

September 28, 2020

Via eDockets

Mr. Will Seuffert
Executive Secretary
Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

RE: **Landowner Choice Program**
Quarterly Status Update
Line 3 Replacement Project
Docket No. PL9/CN-14-916

Mr. Seuffert:

As the Landowner Choice Program (“program”) independent liaison, I am writing to provide a status update. Staff intends to provide quarterly updates throughout the life of the program.

The program allows landowners along the existing Line 3 to choose either removal or decommissioning in place. The program includes an independent liaison to ensure program requirements are met, and landowners have access to independent, third-party engineering consultation at the company’s expense.

At the direction of the Public Utilities Commission (“commission”), Energy Environmental Review and Analysis (“EERA”) staff within the Department of Commerce are performing the independent liaison function. EERA engages and directs the expertise of the third-party engineer as appropriate to provide technical assistance as EERA performs the liaison role and interacts with landowners.

Highlights

Staff selected Ecology and Environment as the third-party engineer. Enbridge Energy (“company”) took steps to onboard the third-party engineer on July 9, 2020.

On July 17, 2020, the company mailed an introductory letter and fact sheets that introduced the program to landowners (eDockets Nos. [20208-166178-01](#); [20208-166178-02](#)).

Staff has worked with the third-party engineer since mid-August to define internal processes for handling landowner requests.

On August 31, 2020, EERA staff launched a webpage dedicated to the program. It provides information about the program, as well as pipeline decommissioning and removal. The webpage will also provide links to these quarterly updates. (<https://mn.gov/eera/web/file-list/14059/>)

The first landowner request was provided to the third-party engineer on August 19, 2020. As of today, 11 landowners have made information requests.

Complaint Handling

While staff have not received any formal complaints regarding the program or company, staff was asked how complaints would be handled should they arise. As EERA understands the January 2019 CN Order, disputes between landowners and the company regarding the operation of the program should, to the extent possible, be resolved by EERA through its independent liaison role. EERA would, if necessary, engage the third-party engineer to help resolve the complaint. Any disputes that cannot be resolved would be brought to the attention of an independent mediator at the company's expense. Only disputes that cannot be resolved through mediation would be brought to the commission. The commission will not resolve any property rights issues, which, in the case, EERA interprets to include offers of compensation.

Staff intends to use a complaint handling process similar to the process outlined in the pipeline routing permit issued for the Line 3 Replacement Project. Staff will summarize any complaints received as part of its quarterly update beginning when the first formal complaint is received.

Conclusion

EERA staff will continue to serve as the program's independent liaison and will engage the third-party engineer and the company to answer landowner questions as appropriate.

Sincerely,



Andrew Levi
Landowner Choice Independent Liaison
Energy Environmental Review and Analysis

cc: Louise Miltich, Energy Environmental Review and Analysis
Bret Eknes, Public Utilities Commission
Scott Ek, Public Utilities Commission