

June 5, 2020

Via eDockets

Mr. Will Seuffert
Executive Secretary
Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

RE: Route Width and Centerline Modifications
Line 3 Replacement Project
Docket No. PL-9/PPL-15-137

Mr. Seuffert:

On May 3, 2019, Enbridge Energy, Limited Partnership (“permittee”) requested the Public Utilities Commission (“commission”) approve route width modifications at 17 locations along the Line 3 Replacement Project (“project”). This initial modification request¹ was made pursuant to the commission’s October 26, 2018, route permit order, as clarified January 18, 2019.

Energy Environmental Review and Analysis (“EERA”) staff reviewed the permittee’s initial modification request, and filed comments and recommendations² on May 31, 2019. Staff believed the analysis provided by the permittee was sufficient to assess whether further study, public meetings, and additional fees were necessary. Staff thought an adequate record existed for the commission to make an informed decision, and that extensive public outreach had already occurred. Consequently, staff recommended that supplemental environmental study and public meetings were not necessary. EERA did not see the need for the commission to impose additional fees.

On June 3, 2019, prior to a commission decision on the permittee’s initial modification request, the Court of Appeals reversed the commission’s order on the adequacy of the final environmental impact statement prepared for the project, and remanded the commission’s route permit decision. As a result, the initial modification request was not addressed by the commission.

On May 1, 2020, the commission reissued the October 26, 2018, route permit order, as well as the January 18, 2019, clarifying order. On May 5, 2020, the permittee filed a revised modification request³ asking the commission to approve 12 route width modifications⁴ along the project. Because these 12 route width modifications are a subset of those previously submitted, they have already been reviewed by EERA staff.

EERA staff reviewed the revised modification request. EERA reaffirms its recommendation that the commission need not require further study or additional public meetings, or assess additional fees. EERA further recommends the commission consider the tradeoffs relative to the criteria in Minnesota Rule 7852.1900 in weighing whether to grant or deny each modification request.

EERA staff are available to answer any questions the commission might have.

Sincerely,



Andrew Levi, Environmental Review Manager
Energy Environmental Review and Analysis

cc: Scott Ek, Public Utilities Commission
Louise Miltich, Energy Environmental Review and Analysis

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- ¹ Enbridge Energy, Limited Partnership (May 3, 2019) *Application for Approval of Route Width Variations and Permit Amendment*, eDocket Nos. [20195-152673-01](#); [20195-152673-02](#); [20195-152673-03](#).
 - ² Department of Commerce, Energy Environmental Review and Analysis (May 31, 2019) *Comments and Recommendations on Application for Approval of Route Width Variations and Permit Amendment*, eDockets No. [20195-153293-01](#).
 - ³ Enbridge Energy, Limited Partnership (May 5, 2020) *Route Permit Amendment Request*, eDocket No. [20205-162895-01](#).
 - ⁴ The remaining five route width modifications are associated with additional temporary workspace (“ATWS”). Given that Section 3.3 of the route permit authorizes the permittee to use ATWS and that ATWS is to be “obtained from affected landowners through rental agreements”, the permittee did not include these locations as part of the revised modification request. Staff finds this consistent with the route permit.