

December 2, 2020

VIA ELECTRONIC FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

**Re: In the Matter of the Applications of Enbridge Energy, Limited Partnership, for a Certificate of Need and Route Permit for the Line 3 Replacement Project in Minnesota From the North Dakota Border to the Wisconsin Border
MPUC Docket Nos. PL-9/CN-14-916 and PL-9/PPL-15-137**

Dear Mr. Seuffert:

Enclosed please find Enbridge Energy, Limited Partnership's Response to Motion for Stay of the Line 3 Replacement Project Final Orders of the Red Lake Band of Chippewa and the White Earth Band of Ojibwe, which has been e-filed today through www.edockets.state.mn.us.

A copy of this filing is also being served upon the persons on the Official Service Lists of record. Please let me know if you have any questions regarding this filing.

Thank you.

Sincerely,

/s/ Christina K. Brusven

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**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

**In the Matter of the Applications of
Enbridge Energy, Limited Partnership,
for a Certificate of Need and Route
Permit for the Line 3 Replacement
Project in Minnesota From the North
Dakota Border to the Wisconsin Border**

MPUC Docket Nos. PL-9/CN-14-916
and PL-9/PPL-15-137

**ENBRIDGE ENERGY, LIMITED PARTNERSHIP'S
RESPONSE TO MOTION FOR STAY
OF THE LINE 3 REPLACEMENT PROJECT FINAL ORDERS
OF THE RED LAKE BAND OF CHIPPEWA
AND THE WHITE EARTH BAND OF OJIBWE**

INTRODUCTION

Enbridge Energy, Limited Partnership (“Enbridge”) submits this response in opposition to the Motion for Stay of the Line 3 Replacement Project Final Orders (“Motion”) submitted by the Red Lake Band of Chippewa and White Earth Band of Ojibwe (together, the “Movants”). The factual and legal arguments raised in the Motion lack merit and ignore the extensive record developed before the Minnesota Public Utilities Commission (“Commission”) on which the Certificate of Need and Route Permit (the “Orders”) for the Line 3 Replacement Project (“Project”) is based. As the Commission has already determined, the Project is an important energy infrastructure project which will provide increased safety and environmental protections as

compared to the existing Line 3 pipeline. Accordingly, Enbridge respectfully requests that the Commission deny the Motion so that Project construction and restoration may continue.¹

BACKGROUND

Enbridge filed applications for a Certificate of Need and Route Permit for the Line 3 Replacement Project on April 24, 2015. After lengthy permitting processes, the Commission issued a Certificate of Need and Route Permit for the Project on May 1, 2020, and appeals followed. Since the Commission issued its May 1, 2020 Orders, Enbridge has continued to make compliance filings with the Commission, evidencing its intent to proceed with construction once all requirements were met. On November 24, 2020, the Commission indicated that “Enbridge has complied with the pre-construction compliance filing requirements.”² The current Motion was filed on November 25, 2020.

LEGAL STANDARD

A party seeking to stay a decision pending appeal must first request a stay from the decision-maker (here, the Commission). Minn. R. Civ. App. P. 108.02, subd. 1; *see also* Minn. R. Civ. App. P. 115.03 (incorporating Rule 108 in certiorari appeals). The Commission has broad discretion when considering a request for a stay. If the Commission denies the request for a stay, the party may seek review from the Court of Appeals. Minn. R. Civ. App. P. 108.02, subd. 6. A court “reviewing a decision regarding a stay pending appeal will interfere only when there is a demonstrated abuse of discretion.” *DRJ, Inc. v. City of St. Paul*, 741 N.W.2d 141, 144 (Minn. Ct. App. 2007). The Commission has the discretion to consider multiple factors with respect to a request for a stay pending appeal, including: whether the movant is likely to succeed on the merits

¹ Only the Minnesota portion of Line 3 Replacement Program remains to be constructed; replacement in North Dakota and Wisconsin, as well as the entirety of Canada, has already been completed.

² Compliance Filing Review Letter (November 24, 2020) (eDocket Nos. [202011-168562-01](#) (RP), [202011-168562-02](#) (CN)).

of the appeal; whether the appeal raises substantial issues; injury to one or more parties absent a stay; and the public interest, which includes the effective administrative of justice. *See Webster v. Hennepin Cnty.*, 891 N.W.2d 290, 293 (Minn. 2017) (citing *State v. Northern Pac. Ry.*, 22 N.W.2d 569, 574-75 (Minn. 1946) & *Hilton v. Braunskill*, 481 U.S. 770, 776-77 (1987) (both cases enumerating factors considered relevant to stays pending appeal)).

DISCUSSION

I. The Motion for Stay Should be Denied.

A. Minnesota law weighs against granting a stay.

The Movants assert that the Commission should grant a stay because, absent such stay, the Movants’ appeal “would be rendered moot.”³ This argument should be rejected for multiple reasons.

First, the Movants delayed in bringing the current Motion. The Orders were issued more than six months ago, and, since that time, Enbridge has made numerous compliance filings, all of which indicated that Enbridge planned to proceed expeditiously with construction. The Movants nonetheless waited until the eleventh hour to submit the Motion. The failure to bring their Motion in a timely manner in and of itself militates against the Commission granting the Motion.⁴

Second, the Movants fail to acknowledge that Minnesota law generally disfavors stays pending appeal. This is evident throughout Minnesota law. Instead, the Movants stated that “Minnesota courts have stated a clear priority for using stays to preserve judicial review of agency

³ Memorandum in Support of Motion at 22.

⁴ In light of the Commission’s November 30, 2020 Notice of Timing Variances and Establish Deadline for Answers to Motion and of Special Commission Meeting on Motion for Stay of Line 3 Replacement Project, Enbridge does not address Movants’ request for expedited consideration. Given Movants’ delay, however, Enbridge opposed expedited consideration of the Motion, and notes that the timeframe for such expedited consideration provided Enbridge with a compressed timeline in which to address this issue.

action.”⁵ This is not accurate. Rather, Minnesota law provides that stays are the *exception*, not the rule:

- Minn. Stat. § 216B.53: “The pendency of proceedings on appeal shall not of itself stay or suspend the operation of the order of the commission. . . .”
- Minn. Stat. § 14.65: “The filing of the writ of certiorari shall not stay the enforcement of the agency decision. . . .”
- Minn. Stat. § 116D.04, subd. 10: “The filing of the writ of certiorari does not stay the enforcement of any other governmental action. . . .”
- Minn. R. Civ. App. P. 108.01, subd. 1: “Except as otherwise provided by rule or statute, an appeal from a judgment or order does not stay enforcement of the judgment or order. . . .”

These statutory presumptions against a stay reflect that it is only in very rare and specific circumstances that stays *may* be appropriate; and, as discussed further herein, the Movants have not demonstrated that those circumstances apply here.

Third, Enbridge finds it unlikely that the Movants or any other relators would agree their appeals are mooted—and thus subject to dismissal—now that construction of the Project has begun.

B. The balance of harms weighs against granting a stay.

The Movants assert irreparable harm in the absence of a stay, referring to incomplete citations to the underlying record and potential issues related to COVID-19. However, these issues do not weigh in favor of granting a stay. Further, the Movants ignore the potential for environmental harm currently posed in the event of any continued delay in replacing the existing Line 3 pipeline. The Movants also do not acknowledge significant monetary damage that will

⁵ Memorandum in Support of Motion at 19.

arise from further delay (but do concede the adversely affected parties would have no remedy for any such damages).

1. Movants do not identify any irreparable harm sufficient to support granting a stay.

With respect to the Movants' citations to the record, the citations are generally incomplete and taken out of context. Movants fail to acknowledge that the responsible permitting agency here—the Commission—as well as other permitting agencies have *uniformly* determined that permits for the Project should be granted. Similarly, Movants refer to the potential risk of release from the Project but fail to acknowledge that the record demonstrates that the Project will *reduce* the risk of a release. With respect to cultural and tribal resources, again, Movants do not acknowledge that the record includes the most extensive cultural resources survey that has ever been conducted for a Commission-permitted project, led by the Fond du Lac Band, the purpose of which was to identify and allow for the avoidance of such resources. Movants had the opportunity to participate in that survey. In sum, Movants have block quoted descriptions of “permanent impacts”; however, this is not the same as the irreparable harm required for the injunctive relief Movants seek here. Permanent impacts are not the equivalent of irreparable harm; otherwise, a stay would *always* be granted for any ground-disturbing project. Equating these terms is contrary to Minnesota law, and squarely at odds with the Minnesota Environmental Policy Act (“MEPA”), which provides that stays are not to be granted as a matter of course.

2. Enbridge is comprehensively addressing COVID-19 related risks.

With respect to the Movants' assertions regarding COVID-19, Enbridge, of course, recognizes the serious and ongoing pandemic. Enbridge's top priority is safety – and that includes the safety of not only its workforce, but also the safety of the public and surrounding communities and natural resources. Enbridge operates across North America to provide critical energy

infrastructure and services that must continue to be available to meet people’s basic needs and to fuel the economy. Both federal guidance and Minnesota’s COVID-19-related executive orders acknowledge and allow for the ongoing efforts to provide critical energy infrastructure and services following applicable safety guidelines.⁶ As such, Enbridge has implemented additional measures throughout its organization, including within its construction workforce, to ensure it is implementing regulatory requirements and best practices related to the COVID-19 pandemic.

On May 5, 2020, Enbridge filed its Line 3 Replacement Project COVID-19 Execution Plan (the “Plan”) as part of its Construction Environmental Control Plan to document its commitment to preventing and minimizing public health impacts related to the Project construction workforce.⁷ Enbridge further updated this Plan on November 9, 2020 and again on December 2, 2020.⁸ The Plan includes protocols for ensuring the safety of not only Enbridge’s workforce, but also the

⁶ See, e.g., *Advisory on Ensuring Essential Critical Infrastructure Workers Ability to Work During COVID-19 Response*, https://www.cisa.gov/sites/default/files/publications/Version_4.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_FINAL%20AUG%2018v3.pdf (updated August 18, 2020) and *Emergency Executive Order 20-20 Directing Minnesotans to Stay at Home* (Signed March 25, 2020) (rescinded and replaced by *Emergency Executive Order 20-33*); *Emergency Executive Order 20-33 Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation* (Signed April 8, 2020) (rescinded and replaced by *Emergency Executive Order 20-48*); *Emergency Executive Order 20-48 Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain NonCritical Sectors to Return to Safe Workplaces* (Signed April 30, 2020) (rescinded and replaced by *Emergency Executive Order 20-56*); *Emergency Executive Order 20-56 Safely Reopening Minnesota’s Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency* (Signed May 13, 2020) (rescinded and replaced by *Emergency Executive Order 20-63*); *Emergency Executive Order 20-63 Continuing to Safely Reopen Minnesota’s Economy and Ensure Safe NonWork Activities during the COVID-19 Peacetime Emergency* (Signed May 27, 2020) (rescinded and replaced by *Emergency Executive Order 20-74*); *Emergency Executive Order 20-74 Continuing to Safely Reopen Minnesota’s Economy and Ensure Safe NonWork Activities during the COVID-19 Peacetime Emergency* (June 5, 2020) (rescinded and replaced by *Emergency Executive Order 20-99*); *Emergency Executive Order 20-99 Implementing a Four Week Dial Back on Certain Activities to Slow the Spread of COVID-19* (Signed November 18, 2020).

⁷ Enbridge Construction Environmental Control Plan Compliance Filing, Attachment K, Docket No. PL-9/PPL-15-137 (May 5, 2020) (eDocket No. [20205-162903-01](#)).

⁸ Enbridge Construction Environmental Control Plan Compliance Filing, Attachment K, Docket No. PL-9/PPL-15-137 (accepted November 9, 2020) (eDocket No. [202011-168123-01](#)); Enbridge Construction Environmental Control Plan Compliance Filing, Attachment K, Docket No. PL-9/PPL-15-137 (December 2, 2020) (eDocket No. [202012-168710-01](#)).

surrounding communities. It includes: health assessment requirements prior to workers arriving onsite; on- and off-site group size limits, close proximity work guidelines, cleaning, personal protection equipment (including masks), training, temperature screening, contact tracing and regular COVID-19 testing requirements; preventative practices when workers are away from the construction workspace and in the community; and additional measures, including on-site medical facilities and transportation to hospitals near workers' homes where practical.⁹ As noted in the Plan, Enbridge will continue to monitor developments related to COVID-19 recommendations and requirements and update its practices as necessary. Accordingly, Enbridge has comprehensively and proactively taken steps to ensure construction proceeds following all applicable COVID-19 related guidance.

3. Further delay in replacing existing Line 3 results in irreparable harm to the environment, Enbridge, and numerous adversely affected third parties.

Notably, the Movants do not acknowledge that the Commission's record is replete with evidence of the significant potential for harm that is threatened by further delaying the Project. For example, further delay in the Project will result in Enbridge needing to conduct additional integrity digs, with attendant environmental impacts.¹⁰ Were the Project to proceed expeditiously, such integrity digs would be unnecessary. Further, if the Project were further delayed, the existing Line 3 pipeline in Minnesota will continue to operate, rather than being replaced by a new pipeline. Replacement via the Project will reduce the risk of a release. The record demonstrates each of these potential harms associated with further delay of the Project:

⁹ *Id.*

¹⁰ Enbridge's very preliminary analysis indicates that 20 additional integrity digs may be required if the Project is delayed a further six months.

- Enbridge’s existing Line 3 pipeline has served Minnesota and neighboring states as part of the Enbridge Mainline System for more than 40 years, providing critical energy resources to Minnesota and the Midwest;¹¹
- Existing Line 3 has a unique combination of characteristics that has made the pipeline particularly susceptible to integrity threats;¹²
- Although Enbridge has managed these threats through its integrity management program, absent replacement, Enbridge would be required to perform thousands of integrity digs across northern Minnesota, including on the Leech Lake and Fond du Lac Reservations and in the Chippewa National Forest, which are crossed by the existing Line 3, and impacting the environment, local communities and landowners;¹³
- Enbridge and the United States Department of Justice agree that the integrity issues of the existing Line 3 are best addressed by replacing then retiring and decommissioning the existing Line 3, and executed a Consent Decree to that effect;¹⁴

¹¹ See Order Granting Certificate of Need as Modified and Requiring Filings at 5 (September 5, 2018) (eDocket No. [20189-146227-01](#)) (hereinafter “September 2018 Certificate of Need Order”); *see also, e.g.*, Ex. EN-24 at 6 (Eberth Direct); Ex. EN-19 at 4, 6 (Glanzer Direct); Ex. EN-38 at 4 (Glanzer Rebuttal).

¹² See September 2018 Certificate of Need Order at 5; Order Finding Environmental Impact Statement Adequate, Granting Certificate of Need as Modified, and Granting Routing Permit as Modified at 15 (May 1, 2020) (eDocket No. [20205-162795-01](#) (CN), [20205-162795-02](#) (RP)) (hereinafter “May 1, 2020 Order”); *see also, e.g.*, Ex. EN-12 at 4-5, 20-21 (Kennett Direct).

¹³ See September 2018 Certificate of Need Order at 5, 26; May 1, 2020 Order at 15; *see also, e.g.*, Ex. EN-12 at 4-5, 20-21 (Kennett Direct); Ex. EN 68 at 2-3 (Kennett Summary); Ex. EN-9 at 7 (Bergland Direct).

¹⁴ See September 2018 Certificate of Need Order at 5, 6; *see also* Ex. EN-30 at 15-18 (Eberth Rebuttal); Ex. EN-30, Sched. 1 at 28 (Eberth Rebuttal).

- The Enbridge Mainline System has not fully met Enbridge’s customers’ demand for crude oil transportation, in part due to the existing Line 3 operating at less than its original design capacity due to these integrity issues;¹⁵
- Multiple analyses, including a reduced refined product demand analysis, demonstrated that denial of the Certificate of Need would adversely impact the adequacy, reliability and efficiency of energy supply to Minnesota and neighboring states.¹⁶

The Fond du Lac Band and Leech Lake Band have made similar determinations regarding the benefits of the Project and the replacement of the existing Line 3 pipeline.¹⁷

In addition, any stay would have implications that extend far beyond the day-for-day delay equivalent of the duration of the stay by preventing construction of the Project now while conditions are best for avoiding and minimizing certain potential environmental impacts. Minnesota environmental permitting agencies have encouraged, and in several cases required, certain specific timing restrictions designed to minimize impacts to natural resources. These timing restrictions include winter construction requirements for approximately 16 miles of the right-of-way through wetlands;¹⁸ seasonal prohibition on activities in wetlands;¹⁹ wild rice timing

¹⁵ See September 2018 Certificate of Need Order at 15; May 1, 2020 Order at 14; *see also, e.g.*, Ex. EN-19 at 12 (Glanzer Direct); Ex. EN-38 at 8 (Glanzer Rebuttal); Ex. EN-56, Sched. 1 at 1 (Earnest Surrebuttal); Ex. SH-1 at 4 (Shippers Direct).

¹⁶ See September 2018 Certificate of Need Order at 13-14; May 1, 2020 Order at 14; *see also, e.g.*, Ex. EN-15, Sched. 2 at 42-47, 65 (Earnest Direct); Ex. EN-37, Sched. 1 at 18-19, 29, 31-36, 41-43 and Sched. 4 at 9-10 (Earnest Rebuttal).

¹⁷ See, e.g., Transcript of February 3, 2020 Agenda Meeting, at 11–13, 119–121, 240; Letter Regarding Agreement Between Enbridge and Leech Lake Band (December 13, 2018) (eDocket No. [201812-148452-02](#)); Letter Regarding Agreement Between the Fond du Lac Band of Lake Superior Chippewa and Enbridge (August 31, 2018) (eDocket No. [20188-146158-01](#)); May 1, 2020 Order at 13.

¹⁸ Special provision #14 of the MDNR License to Cross Public Lands and special provision #16 of the License to Cross Public Waters, available at: eDocket No. [202011-168332-02](#).

¹⁹ MPCA Section 401 Water Quality Certification condition #22, available at: eDocket Nos. [202011-168332-07](#), [202011-168332-08](#).

restrictions;²⁰ bat and other critical habitat restrictions²¹ and restrictions on work within certain waterbodies.²² Starting construction now is critical to successful implementation of these conditions. For example, the winter construction work requires freezing down the right-of-way to protect wetlands.²³ Now is a critical time for forming these ice roads and utilizing the winter season to complete this work. If Enbridge misses this critical construction window, despite having obtained all required construction permits, completion of the project is likely to be delayed far beyond the period of any pending appeal.

In addition, a stay would result in monetary damage to Enbridge, as well as to a multitude of adversely affected third parties. Specifically, total potential costs for delay due to a stay are estimated at over \$314 million, assuming a six-month stay duration.²⁴ This cost estimate includes: labor crews, trucking, warehouse, maintenance, safety, facilities key contractors, retaining key construction management and required inspection staff for mainline and facilities, project finance costs, carrying costs of the team for six months, additional security costs, additional legal/regulatory expenses, property taxes, public affairs, environmental support, inspections to monitor ROWs and yards through extended leases and additional expenses.

²⁰ MPCA Section 401 Water Quality Certification #21 and MPCA NPDES/SDS Industrial Wastewater Permit Condition 5.53.54, available at: eDocket Nos. [202011-168332-07](#), [202011-168332-08](#), [202011-168332-09](#).

²¹ Established in the NHIS Review and Avoidance Plan as required by special provision #11 of the MDNR Licenses to Cross Public Lands and Waters, and various leases, available at: eDocket Nos. [202011-168332-02](#), [202011-168332-04](#), [202011-168332-05](#).

²² Fishery restrictions established in MDNR License to Cross Public Waters special provisions #18 and #19, available at: eDocket No. [202011-168332-02](#) and horizontal directional drill restrictions in frozen conditions established in MDNR License to Cross Public Waters condition #20, MPCA Section 401 WQC condition #23, and USACE Section 404/10 special condition #9, available at: eDocket Nos. [202011-168332-02](#), [202011-168332-07](#), [202011-168332-08](#), [202011-168569-01](#).

²³ Special provision #14 of the MDNR License to Cross Public Lands and special provision #16 of the License to Cross Public Waters require at a minimum 30 inches of frost to complete this work to minimize ground disturbance.

²⁴ This estimate assumes three weeks of construction has been completed at the time any stay is imposed. The estimate includes approximately \$20.4 million in one-time costs related to demobilization and remobilization.

Movants argue that Enbridge may be able to recover some or all of these costs, but those arguments are inaccurate. Very real damages will be incurred by Enbridge and other third parties. Movants refer to a number of public documents in support of their assertion that Enbridge will not be irreparably harmed financially by delay costs.²⁵ None of these documents support Movants' claims.

Contrary to Movants' assertions, Enbridge is at risk for cost increases in relation to the Project, including any additional capital costs and carrying charges caused by delay to the Project in-service date. Movants misinterpret the Enbridge Mainline tolling arrangements and misunderstand how they are implemented. Very little of the costs associated with the Project will be recovered through the FERC filed tariffs, as less than five percent of all volume moving on the Lakehead System (i.e., the U.S. portion of the Enbridge Mainline System) originate in the U.S. and pay the Lakehead local rates. Over 95 percent of the Enbridge Mainline volumes originate in Canada and are therefore subject to the Line 3 Replacement Project tolling methodology stipulated in the Issue Resolution Sheet ("IRS"), which reflects a negotiated fixed rate - not a rate based on cost-of-service where all prudent costs are recoverable. As set out in the IRS, Enbridge bears the financial risk on all Project costs in excess of the Class IV estimate.

Movants also grossly misrepresent the 2014 letter from the Canadian Association of Petroleum Producers ("CAPP"). Movants exclude the following underlined text from the excerpt they quote:

In a letter dated September 10, 2013 the Canadian Association of Petroleum Producers ("CAPP") provided its support for the recovery of early execution activities and preparation of Class IV cost estimates for the Line 3 Replacement and Southern Access Twin projects under the Facilities Surcharge Mechanism ("FSM"). This letter [confirm] CAPP support for an additional US\$ 26 million

²⁵ Memorandum in Support of Motion at 39-40 and Attachments C-G.

to complete environmental study and continue early execution activities associated with the Line 61 Twin Project.²⁶

As stated above, costs related to the development of the Project will only be recovered as part of the fixed rate negotiated as part of the IRS, and only once the Project is placed into service. And, finally, the Interim Line 3R Canada Surcharge does not evidence Enbridge's ongoing recovery of Project development costs, as claimed by Movants, but rather reflects an interim rate for the partial recovery of the Canadian portion of the Line 3 Replacement pipeline, which was constructed and then placed into service in December 2019.

While the damage to Enbridge alone is substantial, these damages do not include additional harm to third parties, including the millions of dollars in delayed property taxes to local communities, lost wages to thousands of highly skilled workers (including the over 1,450 mostly union workers already on the job), lost revenues to local businesses across northern Minnesota currently suffering the effects of COVID-19 rollbacks, apportionment costs to shippers and lost revenues for contractors.

As Movants acknowledge, because of the magnitude of these potential damages, it would be impossible for the Movants to post a commensurate bond.²⁷

C. The Movants acknowledge that Enbridge could not be made whole if a stay were granted.

Should a stay be granted, the Movants acknowledge that the damage to Enbridge and any affected third parties would be irreparable: "Should the alleged damages resulting from a stay be large, then as a practical matter the [Movants] could not afford to pay them, such that a stay here

²⁶ Full text of the letter is included as Attachment F of the Motion.

²⁷ Memorandum in Support of Motion at 57.

could not be met by a money award.”²⁸ As Movants also acknowledge, “irreparable or disproportionate injury” to the nonmoving party (here, Enbridge) weighs against imposing a stay.²⁹ Because, as discussed in Section B above, Enbridge would incur “irreparable and disproportionate injury,” the Motion should be denied.

D. The appeal does not raise substantial issues.

The Movants assert a stay should be granted because “the [Movants] have raised a number of important questions of law.”³⁰ This argument lacks merit, as the appeal does not raise substantial issues of fact or law. Although the Project has garnered much public attention, the issues raised in the appeal are not unique. They are issues which have been addressed by the Commission multiple times over the years.

The Commission regularly makes decisions related to complex issues of the need for and siting of large energy infrastructure projects. For example, in the last 10 years alone, the Commission has issued numerous certificates of need and site/route permits for crude oil

²⁸ Memorandum in Support of Motion at 45.

²⁹ Memorandum in Support of Motion at 16.

³⁰ Memorandum in Support of Motion at 45.

pipelines,³¹ intrastate natural gas pipelines,³² high voltage transmission lines,³³ natural gas plants,³⁴ large wind³⁵ and solar energy projects.³⁶ The Commission has significant expertise in this area. Although the Project is the subject of significant public interest from supporters and opponents, the particular issues raised before the Commission are similar to issues the Commission has decided upon numerous times before.³⁷

The Movants' Motion includes extensive argument about the substance of their arguments on appeal. The Commission has repeatedly rejected these arguments because they lack factual and

³¹ See, e.g., *In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 67 (Alberta Clipper) Station Upgrade Project – Phase 2 – in Marshall, Clearwater, Itasca, Kittson, Red Lake, Cass, and St. Louis Counties*, Docket No. PL-9/CN-13-153, Order Granting Certificate of Need (November 7, 2014); *In the Matter of the Application of Minnesota Pipe Line Company, LLC for a Certificate of Need for the Minnesota Pipe Line Reliability Project to Increase Pumping Capacity on the Line 4 Crude Oil Pipeline in Hubbard, Wadena, Morrison, Meeker, McLeod, and Scott Counties*, Docket No. PL-5/CN-14-320, Order Granting Certificate of Need (August 31, 2015); *In the Matter of the Application of North Dakota Pipeline Company LLC for a Certificate of Need for the Sandpiper Pipeline Project in Minnesota*, Docket No. PL-6668/CN-13-473, Order Granting Certificate of Need with Conditions (August 3, 2015).

³² See, e.g., *In the Matter of the Application of Minnesota Energy Resources Corporation for a Route Permit for the Rochester Natural Gas Pipeline Project in Olmsted County*, Docket No. G-011/GP-15-858, Order Issuing Route Permit (May 5, 2017).

³³ See, e.g., *In the Matter of the Applications of Xcel Energy and ITC Midwest LLC for a Certificate of Need and Route Permit for the Huntley-Wilmarth 345-kV Transmission Line Project*, E-002, ET-6675/CN-17-184 and TL-17-185, Order Finding Environmental Impact Statement Adequate, Granting Certificate of Need, Issuing Route Permit and Requiring Additional Analysis (August 5, 2019); *In the Matter of the Request of Minnesota Power for a Certificate of Need for the Great Northern Transmission Line*, Docket No. E-015/CN-12-1163, Order Granting Certificate of Need with Conditions (June 30, 2015).

³⁴ See, e.g., *In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy for Approval of Competitive Resource Acquisition Proposal and Certificate of Need*, Docket No. E-002/CN-12-1240, Order Approving Power Purchase Agreement with Calpine, Approving Power Purchase Agreement with Geronimo, and Approving Price Terms with Xcel (February 5, 2015).

³⁵ See, e.g., *In the Matter of the Application of Nobles 2 Power Partners, LLC for a Certificate of Need for the up to 260 MW Nobles 2 Wind Project and Associated Facilities in Nobles County*, Docket No. IP-6964/CN-16-289, Order Granting Certificate of Need (January 23, 2019); *In the Matter of the Application of Black Oak Wind, LLC and Getty Wind Company, LLC for a Certificate of Need for an up to 82 MW Large Energy Facility in Stearns County*, Docket No. IP-6853, 6866/CN-11-471, Order Granting Certificate of Need and Finding Environmental Report Adequate (December 31, 2012); *In the Matter of the Application of the Application of Blazing Star Wind Farm, LLC for a Site Permit for the up to 200 Megawatt Blazing Star Wind Project in Lincoln County*, Docket No. IP-6961/WS-16-686, Order Issuing Site Permit for Large Wind Energy Conversion System (August 3, 2017).

³⁶ See, e.g., *In the Matter of the Application of Marshall Solar, LLC for a Site Permit for the Marshall Solar Energy Project and Associated Facilities in Lyon County*, Docket No. IP-6941/GS-14-1052, Order Issuing Site Permit (May 5, 2016).

³⁷ See, e.g., September 2018 Certificate of Need Order at 14.

legal support and should again reject this attempt to reargue the merits of the Project and the Orders.

E. The public interest weighs against granting a stay.

Movants assert that a stay is in the public interest, but they entirely ignore the significant public interest that has been established and recognized in the expeditious replacement of the existing Line 3 pipeline. As the Commission is well aware, Enbridge is required to seek approval to replace the existing Line 3 pipeline pursuant to a federal Consent Decree. And, as the Commission has recognized, the public interest weighs strongly in favor of allowing operators to timely replace aging infrastructure. Replacement of the pipeline expeditiously is in the public interest; and further delay in replacement will result in additional, needless integrity digs, with related human and environmental impacts.

Movants state they are concerned about the risk of a release from the Project; however, replacement of the existing Line 3 pipeline *reduces* the risk of a release.³⁸

Movants assert that a stay is necessary to preserve the status quo and preserve the Court of Appeals' jurisdiction. This argument should be rejected for the same reasons discussed in Section B herein. Further, in this case, the choice is not (1) the Project or (2) nothing, such that choosing "nothing" preserves the current steady state. Rather, the choice is (1) replacing the existing, aging Line 3 pipeline or (2) further delaying that replacement and thereby prolonging integrity digs, with related human and environmental impacts. Here, choosing the second option does not preserve the status quo because further, continued action will be needed with respect to the existing pipeline, both because Enbridge is a prudent operator and because it must comply with the terms of the federal Consent Decree. Here, the actual public interest in favor of proceeding expeditiously with

³⁸ See May 1, 2020 Order at 12-13; September 2018 Certificate of Need Order at 27.

the replacement of the existing Line 3 pipeline heavily outweighs the Movants' rhetorical claims of mootness.

F. The Commission May Consider the Likelihood of Success on the Merits.

The Movants assert that consideration of likelihood of success on the merits of their appeal should *not* be considered by the Commission with respect to the Motion. They cite no case law directly on point. Moreover, the Movants fail to acknowledge that *Webster* counsels that decisionmakers can and should consider all relevant factors when deciding upon a request for stay.³⁹ Here, the Movants' likelihood of success on the merits of their appeal is certainly relevant to their request for a stay, given that those appeals follow a years-long permitting process with a comprehensive record development. The Movants also fail to cite case law supporting that likelihood of success on the merits should not be considered when reviewing a request for stay.⁴⁰

The Commission should consider the Movants' likelihood of success on appeal when deciding the Motion. Because the Movants have made no showing that they are likely to so succeed (and because, as recognized by the Movants, the Commission "has already considered the [Movants'] arguments at least four times on the merits,")⁴¹ the Motion should be denied.⁴²

³⁹ The Commission, too, has previously explained that it considers the following factors when evaluating a motion for stay. See *In the Matter of the Petition of Northern States Power Company, dba Xcel Energy, for Approval of Its Proposed Community Solar Garden Program*, Docket No. E-002/M-13-867, Order Denying Petitions for Reconsideration and Clarification, Clarifying August 6 Order on Own Motion, Denying Stay and Requiring Compliance Filing at 3 (October 15, 2015) ("The Commission grants a stay when it appears that a stay would provide the most equitable means of balancing the interests of the parties. In balancing these interests, the Commission weighs factors such as the likelihood that denying the stay would cause irreparable harm, the likelihood that denying the stay would render the appeal meaningless, the gravity of any harm the stay would cause non-moving parties, the likelihood of reversal on appeal, and whether granting the stay would frustrate public policy.")

⁴⁰ *E.g., Esparza v. Nobles Cnty.*, No. 53-CV-18-751, 2018 WL 6421794, at *1 (Minn. Dist. Ct. Nov. 29, 2018) (citing *Nken v. Holder*, 556 U.S. 418, 425-26 (2009)); 3 Minn. Practice Series, App. R. Ann., R. 108, § 108.4 (citing *Hilton v. Braunskill*, 481 U.S. 770, 777 (1987)).

⁴¹ Memorandum in Support of Motion at 50.

⁴² To the extent the Motion relies on issues raised in in Docket No. 20-801, *Petition for Investigation and Complaint of Capacity Additions to Enbridge Mainline System*, Enbridge has addressed those issues in its November 25, 2020 filing.

II. The Movants' Arguments regarding a Bond Lack Merit.

Pursuant to Minn. R. Civ. App. P. 108.02, subd. 2, security (*e.g.*, a bond) is required if a stay pending appeal is granted unless a specific exception applies:

Except as to cases in which a governmental body is the appellant or as otherwise provided by rule or statute, a trial court may grant the relief described in subdivision 1 of this rule if the appellant provides security in a form and amount that the trial court approves.

The Movants raise several novel arguments as to why the Commission “may not require a security bond,” but none of the arguments is supported by existing law.

Because the relevant facts and law weigh against granting a stay in the first instance, the Commission need not decide this issue. Nonetheless, Enbridge addresses each of Movants' arguments in the sections that follow.

A. The Commission is authorized to impose a bond.

As an initial matter, Movants assert that the “Commission lacks the authority” to “impose terms on a stay.”⁴³ This argument is less than clear, but to the extent Movants mean to assert that the Commission may not impose a bond, that argument lacks merit. There is no statute or rule prohibiting the Commission from imposing a bond; indeed, Rule 108.02 specifically requires a bond except in the narrow circumstances identified in that rule. Further, although not acknowledged by Movants, Minn. R. Civ. App. P. 115.03, subd. 2(b), *requires* appellants to first raise the issue of a stay—including the terms of any stay—with the Commission: “Application for a *supersedeas bond* or a *stay on other terms* must be made in the first instance to the agency or body. Upon motion, the Court of Appeals may review the agency’s or body’s decision on a stay and the terms of any stay.” (Emphasis added.)

⁴³ Memorandum in Support of Motion at 4.

B. There is no statute that prohibits the Commission from imposing a bond.

The Movants first assert that there are two statutes that prohibit the Commission from imposing a bond in this case: Minn. Stat. § 216B.53 and MEPA. However, neither of these statutes imposes any restrictions on the Commission’s authority that prevents the imposition of a bond here.

1. Minn. Stat. § 216B.53 does not prohibit the Commission from imposing a bond.

The Movants assert the following statutory language has the “plain meaning” that the Commission may only impose a bond on a public utility:

In case the order of the commission is stayed or suspended, the court shall require a bond with good and sufficient surety, *conditioned that the public utility petitioning for review shall answer for all damages caused by the delay in enforcing the order of the commission*, and for all compensation for whatever sums for transmission or service any person shall be compelled to pay pending review proceedings in excess of the sum the person or corporation would have been compelled to pay had the commission's order not been stayed or suspended.

The Movants’ argument should be rejected for multiple reasons. First, the statute plainly requires a “bond with good and sufficient surety” if a Commission order is stayed. The statute does not state that such a bond is only required when a public utility appeals; rather, it describes *additional specific requirements* for the bond should a public utility be the appellant. Second, the Movants’ argument makes little practical sense—there is no public policy reason that the Legislature would require a public utility to post a bond, but no other appellant, and the Movants have articulated no such reason.⁴⁴ Similarly, there is no public policy that justifies restricting an agency to only granting or denying a stay—but not fashion any terms for this inherently equitable remedy that

⁴⁴ See, e.g., Minn. Stat. § 645.17(1) (“[T]he legislature does not intend a result that is absurd, impossible of execution, or unreasonable.”).

requires a balancing of relevant factors. Indeed, under this view, the agency could not even impose a time limit on the stay. And why, for that matter, would the reviewing appellate court be better positioned than the decision-making agency to set terms? The Movants provide neither explanation nor legal authority to answer this question. Finally, although not acknowledged in the Motion, this statute, too, illustrates Minnesota’s policy *against* stays pending appeal, even in appeals of Commission decisions: “The pendency of proceedings on appeal shall not of itself stay or suspend the operation of the order of the commission”⁴⁵

2. MEPA does not prohibit the Commission from imposing a bond.

Next, the Movants assert that “MEPA limits security bonds to only those authorized by Minn. Stat. § 562.02.”⁴⁶ Specifically, Minn. Stat. § 116D.04, subd. 10 states, in part: “A bond may be required under section 562.02 unless at the time of hearing on the application for the bond the petitioner-relator has shown that the claim is likely to succeed on the merits.” Section 562.02 then includes certain requirements for bonds related to appeals of, among other things, public works projects such that public bodies are protected against loss or damage. Like Minn. Stat. § 216B.53, however, MEPA contains no language prohibiting the Commission from imposing a bond in this case. Rather, again, it identifies certain requirements should the proponent of a project be a public entity. Imposing particular or additional requirements for some circumstances *does not* otherwise eliminate the Commission’s authority in other circumstances overall. That a bond “may be required” in particular circumstances and for particular parties under Minn. Stat. § 562.02 does *not* mean that a bond is otherwise categorically prohibited in all other circumstances. Movants’ argument should therefore be rejected.

⁴⁵ Minn. Stat. § 216B.53.

⁴⁶ Memorandum in Support of Motion at 57.

Movants further argue that, if a bond were required in a MEPA action, “few if any projects would be stayed because few if any citizens or nonprofit groups could afford security bonds” and that “[r]equiring security bonds to stay agency MEPA actions, therefore, would generally act as a bar to judicial relief.”⁴⁷ In the first instance, this is a policy argument not appropriate for the Commission to resolve; if Movants take issue with the plain language of applicable statutes, that is an issue for the Legislature. Further, Movants ignore the fact that MEPA decisions are not infrequently the subject of appeals. And finally, Movants ignore the fact that this same rhetoric applies in any forum in which stays may be sought; and that in all such forums, the harm imposed by granting of a stay is always expected to be tempered by the protections afforded by a bond or other security required of the party who obtains the stay—regardless of who that party may be.

C. The Movants are not exempt under Minn. R. Civ. App. P. 108.02, subd. 2.

Next, the Movants assert that they are exempt from the bond requirement because they are “governmental bodies” under Minn. R. Civ. App. P. 108.02, subd. 2. The Movants cite no statute, case law, or legal doctrine supporting this argument. In fact, the history of Rule 108 demonstrates that the Movants’ interpretation should be rejected.

Specifically, the text of the rule states, in relevant part, that security is required “[e]xcept as to cases in which a governmental body is the appellant.” Minnesota law has long exempted the State of Minnesota and any officer, agency, or subdivision thereof, from being required to provide security to obtain a stay.⁴⁸ However, the Movants cite no rule, statute, or case law that specifically

⁴⁷ Memorandum in Support of Motion at 7-8.

⁴⁸ *E.g.*, Minn. R. Civ. P. 62.04 (“When an appeal is taken by the state or an officer, agency, or governmental subdivision thereof, and the operation or enforcement of the judgment is stayed, no bond, obligation, or other security shall be required from the appellant.”); *see, e.g., State by Cooper v. Mower County Social Servs.*, 428 N.W.2d 491, 492 (Minn. Ct. App. 1988); *Winnick v. Chisago County Bd. Of Comm’rs*, 389 N.W.2d 546, 547 n. 2 (Minn. Ct. App. 1986); and by statute, *see* Minn. Stat. § 574.18 (“No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district in it, or of any executor or

exempts foreign, federal, tribal, or out-of-state governments from posting security that would otherwise be required under Minnesota law. This makes sense, since a Minnesota court would have authority to compel a political subdivision of the State of Minnesota to act, and such authority to compel action is far more tenuous in the case of a foreign, sovereign government.

Further, prior to 2009, Minn. R. Civ. App. P. 103.01, subd. 3(e) and 107, subd. 2(e) expressly exempted “the *state* or a governmental subdivision *of the state* or an officer, employee, or agency thereof” from having to pay filing fees or post cost bonds; however, the rules did not expressly address the exemption as to requirements for security related to a stay. The current language in Rule 108.02, subd. 2, was added in 2009 as part of a revision of that rule in its entirety, which was deemed to have “historically been one of the more cumbersome, and sometimes opaque, rules in the rulebook.”⁴⁹ “For this reason, the committee undertook a complete revamping of Rule 108 *primarily as a matter of form.*”⁵⁰ “The new rule is intended to do so in a manner that preserves important aspects of existing law”⁵¹ The proposed amendment to Rule 108 was adopted as proposed and without any particular discussion of the “governmental body” phrase.⁵²

There is nothing in case law, rules, or statutory authority that indicates that the phrase “governmental body” in this rule was intended to expand this exemption to any parties other than the State of Minnesota and its subdivisions; there is likewise no statutory authority that supports

administrator as such.”); *see, e.g., In re Winona County Municipal Solid Waste Incinerator*, 439 N.W.2d 56, 57-58 (Minn. Ct. App. 1989); *State v. Nelson*, 248 N.W. 751, 752 (Minn. 1933).

⁴⁹ Recommendations of Minnesota Supreme Court Advisory Committee on Rules of Civil Appellate Procedure, Final Report at 18 (April 15, 2009).

⁵⁰ *Id.* (emphasis added).

⁵¹ *Id.* (emphasis added).

⁵² Order Promulgating Amendments to Rules of Civil Appellate Procedure, ADM09-8006, at 7, 9-10 (October 16, 2009).

the Movants' wide-ranging interpretation that this phrase was intended to exempt the Movants, or, indeed, any non-Minnesota governmental entity.

Of course, the Commission need not decide this matter if it denies the motion for stay.

D. The public interest supports requiring a bond.

Movants assert that the public interest supports not requiring a bond, relying on *No Power Line v. Minn. Env'tl. Quality Council*, 262 N.W.2d 312 (Minn. 1977). As Movants acknowledge, *No Power Line* fails to explain its decision not to require a bond. Yet, the court accurately expressed Minnesota law that stays without a bond should be “exercised sparingly and only when we are satisfied that the *unique circumstances of a particular case* makes it in the public interest.” *Id.* at 330 (emphasis added). This is still a correct statement of the law as to stays in Minnesota, and, therefore, is fully applicable to this case. But otherwise, from a factual standpoint, the *No Power Line* case is inapposite. *No Power Line* involved the first infrastructure sited under the then-new Power Plant Siting Act, as well as the first certificate of need process.⁵³ Likewise, it was one of (if not) the first large projects reviewed under the newly-enacted MEPA. By contrast, here, the Commission has reviewed many large infrastructure projects, and the process and requirements of environmental review under MEPA have been used many times before. In addition, *No Power Line* involved the exercise of eminent domain authority; here, Enbridge has acquired all land interests voluntarily. In sum, *No Power Line* was decided in a different regulatory environment under circumstances that are not present in this case.

Further, as discussed in Sections I(B) and (E) above, the public interest weighs heavily against granting a stay and further delaying construction of the Project. For these reasons, too, the public interest would support requiring a bond if a stay were imposed.

⁵³ 262 N.W.2d at 317-18.

CONCLUSION

For these reasons, Enbridge respectfully requests that the Commission deny the Motion.

Dated: December 2, 2020

Respectfully submitted,

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**In the Matter of the Applications of
Enbridge Energy, Limited Partnership,
for a Certificate of Need and Route
Permit for the Line 3 Replacement
Project in Minnesota From the North
Dakota Border to the Wisconsin Border**

MPUC Docket Nos. PL-9/CN-14-916
and PL-9/PPL-15-137

CERTIFICATE OF SERVICE

I, Breann L. Jurek, hereby certify that I have this day, served a true and correct copy of the following document for the above captioned matters to all persons at the addresses on the attached lists by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States Mail at Minneapolis, Minnesota:

- Enbridge Energy, Limited Partnership's Response to Motion for Stay of the Line 3 Replacement Project Final Orders of the Red Lake Band of Chippewa and the White Earth Band of Ojibwe

Dated this 2nd day of December 2020

/s/ Breann L. Jurek

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Tom	Watson	twatson@iphouse.com	Whitefish Area Property Owners Association	39195 Swanburg Court Pine River, MN 56474	Electronic Service	No	OFF_SL_14-916_Official
James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth, MN 55802	Electronic Service	No	OFF_SL_14-916_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Office of Pipeline Safety	Minnesota Department of Public Safety 445 Minnesota Street Suite 147 St. Paul, MN 55101-1547	Electronic Service	No	OFF_SL_14-916_Official
David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	Yes	OFF_SL_14-916_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Kenneth	Barker	kenneth.barker@centurylink.com	Centurylink Communications, LLC	100 CenturyLink Drive Monroe, LA 71203	Electronic Service	No	OFF_SL_15-137_Official
Sarah	Beimers	sarah.beimers@state.mn.us	Department of Administration - State Historic Preservation Office	50 Sherburne Avenue Suite 203 St. Paul, MN 55155	Electronic Service	No	OFF_SL_15-137_Official
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Frank	Bibeau	frankbibeau@gmail.com	White Earth Band of Ojibwe	51124 County Road 118 Deer River, Minnesota 56636	Electronic Service	No	OFF_SL_15-137_Official
Seth	Bichler	sethbichler@fdlrez.com	Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Rd Cloquet, MN 55720	Electronic Service	No	OFF_SL_15-137_Official
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Paul	Blackburn	paul@paulblackburn.net		PO Box 17234 Minneapolis, MN 55417	Electronic Service	No	OFF_SL_15-137_Official
Ellen	Boardman	eboardman@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	5301 Wisconsin Ave NW Ste 800 Washington, DC 20015	Electronic Service	No	OFF_SL_15-137_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_15-137_Official
Brendan	Cummins	brendan@cummins-law.com	Cummins & Cummins, LLP	1245 International Centre 920 Second Avenue South Minneapolis, MN 55402	Electronic Service	No	OFF_SL_15-137_Official
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No	OFF_SL_15-137_Official
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, Minnesota 55101	Electronic Service	No	OFF_SL_15-137_Official
John E.	Drawz	jdrawz@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_15-137_Official
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Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_15-137_Official
Leili	Fatehi	leili@advocatepllc.com	Sierra Club	4849 12th Ave S Minneapolis, MN 55417	Electronic Service	Yes	OFF_SL_15-137_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_15-137_Official

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Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_15-137_Official
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Rachel	Kitze Collins	rakitzecollins@locklaw.com	Lockridge Grindeal Nauen PLLP	100 Washington Ave S Suite 2200 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_15-137_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_15-137_Official
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Michael	Murphy	mmurphy@thejacobsonlawgroup.com		180 East Fifth Street Suite 940 St. Paul, MN 55101	Electronic Service	No	OFF_SL_15-137_Official
Charles	Nauen	cnnauen@locklaw.com	Lockridge Grindal Nauen	Suite 2200 100 Washington Avenue South Minneapolis, MN 55401	Electronic Service	No	OFF_SL_15-137_Official
Ann	O'Reilly	ann.oreilly@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 55101	Electronic Service	No	OFF_SL_15-137_Official
Marsha	Parlow	mparlow@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_15-137_Official
Alice	Peterson	N/A		24153 300th St NW Argyle, MN 56713	Paper Service	No	OFF_SL_15-137_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_15-137_Official
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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_15-137_Official
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_15-137_Official
Akilah	Sanders Reed	akilah.project350@gmail.com		2514 Emerson Ave S Apt 7 Minneapolis, Minnesota 55405	Electronic Service	Yes	OFF_SL_15-137_Official
Claudia	Schrull	CLAUDIA.SCHRULL@ENBRIDGE.COM	Enbridge Pipelines (North Dakota) LLC	Suite 3300 1100 Louisiana Houston, TX 77002	Electronic Service	No	OFF_SL_15-137_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_15-137_Official

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Christine	Tezak	tezak@cvenergy.com		209 Constitution Avenue, NE Washington, DC 20002	Electronic Service	No	OFF_SL_15-137_Official
Shaan	Thind	Shaan.Thind@bmo.com	BMO Capital Markets	100 King St. West 3rd Floor Toronto, ON M5X 1H3 CANADA	Electronic Service	No	OFF_SL_15-137_Official
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James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth, MN 55802	Electronic Service	No	OFF_SL_15-137_Official
Kenneth	Westlake	westlake.kenneth@epa.gov	US Environmental Protection Agency	Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago, IL 60604-3590	Electronic Service	No	OFF_SL_15-137_Official
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Office of Pipeline Safety	Minnesota Department of Public Safety 445 Minnesota Street Suite 147 St. Paul, MN 55101-1547	Electronic Service	No	OFF_SL_15-137_Official
David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_15-137_Official