

STATE OF MINNESOTA

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

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

MPUC Docket No. PL-9/CN-14-916
OAH Docket No. 65-2500-32764

SHIPPERS FOR SECURE, RELIABLE, AND ECONOMICAL PETROLEUM TRANSPORTATION’S ANSWER TO PETITION FOR RECONSIDERATION OF ORDER DENYING MOTION FOR STAY PENDING APPEAL OF THE RED LAKE BAND OF CHIPPEWA AND THE WHITE EARTH BAND OF OJIBWE

Red Lake Band of Chippewa and the White Earth Band of Ojibwe’s (“Bands”) Petition for Reconsideration (“Petition”) reads more like a reply brief to the proponents’ answers to the Motion for Stay Pending Appeal (“Motion”) than a petition for reconsideration. Accordingly, Shippers for Secure, Reliable, and Economical Petroleum Transportation (“Shippers Group”) stands on its Answer to the Motion and incorporates that answer by reference in answering the Petition.

Here, the Shippers Group highlights some of the key points from that filing. Based on the record, if the Minnesota Public Utilities Commission (“Commission”) grants the Motion, Enbridge Energy LP’s (“Enbridge” or “Company”) customers will face apportionment of 25 percent during the delay, when they otherwise would face none.¹ To the extent it is appropriate to look at extra-record evidence, based on the Bands’ own forecasts, in 2021, crude

¹ EN-38, Sched. 3 at 5-6 (Glanzer Rebuttal).

oil demand is projected to largely recover to pre-pandemic levels.² Moreover, apportionment has already returned to Enbridge's Mainline System.³ Finally, the Shippers Group notes that, in the Issue Resolution Sheet ("IRS"), Enbridge agreed to pay construction costs above unclassified capital costs and the Class IV cost estimate.⁴ Thus, contrary to the Bands' contention, the IRS makes Enbridge responsible for the increased costs of construction caused by any delay.

For these reasons and the reasons discussed in the Shippers Group's Answer to the Motion, the Commission should deny the Petition.

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² Bands' Initial Br. at 43 (citing Press Release, Rystad Energy, Covid-19 and Energy Transition Will Expedite Peak Oil Demand to 2028 and Cut Level to 102 Million Bpd (Nov. 2, 2020), <https://www.rystadenergy.com/newsevents/news/press-releases/covid-19-and-energy-transition-will-expedite-peak-oil-demand-to-2028-and-cut-level-to-102-million-bpd/>).

³ Canada Energy Regulator, Pipeline Profiles: Enbridge Mainline (last accessed Dec. 21, 2020), <https://www.cer-rec.gc.ca/en/data-analysis/energy-commodities/crude-oil-petroleum-products/pipeline-profiles/pipeline-profiles-enbridge-mainline.html>. The Shippers Group does not concede it is appropriate to look at extra-record evidence and emphasizes that this evidence is not in the record.

⁴ EN-1, Appx. D at 5 (Issue Resolution Sheet). The Class IV cost estimate was completed in April 2014, when the Representative Shippers Group and Enbridge targeted the third quarter of 2017 as the in-service date. *Id.* at 1.