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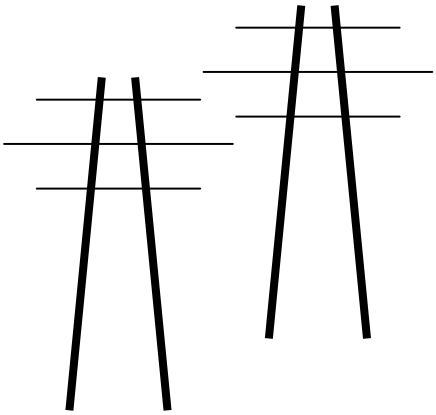

September 12, 2016

Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

James La Fave, Administrative Law Judge, Sandpiper 13-473
Eric Lipman, Administrative Law Judge, Sandpiper13-474
Ann O'Reilly, Administrative Law Judge, Line 3 14-916; 15-137
Jim Mortenson, Administrative Law Judge, Menahga Transmission 14-787; 14-797
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

RE: North Dakota Pipeline Company LLC - Certificate of Need and Pipeline Routing Permit for the Sandpiper Pipeline Project
PUC Dockets: PL-6668/CN-13-473; 13-474
OAH Dockets: 8-2500-31260; 8-2500-31259

Enbridge Energy - Certificate of Need and Pipeline Routing Permit for the Line 3 Replacement Project
PUC Dockets: PL-9/CN-14-916 and PPL-15-137
OAH Dockets: 65-2500-32764 and 65-2500-33377

In the Matter of the Clearbrook to Clearbrook-West 115 kV Transmission Line
PUC Docket: ET6/TL-14-665

Great River Energy and Minnesota Power - Certificate of Need and Route Permit for the Menahga Area 115 kV Transmission Project
PUC Dockets: ET-2,E-015/CN-14-787; ET-2,E-015/TL-14-797
OAH Docket 5-2500-32715

Dear Mr. Wolf, and Judge La Fave, Judge Lipman, Judge O'Reilly, and Judge Mortenson:

Enclosed please find comments on the Sandpiper Pipeline withdrawal request, and for consideration in the Line 3 pipeline replacement docket as well.

I am also filing these comments on behalf of two clients, the Erie-Bourdeaux Revocable Family Trust and the Donna J. Andersen Trust, both directly affected by the Sandpiper pipeline project and transmission projects supporting that pipeline. In these comments, I request consideration of the direct relation of these transmission projects supporting the Sandpiper pipeline, in this case, specifically the Clearbrook-Clearbrook West 115 kV transmission project and the Menahga 115 kV transmission projects, both planned to power Sandpiper pumping stations.

Without the Sandpiper pipeline, without the pumping stations and their need for electricity to power the pumps, there is no basis, no justification, for these transmission support projects.

The transmission projects should also be withdrawn immediately. These landowners should be removed from transmission limbo.

I've noticed that there has been no Notice of Comment Period, and such notice should be issued to clarify for parties and the public procedure for withdrawal of applications. It's come to my attention that it was deemed not necessary to give notice, apparently because NPDC's request contained paragraph "Response to Petition and Motion." I don't think I've ever before seen such a paragraph deemed sufficient notice to parties and the public. I do note that for the Hollydale withdrawal, there was not only notice of a comment period, but also of a reply comment period. The Hollydale Project was not nearly as "large" a project as the Sandpiper pipeline.[1]

Also, I request that parties and the public be provided with an opportunity to comment at the Commission meeting when this withdrawal request is on the agenda, or at a separately scheduled public hearing.

Thank you for your consideration.

Very truly yours,

Carol A. Overland
Attorney at Law

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20141-95340-04	PUBLIC	12-113	☐	CN	PUC	NOTICE OF COMMENT PERIOD--CERTIFICATE OF SERVICE AND SERVICE LIST	01/10/2014
20141-95340-02	PUBLIC	12-113	☐	CN	PUC	NOTICE OF COMMENT PERIOD--ON REQUEST TO WITHDRAW APPLICATIONS	01/10/2014

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	**Chair**
Nancy Lange	**Commissioner**
Dan Lipschultz	**Commissioner**
Matt Schuerger	**Commissioner**
John A. Tuma	**Commissioner**

In the matter of the North Dakota Pipeline Company LLC - Certificate of Need and Pipeline Routing Permit for the Sandpiper Pipeline Project
PUC Dockets: PL-6668/CN-13-473; 13-474
OAH Dockets: 8-2500-31260; 8-2500-31259

In the matter of the Enbridge Energy - Certificate of Need and Pipeline Routing Permit for the Line 3 Replacement Project
PUC Dockets: PL-9/CN-14-916 and PPL-15-137
OAH Dockets: 65-2500-32764 and 65-2500-33377

In the Matter of the Clearbrook to Clearbrook-West 115 kV Transmission Line
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In the matter of Great River Energy and Minnesota Power - Certificate of Need and Route Permit for the Menahga Area 115 kV Transmission Project
PUC Dockets: ET-2,E-015/CN-14-787; ET-2,E-015/TL-14-797
OAH Docket 5-2500-3271

COMMENT OF THE ERIE-BOURDEAUX FAMILY REVOCABLE TRUST

COMMENT OF DONNA J. ANDERSEN AND CURTIS ANDERSEN AND THE DONNA J. ANDERSEN TRUST, DONNA J. ANDERSEN TRUSTEE

On behalf of the parties above-named, thank you for the opportunity to make this Comment on the request of Enbridge and North Dakota Pipeline Company LLC (hereinafter

"NPDC") to withdraw its Certificate of Need and Route applications for the Sandpiper Pipeline. These Comments are offered as provided by Minn. R. 7829.0430 and Minn. R. 1400.6600.

As the Commission considers this request for withdrawal, whether to approve, reject, or approve with conditions, it's important to be mindful of the impacts of this project on landowners, parties, and the public thus far, the costs of participation, and to acknowledge the many associated projects that have been proposed and/or permitted connected to the Sandpiper pipeline, specifically including the Clearbrook-Clearbrook West 115kV transmission line and the Menahga 115kV transmission line.

The Commission should issue Notice of Comment Period regarding the withdrawal of Sandpiper pipeline applications, which has not been done as of this writing.

I. THE COMMISSION SHOULD APPROVE WITHDRAWAL WITH PREJUDICE

The company should be granted its request to withdraw, with prejudice. The withdrawal should be "with prejudice" because this project has had a substantial impact on landowners, parties, and businesses across Minnesota, an impact on many far beyond those few that have been granted intervention in these dockets.

Things change. The economics of oil and energy have changed dramatically since the permitting of the MinnCan pipeline[1] in 2007 just before the 2008 economic crash, and prior to the expansive Bakken oil boom and subsequent crash. The need for this project has not yet been demonstrated, and the record reflects that the need is in question. With the changing economic conditions, the depressed oil market, and the passage of time, the need for this pipeline, or any pipeline, is less apparent. Conversely, the tension between public need and private want is more apparent. This particular project has also met with challenges to the environmental review and a

[1] Order, April 13, 2007. See PUC Dockets: PL-5/CN-06-02; PL-5/PPL-05-2003.

resulting setback through the court's decision on the Environmental Impact Statement.[2]

The Department of Commerce has recognized the uncertainty of the Sandpiper and Line 3 Replacement projects after the court decision and NDPC's Petition for Withdrawal, and has ceased work on the Environmental Impact Statement Scoping Decision on both the Sandpiper pipeline and the Line 3 Replacement Project. However, there have been no statements issued regarding status of connected and dependent projects.

Challenging this project has required vast resources of the public's time and money over three years, for which those contributing and working will not be reimbursed. For landowners and formal intervenors, that commitment has been even greater. If the applications are withdrawn, it should only be allowed to be withdrawn with prejudice, so that people will not be in limbo, and will not have the specter of this project hanging over their heads forever. Equity requires that these permits, if withdrawn, be withdrawn with prejudice.

II. IN THE ALTERNATIVE, IF THE APPLICATION IS WITHDRAWN WITHOUT PREJUDICE, THE RECORD SHOULD BE PRESERVED SUFFICIENT TO PROTECT PARTIES FROM REDOING PAST WORK SHOULD A FUTURE APPLICATION BE FILED

If the application is allowed to be withdrawn, without prejudice, where the applicants could refile at a future date, the Commission should preserve the record thus far so that parties, would not have to redo all the work that has gone into challenging the Sandpiper pipeline.

An example of how this could be handled is found in the Hollydale Transmission Project, similar to this Sandpiper pipeline case – a project with lengthy proceedings, intense public involvement, and a challenge of the need claim for transmission. That project proposed a transmission "solution" to a distribution problem, and need for transmission remained in

[2] See Court of Appeals, 9-14-2016: http://mn.gov/law-library-stat/archive/ctappub/2015/opa150016-091415.pdf as modified 9-30-2016: http://mn.gov/law-library-stat/archive/ctappub/2015/ora150016-093015.pdf

question three years after the application. The project was ultimately withdrawn[3].

In its review of the request for withdrawal, the Commission took note of the parties' and the public's time, work, and commitment of resources, and an effort was made to preserve that record so that it would not have to be redone in the event of a subsequent application:

> *Residents have invested substantial time and resources in these proceedings, submitting comments, attending hearings, and retaining attorneys and an expert witness to provide testimony. The Commission will request that the ALJ prepare a summary of the public comments and testimony in this case to aid public participation and agency decision-making in any future proceedings.*

Id. p. 6.

Considering that record, the Commission granted the petition for withdrawal of Hollydale:

ORDER

> 1. The Commission hereby grants Applicants' petition to withdraw the certificate-of-need and route-permit applications for the Hollydale project, subject to the requirement that Applicants demonstrate the need for any new transmission they propose for the Plymouth or Medina project area.
>
> 2. Applicants shall file a discussion of their public outreach efforts and an update on the load-serving capacity of, and any improvements made to, the distribution system serving the area six months from the date of this order and quarterly thereafter. This filing shall include a report on DSM and other resources available to address the reliability issues in the area.
>
> 3. The Commission requests a summary of public comments and testimony from the Office of Administrative Hearings.

Hollydale Order, May 12, 2014.[4] The applicant, years later, continues to work to address its claimed distribution issues, and has yet to reapply, and the landowners have some semblance of security that the company will not reapply for the same project.

[3] Order online at Legalectric: http://legalectric.org/f/2014/05/14-0046_Order_WithdrawalConditions.pdf or search for PUC dockets 12-113 and 11-152.

[4]

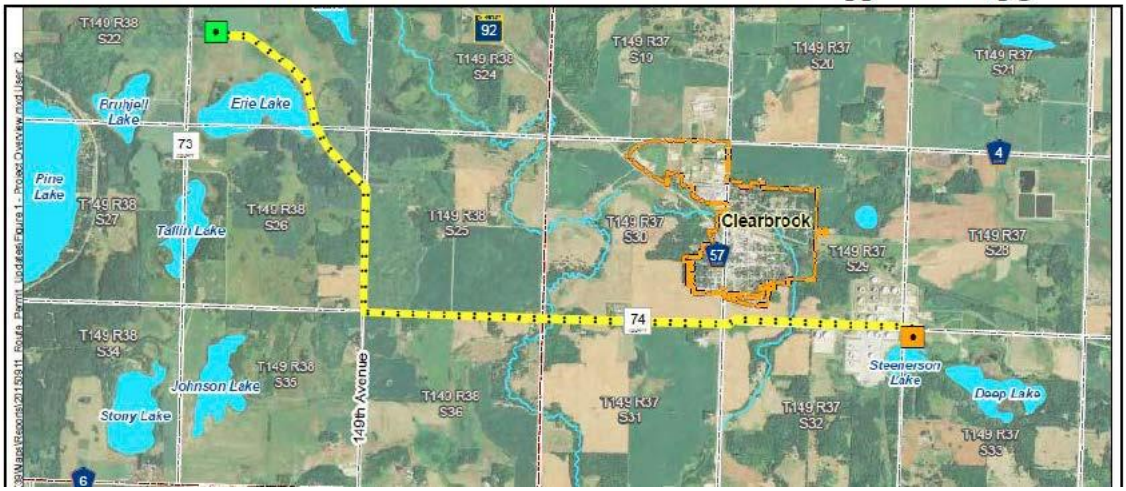
20145-99402-01	PUBLIC	12-113	☐	CN	PUC	ORDER--ORDER PERMITTING WITHDRAWAL WITH CONDITIONS	05/12/2014

In this case, with similar intensive efforts on the part of all parties, the application should be withdrawn only with preservation of the record thus far, both public comments and testimony, to be part of the record in the event applications would be refiled.

III. THE CLEARBROOK-CLEARBROOK WEST 115kV TRANSMISSION PROJECT SHOULD BE WITHDRAWN IN CONJUNCTION WITH WITHDRAWAL OF SANDPIPER BECAUSE IT IS A SANDPIPER PIPELINE SUPPORT PROJECT

If the Commission grants NPDC's request for withdrawal, withdrawal should be conditioned on withdrawal of all Sandpiper pipeline support projects. One Sandpiper support project is the Clearbrook-Clearbrook West 115 kV transmission project (hereinafter "Clearbrook"). The Clearbrook transmission project is "a 5.3 mile long 115 kV high voltage transmission line located in Leon and Pine Lake Townships, Clearwater County, MN ("Clearbrook-Clearbrook West"), and a new 115/41.6 kV substation in Pine Lake Township."[5]

Figure 1 –Clearbrook-Clearbrook West 115 kV HVTL Route Permit Application, pg. 3



This Sandpiper dependent Clearbrook transmission line is proposed to cross land owned by the Erie-Boudreaux Family Revocable Trust, between Erie Lake and Klongerbo Lake, an area

[5] Minnkota's Clearbrook-Clearbrook West 115 kV Transmission Project application, Cover Letter:

201511-115970-01	PUBLIC	14-665	☐	TL	MINNKOTA POWER COOPERATIVE, INC.	INITIAL FILING--PART 1 OF 4	11/25/2015

already heavily burdened by many pipelines, as shown in drawing submitted in the Clearbrook record. Exhibit A, attached.[6]

The need for the Clearbrook-Clearbrook West transmission line, according to the application, is specifically for electric power for the pumping station and the new Clearbrook West tank farm for the Sandpiper Pipeline:

> North Dakota Pipeline Company, LLC is planning to construct a new pumping station west of Clearbrook, Minnesota, as part of the new Sandpiper Pipeline. North Dakota Pipeline Company, LLC has requested electric service for a pumping station from Clearwater-Polk Electric, a distribution cooperative and member-owner of Minnkota. This new facility is relatively large and is located in a rural area. The proposed Project will require a distribution voltage which is different than the typical distribution voltage for Clearwater-Polk Electric volts. To serve this load, Minnkota will design, procure, and construct approximately 5.3 miles of 115 kV HVTL, a 115 kV line switch to tap an existing line, and an industrial substation suitable to serve the load to be located directly adjacent to the pumping station.

Clearbrook Application, p. 10.[7] This new Clearbrook West tank farm is next to and surrounded on three sides by the Erie-Bourdeaux Family Revocable Trust land – they are egregiously affected landowners due to the natural features of their property which form a "pinch point" through which these many pipelines and now the Clearbrook-Clearbrook West transmission line would be routed. Ex. A, attached.

If the application is withdrawn, there is no Sandpiper pipeline, there is no Clearwater tank farm for the Sandpiper pipeline, and there is no pumping station for the Sandpiper pipeline and tank farm at the parcel surrounded by the Erie-Bourdeaux Family Revocable Trust land. If the Sandpiper pipeline applications are withdrawn, there is no need for the Clearbrook-Clearbrook

[6] See Exhibit A, Updated Drawing Showing Projects and Impacts to Erie-Bourdeaux Family Revocable Trust Property (attached).

[7]

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West 115 kV transmission line. Withdrawal of the Sandpiper pipeline Certificate of Need and Route permits renders moot any need claim for the Clearbrook-Clearbrook West 115 kV transmission line.

If the Commission grants the petition to withdraw the applications for the Sandpiper pipeline, the Commission should only do so conditioned on withdrawal of the Sandpiper dependent Clearbrook transmission project and all other Sandpiper dependent projects.

IV. THE MENAHGA TRANSMISSION LINE IS FOR A NEW OIL PUMPING STATION, AND THE PART OF PROJECT FOR PUMPING STATION SHOULD BE REVOKED.

Circumstances have changed significantly since the permitting of the Menahga 115kV transmission project. Thus far, the first leg, the part of the project for the Line 4 "Minnesota Reliability Project" has been constructed, but the leg for the Sandpiper project has yet to be built.

Part of the capacity of the Menahga Transmission Project is for 4 MW pumping stations for the "Minnesota Reliability Project. In addition, the Menahga Application, p. 1-1, references an unnamed "future project to the north."

> The stated need for this project is to address transmission overload issues in the Menahga area and to serve a new substation and new pump station proposed by the Minnesota Pipe Line Company as part of the Minnesota Pipeline Reliability Project.

The unstated need in the Application is for an additional pumping station "to the north" which is likely a pumping station or other associated facility for the Sandpiper pipeline. This part of the project that has yet to be constructed would extend the line beyond the Straight River substation in the map's northwest corner, extending south to the new Blueberry substation and further south and east to the Red Eye substation:

When questioned at the public hearing in Menahga, the Applicants admitted this additional 10 MW load in the area, in the Itasca, Mantrap, Osage area, and that it "could be" a pumping station for Sandpiper:

A: GRE has a planned project north that would use that power line.
Q: Perhaps like a pumping station for Sandpiper?

A: No, we have a load serving need in the area.
Q: And that load would be the Sandpiper pipeline?
A: Itasca, Mantrap, Osage area.
Q: Would a pumping station for the Sandpiper Pipeline be in the Itasca, Mantrap service area?
A: There could be.

Transcript, p. 40, l. 2-15, Public Hearing, October 19, 2015, Menahga, MN.[8]

As with Clearbrook, withdrawal of the Sandpiper pipeline Certificate of Need and Route permits renders moot any need claim for the Sandpiper dependent sections of the Menahga 115 kV transmission line.

If the Commission grants the petition to withdraw the applications for the Sandpiper pipeline, the Commission should do so only upon withdrawal of the Sandpiper dependent sections of the Menahga transmission project and all other Sandpiper dependent projects.

V. THE COMMISSION SHOULD APPROVE NDPC's WITHDRAWAL, CONDITIONED ON WITHDRAWAL OF ALL SANDPIPER DEPENDENT PROJECTS AND PRESERVATION OF THE RECORD

The Commission should issue Notice of Comment Period regarding the withdrawal of Sandpiper pipeline applications, which has not been done as of this writing. It is disturbing to learn that it was deemed not necessary to issue notice. For the Hollydale Project withdrawal, there was Notice of an opportunity for comments and also reply comments.[9]

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201511-115655-02	PUBLIC	14-787	☐	CN	COURT REPORTER	EXHIBITS - HEARING--EXHIBIT LIST FROM 10-19-15 PUBLIC HEARING	11/12/2015

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20141-95340-04	PUBLIC	12-113	☐	CN	PUC	NOTICE OF COMMENT PERIOD--CERTIFICATE OF SERVICE AND SERVICE LIST	01/10/2014
20141-95340-02	PUBLIC	12-113	☐	CN	PUC	NOTICE OF COMMENT PERIOD--ON REQUEST TO WITHDRAW APPLICATIONS	01/10/2014

Parties and the public should have the opportunity to address the Commission regarding NPDC's request for withdrawal at the Commission meeting when this will be deliberated and decided, or in the alternative, at a separately scheduled hearing.

The Commission should approve of NDPC's request for withdrawal of the Sandpiper pipeline Certificate of Need and Route applications:

- That the withdrawal granted be withdrawal with prejudice;
- That the withdrawal be conditioned on withdrawal of all Sandpiper dependent and driven projects including but not limited to the Clearbrook-Clearbrook West 115 kV transmission project and the Sandpiper driven legs of the Menahga 115 kV transmission project west and south of the Straight River substation.
- That the withdrawal be conditioned on preservation of the record through a summary of public comments and testimony from the Office of Administrative Hearings and incorporation into the record in both dockets.

Again, thank you for the opportunity to present comments on NDPC's request for withdrawal.

September 12, 2016

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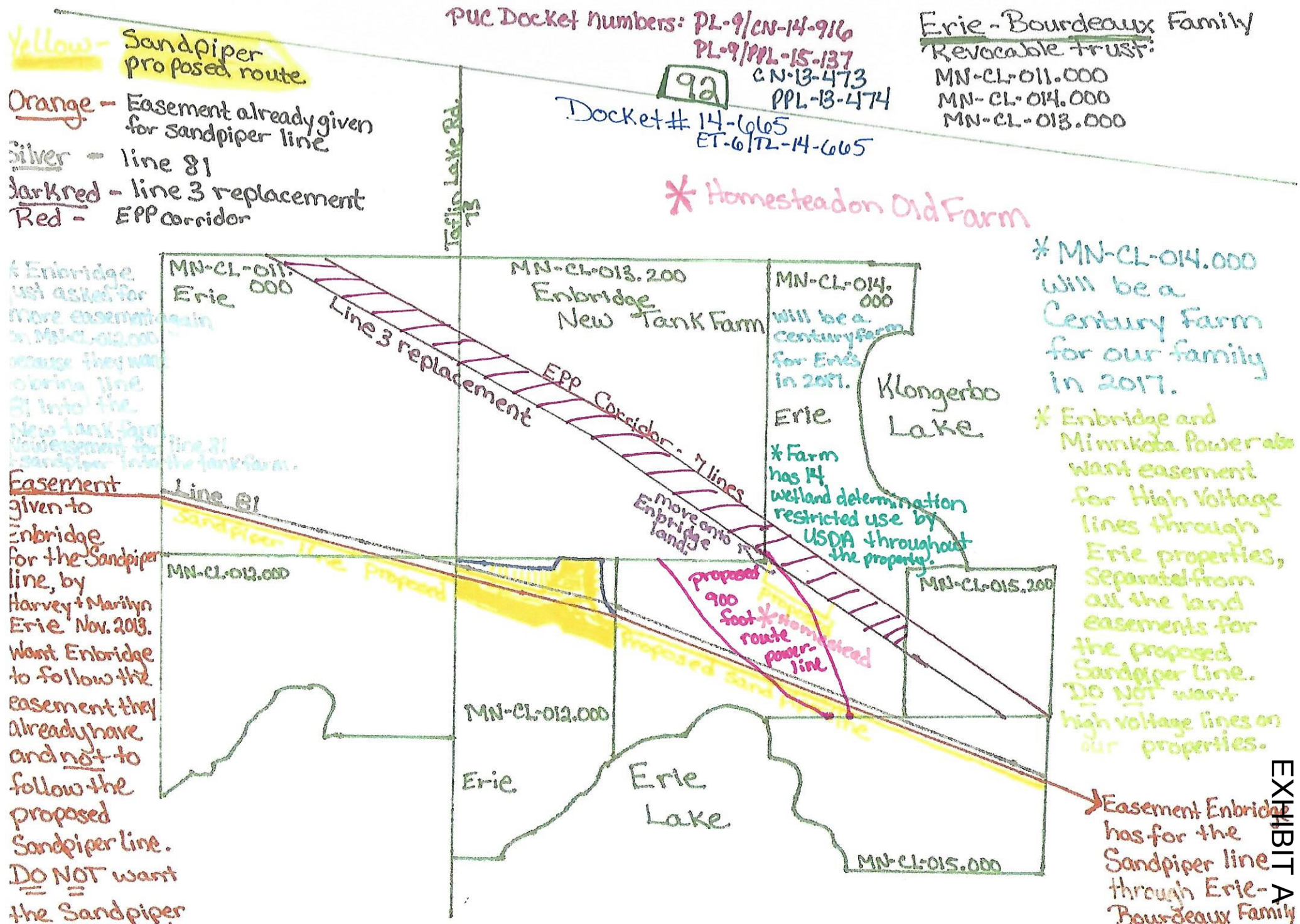
EXHIBIT A

UPDATED DRAWING SHOWING PROJECTS AND IMPACTS TO ERIE-BOURDEAUX FAMILY REVOCABLE TRUST PROPERTY


PUC Docket numbers: PL-9/CN-14-916
PL-9/PPL-15-137
CN-13-473
PPL-13-474
92
Docket # 14-6665
ET-6/TL-14-665
Erie-Bourdeaux Family Revocable trust:
MN-CL-011.000
MN-CL-014.000
MN-CL-013.000
Yellow - Sandpiper proposed route
Orange - Easement already given for sandpiper line
Silver - line 81
Darkred - line 3 replacement
Red - EPP corridor
Tarlin Lake Rd.
* Homestead on Old Farm
MN-CL-011.000
Erie
MN-CL-013.200
Enbridge New Tank Farm
MN-CL-014.000
Will be a century farm for Eries in 2017.
Erie
Klongerbo Lake
* Farm has 14 wetland determination restricted use by USDA throughout the property.
Line 3 replacement
EPP Corridor - 7 lines
move onto Enbridge land.
Line 81
MN-CL-013.000
MN-CL-015.200
proposed 900 foot * Homestead route power-line
MN-CL-012.000
Erie
Erie Lake
MN-CL-015.000
Easement Enbridge has for the Sandpiper line through Erie-Bourdeaux Family Revocable trust properties.
* Enbridge just asked for more easement again in MN-CL-013.000 acreage they want to bring line 81 into the new tank farm. Disengaging the line 81 Sandpiper into the tank farm.
Easement given to Enbridge for the Sandpiper line, by Harvey + Marilyn Erie Nov. 2013. Want Enbridge to follow the easement they already have and not to follow the proposed Sandpiper line. DO NOT want the Sandpiper Proposed Line/centerline.
* MN-CL-014.000 will be a Century Farm for our family in 2017.
* Enbridge and Minnkota Power also want easement for High Voltage lines through Erie properties, separate from all the land easements for the proposed Sandpiper line. DO NOT want high voltage lines on our properties.
Enbridge wants way to much easement to get their New Tank Farm to work.
Erie's - already given easement for the Sandpiper line to go staight through, that easements needs to be honored and not to let the Sandpiper Proposed Line to happen, need to follow easement already have.
EXHIBIT A