



**FRYBERGER,  
BUCHANAN,  
SMITH &  
FREDERICK, P.A.**  
www.fryberger.com

HAROLD A. FREDERICK  
DEXTER LARSEN<sup>†</sup>  
JAMES H. STEWART<sup>\*</sup>  
ROBERT E. TOFFEY<sup>\*</sup>  
MICHAEL K. DONOVAN  
NEAL J. HESSEN<sup>\*</sup>  
JOSEPH J. MIHALEK<sup>\*</sup>  
SHAWN M. DUNLEVY<sup>\*</sup>  
DAVID R. OBERSTAR<sup>\*□</sup>  
MICHAEL COWLES<sup>\*</sup>  
STEPHANIE A. BALL<sup>\*</sup>  
PAUL B. KILGORE<sup>\*</sup>  
MARY FRANCES SKALA<sup>\*§</sup>

KEVIN T. WALLI  
DANIEL D. MADDY<sup>†</sup>  
PAUL A. LORAAS<sup>\*</sup>  
DONALD C. ERICKSON<sup>\*</sup>  
MELISSA B. MALONEY  
ROBERT R. KANUIT<sup>\*</sup>  
JOHN R. GASELE  
MATTHEW H. HANKA  
DEHLIA C. J. SEIM<sup>\*</sup>  
MIA E. THIBODEAU  
ERIC S. JOHNSON  
CHRISTOPHER J. VIRTA

R. BRUCE BUCHANAN,  
*RETIRED*  
MARTHA M. MARKUSEN,  
*COUNSEL*

NICK SMITH (1936-2007)  
H.B. FRYBERGER, JR. (1906-1997)  
LOREN W. SANFORD (1931-1978)  
AMASA E. WHEELER (1889-1970)  
H.B. FRYBERGER, SR. (1865-1937)

\*Also Licensed in Wisconsin  
† Also Licensed in Arizona  
□ Also Licensed in Michigan  
§ Also Licensed in North Dakota

*PLEASE RESPOND TO DULUTH OFFICE*

May 13, 2014

E-mail address: [jgasele@fryberger.com](mailto:jgasele@fryberger.com)

Writer's direct line: (218) 725-6849

**Via Electronic Filing**

The Honorable Eric Lipman  
Administrative Law Judge  
Office of Administrative Hearings  
600 N. Robert Street  
St. Paul, MN 55164

**RE: *In the Matter of the Application for a Certificate of Need for the Line 67 Station Upgrade Project, Phase 2, MPUC Docket No. PL-9/CN-13-153; OAH Docket No. 8-2500-30952***

Dear Judge Lipman:

Enbridge Energy, Limited Partnership's ("Enbridge") Reply to the MN350/Sierra Club Post-Hearing Brief and Reply to the Dyrdal Motion for Determination of Federal Preemption are attached for electronic filing. An affidavit of service is also attached. Enbridge is not filing a reply to the Initial Brief of the Minnesota Department of Commerce. Thank you for your time and consideration of this matter.

Very truly yours,

/s/ John R. Gasele  
John R. Gasele

FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.  
Attorneys for Enbridge Energy, Limited Partnership  
Kevin T. Walli, Attorney Reg. No. 183866  
John R. Gasele, Attorney Reg. No. 386700  
332 Minnesota Street, Suite West 1260  
St. Paul, Minnesota, 55101

MPUC Docket No. PL9/CN-13-153  
OAH Docket No. 8-2500-30952

**AFFIDAVIT OF SERVICE**

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ST. LOUIS )

John R. Gasele, of the City of Duluth, County of St. Louis, State of Minnesota, being first duly sworn, deposes and says that on the 13th day of May, 2014, he served the attached Reply to the MN350/Sierra Club Post-Hearing Brief and Reply to the Dyrdal Motion for Determination of Federal Preemption on all said persons on the attached service list, true and correct copies, by electronic filing.

/s/ John R. Gasele  
John R. Gasele

Subscribed and sworn to before me this  
13th day of May, 2014.

/s/ Bonnie J. Severance  
Notary Public

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
Frank	Bibeau	frankbibeau@gmail.com	Honor the Earth	51124 County Road 118  Deer River, Minnesota 56636	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Paul	Blackburn	paul@paulblackburn.net		PO Box 17234  Minneapolis, MN 55417	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Tim	Bray	tim.bray@crowwing.us	Crow Wing County	16589 County Road 142  Brainerd, MN 56401	Electronic Service	No	OFF_SL_13-153_Official CC Service List
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_13-153_Official CC Service List
Donovan	Dyrdal	dyr-valley@hughes.net		13142 180TH ST NW  Thief River Falls, Minnesota 56701	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Peter	Erlinder	proferlinder@gmail.com	International Humanitarian Law Institute	325 Cedar St. Suite 308 St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500  Saint Paul, MN 551012198	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
John R.	Gasele	kgasele@fryberger.com	Fryberger Buchanan Smith & Frederick PA	700 Lonsdale Building 302 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
Arshia	Javaherian	arshia.javaherian@enbridge.com	Enbridge Energy	26 East Superior Street Suite 309 Duluth, MN 55802	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Cynthia	Johnson	cjohnson55802@yahoo.com		3228 Boundary Road  Mahtowa, MN 55707	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Jon	Kingstad	kings011@tc.umn.edu	Law Firm of Jon Erik Kingstad	Lake Elmo Bank Bldg STE 260  600 Inwood Ave N Oakdale, MN 55128	Electronic Service	No	OFF_SL_13-153_Official CC Service List
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
Eric	Lipman	eric.lipman@state.mn.us	Office of Administrative Hearings	PO Box 64620  St. Paul, MN 551640620	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
Peter	Madsen	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Bremer Tower, Suite 1800 445 Minnesota Street St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_13-153_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_13-153_Official CC Service List
Kevin	Walli	kwalli@fryberger.com	Fryberger, Buchanan, Smith & Frederick	380 St. Peter St Ste 710  St. Paul, MN 55102	Electronic Service	No	OFF_SL_13-153_Official CC Service List