to June 7, 2017 as follows:

1. The movants are not under any deadline pressure except for their own self-inflicted time constraints. On the Friday evening of the final day to submit discovery, the movants collectively submitted hundreds of written discovery requests. Whether a concerted, calculated move or not, the effect of that strategy was to condense the intervenors’ time to evaluate the discovery before their testimony was due. The intervenors’ choice was voluntary and the time consequences were predictable. Accordingly, the Commission is well within its authority to deny the request.

2. Nevertheless, Keystone takes no position on whether the intervenors’ motion should be granted; provided, however, in the event the motion is granted, (a) it should be equal and applicable to all formal intervenors and not merely the moving parties, and (b) a minimal scheduling accommodation should be made for Keystone.

3. The Commission has established a Case Management Plain with a consistent application of deadlines divided by “Intervenors” and “Applicant,” and the motion provides no

justification to abandon that logical order. In other words, the intervenors whether classified as Landowners, Natural Resources, Cultural, or Economic should be treated equally for procedural matters.

4. If the schedule is to be changed, it reduces the amount of the time Keystone has to evaluate the intervenors' testimony and serve discovery. The intervenors had months to evaluate Keystone's testimony, while Keystone would have less than ten days. Accordingly, Keystone requests that if the intervenors' deadline is extended to June 7, 2017, the remaining deadlines be adjusted as follows:

- a. Keystone is to serve discovery on intervenors on or before June 19, 2017.
- b. Intervenors' responses to discovery be no later than July 3, 2017.
- c. Keystone to file motions to compel no later than July 7, 2017.
- d. Keystone to file rebuttal testimony and exhibits on or before July 17, 2017.

5. The remaining deadlines set forth in the Commission's scheduling order shall remain the same.

TRANSCANADA KEYSTONE PIPELINE,
LP

By: /s/ Patrick D. Pepper

James G. Powers (17780)
Patrick D. Pepper (23228)
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, Nebraska 68102
(402) 341-3070
(402) 341-0216 fax
James G. Powers -
jpowers@mcgrathnorth.com
Patrick D. Pepper -
ppepper@mcgrathnorth.com

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2017, that a copy of the foregoing was served by via email to the individuals and entities listed below:

Jayne Antony
16064 Spring Street
Omaha, NE 68130
jaynevan@yahoo.com

Fredericks Peebles and Morgan LLP
Jennifer S Baker
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

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

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

Sierra Club
Dara Illowsky
1650 38th Street Ste 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
Gria01@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

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

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

Blake & Uhlig,PA
Michael E Amash
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 & Associates
Brad S Jolly
15355 Gadsen Dr
Brighton, CO 80603
bsj@bsjlawfirm.com

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

Domina Law Group PC LLO
Dave Domina
2425 S 144th Street
Omaha, NE 68144
d domina@dominalaw.com

Taylor R M Keen
5022 Hamilton St
Omaha, NE 68132
Taylorkeen7@gmail.com

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

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

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) Mensinger
6509 Wirt St.
Omaha, NE 68104
lizmensingergmail.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
Jdosborn3@yahoo.com

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@centrulylink.net

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

Julie Shaffer
5405 Northern Hills Dr
Omaha, NE 68152
Jshaffer59@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

Oil Change International
Lorne Stockman
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

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

Sarah Zuekerman
1729 K St #7
Lincoln, NE 68508
Sarahj1182@gmail.com

Matt.effken@nebraska.gov

Nichole.mulcahy@nebraska.gov

Jeff.pursley@nebraska.gov

/s/ Patrick D. Pepper
