

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION  
121 SEVENTH PLACE EAST  
SUITE 350  
ST. PAUL, MINNESOTA 55101-2147**

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

In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Certificate of Need for the Proposed Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

MPUC Docket No. PL-9/CN-14-916

**DEPARTMENT OF COMMERCE  
ANSWER TO MOTION FOR STAY**

On November 25, 2020, the Red Lake Band of Chippewa and the White Earth Band of Ojibwe moved to stay the Commission's orders finding the Environmental Impact Statement adequate and approving the Certificate of Need for Enbridge Energy Limited Partnership's Line 3 project, pursuant to Minn. Stat. §§ 14.65, 116D.04, subd. 10 and 216B.53 (2020), until the Minnesota Court of Appeals issues a decision in the consolidated appeals of these orders.<sup>1</sup> These appeals are pending and briefing is ongoing.<sup>2</sup>

The Department of Commerce takes no position on the motion of Red Lake and White Earth currently before the Commission.

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<sup>1</sup> Red Lake and White Earth Mot. Stay at 1.

<sup>2</sup> Minn. Ct. App. Nos. A20-1071, A20-1072, A20-1074, A20-1075, A20-1077. Under the current, default briefing schedule, the Relators' briefs are due on December 7, 2020, Respondents' briefs are due on January 6, 2021, Amici's briefs are due on January 13, and Relators' reply briefs are due on January 20. Oral Argument is not yet scheduled. Once the case is submitted following oral argument, the court will have 90 days to render a decision. The decision of the court of appeals is automatically stayed at least 30 days to allow parties to request further review from the Supreme Court. Minn. R. Civ. App. P. 136.02. If a party requests further review, the court of appeals decision is stayed until either the Supreme Court denies review or, if it accepts review, issues a decision. *See* Minn. R. Civ. App. P. 140.03

Dated: December 2, 2020

Respectfully submitted,

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State of Minnesota  
Attorney General

*/s/Katherine Hinderlie*

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