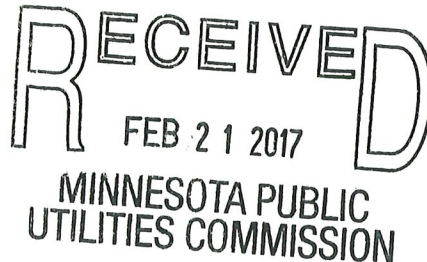


MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER
220 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 612-344-1111
FACSIMILE 612-344-1414

Jeanetta Barnes
LEGAL ASSISTANT

Direct: (612) 455-6645
jmb@mgmllp.com



February 17, 2017

Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: Minnesota Pipe Line Company, LLC v. Roger W. Bauer, et al. (Roger and Joyce Tupy)
Scott County Court File No. 70-CV-07-14598
PUC Docket Number/s: PL-5/PPL-05-2003 – Notice of Comment
Our File No. 2885.028

Dear Sir or Madam:

I am enclosing email correspondence our office has had with Mercedes Mallinger, Right of Way Agent for Koch Pipeline Co., LP, over the past few months, regarding tile issues caused by the pipeline for our clients Roger and Joyce Tupy. We have submitted an invoice for repair work that the Tupy's have paid for out-of-pocket to repair these issues. As of the date of this correspondence, we have yet to receive a response to our client's request for reimbursement.

We wanted to make the PUC aware of this outstanding issue prior to the closing of comments on February 27, 2017.

If you have any questions regarding this matter, please feel free to contact Attorney Rod Krass to discuss this matter further. He can be reached on his direct line at 612-455-6630 or by email at prk@mgmllp.com.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Jeanetta M. Barnes". The signature is fluid and cursive, with the first name "Jeanetta" being the most prominent part.

Jeanetta M. Barnes
Legal Assistant

Enclosures

cc: Roger and Joyce Tupy
Mercedes Mallinger

From: Mallinger, Mercedes (Mercedes.Mallinger@kochpipeline.com)
Sent: Wed 2/15/2017 05:01 PM
Rcvd: Wed 2/15/2017 05:01 PM
To: Rod Krass
CC: Jeanetta M. Barnes
BCC:
Subject: RE: Tupy - Paid invoice for tiling

=====

Rod,

I will follow up with our Counsel on this matter.

Thank you for reaching out again.

Mercedes Mallinger

Right of Way Agent | Koch Pipeline Co, LP

C: 612-849-0825

O: 651-437-0877

From: Rod Krass [mailto:prk@mgmllp.com]
Sent: Wednesday, February 15, 2017 4:17 PM
To: Mallinger, Mercedes <Mercedes.Mallinger@kochpipeline.com>
Cc: Jeanetta M. Barnes <jmb@mgmllp.com>
Subject: RE: Tupy - Paid invoice for tiling

Sent by an external sender. Use caution opening attachments, clicking web links, or replying unless you have verified this email is legitimate.

Mercedes- we have not heard back from you. Please let us know how this will be handled. Rod Krass

From: Rod Krass

Sent: Tuesday, November 29, 2016 2:23 PM

To: Mallinger, Mercedes <Mercedes.Mallinger@kochpipeline.com>

Cc: Rod Krass <prk@mgmllp.com>; Jeanetta M. Barnes <jmb@mgmllp.com>

Subject: FW: Tupy - Paid invoice for tiling

Nice to speak with you Mercedes about my clients Roger and Joyce Tupy. Here is the billing paid by Roger. The water issues he was having have gotten worse over the years since the pipeline was put in. Machinery is now getting stuck in the low area impacted. Roger said you mentioned that the use of the farm has changed due to a switch from organic to non-organic farming. Such a change has to do only to certification of the types of pesticides and fertilizers used, and the annual certification done for the farm. The use of the land for farming and the equipment used is unchanged. The Tupy's organic renter retired, so the farm simply returned to standard farming. There could not be any water issues created by a change in either direction regarding organic farming.

I do understand it is likely that I will be contacted by an in house lawyer to see if the process of having Koch Pipelines take a look at the issue and speak with the Tupy's, their renter, and their tiler. My best number is (612) 840-2150, and my email is above.

Thanks you; Rod Krass, Malkerson Gunn Martin

From: Rod Krass
Sent: Tue 11/29/2016 02:22 PM
Rcvd: Tue 11/29/2016 02:22 PM
To: Mallinger, Mercedes (Mercedes.Mallinger@kochpipeline.com)
CC: Rod Krass; Jeanetta M. Barnes
BCC:
Subject: FW: Tupy - Paid invoice for tiling

=====

Nice to speak with you Mercedes about my clients Roger and Joyce Tupy. Here is the billing paid by Roger. The water issues he was having have gotten worse over the years since the pipeline was put in. Machinery is now getting stuck in the low area impacted. Roger said you mentioned that the use of the farm has changed due to a switch from organic to non-organic farming. Such a change has to do only to certification of the types of pesticides and fertilizers used, and the annual certification done for the farm. The use of the land for farming and the equipment used is unchanged. The Tupy's organic renter retired, so the farm simply returned to standard farming. There could not be any water issues created by a change in either direction regarding organic farming.

I do understand it is likely that I will be contacted by an in house lawyer to see if the process of having Koch Pipelines take a look at the issue and speak with the Tupy's, their renter, and their tiler. My best number is (612) 840-2150, and my email is above.

Thanks you; Rod Krass, Malkerson Gunn Martin

FAX

TO:	Rod Krass	FROM:	Charles Retka/Retka Tiling
FAX:	812-456-2054	FAX:	507-665-8859
PHONE:		PHONE:	812-756-4277/507-665-8859
SUBJECT:	Roger Tupy Receipt	DATE:	October 26, 2016
COMMENTS:			

Enclosed is the Retka Tiling Invoice paid by Roger Tupy .

Number of pages including cover: 2

Please call if transmission is incomplete.

Invoice	
Number	1179
Date	5/23/2016

Bill To:

Roger Tupy
Crude oil pipeline
26445 Lengford Ave.
New Prague, Mn., 56071

Bill To:

ECN Number	Terms	Customer #	Grower Rep	Project
	1% net 30		Chuck	tile repair near oil pipel

Description	Quantity	Unit Price	Amount
5" pl tile installed next to oil pipeline	5378.00	\$1.35	\$7,260.30
6" x 5" tee	1.00	\$8.74	\$8.74
5" tee	11.00	\$7.21	\$79.31

Received
Payment in Full - CK # 6598
Oct. 6 - 2016
Charles Retka
paid

Amount Due	\$7,348.35	Discount	\$0.00
Amount Paid	\$0.00	Surcharge	\$0.00
		Sub Total	\$7,348.35

Total	\$7,348.35
-------	------------

0 - 30 days	31 - 60 days	61 - 90 days	> 90 days	Total
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00