

November 20, 2020

*Via eDockets*

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

RE: **Line 3 Landowner Choice Program**  
Quarterly Status Update (2020/Q4)  
Docket No. PL9/CN-14-916

Mr. Seuffert:

As the Landowner Choice Program (“program”) independent liaison, I am writing to provide a status update. Staff intends to provide quarterly updates throughout the life of the program.

The program allows landowners along the existing Line 3 to choose either removal or decommissioning in place. The program includes an independent liaison to ensure program requirements are met, and landowners have access to independent, third-party engineering consultation at the expense of Enbridge Energy (“company”).

At the direction of the Public Utilities Commission (“commission”), Energy Environmental Review and Analysis (“EERA”) staff are performing the independent liaison function. EERA engages and directs the expertise of the third-party engineer as appropriate to provide technical assistance as EERA performs the liaison role and interacts with landowners.

### *Highlights*

As of today, 12 landowners have made information requests. The independent liaison has provided third-party engineer assessments to 11 of these landowners.

### *Complaint Handling*

The independent liaison received a complaint about the program on Monday, October 19, 2020. EERA staff met with the complainant to better understand their concerns on Friday, October 23, 2020, and received follow-up information on Tuesday, October 27, 2020.

Disputes between landowners and the company regarding the operation of the program will, to the extent possible, be resolved by EERA through its independent liaison role. EERA is using a complaint handling process like the process outlined in the pipeline routing permit issued for the Line 3 Replacement Project. This means the company is provided a 30-day opportunity to respond to a complaint. EERA provided the complaint to the company on Wednesday, October 28, 2020.

EERA expects to review this complaint in early December 2020. Staff will update the commission after reviewing the complaint.

### *Miscellaneous*

EERA and the third-party engineer conduct our work, in part, using desktop spatial analysis. Part of this analysis includes determining if, and where, the existing Line 3 pipeline is located on individual properties. We rely on this information as an important point of reference when responding to landowners.

Initially, EERA and the third-party engineer relied on the shapefile used for the RA-07 alternative that was included in the Line 3 Replacement Project Environmental Impact Statement Scoping Decision and subsequently evaluated in the Environmental Impact Statement. RA-07 represented the “in-trench replacement” option. Its purpose was to use existing pipeline corridor to the extent possible to minimize the exposure of new areas of Minnesota to pipeline construction and operations while increasing overall pipeline capacity for deliveries to Superior, Wisconsin.

During development of the RA-07 alternative, the route was optimized to allow for a reasonable review of the viability of an in-trench replacement scheme along the existing Line 3 corridor. This meant that at select locations the alternative left the existing Line 3 centerline to avoid critical flaws, for example, the problem of in-trench replacement through the City of Grand Rapids. Without optimization, this alternative would not have been as viable an alternative for consideration by the commission.

Because RA-07 optimizations deviate from the existing Line 3 centerline, EERA and the third-party engineer cannot rely on the RA-07 shapefile when reviewing landowner questions and requests concerning existing Line 3. Instead, a shapefile showing the existing Line 3 centerline without optimization was needed to fulfill duties under the program. Although differences between the RA-07 and existing Line 3 centerline shapefiles are minor, they are important in the context of the program.

Accordingly, EERA requested—and the company provided—such a shapefile in early October. The company also confirmed that internal landowner communications for the program were based on the provided shapefile.

In summary, two different shapefiles were used for two distinct purposes. The RA-07 shapefile was used in the Environmental Impact Statement as a viable “in-trench replacement” alternative, whereas the program uses the existing Line 3 shapefile to identify the location of the existing Line 3 pipeline to address landowner questions concerning abandonment or removal. Use of the RA-07 shapefile and the existing Line 3 shapefile in this way is consistent with Minnesota environmental review rules and with the landowner choice condition included in the commission’s CN order, respectively.

EERA informed commission staff of the need to use different shapefiles for distinct purposes. Commission staff expressed a desire for EERA to provide this information formally; therefore, it is included here to meet that request.

### *Conclusion*

EERA staff will continue to serve as the program’s independent liaison and will engage the third-party engineer and the company to answer landowner questions as appropriate. Staff will provide an update concerning the ongoing complaint after we have had a chance to review the company’s response.

Staff is available to answer any questions the commission might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'ALV' with a flourish at the end.

Andrew Levi  
Landowner Choice Independent Liaison  
Energy Environmental Review and Analysis

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