

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 67 Station Upgrade Project -- Phase 2 -- in Kittson, Marshall, Red Lake, Clearwater, Cass, Itasca, and St. Louis Counties

ISSUE DATE: May 8, 2013

DOCKET NO. PL-9/CN-13-153

ORDER APPROVING NOTICE PLAN

PROCEDURAL HISTORY

On February 28, 2013, Enbridge, Limited Partnership (Enbridge) submitted a draft notice plan for the Line 67 Project – Phase 2 -- to increase capacity on Enbridge's pipeline system.¹

On March 20, 2013, the Department of Commerce, Division of Energy Resources (the Department) filed comments recommending that the Commission accept the proposed notice plan, subject to the provision of certain information and revisions to the proposed notice plan.

On April 9, 2013, Enbridge filed reply comments and an amended notice plan in response to the comments of the Department.

On April 25, 2013, the Commission met to consider the matter. Members of the public attended the hearing, and urged the Commission to require that a public hearing be held regarding the Project in the Twin Cities.

FINDINGS AND CONCLUSIONS

I. Proposed Project

Phase 2 of the Line 67 Project will provide an additional 230,000 barrels per day (bpd) of heavy crude oil pipeline capacity. Enbridge has proposed to construct new pump stations and associated facilities adjacent to or near existing Enbridge owned facilities and to make certain additional upgrades and station modifications at existing pumping station sites, in order to expand the capacity of the Line 67 Pipeline by the anticipated in-service date for Phase 2 of the Project of July 2015.

¹ Enbridge filed a certificate of need application to increase the capacity of the Line 67 Project from 450,000 barrels per day to 570,000 barrels per day of heavy crude oil on October 8, 2012 (Docket No. PL9/CN-12-590) (Phase 1). Phase 1 has a planned in-service date of July 1, 2014.

II. Proposed Notice Plan

The Department reviewed Enbridge's notice plan under Minn. R. 7829.2550, subp. 3, which requires an applicant to file a proposed notice plan designed to notify all persons reasonably likely to be affected by the proposed line. The rule requires such plans to include direct mail notice to landowners, tribal governments, local governments, and other governmental entities, as well as to all mailing addresses within the area reasonably likely to be affected by the line.

The rule also requires newspaper notice to members of the public in areas reasonably likely to be affected by the proposed line. The notice must contain information regarding the project, including a map of the proposed line and other existing facilities, as well as a statement that the line cannot be constructed unless the Commission certifies that it is needed.

In its evaluation of the proposed notice plan, the Department determined that Enbridge had identified those reasonably likely to be affected by the project, and that the proposal for notification to landowners and residents is reasonable, and should be accepted. With respect to the identification of tribal and local governments, however, the Department recommended that Enbridge make certain clarifications and/or corrections to Attachment 4A to the notice plan, which contains the list of the local government officials to receive notice pursuant to the plan.

In its evaluation of the notice content, the Department concluded that the proposed notice plan complies with the content requirements of Minn. R. 7829.2550, subp. 3, but recommended that Enbridge revise its notice letters to include information regarding pumping station sites and their locations in tabular form, as identified in the Department's March 20, 2013 comments.

Enbridge filed reply comments and a revised notice plan on April 9, 2013. The revised notice plan included a clarified and/or corrected list of local government officials to receive notice, and an updated notice letter with information in tabular form.

III. Commission Action

Having considered Enbridge's revised notice plan, the Commission concurs with the Department and Enbridge that the plan meets the requirements contained in Minn. R. 7829.2550 with the following modifications recommended by the Department:

- Clarification and/or corrections of the discrepancies in Attachment 4A of Enbridge's petition, as identified in the Department's comments;
- Revised notice letters to landowners, abutting residents, and local and state government officials in which the information regarding the pumping station sites and their locations is presented in the tabular form;

In addition, the Commission will require Enbridge to make the following modifications to the notice plan:

1. List the Commission contact in the notice letters as Tracy Smetana (phone: 651-296-0406, or email: consumer.puc@state.mn.us);
2. Include all members of the public who have enrolled in the Project List for the Line 67 Phase 1 docket in the distribution list for Phase 2;

3. Insert the paragraph on the second page beginning with “The purpose of the letter . . .” in the landowner, government officials, and abutting landowner letters in the second paragraph;
4. Identify the existence, status, and availability of the United States Department of State Presidential permit for Line 67 including any environmental impact statements in all notice letters;² and
5. Provide a means for the public to access the project location information easily, through more granular maps for the entire project.³

Finally, the Commission requests that the Administrative Law Judge assigned to this docket consider the request for a public hearing in the Twin Cities.

ORDER

1. The Commission approves the revised notice plan as modified by the Department in its comments and as modified by the Commission herein.
2. The Commission requests that the Administrative Law Judge assigned to this docket consider the request for a public hearing in the Twin Cities.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



This document can be made available in alternative formats (i.e., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

² See. <http://www.state.gov/e/enr/applicant/applicants/c55571.htm>

³ The means to access the information should incorporate a reference to webpages (and/or physical locations) where the public could access maps on the overview map (along with provisions to ensure that those with disabilities could be accommodated).