

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 SEVENTH PLACE EAST, SUITE 350
ST. PAUL, MINNESOTA 55101-2147**

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

In The Matter of the Application of North
Dakota Pipeline Company LLC for a Certificate
of Need for the Sandpiper Pipeline Project
in Minnesota

Docket No. PL-6668/CN-13-473

**MINNESOTA DEPARTMENT OF COMMERCE-ENERGY ENVIRONMENTAL
REVIEW AND ANALYSIS (EERA)
REQUEST FOR CLARIFICATION AND EXCEPTIONS TO THE ALJ REPORT**

INTRODUCTION

The Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) respectfully submits the following suggested clarifications to the Findings of Fact, Conclusion of Law, and Recommendation (Report) issued by the Administrative Law Judge (ALJ) in the above Certificate of Need proceeding.

REQUEST FOR CLARIFICATION AND EXCEPTIONS

DOC EERA's request for clarification is limited to certain findings regarding alternative SA-03, As Modified (SA-03-AM) in the Report. This alternative is an alternative route, subject to analysis in the Sandpiper Pipeline Project routing docket (MPUC Docket No. PL-6668 / PPL-13-474); it is not one of the six System Alternatives referred by the Minnesota Public Utilities Commission (Commission) to the Office of Administrative Hearings (OAH) for a contested case hearing in this Certificate of Need (CN) proceeding.

Finding 88 of the Report correctly notes that an August 25, 2014, Commission Order accepted 53 route alternatives, as well as SA-03-AM for consideration in the Route Permit contested case hearing (Docket No. 13-474).

88. On August 25, 2014, the Commission issued its Order Accepting Alternative Route and System Alternatives for Evidentiary Development, Requiring Notice, and Setting Procedures (August 2014 Order). In that order, the Commission accepted the 53 route alternatives recommended by DOC-EERA, as well as SA-03, as modified, for consideration in the Route Permit contested case hearing. The Commission also directed NDPC to prepare a "pipeline safety report" to be filed with direct testimony in the Route Permit proceeding.

In addition, Finding 96 correctly notes that an October 7, 2014, Commission Order separated the CN proceeding from the Route Permit proceeding and authorized analysis of six System Alternatives in the CN proceeding.

96. On October 7, 2014, the Commission issued a written order resulting from its September 11, 2014 meeting (October 2014 Order). The Commission separated the CN proceeding from the Route Permit proceeding and postponed action on the Route Permit Application until the Commission made a decision on the CN Application. In addition, the Commission authorized environmental review of six System Alternatives (SA-03, SA-04, SA-05, SA-06, SA-07 and SA-08). The Commission requested that DOC-EERA staff complete the environmental review prior to the contested case hearings in the CN docket.

Other Findings, including 81, 113, 343 and 344, also correctly distinguish the six System Alternatives referred by the Commission to the OAH in the CN proceeding from SA-03, As Modified, which was not so referred to the OAH in the CN proceeding.

Findings 384 through 397, however, improperly address "The Features of the System Alternative 3 - As Modified" in the same manner as the six System Alternatives, as if SA-03, As Modified were a seventh System Alternative. These findings are improper and unfair to the parties and public, who had no notice that SA-03, As Modified had been referred to the OAH for evaluation in the contested case hearing in the CN docket.

This mischaracterization of SA-03, As Modified, is carried forward to the ALJ's Conclusion of Law at number five, which states: "[th]e record of evidence demonstrates that

none of the System Alternatives (SA-03, SA-03-AM, SA-04, SA-05, SA-06, SA-07 and SA-08) are more reasonable and prudent alternatives than the Project.”

To conform to the Commission’s Orders and maintain the distinction between the records of the Sandpiper Pipeline Project Certificate of Need and Route Permit dockets, DOC EERA recommends that the Commission not adopt Findings 384 through 397 and amend Conclusion of Law 5 to remove the reference to SA-03, As Modified.

CONCLUSION

The Department respectfully requests the Commission not to adopt Findings 384 through 397 and to amend Conclusion of Law 5 to remove the reference to SA-03, As Modified. DOC EERA is available to answer any questions the Commission and Staff may have.

Dated: April 28, 2015.

Respectfully Submitted,

s/ Linda S. Jensen

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April 28, 2015

Daniel Wolf, Executive Secretary
Minnesota Public Utilities Commission
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Re: In the Matter of the Application of North Dakota Pipeline Company LLC for a Certificate of Need for the Sandpiper Pipeline Project in Minnesota; Docket No. PL-6668/CN-13-473

Dear Mr. Wolf:

Enclosed for filing, please find Minnesota Department of Commerce, Energy Environmental Review and Analysis Request for Clarification and Exceptions.

Very truly yours,

/s/ Linda S. Jensen

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