

The Commission met on **Monday, February 3, 2020** with Chair Sieben and Commissioners Means, Schuerger, and Tuma present.

The following matters were taken up by the Commission:

**PL-9/CN-14-916**

**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**

**PL-9/PPL-15-137**

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

Chair Sieben moved that the Commission find that the Second Revised Final Environmental Impact Statement filed on December 9, 2019, is adequate under Minn. R. 4410.2800, subp. 4. The motion passed 3-1, with Commissioner Schuerger opposed.

Commissioner Tuma moved that the Commission:

1. Approve the certificate of need for the Line 3 Replacement Project (the Project) by reissuing the following orders:
  - Order Granting Certificate of Need as Modified and Requiring Filings, dated September 5, 2018 (September 2018 CN Order); and
  - Order Approving Compliance Filings as Modified and Denying Motion, dated January 23, 2019 (January 2019 CN Order).

If there is a conflict between the September 2018 CN Order and January 2019 CN Order, the January 2019 CN Order will control.

2. Grant a routing permit to Enbridge Energy, Limited Partnership for the Project by reissuing the following orders:
  - Order Approving Pipeline Routing Permit with Conditions, dated October 26, 2018 (October 2018 RP Order);
  - Order Clarifying Prior Order, Excluding Filing, and Denying Reconsideration, dated January 18, 2019 (January 2019 RP Order); and

- Order Accepting Tribal Economic Opportunity and Labor Education Plan as Modified, dated May 17, 2019.
3. Make the following modifications and clarifications to ordering paragraphs 6, 7, 8, and 9 of the October 2018 RP Order:
- a. Within 10 days of the order, require Enbridge to open the Public Safety Escrow Trust Account as described in ordering paragraphs 6, 7, 8, and 9 of the October 2018 RP Order to provide for deposit of a limited preliminary funding;
  - b. Prior to the Executive Secretary determining the “initial amount” to be deposited in the Public Safety Escrow Trust Account, require Enbridge to make a limited preliminary public safety funding deposit in the amount of \$250,000 that may be accessed prior to the Executive Secretary’s determination of the “initial amount” in paragraph 9.B of the October 2018 RP Order;
  - c. Clarify that funding under these ordering paragraphs is available to state agencies with expertise in specific functions directly related to combating drug and human trafficking and public safety;
  - d. State agencies may only seek this funding if they can show that the activities are incrementally additional activities beyond their present funding and they are specifically related to the Project;
  - e. Clarify that pipeline project activities covered by these ordering paragraphs include removal of Existing Line 3;
  - f. Modify ordering paragraph 9.E of the October 2018 RP Order as follows:

Local units of government may also seek reimbursement for the added costs for law enforcement, public safety, public health, planning, and other services arising from activities in and around the construction site during the term of the routing permit as a direct result of the pipeline construction. After having sought reimbursement from state or federal funding programs as appropriate, local units of government may submit to the Public Safety Liaison a written request for reimbursement. The request should contain an itemized list of expenses and sufficient detail to permit the ~~Commission~~ Executive Secretary to determine whether the services rendered were reasonable and appropriate additional municipal services uniquely provided as a result of the construction of the pipeline during the term of this permit.

4. Direct Commission staff to update dates or other procedural details in the reissued orders as necessary.

The motion passed 3-1, with Commissioner Schuerger opposed.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: May 27, 2020**

A handwritten signature in black ink, appearing to read "Will Seuffert", with a long horizontal flourish extending to the right.

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**Will Seuffert, Executive Secretary**