

Senator
John Marty

Senate
State of Minnesota

November 16, 2018

Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission

Dear Mr. Wolf:

I write in support of the Petitions for Reconsideration of your decision to grant a Certificate of Need for the Enbridge Line 3 replacement from the Department of Commerce, Honor the Earth, and Friends of the Headwaters. There are many serious and legitimate challenges to the Certificate of Need for the Line 3 replacement project, but I am limiting my comments to the climate change issue.

The petitions pointed out that the PUC order did not include a demand forecast for energy that would be supplied by the pipeline, as is legally required in granting a Certificate of Need. The failure to include that legally-required demand forecast matters. Certainly, it matters if we are serious about climate.

In asking you to vote to reconsider, I recognize that in some ways, this Line 3 Replacement project seems inevitable, with Enbridge investing millions in preparatory work, in buying supplies, in lobbying and in its extraordinary public relations campaign.

However, I urge you to step back from that sense of inevitability and look at the big picture of climate and the very survival of our children and their children. Worsening forest fires, hurricanes, droughts and floods in the year 2018 – already more severe than 30 years ago – will look minor compared to the natural disasters and sea level rise we will face 30 years from now. Think of our children. And their children.

Consumption of fossil fuels must decline rapidly if we are to halt the disastrous effects of climate change. Climate scientists point out that the burning of tens of millions of years of fossil fuels in just a few centuries has caused the sharp increase in carbon dioxide in the atmosphere that is driving climate change. They warn that unless the vast majority of known fossil fuel reserves are left in the ground, we have no hope of preventing catastrophic climate change.

Allowing construction of this pipeline is a decision to build the infrastructure that facilitates the pumping of tar sands oil, which has a greenhouse gas impact as much as 37% higher¹ than

¹ Oil Change International, *Petroleum Coke: The Coal Hiding in the Tar Sands*, (January 2013), p. 4, 39
<http://priceofoil.org/content/uploads/2013/01/OCLPetcoke.FINALSCREEN.pdf>

conventional oil. Without this pipeline, the economics of tar sands extraction – already costly – simply don't make sense, and the oil and gas companies will leave the tar sands in the ground. Expanding rail capacity for transporting tar sands is too expensive and cannot be sustained.

Certainly, the economy will continue to use fossil fuels as we transition to a clean energy future. However, this pipeline project is facilitating the extraction of the dirtiest of those fuels. We need to minimize greenhouse gas emissions as we phase out the use of fossil fuels over the next few decades, not encourage the use of the most harmful of those fossil fuels.

Under Minnesota Rules 7853.0130, Criterion A, the Certificate of Need should be granted if “the probable result of denial would adversely affect the future adequacy, reliability, or efficiency of energy supply.” Yet the Department of Commerce and others provided strong testimony that Enbridge has failed to show any “need” for the project beyond a *desire* for more efficiency in their system. This has little to do with Minnesota's need, and much to do with Enbridge's desire to make more money.

That's why the law *requires* a Certificate of Need to be based on a demand forecast showing the need for the fuel. And the failure to provide that demand forecast is a key reason that the Department of Commerce and these other organizations asked for reconsideration.

This is nothing less than a litmus test about whether we are serious about addressing climate change. All of Minnesota's laudable efforts to address climate change – through wind and solar, through storage, through energy efficiency and conservation – are undercut if we approve construction of this pipeline that facilitates the production and use of perhaps the most carbon intense of fossil fuels. Despite Minnesota's good work in promoting renewable energy, approving this unneeded tar sands pipeline means we fail the litmus test. We will have failed our descendants.

Regulatory decisions on pipelines and other energy infrastructure are frequently a balancing act between competing interests. Yet, in this case, there has not been the required demand forecast providing evidence of need for this project.

And, when scientists estimate that there is a **1-in-20 chance that human-caused climate change will have an impact that is “beyond catastrophic”** by the end of the century, threatening the very survival of our descendants,² the balancing act here is not a close call. As one of the scientists explained it: “To put in perspective, how many of us would choose to buckle our grandchildren to an airplane seat if we knew there was as much as a 1-in-20 chance of the plane crashing?”³

And the risk of *merely* “catastrophic” climate impacts is far higher than 1-in-20.

Finally, I urge your reconsideration because it appears that a big part of the Commission's motivation for granting the Certificate of Need is the belief that without the replacement Line

² Proceedings of the National Academy of Sciences of the United States of America, Yangyang Xua, and Veerabhadran Ramanathan, *Well below 2 °C: Mitigation strategies for avoiding dangerous to catastrophic climate changes*, <http://www.pnas.org/content/114/39/10315.full>

³ Ramanathan, Veerabhadran, <https://www.scientificamerican.com/article/the-window-is-closing-to-avoid-dangerous-global-warming/>

3, Enbridge would continue to operate the existing Line 3. I share your concerns about serious problems with the integrity and safety of the existing pipeline.

However, the U.S. Department of Justice Consent Decree makes it clear that the existing pipeline cannot continue to operate in its current form absent substantial improvements in maintenance and monitoring. Denying the Certificate of Need does *not* mean that the existing Line 3 can continue to operate in its current unsafe, unreliable condition.

Transporting massive amounts of tar sands oil through Minnesota puts our lands and waters at risk and worsens our climate crisis simply to address Enbridge's perceived "need." This pipeline project is *not* needed to meet the energy needs of Minnesota or our neighboring states. It will only serve foreign markets and private interests.

With the climate crisis in mind, and an uncertain market for this dirtiest form of oil, I ask you to take the bold step of reversing your prior decision and rejecting the Certificate of Need for the Line 3 Replacement project. Your legacy will be a bold statement to the children of today and tomorrow that Minnesota is truly serious about addressing climate change.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Marty". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John Marty