

REVISED DECISION ALTERNATIVES

Staff Briefing Papers for Docket No. PL-6668/CN-13-473 on June 5, 2015

COMMISSION DECISION ALTERNATIVES

A. Honor the Earth Motion to Suspend and Consolidate Proceedings

1. Accept Honor the Earth's Motion.
2. Deny Honor the Earth's Motion.
3. Take some other action deemed appropriate.

B. Findings of Fact, Conclusions of Law, and Recommendation

1. Adopt the ALJ's Findings of Fact, Summary of Public Testimony, Conclusions of Law, and Recommendation for the NDPC Sandpiper Pipeline Project.
2. Adopt the ALJ's Findings of Fact, Summary of Public Testimony, Conclusions of Law, and Recommendation, as modified by:
 - a. ~~DER's recommended clarifications to Findings 96, 195, 197, 586, and 592, and Condition 3(e) of the Recommendation concerning procedures, apportionment, and financial assurance. DER's recommended clarifications to Findings 96, 195, and 197 concerning procedures and apportionment. NDPC's clarifications to Findings 586, 591, 592, and Condition 3(e) of the Recommendation relating to financial assurance that were provided during the June 3, 2015 hearing.~~
 - b. Staff recommendation to reject Recommendation No. 2 and amend Conclusion No. 5 that relate to the routing docket.
 - c. DER's and EERA's recommendation to reject ~~Findings 384-397 and~~ Conclusion No. 5 related to alternative SA-03-AM, and adopt ~~reject~~ the new conclusion recommended by DER, as follows:

The Commission makes no finding of fact, conclusion of law or recommendation in this certificate of need proceeding with respect to SA-03-AM, which is a route alternative that may be considered in the route permit docket, MPUC Docket No. PL-6668/PPL-13-474.
 - d. Removing the ALJ's Memorandum.

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3. Do not adopt the ALJ's Findings of Fact, Summary of Public Testimony, Conclusions of Law, and Recommendation.
4. Take some other action deemed appropriate.

C. Certificate of Need

1. Grant a Certificate of Need to NDPC for the Sandpiper Pipeline Project consisting of a 24-inch diameter pipeline from the North Dakota border to Clearbrook, Minnesota, and 30-inch diameter pipeline from the Clearbrook Terminal to the Wisconsin border, ending at the terminal in Superior, Wisconsin, authorizing transport of up to 225,000 bpd of crude oil from North Dakota to Clearbrook and up to 375,000 bpd from Clearbrook to Superior.
2. Grant a Certificate of Need to NDPC for the Sandpiper Pipeline Project and impose the six conditions identified in the ALJ's Recommendation.
3. Deny a Certificate of Need to NDPC for the Sandpiper Pipeline Project and provide a statement of the reasons for that decision.
4. Take some other action deemed appropriate.

D. Other Procedural Items

1. Within 30 days of the Order NDPC shall make a compliance filing, listing with citations to the record, its commitments made during this proceeding concerning the construction, operation and mitigation of the project, beyond those specifically required by state and federal law. Parties will have 30 days to review the filing and submit comments to the Commission which may schedule the matter for hearing to resolve disputes, if necessary. The filing shall be made in this docket and Docket No. PL-6668/PPL-13-474.
2. Require a certificate of need for any expansion of the project to increase the authorized transport of crude oil by 10,000 bpd or more.