

May 5, 2021

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 (2021/ Q1 and Q2)  
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*

No landowners made information requests in 2021. As of today, 12 landowners have made information requests. The independent liaison has provided third-party engineer assessments to all landowners.

### *Complaint*

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. EERA provided the complaint to the company on Wednesday, October 28, 2020. The company provided a response concerning the complaint on November 25, 2020 as directed.

Having worked with the complainant and the company, EERA believes there are fundamentally different interpretations of the Commission’s intent that EERA cannot resolve. That is, the complaint is not directed to a specific landowner/company impasse, rather, it is directed at the operation of the landowner choice program generally.

As such, EERA worked with the complainant and provided guidance on how to proceed. Because the complainant's goal is clarification of a Commission order in a timely fashion, EERA did not believe that mediation was a logical next step, because it would be neither appropriate nor timely to ask a mediator to interpret the Commission's intent. Therefore, EERA recommended the complainant request the Commission to clarify its certificate of need order directly. This recommendation culminated in the complainant filing a *Motion for Clarification of Order Approving Compliance Filings and Denying Motion* (eDockets Nos. [20214-173710-01](#), [20214-173710-02](#), [20214-173710-03](#)).

### *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 is available to answer any questions the Commission might have.

Sincerely,



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