

# EXHIBIT 2

IN THE MATTER OF THE PETITION OF DAKOTA ACCESS PIPELINE, LLC FOR A PERMIT TO CONSTRUCT THE DAKOTA ACCESS PIPELINE	) ) Docket HP14-002 ) ) <b>DAKOTA RURAL ACTION'S FIRST</b> ) <b>REQUEST FOR PRODUCTION OF</b> ) <b>DOCUMENTS TO DAKOTA</b> ) <b>ACCESS, LLC</b> ) )
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## Definitions

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6. The term "Petition" means the Petition filed by Dakota Access with the Public Utilities Commission of the State of South Dakota, Docket No. HP14-002, captioned *In the Matter of the Petition of Dakota Access, LLC, for a Permit to Construct the Dakota Access Pipeline*.

7. The terms "Dakota Access" or "Project" mean the Dakota Access Pipeline project, a portion of which is proposed to be constructed in South Dakota.

8. The term "DRA" means Dakota Rural Action.

9. The term "Commission" means the Public Utilities Commission of the State of South Dakota.

10. The words "describe in detail," or words of similar import, mean to state separately all factual bases for the allegation requested to be described and/or to give a detailed description of the thing, event, or entity asked to be described, including (a) the identity of each person having any knowledge of each fact or opinion relating to the allegation, thing, event, or entity to be described; (b) the identity of each document evidencing or relating to the answer given; and (c) all relevant dates or time periods.

11. The term "document" is to be interpreted in the broadest sense permitted under the South Dakota Rules of Civil Procedure codified in SDCL Title 15, and includes tangible things and any media upon which information is recorded, stored, or placed, including without limitation, writings, e-mails, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form.

12. The terms "communicate" and "communication" mean any disclosure, transfer or exchange of information, by any means or manner, including without limitation, any correspondence, writing, memorandum, facsimile transmission, telephone conversation, oral conversation, electronic (e-mail) or computer messages or other electronic transmission.

13. The term "identify" means:

- a. with respect to a natural person, state the person's full name, present address, and telephone number (or, if unknown, the last known address and telephone number), and the name, address, and telephone number of the person's present employer (or, if unknown, the name, address, and telephone number of the last known employer);
- b. with respect to a person other than a natural person, state the full name of the entity, the type of entity identified, its present business address and telephone number, and the names of its officers or managing partners; and
- c. with respect to a document or communication, provide a description of the document and its contents and purpose, and state the full name of the person(s) who received the

document, the date of the document's creation or formulation, and the name, address, and telephone number of its present custodian.

14. The singular shall include the plural, and vice versa, and words of either gender shall include both genders.

#### **Instructions**

1. This request for production extends to all documents and other tangible things in the possession of Dakota Access, LLC , or subject to the custody and control of any of its agents or Affiliates.

2. You are required to serve upon DRA's attorneys written Responses, which shall state with respect to each Request for Production that the requested documents will be produced, except to the extent that you make written objections to particular items, stating the specific legal basis for each objection. If you do not produce any documents in response to a Request for Production, please so indicate in the written response.

3. Each of these requests is deemed to be a continuing discovery request and in the event that later you obtain any documents or tangible things response to these requests, please promptly amend your written responses to these requests and produce such additional documents or tangible things.

4. Please organize and label each document to correspond with the Request number to which the documents respond to, or produce each document in the file in which it is kept in the usual course of business.

5. If you claim that any document or tangible thing requested in these requests is protected from disclosure by virtue of privilege, work product doctrine, or otherwise, please describe the nature of the communication, documents or things not produced or disclosed in a manner that allows DRA and the Commission to assess the applicability of the privilege or protection, including, the date and names of the individuals drafting, sending or receiving each communication or document, the date each communication or document as drafted, sent or received, the number of pages or length of each communication or document, the general nature of the information communicated or documented, and a statement of the privilege claims.

6. If any document or tangible thing was, but is no longer, in your possession, subject to your control, or in existence, state:

- a. Whether it is missing or lost, and if so, the name and current address and phone number of the persons who have knowledge of it;
- b. Whether it has been destroyed, and if so, the circumstances under which it was destroyed and the name and current address and phone number of the persons who destroyed it or who have knowledge of its destruction;

- c. Whether it has been transferred voluntarily or involuntarily, and in each instance explain the circumstances surrounding the authorization for each disposition and state the date or approximate date of its disposition; and
- d. The identity of the person who has possession, custody, or control of the document.

### **REQUESTS FOR PRODUCTION**

1. All documents identified or referred to in your Answers to DRA's First Interrogatories to you.
2. All documents and correspondence presented to any expert in connection with the above-captioned proceedings, or received from any expert, including but not limited to emails, letters, engagement documents, resumes, curriculum vitae, reports, analysis, spreadsheets, schedules, and any drafts thereof.
3. The most recent resume or curriculum vitae of each expert whom you expect to call as an expert witness at the hearing before the Commission.
4. The written reports of experts who are expected to testify on behalf of Dakota Access, LLC.
5. All correspondence between Dakota Access or its Affiliates and the Commission or Commission staff concerning the Project.
6. All documents concerning production and transportation of crude oil from the Williston Basin area, including but not limited to, projections of crude oil supply to be transported via the proposed Project, and any agreements or commitments entered into with oil producers and refiners with respect to any production from the Williston Basin area.
7. All documents concerning the present route, including but not limited to, any parcel maps showing the precise location of the proposed Project through South Dakota.
8. All documents setting forth Dakota Access' proposed construction schedule for the Project, and all contracts for construction of the proposed Project and all contracts or other documents relating to commitments made with respect to the Project by shippers.
9. All documents concerning the strength of steel presumed to be used in the pipeline.
10. All documents concerning the decision to use fusion-bonded epoxy (FBE) coating on the proposed pipeline, including but not limited to, contracts or other agreements with the manufacturer of the FBE product, and any communications between Dakota Access and such manufacturer.

11. All documents, including internal communications between Dakota Access' or its Affiliates' staff, consultants, advisors, or other parties concerning the appropriate pipeline operating pressure for the Project.

12. All documents showing location of power lines for pumping stations proposed for the Project, the location of proposed pumping stations and mainline valves for the Project in South Dakota, and including, but not limited to all communications between Dakota Access or its Affiliates' staff, consultants, advisors, or other parties concerning location and operation of pumping stations, mainline valves, and the proposed conversion of valves to remote control operations.

13. All documents concerning compliance by Dakota Access with U.S. Department of Transportation, Pipeline Hazardous Materials and Safety Administration ("PHMSA") regulations set forth at 49 CFR Part 195 including all communications between Dakota Access or its Affiliates' staff, consultants, advisors, or other parties, and PHMSA, or other federal agencies concerning regulatory compliance, approvals, or waivers of applicable regulations with respect to the Project.

14. All documents concerning the increase in projected costs for the Project, including but not limited to draft or final budgets, pro-formas, estimated cost schedules, and communications between Dakota Access or its Affiliates' staff, consultants, advisors, or other parties regarding the increased estimated costs of the Project.

15. All documents setting forth forecasts of "additional crude oil production from the WCSB" and Williston Basin, including any documents discussing the impact of current low oil prices on such forecasts.

16. All documents, including but not limited to communications between Dakota Access or its Affiliates' staff, consultants, advisors, or other parties discussing or containing information stating or indicating that existing or new refineries will import less crude oil and, instead, replace it with crude oil transported via the Project.

17. All documents discussing or setting forth Dakota Access' or its Affiliates' forecasts of US demand for petroleum products.

18. All documents setting forth or discussing whether or if crude oil from the WCSB is sold at a "significant discount" from other sources.

19. All documents setting forth, discussing, or describing whether or if shipment of crude oil via the Project will replace rail transportation for crude oil shipments from the WCSB.

20. All documents setting forth binding commitments from shippers to use the Project, including but not limited to copies of contracts between Dakota Access (and its Affiliates) and such shippers.

21. All documents describing soil types and conditions along the currently proposed Project route through South Dakota.

22. All documents describing, discussing, or setting forth plans for the Project to cross perennial streams and rivers, intermittent streams, and ephemeral streams in South Dakota, including but not limited to all documents concerning the methodology used by Dakota Access (and its Affiliates) or its agents in determining construction plans for the Project across such waterways.

23. All documents containing information regarding Dakota Access (or its Affiliates') decision to use horizontal directional drilling to cross waterways, including but not limited to all documents discussing or describing the decision-making process engaged in to determine which waterways would be crossed using horizontal directional drilling.

24. All documents, including but not limited to forecasts and projections of tax revenue accruing to the State of South Dakota should construction and operation of the Project commence.

25. All documents evidencing Dakota Access' or its Affiliates' compliance efforts with applicable laws and regulations related to construction and operation of the Project.

26. All documents concerning Dakota Access" or its Affiliates' compliance with the compliance with Section 106 of the National Historic Preservation Act.

27. All documents concerning or discussing proposed adjustments or deviations in the route of the Project, including but not limited to copies of notices to affected landowners.

28. All documents containing information with respect to contacts or communications with state, county and municipal emergency response, law enforcement and highway, road and other infrastructure management agencies regarding the Project.

29. All documents containing information concerning Dakota Access' or its Affiliates' efforts to comply with mitigation measures set forth in the Construction Mitigation and Reclamation Plan submitted to the Commission.

30. All documents containing information regarding consultations, including but not limited to communications, with Natural Resources Conservation Services ("NRCS") regarding development of construction/reclamation units ("Con/Rec Units").

31. All Con/Rec Units developed in connection with the Project, including but not limited to drafts and supporting studies or documents.

32. All documents provided to landowners affected by the Project explaining trenching and topsoil and subsoil/rock removal, segregation and restoration methods for their property.

33. All documents containing information regarding trucking or hauling contractors to be used in construction of the Project, including but not limited to agreements with such trucking or hauling contractors.

34. All documents containing information or describing the methodology to be used by Dakota Access (or its Affiliates) for valuing trees.

35. All documents containing information regarding consultations between Dakota Access (or its Affiliates) and South Dakota Game, Fish and Parks.

36. All documents describing the development of frac-out plans in areas where horizontal directional drilling will occur in connection with the Project, including but not limited to any frac-out plans developed.

37. All documents describing or containing information regarding Dakota Access' or its Affiliates' efforts to comply with conditions regarding construction of the Project near wetlands, water bodies, and riparian areas, such documents including but not limited to compliance plans, construction plans, mitigation plans, and communications with any regulatory agency in such regard.

38. All documents containing or referencing adverse weather land protection plans developed in connection with the Project.

39. All documents that reference or identify private and new access roads to be used or required during construction of the Project.

40. All documents referencing or containing information regarding winterization plans provided to landowners affected by the Project, including but not limited to plan(s) developed.

41. All documents referencing agreements reached with landowners, including but not limited to any agreements reached with landowners modifying any requirements or conditions established by the Commission in connection with the Project.

42. All documents containing information regarding compliance by shippers with crude oil specifications.

43. All documents containing information regarding assessments performed in connection with your activities in "high consequence areas", including but not limited to documents referencing efforts by you to comply with 49 C.F.R. Part 195, and any communications or consultations with the South Dakota Geological Survey, the Department of Game Fish and Parks ("SDGFP"), affected landowners and government officials.

44. All documents where discussing have hydrologically sensitive areas.

45. All documents containing information regarding noise-producing facilities in connection with the Project, including but not limited to any studies conducted regarding noise levels, and any noise mitigation measures.

46. All documents containing information regarding Dakota Access' or its Affiliates' efforts to comply with protection and mitigation requirements of the US Fish and Wildlife Service ("USFWS") and SDGFP with respect to any endangered species.

47. All documents containing information or details regarding location of drain tiles, including but not limited to all documents containing information regarding the potential for drain tiles to operate as conduits for contaminants in connection with construction or operation of the Project.

48. All documents referencing or containing information concerning cultural or paleontological resources along the Project route, including but not limited to all documents identifying cultural and paleontological resources, consultations and communications with the Bureau of Land Management and Museum of Geology at the South Dakota School of Mines and Technology.

49. All documents regarding pipeline spills from Energy Partner Transfers projects including a list of ongoing litigation, the status of the clean up of the spills, and notices of violation for spills, leaks and contamination of water.

50. Please provide information regarding Dakota Access' and ETP's cash reserves adequacy to ensure that current reserves are adequate to cover all current and future liabilities, even for currently known contamination.

51. Please provide the documents used by Dakota Access for contacting landowners to acquire the temporary and permanent right of ways across their land.

52. Please provide a copy of land reclamation plans used for construction and the process for involving landowners in this process.

53. Please provide the long-term reclamation plans for the decommissioning of the pipeline when it reaches the end of its life.

54. Please provide a copy of the Emergency Response Plans and/or the Oil Spill Response Plans.

55. Please provide plans including law enforcement policing plans for the temporary construction camps that will be constructed in South Dakota during the pipeline's construction and law enforcement plans for policing them.

Dated this 1<sup>st</sup> day of April 2015.

Respectfully submitted,

/s/Kimberly Craven

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