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JUN 15 2007

June 15, 2007

Patricia Van Gerpen, Executive Director
SD Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: HP07-001 -In the Matter of the Application by TransCanada Keystone Pipeline,
LP for a Permit under the South Dakota Energy Conversion and Transmission Facility
Act to Construct the Keystone Pipeline Project.

Dear Ms. Van Gerpen:

As you know, I represent TransCanada Keystone Pipeline, LP in the above captioned matter. This letter with attached DVD disk is TransCanada's response to the Commission's order made Tuesday with respect to Exhibits C and D to the TransCanada application for a pipeline siting permit.

This DVD replaces the old C and D, and contains the files in a redacted form to meet the confidentiality requirements of other agencies, not party to this docket. Unfortunately, the redacted pages on this attached disk still contain the headline "confidential" on each page, in red. I will file a disk with these files, not marked confidential, as soon as possible, probably Tuesday of next week.

As I made clear at the hearing, these matters of confidentiality are in no place meeting any legal or commercial interest of my client, TransCanada. No information about TransCanada within the filing has been kept confidential, to my knowledge. That information which has been marked and redacted is seeking to meet the public's interest as determined by the public, through its governments, both state and federal.

The areas as to which Keystone expects the commission to maintain confidentiality, as required or expected by other agencies include:

1. High Consequence Area (HCA) maps. These maps identify the location of High Consequence Areas (49 CFR 195.450), including Unusually Sensitive Areas (49 CFR 195.6). The HCA maps are prepared using National Pipeline Mapping System (NPMS)

maps maintained by the US DOT (PHMSA). The maps are made available to agencies and pipeline operators, on a password protected basis. After the events of 9/11/01, DOT recognized the additional security concerns and restricted access to these maps. TransCanada accesses these maps under the understanding that it will maintain them on a confidential basis.

2. Cultural Resource Location Information. Under section 106 of the National Historic Preservation Act, the federal agency reviewing an application for a federally authorized project is required to consider the impact of the project on sites eligible for listing in the National Register of Historic Places. The Applicant conducts surveys to identify sites on behalf of the federal agency. The Advisory Council on Historic Preservation regulations (36 CFR 800.11(c)(1)) authorize the federal agency to withhold public disclosure of the location, character, and ownership of historic properties. The State Historical Preservation Offices also generally prefer that this information be kept confidential. The Applicant maintains this information on a confidential basis, so as not to preempt the Federal agency's ability to claim confidentiality.

I understand that the State Department has notified the Commission that it considers these regulations to apply to the files in question and expects confidentiality to be maintained.

3. Location of Threatened and Endangered Species. Under Section 7 of the Endangered Species Act, the federal permitting agency is required to consider the impact of the project on Threatened and Endangered Species. The Applicant conducts surveys on behalf of the agency to locate these species. The US Fish and Wildlife Service, which oversees Endangered Species Act compliance, desires that the locations of T&E species not be publicly disclosed, to protect those species. Therefore, the applicant maintains that information on a Confidential basis. I have not heard from USFWS on these matters, nor do I know whether the Commission has heard.

Further, the pump stations line list contains a tremendous amount of personal information including landowners names and addresses and telephone numbers which Keystone argues should be maintained as confidential, and expects the Commission would agree as well. I do not recall the Commission making an order as to this list and leave it to your discretion.

Thank you for your consideration of this letter. We look forward to the orderly procession of this matter.

Very truly yours,



MAY, ADAM, GERDES and THOMPSON, LLP
Brett Koenecke