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VIA EMAIL: publicadvisor.puc@state.mn.us

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th 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 (together, Dyrdals), 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 supplemental comments in connection with the decommissioning trust fund matter.

I. Landowners Should Have the Ability to Access Trust Funds if Necessary for Decommissioning Work

In its Reply Comments, Enbridge maintains that naming landowners or the State as beneficiary of the decommissioning trust would be unworkable or counterproductive.¹ The Dyrdals are not opposed to naming an appropriate State agency with supervisory powers over the decommissioning work as the beneficiary of the trust, but the Dyrdals seek some means by which they may have status to ensure that decommissioning work is carried out in a timely way. The risk to landowners, of course, is that Enbridge may be unable or unwilling to carry out its

¹ Enbridge Energy, Limited Partnership's Reply Comments at 3-4.

decommissioning duties, even assuming adequate funds exist in the trust for that purpose. If landowners are not named beneficiaries, they may not have legal recourse to enforce the trust agreement or gain access to trust funds to finance the necessary decommissioning and remediation tasks. The Dyrdals acknowledge that naming the many landowners encumbered by the Line 93 as beneficiaries may not be workable, and may even create negative unintended consequences for landowners, but the Dyrdals support the proposal suggested by Honor the Earth that the Commission establish a mechanism that allows private landowners and others to seek access to the trust funds if Enbridge is unable or unwilling to undertake its decommissioning duties.² Because a mechanism such as this—what Honor the Earth described as a “march-in mechanism”—would be complicated, the Dyrdals request that the Commission direct that a draft proposal for such a mechanism be provided for further comment by stakeholders and the public.

II. Enbridge Should Be Required to Front-Load the Trust Amount

The Dyrdals agree with the several commentators who recommend that Enbridge front-load the funding of the decommissioning trust. Commentators raised several good reasons for this—including concerns over the actual projected useful life of Line 93.³ Because adequate funding of the trust is essential to its viability, Dyrdals request that the Commission require Enbridge to deposit a significant portion of the projected fund balance upon establishment of the trust.

III. The Trust Should Apply to a Broad Range of Mitigation Actions and Reclamation Measures

At this stage, the Dyrdals and other affected landowners have not had an opportunity to comment on a specific trust proposal that would, among other things, establish the scope of actions or measures that would be compensable under the decommissioning of Line 93. The

² Honor the Earth’s Reply Comments at 2; 7.

³ *E.g.* Department of Commerce’s Reply Comments at 7-9.

Dyrdals support a broad scope of compensable measures that would encompass the particular features of private landowner property that may be damaged by the pipeline and its decommissioning. Farmers like the Dyrdals need assurances that trust funds would cover the cost to restore their farm land and protect their land from further damage once decommissioning occurs.

Several commenters propose a further process to establishing the decommissioning trust that would include an opportunity to comment on a concrete and detailed proposal from Enbridge. The Dyrdals favor such a process, allowing it to make specific recommendations and comments from a landowner's perspective.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stuart T. Alger", is positioned above the printed name.

Stuart T. Alger