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May 6, 2013

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. PL-5/CN-14-320

Dear Dr. Haar:

Attached are the Comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) regarding the Notice Plan in the following matter:

Application for a Certificate of Need for the Minnesota Pipe Line Reliability Project.

The Notice Plan was submitted on April 17, 2014 by:

Eric F. Swanson
Winthrop & Weinstine, P.A.
Attorneys for Minnesota Pipe Line Company, LLC
225 South Sixth Street, Suite 3500
Minneapolis, Minnesota 55402

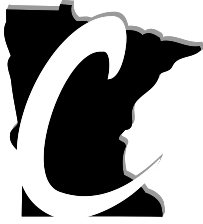
The Department recommends that the Commission accept Minnesota Pipe Line's proposed Notice Plan, subject to the provision of additional information, clarifications, and/or corrections in the Applicant's Reply Comments. The need for this additional information and corrections is discussed in the body of these Comments.

The Department is available to answer any questions that the Commission may have.

Sincerely,

/s/ LAURA B. OTIS
Rates Analyst

LBO/lt
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

DOCKET No. PL-5/CN-14-320

I. INTRODUCTION

On April 17, 2013, Minnesota Pipe Line Company, LLC (MPL or the Applicant), filed its Certificate of Need (CN) Notice Plan (Notice Plan) with the Minnesota Public Utilities Commission (Commission) for its Minnesota Pipe Line Reliability Project (Project). MPL states that it intends to submit a CN petition to construct six new pump stations along its existing Line 4 in Hubbard, Wadena, Morrison, Meeker, McLeod, and Scott Counties, Minnesota. The Project would also involve upgrades to existing pump stations along Line 4. The Applicant indicates that the Project does not involve the construction of additional pipeline or the acquisition of new right-of-way. However, the Project would require the construction of new pump stations, presumably on land that the Applicant already owns or on land that the Applicant will acquire in fee. The Project, if approved, would increase the capacity of MPL's Line 4 from approximately 160,000 barrels per day (bpd) to approximately 350,000 bpd, an increase of 190,000 bpd, which is a 119 percent increase in the existing capacity of Line 4. MPL states that it intends for the Project to be completed by 2018.

The Department includes its analysis of the Notice Plan below.

II. DEPARTMENT ANALYSIS

A. TYPES OF NOTICE

Minnesota Rules 7829.2560, subp. 3, requires the following types of notice:

- Direct mail notice based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed pipeline;
- Direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed pipeline;
- Direct mail notice to tribal governments and to the government of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed pipeline; and
- Newspaper notice to members of the public in areas reasonably likely to be affected by the proposed pipeline.

1. *Direct Mail Notice to Landowners and Mailing Addresses (Minnesota Rules 7829.2560, subp. 3.A and B)*

The Applicant's proposed Notice Plan includes notice to all landowners with property traversed by Line 4 and to all landowners with property adjacent to sites where new Line 4 pump stations are proposed to be constructed. Similarly, MPL proposed to notify all mailing addresses (residences) through which Line 4 runs and all residences abutting the proposed new pumping stations. The Notice Plan does not indicate an intention to notify residences or landowners whose property abuts sites where existing Line 4 pump stations are proposed to be upgraded.

The Department notes that MPL has not indicated how it has or will identify the names and addresses of affected landowners and residents.

The Applicant included drafts of the letters to be sent by direct mail to landowners and residents as required by Minnesota Rules. The letter for residents and landowners whose property is traversed by Line 4 is included as Exhibit B to the Notice Plan. The letter for landowners and residents whose property abuts new pump station work sites is included as Exhibit C to the Notice Plan.

The Department requests that the Applicant describe, in Reply Comments, how it proposes to identify the names and addresses of the landowners and residents it is required to provide with direct mail notice under Minnesota Rules 7829.2560, subp. 3.A and B. Additionally, the Department recommends that the Applicant send the letter in Exhibit C to all landowners and mailing addresses whose property or residences abut the land on which the new pump stations would be constructed and to all those whose property or residences abut the land on which exist pumping stations would be upgraded.

2. *Notice to Governmental Units (Minnesota Rules 7829.2560, subp. 3.C)*

The Applicant proposed in its Notice Plan to provide written notice, via direct mail, to elected officials and select non-elected government officials (e.g., clerks) at the local (city and township), county, state, tribal, and federal level whose jurisdiction includes property traversed by Line 4. State officials from the Department of Commerce, the Department of Labor and

Industry, the Department of Employment and Economic Development, the Pollution Control Agency, the Department of Natural Resources, and the Department of Public Safety have also been included.

The Applicant included, as Exhibit E to its Notice Plan, a list of the local government officials that will receive notice. While the Applicant initially did not include the officials of townships in the notice area in Exhibit E, on April 18, 2014, the Applicant filed a supplement (Supplement) identifying the township officials to receive notice. In general, the lists included in Exhibit E and the Supplement include the appropriate individuals; however, in comparing the information in the proposed notice plan with information on official websites for those to be contacted in the Notice Plan, the Department identified several apparent inconsistencies and exclusions. The Department requests that the Applicant clarify, and/or correct, the following in Reply Comments.

Exhibit E:

- The addresses given for the Stearns County Commissioners list a 56387 ZIP code but other sources list the ZIP code as 56303;
- Minnesota State Representative Joe McDonald, who represents District 29 A (Wright and Hennepin Counties), and Minnesota State Senator Bruce Anderson, who represents District 29 (Wright and Hennepin Counties), are not included in the list of officials to receive notice;
- The Minnesota House Majority Leader, Erin Murphy, is not included in the list of officials to receive notice;
- The Commissioner, Deputy Commissioner, and Assistant Commissioner of the Minnesota Department of Public Safety are not included in the list of government officials to receive notice;

Supplement:

- Young America Township (Clearwater County) Clerk is listed as Lothar Walter, Jr. but other sources identify Missy Mueller as the Clerk;
- Clover Township is listed in Clearwater County but it appears that this is a township in Hubbard County;
- Nora Township officials (Clearwater County) are not included in the notice plan but Line 4 appears to traverse part of that township;
- Copley Township Clerk Cindy Olson's provided address (RR 3, Box 519) is listed differently elsewhere (18379 Hilltop Rd.);
- Helen Township officials (McLeod County) are not included in the notice plan but Line 4 appears to traverse part of that township;

- The provided names and titles of Rich Valley Township officials (McLeod) county do not agree with the names and titles provided in the McLeod County directory¹;
- Darwin Township (Meeker County) Supervisor listed is as Milton Houman but identified elsewhere as Milton Housman;
- Dassel Township (Meeker County) Treasurer Galen Nyman's address was listed as 24701 729th Ave. but is listed elsewhere as 24931 729th Ave.;
- Dassel Township (Meeker County) official Erhard Woetzel is identified as Township Supervisor but listed elsewhere as Township Chair;
- Forest Prairie Township officials (Meeker County) are not included in the Notice Plan but Line 4 appears to traverse part of that township;
- Manannah Township (Meeker County) Treasurer is listed as Janine Shepersky but other sources identify Barb Hagemeyer as the Treasurer;
- Belle Plaine Township (Scott County) official Gary Schmitz is identified as Township Supervisor but listed elsewhere as Township Chair;
- Belle Plaine Township (Scott County) Clerk is listed as Mary Bratsch but other sources identify Myron Bratsch as the Clerk;
- Helena Township (Scott County) Officials are identified in the notice plan as Tammy Mathews (treasurer), Rodney Mathews (chair), Leslie Engelmann and Mark Johnson (supervisors), and Keren Mackenthun (clerk) but elsewhere as Patricia Lambrecht (treasurer), Ed Nytes (chair), Duane Deutsch and Terry Maas (supervisors), and DeAnn Croatt (clerk);
- The names and positions of the New Market Township (Scott County) officials are listed on both the county and township websites in addition to being provided by MPL; however none of these listings are in complete agreement;
- Washington Lake Township (Sibley County) Supervisor David Flannery's address is listed by MPL as 19335 321st Ave. but listed elsewhere as 17335 321st Ave.;
- Krain Township (Stearns County) Supervisor is listed as Lori Olson but other sources identify Arnold Blommel as the Supervisor;
- Fawn Lake Township (Todd County) official Dale Kadlec is identified as Township Supervisor but listed elsewhere as Township Chair;
- Fawn Lake Township (Todd County) official Dave Pogreba is identified as Township Chair but listed elsewhere as Township Supervisor;
- Villard Township (Todd County) Supervisor Connie Mosack's address is listed by MPL as 32817 Spruce Rd. but listed elsewhere as 32917 Spruce Rd.;
- Rockwood Township officials (Wadena County) are not included in the notice plan but Line 4 appears to traverse part of that township; and
- Cokato Township (Wright County) Clerk Brad Morris's address is listed by MPL as 5363 Rhoades Ave. SW but listed elsewhere as 14987 30th St. SW.

¹ Available online

3. *Published Notice (Minnesota Rules 7829.2560, subp. 3.D)*

MPL provided a proposed published (newspaper) notice as Exhibit F to the Notice Plan. MPL also provided, as Exhibit G, a list of the newspapers in which it proposes to print the proposed notice.

The Department reviewed the Applicant's proposed published notice and list of newspapers and concludes that, in accordance with Minnesota Rules, MPL included several regional and local newspapers that serve the areas reasonably likely to be affected by the Project.

B. *CONTENT OF NOTICE (MINNESOTA RULES 7829.2560, SUBP. 4)*

Minnesota Rules 7829.2560, subp. 4 requires a proposed notice plan to provide notice to recipients with the following information:

- A map showing the end points of the pipeline and existing related pipelines and related facilities in the area;
- A description of general right-of-way requirements for a pipeline of the size and type proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed pipeline will require;
- A notice that the pipeline cannot be constructed unless the Commission certifies that it is needed;
- The Commission's mailing address, telephone, and Web site;
- A brief explanation of how to get on the mailing list for the Commission's proceeding; and
- A statement that requests for certification of pipelines are governed by Minnesota law, including specifically Minnesota Rules, chapters 7851, 7853, and 7855 and Minnesota Statutes, section 216B.243.

The Department reviewed the Applicant's proposed notice and maps. The Department concludes that the Applicant's Notice Plan complies with the content requirements but notes a few concerns.

First, it is not clear how the Applicant will incorporate the required map, included in the Notice Plan as Exhibit A, in the notice letters. The Department requests that the Applicant specify, in Reply Comments, how it intends to include the required maps (for example, as an attachment to the letters).

In addition, the Department is concerned that the Applicant has not provided adequate information regarding the exact locations of the pump stations that are to be upgraded or constructed. Consequently, the Department requests that the Applicant provide additional information in the letters proposed to be sent to landowners and mailing addresses affected by the Project. The Applicant should provide, for each station, the station name, the station location

(section, township, etc.), the county the station will be/is in, and state whether each station is new construction or an existing station that will be upgraded. If possible, individual maps of the station site locations should also be included in addition to the overview map that has been provided in the Notice Plan's Exhibit A. This information has been included in notice plans for other recent pump station upgrade projects in Minnesota² and will ensure that the public has adequate notice and understanding of the work MPL proposes to do for this Project. The suggested information has previously been successfully presented in tabular form, such as the example below:

Name of Station	Location	County	Map No.	Upgrade/New Construction
"Station Name"	"Location"	"Name"	"Attachment"	

III. DEPARTMENT RECOMMENDATIONS

The Department recommends that the Commission accept Minnesota Pipe Line's proposed Notice Plan, subject to the Applicant's provision of certain information in Reply Comments for potential inclusion in, revision of, or correction of its Notice Plan. Specifically, the Department recommends that MPL:

- describe how it will identify the names and addresses of the landowners and residents it is required to provide with direct mail notice under Minnesota Rules 7829.2560, subp. 3.A and B;
- Confirm that it will provide notice to all landowners and residents that own or live on land abutting the land on which pumping stations will be constructed or upgraded;
- Clarify, and if necessary, correct, the discrepancies in Notice Plan Exhibit E and the Supplement identified on pages 2-4 above;
- Clarify how the map required by Minnesota Rules 7829.2560, subp. 4 will be included in the notice letters sent to landowners, residents, and government officials; and
- Submit revised notice letters to landowners, abutting residents, and local and state government officials (Exhibits B, C, and D) in which the additional information requested by the Department regarding the pumping station sites and their locations is presented in the tabular form described on page 5 above.

/lt

² Docket Nos. PL-9/CN-13-153 and PL9/CN-12-590

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. PL5/CN-14-320

Dated this **6th** day of **May 2014**

/s/Sharon Ferguson

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_14-320_CN-14-320
Douglas	Benson	N/A	Minnesota Department of Health	P.O. Box 64975 St. Paul, MN 55155	Paper Service	No	OFF_SL_14-320_CN-14-320
Katie	Clark Sieben	katie.clark.sieben@state.mn.us	DEED	332 Minnesota St, #E200 1st National Bank Bldg Saint Paul, MN 55101	Electronic Service	No	OFF_SL_14-320_CN-14-320
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_14-320_CN-14-320
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_14-320_CN-14-320
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_14-320_CN-14-320
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_14-320_CN-14-320
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_14-320_CN-14-320
Mary	Holly	mholly@winthrop.com	Winthrop & Weinstine, P.A.	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Paper Service	No	OFF_SL_14-320_CN-14-320
Craig	Jarnot	N/A	U.S. Army Corps of Engineers	10867 E Gull Lake Dr NW Brainerd, MN 56401	Paper Service	No	OFF_SL_14-320_CN-14-320

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_14-320_CN-14-320
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_14-320_CN-14-320
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_14-320_CN-14-320
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 500, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_14-320_CN-14-320
Kate	O'Connell	kate.oconnell@state.mn.us	Department of Commerce	Suite 50085 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_14-320_CN-14-320
Bob	Patton	bob.patton@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_14-320_CN-14-320
Michele	Ross	michele.ross@state.mn.us	Department of Health	625 N Robert St Saint Paul, MN 55101	Electronic Service	No	OFF_SL_14-320_CN-14-320
Jennie	Ross	N/A	Minnesota Department of Transportation	395 John Ireland Boulevard, MS 620 St. Paul, MN 55155	Paper Service	No	OFF_SL_14-320_CN-14-320
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_14-320_CN-14-320

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Katie	Clark Sieben	katie.clark.sieben@state.mn.us	DEED	332 Minnesota St, #E200 1st National Bank Bldg Saint Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 500, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Bob	Patton	bob.patton@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Michele	Ross	michele.ross@state.mn.us	Department of Health	625 N Robert St Saint Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS