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August 1, 2007

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AUG 02 2007

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ms. Kara Van Bockern
SD Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

RE: TransCanada Pipeline
Our File: 5057

Dear Kara:

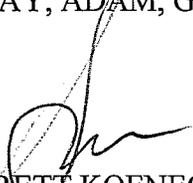
Since the June public meetings across the state, the Keystone team has continued to dialogue with the US Fish and Wildlife Service and the U.S. Department of State regarding the Keystone application and raptor nests.

We are informed that no raptors in USFWS Region 6 currently are listed under the ESA, with the exception of the bald eagle which is in the process of being de-listed. Once delisted, the issues dealing with eagle nests will be resolved under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Neither of these have provisions allowing the withholding of the information in question. We are also informed that the USFWS is in the process of establishing federal regulations and publishing guidelines that should alleviate much of the concerns about impacts to bald eagles after they are delisted.

Accordingly, the USFWS has signaled to Keystone that it considers the information regarding raptors as filed with the SD Public Utilities Commission to be in the public domain. Accordingly, Keystone releases its claim of confidentiality with respect to raptors, made on behalf of USFWS.

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP



BRETT KOENECKE

BK:lar

cc: Jennifer Scott
Jim White