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January 24, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2174

Via eDockets

Re: *In the Matter of the Application of the Decommissioning Trust Fund for the Enbridge Energy, Limited Partnership Line 3 Replacement Pipeline*
MPUC Docket No. PL-9/CN-21-823

Dear Mr. Seuffert:

I write on behalf of the Department of Commerce in advance of the deadline for initial comments on February 18, 2022, set in the Notice of Comment Period issued on December 20, 2021 in the above-referenced docket. The Department strives to provide the Commission with a thorough review of proposals by applicants or other parties, sound recommendations based on those proposals, and a complete record. In this proceeding, the Department understands the importance of meeting these standards to ensure that the eventual decommissioning of the new Line 3 is appropriately funded by Enbridge.

The Department, however, has determined that it does not have in-house or otherwise immediately available expertise regarding the decommissioning trust fund topics contained in the notice. Moreover, the Department understands that even state agencies that regularly require decommissioning trusts for permitted projects, such as the Department of Natural Resources, may retain outside expertise. The Department therefore believes it is necessary to retain outside expertise to assist it and the Commission in determining the terms and conditions of the decommissioning trust.

Although the Department has authority to assess public utilities, cooperatives and municipal utilities, and transmission companies for costs associated with some proceedings, it believes that it lacks this authority for pipeline applicants. *See* Minn. Stat. § 216B.62 (2020). In addition, accessing the special revenue fund for specialized technical professional investigative services appears to similarly be limited to audits of public utilities. Use of the special revenue fund also can be time-intensive. The Department of Administration requires a Request for Proposal (RFP) process before hiring a consultant with these funds. The RFP process takes several months and due to the specialized and legal nature of decommissioning trust funds, the Department may not receive adequate or relevant proposals.

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The Department requests guidance from the Commission on how to fund the retention of a specialized expert to assist it in responding to the Commission's request for comment and ensuring that the Decommissioning Trust Fund for Enbridge's new Line 3 Pipeline adequately protects the State of Minnesota and its citizens.

Due to the time needed to retain an expert if funding can be obtained, the Department also requests an extension of the Commission's comment period of at least 90 days.

The Department appreciates the Commission's consideration of these requests.

Sincerely,

/s/Katherine Hinderlie
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Assistant Attorney General

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*Attorney for Minnesota Department of Commerce,
Division of Energy Resources*

cc: Service List

DECLARATION OF SERVICE

Re: *In the Matter of the Application of the Decommissioning Trust Fund for the
Enbridge Energy, Limited Partnership Line 3 Replacement Pipeline*
MPUC Docket No. PL-9/CN-21-823

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Liz Soderstrom, hereby state that on January 24, 2022, I filed, by electronic eDockets, the attached **Letter Requesting Guidance on Obtaining Specialized Assistance**, and eServed or sent by U.S. Mail, as noted, to all parties on the attached service list.

See attached service list.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Liz Soderstrom
LIZ SODERSTROM

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