

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Schuenger	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 Line 3 Replacement Project in Minnesota From the North Dakota Border to the Wisconsin Border

**OAH 65-2500-32764
PL-9/CN-14-916**

**ANSWER OF HONOR THE EARTH AND THE SIERRA CLUB
IN SUPPORT OF RED LAKE BAND OF CHIPPEWA INDIANS AND
WHITE EARTH BAND OF OJIBWE MOTION FOR STAY
OF THE LINE 3 REPLACEMENT PROJECT**

Honor the Earth and The Sierra Club (“HTE/SC”) hereby file this answer pursuant to the Public Utilities Commission’s (“Commission”) November 30, 2020, Notice of Timing Variances and Establishing Deadline for Answers to Motion and of Special Commission Meeting on Motion for Stay of Line 3 Replacement Project. HTE/SC support the Motion for Stay of the Commission’s orders approving a Certificate of Need and Route Permit for the Line 3 Replacement Project (“Project”) filed by the Red Lake Band of Chippewa Indians and the White Earth Band of Ojibwe. HTE/SC emphasize that:

- without a stay, Court of Appeals review of the Commissions’ Project orders will become moot and meaningless because by the time the Court of Appeals issues its decision the new Line 3 will have already been built;
- construction will cause irreparable harm to the Tribes, to all Minnesota communities and to its environment; while the potential harms of a stay to Enbridge are temporary, financial and recoverable;

- thousands of construction workers coming to build the project during the worst phase of the pandemic to date will likely accelerate the spread of infection and strain scarce healthcare resources, including within tribal communities;
- Minnesota courts have stated a clear priority for using stays to preserve judicial review of agency actions, and are not required to evaluate the likelihood of success on the merits as a factor in granting a stay;
- a stay would preserve important questions of law and serve the public interest, protecting health, welfare and the Court of Appeal’s jurisdiction; and
- a security bond may not be required by the Commission.

For the reasons contained in the Tribes’ Memorandum in Support of Motion for Stay, HTE/SC urge the Commission to stay its orders approving a Certificate of Need and Route Permit for the Line 3 Replacement Project.

Dated: December 2, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Paul Blackburn, hereby certify that I have this day, served a true and correct copy of the following documents for the above captioned matters to all persons at the addresses on the attached list 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.

**ANSWER OF HONOR THE EARTH AND THE SIERRA CLUB
IN SUPPORT OF RED LAKE BAND OF CHIPPEWA INDIANS AND
WHITE EARTH BAND OF OJIBWE MOTION FOR STAY
OF THE LINE 3 REPLACEMENT PROJECT**

Dated this 2nd day of December, 2020.

/s Paul Blackburn

Paul Blackburn

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