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**VIA EMAIL:** [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us)

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

**RE: In the Matter of the Decommissioning Trust Fund for the Enbridge Energy, Limited Partnership Line 3 Replacement Pipeline  
PUC Docket Number PL-9/CN-21-823**

Dear Mr. Seuffert:

We represent Gregory Dyrdal in his capacity as personal representative for the Donovan D. Dyrdal Estate and Dyr-Valley Enterprises, Ltd, whose property located in Pennington County, Minnesota, is encumbered and occupied by the Enbridge Energy, Limited Partnership (Enbridge) replacement Line 3 oil pipeline (L3R). Our clients provide the following comments in connection with the decommissioning trust fund that Enbridge is required to establish pursuant to its certificate of need approvals for the L3R Project.

I. The Commission should take the actions set forth below as part of establishing the Decommissioning Trust Fund required by its orders in Docket CN-14-916.

1. Enbridge committed to establishing the DTF before L3R went into service,<sup>1</sup> and the commission should hold Enbridge to its commitment. If service of L3R has begun, service should be suspended until the DTF is established. If the L3R is not in-service,

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<sup>1</sup> E.g., *Enbridge Certificate of Need Modifications—Update Regarding Compliance Filing* (September 7, 2018), MPUC Docket No. PL-9/CN-14-916, eDockets ID No. 20189-146299-02 at 4; *Enbridge Compliance Filing, Attachment 3A—Decommissioning Trust Fund Discussion* (July 16, 2018) MPUC Docket No. PL-9/CN-14-916, eDockets ID No. 20187-144948-04 at 3.

- the Commission should require that Enbridge establish and fund the Decommissioning Trust Fund (DTF) before L3R begins service.
2. The Commission should establish a process by which to determine the amount that Enbridge must pay to fully fund the DTF and carry out the process. The amount that Enbridge should pay to fund the DTF must allow for the complete deactivation, monitoring, and removal of the pipeline and remediation of the land and property around it. These costs must not be left to landowners and local governments. At a minimum, the Commission should require Enbridge to fund the DTF up front in the amount of \$1.5 billion, which is the inflation-adjusted amount projected by the Department of Commerce—Division of Energy Resources (DOC-DER) in its November 5, 2018, filing in PUC Docket Number PL-9/CN-14-916.<sup>2</sup>
  3. The Commission should take steps to establish a state-wide requirement for a decommissioning trust fund that would apply to all large energy facilities constructed in Minnesota.
- II. The Dyrdals request that the Commission include the terms and conditions set forth below in approving the Decommissioning Trust Fund.
1. The DTF should be administered by an independent third-party entity, and not be controlled or managed by Enbridge or any of its affiliates.
  2. Landowners whose property is now occupied by the L3R should be identified as beneficiaries of the DTF.
  3. The Commission should establish the most robust DTF possible under U.S. and Minnesota law, mirroring as close as possible the Canadian National Energy Board or

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<sup>2</sup>DOC-DER Reply Comments (November 5, 2018), MPUC Docket No. PL-9/CN-14-916, eDockets ID No. 201811-147613-02 at 4.

Canadian Energy Regulator decommissioning trust fund requirements, and reflecting at a minimum the decommissioning requirements that the Commission has required in its approvals of recent large energy facilities in Minnesota.

4. Enbridge must be required to notify the Commission when the L3R is no longer in-service. The L3R pipeline must be removed and the landowners' property remediated within 24 months of the date of the notice.

Our clients request that the Commission establish a DTF at the highest possible standards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stuart T. Alger", is written over a light blue circular stamp.

Stuart T. Alger