OAH 65-2500-32764
MPUC PL-9/CN-14-916

OAH 65-2500-33377
MPUC PL-9/PPL-15-137

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Certificate of Need for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Routing Permit for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

SECOND AMENDED THIRD PREHEARING ORDER

TO: All Persons on the Attached Service List:

These matters came before Administrative Law Judge Ann C. O'Reilly for a Third Prehearing Conference on September 27, 2016, at the offices of the Public Utilities Commission in St. Paul, Minnesota.

Christina Brusven, Fredrikson & Byron, P.A., James Watts, and Eric Swenson, Winthrop & Weinstine, P.A., appeared on behalf of Applicant Enbridge Energy, LP (Applicant or Enbridge).

Linda Jensen appeared on behalf of the Minnesota Department of Commerce (DOC) Energy Environmental Review and Analysis (DOC-EERA).

Julia Anderson, Assistant Attorney General, appeared on behalf of the Department of Commerce Division of Energy Resources (DOC-DER).

Brian Meloy, Stinson, Leonard Street, appeared on behalf of Kennecott Exploration Company (Kennecott).

Kevin Pranis, appeared on behalf of the Laborers' District Council of Minnesota and North Dakota (Laborers' Council).

David Zoll, Lockridge, Grindal, Nauen, PLLP, appeared on behalf of the Mille Lacs Band of Ojibwe (Mille Lacs Band).

Paul Blackburn appeared on behalf of the Sierra Club (Sierra Club). Joseph Plumer appeared on behalf of the White Earth Band of Ojibwe (White Earth Band).

Kevin Lee appeared on behalf of the Friends of the Headwaters (FOH) and the Minnesota Center for Environmental Advocacy (MCEA).

Anna Friedlander appeared on behalf of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (UA).

Frank Bibeau appeared on behalf of Honor the Earth organization.

Scott Ek appeared as a representative of the Minnesota Public Utilities Commission (Commission).

The purpose of the Third Prehearing Conference was to discuss the scheduling of the above-entitled matters pursuant to: (1) the Order Finding Application Substantially Complete and Varying Timelines dated August 12, 2015; (2) the Notice and Order for Hearing dated August 12, 2015; (3) the Notice of Hearing dated February 1, 2016; (4) the Order Joining the Need and Routing Dockets dated February 1, 2016; and (5) the Order Denying Petitions for Reconsideration and Motions to Amend Memorandum, and Referring Petitions for Intervention to OAH, dated March 31, 2016.

At the Third Prehearing Conference, Applicant, UA, and Laborers' Council urged the Administrative Law Judge to adopt a hearing schedule that requires the filing of Applicant and Intervenor direct testimony after the issuance of the Draft Environmental Impact Statement (DEIS), but before the issuance of the Final Environmental Impact Statement (FEIS). All other parties and participants at the Prehearing Conference supported a schedule that sets a deadline for the filing of Intervenor direct testimony after the filing of the FEIS.

On February 1, 2016, the Commission issued an Order Joining the Need and Routing Dockets in this matter. In that Order, the Commission directed that the Administrative Law Judge require the completion of the FEIS prior to the filing of Intervenor direct testimony. At the same time, the Commission directed the Administrative Law Judge to "emphasize the statutory time frame for the Commission to make final decisions on the application, and strongly encourage the parties and participants to adhere to a schedule that conforms to this time frame."[1]

In its March 31, 2016 Order Denying Petitions for Reconsideration and Motion to Amend Memorandum, and Referring Petitions for Intervention to OAH, the Commission affirmed its February 1, 2016 Orders. The Commission did not amend its directive that

[1] NOTICE OF HEARING (Feb. 1, 2016).

Intervenor direct testimony be filed after the issuance of the FEIS.[2] In footnote 3 of the March 31, 2016 Order, the Commission noted Applicant's objection to the directive requiring the issuance of the FEIS before the filing of Intervenor direct testimony.[3] However, the Commission did not reverse its February 1, 2016 Order.[4]

Based upon the Commission's directive in its February 1, 2016 Order Joining Need and Routing Dockets, the Administrative Law Judge orders a prehearing and hearing schedule that requires the issuance of the FEIS prior to the filing of Intervenors' direct testimony. This Prehearing Order is consistent with the Commission's direction to the Administrative Law Judge.

At the request of the Applicant, the Administrative Law Judge attaches as Exhibits A and B, two proposed alternative schedules offered by the Applicant at the Third Prehearing Conference.[5] These schedules were rejected by the Administrative Law Judge at the September 27, 2016 Prehearing Conference. Nonetheless, the Administrative Law Judge attaches these Exhibits for the Commission's information only.

If the Commission issues an order directing the Administrative Law Judge to amend the schedule set forth below to require the filing of Intervenor direct testimony prior to the issuance of the FEIS or DEIS, the Judge will schedule another prehearing conference to amend this scheduling order accordingly. However, unless and until that occurs, the following is the hearing schedule for these proceedings.

Therefore, based upon the submission of the parties and the hearing record,

IT IS HEREBY ORDERED THAT:

Parties to the Contested Proceedings and Intervention

1. The parties and participants[6] appearing at the Third Prehearing Conference are all hereby designated as parties or participants in this action with full rights as parties to this litigation.

2. On September 18, 2016, Honor the Earth filed a Petition to Intervene. No objections to the Petitioner have been filed. More than seven days have passed since the filing of the Petition. Accordingly, pursuant to Minn. R. 1400.6200, subp. 2 (2015),

---

[2] ORDER DENYING PETITIONS FOR RECONSIDERATION AND MOTION TO AMEND MEMORANDUM, AND REFERRING PETITIONS FOR INTERVENTION TO OAH (March 31, 2016).
[3] *Id.*
[4] *Id.*
[5] Exhibit A is entitled, "Applicant's Proposed DEIS Schedule Scenario," and proposes a filing deadline for Intervenor's direct testimony after the issuance of the DEIS but before the FEIS. Exhibit B is entitled, "Applicant's Proposed MEPA Compliant Schedule Scenario." Exhibit B proposes the filing deadline for Intervenor's direct testimony before the issuance of both the DEIS and FEIS. The DOC-EERA, MCEA, and FOH object to Applicant's characterization of Exhibit B as being compliant with the Minnesota Environmental Policy Act. *See* Transcript of Sept. 27, 2016 Prehearing Conference and Letter from MCEA to Administrative Law Judge Ann O'Reilly (Sept. 29, 2016).
[6] The DOC-EERA and DOC-DER are participants, not parties, to this action.

Honor the Earth's Petition to Intervene is **GRANTED,** and Honor the Earth shall participate in this proceeding as a full party.

3. Other persons who wish to intervene as parties in this proceeding must file a Petition to Intervene that complies with Minn. R. 1400.6200 (2015) with the Administrative Law Judge no later than 4:30 p.m. on **May 15, 2017**. Copies of the Petition to Intervene must be served upon the Administrative Law Judge, all existing parties and participants, and the Commission. A Notice of Appearance must be filed with the Petition. Petitioners shall provide an electronic mail address on the Petition or Notice of Appearance. **All Intervenors will be held to the schedule set forth below. Unless extraordinary circumstances exist, the schedule will not be modified to accommodate late intervention. Therefore, parties intending to intervene should do so as early in the process as possible.**

4. Any objection to a Petition for Intervention shall be filed within seven (7) days of the filing of the Petition. *See* Minn. R. 1400.6200, subp. 2. The objection shall state the party's reasons for objection and shall be served upon the Administrative Law Judge, all existing parties and participants, the party petitioning to intervene, and the Commission.

5. The service list has already been established for this matter and shall only be amended upon the granting of a Petition for Intervention by the Administrative Law Judge and the filing of a Notice of Appearance. Interested members of the public who are not on the service list are invited to receive notifications through the "Subscribe to Dockets" feature of the E-Docket system. Intervenors and other parties will only be added to the official service list upon the filing of a Notice of Appearance. Only parties and Intervenors shall file Notices of Appearance. All others (i.e., interested individuals) shall subscribe to the dockets on the E-Docket system.

6. Consistent with the Order Regarding Notices of Appearance filed on May 31, 2016, the Administrative Law Judge advises that filing a Notice of Appearance does not place a person or group on the official service list of these actions. Only parties and statutory participants (i.e., the DOC-EERA and DOC-DER) will be included on the official service list. Intervenors who have been granted full party status by the Administrative Law Judge are included on the service list.

7. It is not necessary to be an intervenor or party to participate in these proceedings. Members of the public are welcome to submit written comments during the various comment periods, appear at all hearings and forums, and participate in the public hearings. The public hearings will be open to all members of the public, and will provide opportunities for individuals and groups to present evidence and argument on the issues in each case.

8. Members of the public may still receive notices of filings and access to public documents filed in the case by subscribing to the dockets on the Commission's eDockets system: https://www.edockets.state.mn.us/EFiling/security/login.do?method=showLogin. To subscribe, enter the docket numbers of these actions (14-916 and 15-137). Individuals

must subscribe separately to each docket. Upon subscribing to the dockets, you will be provided with electronic notice of all filings, as well as access to the public documents filed in the case.

Schedule

9. Below is the prehearing and hearing schedule for the combined dockets. The dates set forth below may be further modified by the Administrative Law Judge upon motion requesting modification and explaining the reasons modification is necessary and appropriate, or, regarding environmental review, upon request from the DOC-EERA, for good cause shown. Except in extraordinary circumstances where good cause is shown, the dates will not be modified to accommodate late intervention.

DATE	EVENT	DESCRIPTION
April 11, 2016 (COMPLETED)	Notice of Availability of Environmental Assessment Worksheet (EAW) and Draft Scoping Decision Document	Commission publishes EAW and issues Draft Scoping Decision Document for public review and comment on the scoping process.
April 25, 2016 – May 11, 2016 (COMPLETED)	Scoping Meetings	12 scoping meetings were conducted by the DOC-EERA
May 26, 2016 (COMPLETED)	End of Scoping Comment Period	Deadline to submit comments regarding scope of environmental review and route alternative selection.
September 22, 2016 (COMPLETED)	Environmental Impact Statement (EIS) Scoping Decision due	Identifies all routes and route alternatives to be considered and the issues to be examined in the Environmental Impact Statement (EIS).
December 5, 2016	EIS Preparation Notice to be served	Advises interested parties as to the preparation of the DEIS.
January 31, 2017	Applicant's Direct Testimony Due	Direct Testimony for Applicant's witnesses shall be served and filed by this date.
April 3, 2017 (anticipated)	Issuance of DEIS	DOC-EERA shall prepare and file a Draft Environmental Impact Statement by this date. If additional time is needed to prepare the DEIS, the

DATE	EVENT	DESCRIPTION
		DOC-EERA shall request additional time from the Administrative Law Judge and such requests shall be freely granted. A hard copy of the draft DEIS shall be mailed to the Administrative Law Judge by the DOC-EERA.
April/May 2017 (dates, times, and locations TBD)	Draft EIS Informational Meetings	Conducted by DOC-EERA. Describes DEIS and provides opportunity for public comment. Proposed route and route alternatives will be identified in the DEIS. The informational meetings provide the public an opportunity to learn about the proposed routes and route alternatives and comment on the same.
May 15, 2017	Intervention Deadline	All Petitions for Intervention shall be served and filed by this date.
May 15, 2017 1:30 p.m. Commission Offices St. Paul, MN	**Fourth Prehearing Conference**	Prehearing conference to discuss scheduling of public hearings, comment period deadlines, and all other prehearing and hearing matters.
August 10, 2017 (anticipated)	Issuance of Final Environmental Impact Statement	DOC-EERA shall prepare and file a Final Environmental Impact Statement by this date. If additional time is needed to prepare the FEIS, the DOC-EERA shall request additional time from the Administrative Law Judge and such requests shall be freely granted. A hard copy of the draft FEIS shall be mailed to the Administrative Law Judge by the DOC-EERA.
September 11, 2017	Intervenors' Direct Testimony due	Direct Testimony for Intervenors' witnesses shall be served and filed by this date.
October 11, 2017	Rebuttal Testimony due	All rebuttal Testimony shall be served and filed by this date.

DATE	EVENT	DESCRIPTION
October 23, 2017	Surrebuttal Testimony due	All surrebuttal testimony shall be served and filed by this date.
August 15, 2017 to October 31, 2017 Notice will be provided pursuant to rule and law prior to the hearings.	Public Hearings Times, dates, and locations TBD Please note that hearings will end upon the final speaker. Please arrive promptly to be heard.	Administrative Law Judge – introduction and opening remarks. Commission Staff – introduction on process and Commission's role. Applicant introduces Certificate of Need and Route Permit Applications and record of other relevant items. DOC-EERA introduces into the record the procedural work to date, including DEIS and FEIS. Intervenors and members of the public may offer oral and written testimony and may question witnesses. The Applicant shall make Public Hearing transcripts available at public libraries located in all counties along the proposed route and route alternatives. Cost of hearing transcript copies to be paid by the Applicant.
November 6-10, 2017	Evidentiary Hearing at Commission Offices in St. Paul, MN	Evidentiary hearing on the Petition for a Certificate of Need and Route Permit Application.
November 22, 2017	**Public Comment Period and Administrative Record Closes**	Transcript of contested case hearing to be filed and made available to the public. All comments shall be filed with the Commission using the SpeakUp system.
December 11, 2017	Initial Briefs of Parties Due	Initial briefs from the parties are due to be served and filed by this date.

DATE	EVENT	DESCRIPTION
January 15, 2018	Reply Briefs of Parties	Reply briefs shall be served and filed by this date.
February 28, 2018 (Anticipated)	Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommendation to be filed	The Administrative Law Judge shall serve and file her report recommending a route on or around this date.
April 30, 2018 (Anticipated)	MPUC Decision	It is anticipated that the MPUC will issue its final decision on or around this date.

Timeliness

10. The Applicant acknowledges that the schedule set forth above extended the timeline for a Commission decision beyond the 12 month timeline set forth in statute. Other timeliness issues may arise depending on the date of issuance for the DEIS and FEIS, as well as the EIS adequacy decision.

Discovery

11. A party may serve requests for information on any other party. All requests for information shall be made in writing by electronic mail. If expressly requested by another party, the requesting party shall follow the electronic mail message with a copy of the request sent by regular U.S. mail or other delivery service to all parties.

12. Information requests shall **NOT** be eFiled or served on the Administrative Law Judge or the court reporter. Additionally, responses to information requests shall **NOT** be eFiled or served on the Administrative Law Judge or court reporter.

13. Other than a request by a government agency, to the extent that a request includes material designated as Trade Secret or Nonpublic under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (2016), the providing party may require that the requesting party comply with the terms of any Protective Order approved in this matter before providing the information. If no such Order has been issued by the Administrative Law Judge, the affected parties shall first seek approval of a Protective Order. A request containing such material shall only be between the requesting party and responding party, and the requesting party shall follow the electronic mail message with a public version of the request sent by regular U.S. mail or other delivery service to all parties. Requests shall be sent to the person(s) designated to receive data requests by the party from whom the information is sought. Any request received by electronic

mail or other means after 4:30 p.m. on a business day, on a weekend day, or on a Minnesota state holiday, is considered received on the next business day.

14. The party responding to the request shall provide the requested information to the requesting party within **eight (8) business days** of receipt of the information request. A business day does not include a weekend day or a Minnesota state holiday. In accordance with Minn. R. 1400.6100. subp. 1 (2015), the day that the information request is received is not counted in the eight-day period. If the request is received after 4:30 p.m. on a business day, the following business day is also not counted in the calculation of the eight-day response period.

15. Public and Nonpublic responses to information requests shall be submitted by electronic mail message. If expressly requested by another party, the responding party shall follow the electronic mail message with a copy of the response sent by regular U.S. mail or other delivery service. Any response received after 4:30 p.m. is considered to be received the following business day.

16. If the responding party is unable to send the response by electronic mail because of the volume or nature of information included in a response, the responding party shall send the response by facsimile, U.S. mail, or delivery service so that the requesting party receives the entire response including any material designated as Trade Secret or Nonpublic by the date due. Responding parties may utilize optical data storage (flash drives) to convey large volumes of data. If the response is sent by facsimile, the responding party shall follow the facsimile with a copy of the response sent by regular U.S. mail or other delivery service. There shall be a continuing obligation to update and supplement information responses with any responsive material that may subsequently be discovered or acquired by the responding party. The responsive information need not be supplied to other parties unless specifically requested by a party.

17. If the responsive information cannot be supplied within eight (8) business days, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and attempt to work out a schedule of compliance with the requesting party.

18. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Such motions shall be eFiled through the eDockets system. A courtesy copy of the motion papers shall be submitted to the Administrative Law Judge by electronic mail. Notice of such motions will be made by electronic mail. Motions to address discovery requests and responses will usually be heard by telephone conference.

Pre-filed Testimony

19. Pre-filed testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

20. A paper copy of pre-filed testimony being offered for admission into the record at the hearing shall be provided for use at the hearing. The offering party will identify the document as having been eFiled (with the unique eFile identifying number of the document). The Administrative Law Judge will assign a hearing exhibit number to the document at the time that it is offered for admission at the hearing.

21. A hearing exhibit list will be prepared that identifies each exhibit in the hearing record, with its hearing exhibit number and unique eFile identifying number. The eFiled documents constitute the official record of the proceeding, along with any supplemental record data that cannot be eFiled. Any supplemental record data will be identified by the Administrative Law Judge as included in the official record.

22. Pre-filed testimony that is not offered into the record, or stricken portions of pre-filed testimony that is offered, shall be considered withdrawn and no witness shall be cross-examined concerning the withdrawn testimony. Any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in rebuttal testimony and exhibits. Any new affirmative matter that is not offered in reply to another party's rebuttal testimony and exhibits will not be allowed in surrebuttal testimony and exhibits. Except for good cause shown, all revisions or corrections to any pre-filed testimony shall be in writing and served upon the Administrative Law Judge and the parties no later than three (3) days prior to the commencement of the evidentiary hearing. Corrections to any pre-filed testimony shall be identified and marked on the paper copy of the exhibit which is entered into the hearing record.

23. Pre-filed direct testimony of the Applicant and any party proposing a route shall be placed for public review 14 days prior to the first hearing date at public libraries in each county where a public evidentiary hearing is to be held.

24. Five copies of pre-filed testimony of each witness shall be made available for the review by the public at each public evidentiary hearing.

Witnesses

25. Subject to change by agreement of the parties or further order of the Administrative Law Judge, the order of testimony shall be: (1) Applicant; and (2) Intervenors in the order of their intervention. The DOC-EERA and DOC-DER will be available for cross-examination. Questioning of the witnesses shall proceed in the same order (Applicant, then Intervenors in the order of Intervention), followed by DOC-DER, DOC-EERA, Commission staff, members of the public, and the Administrative Law Judge.

26. The Applicant and any other party sponsoring witnesses who have pre-filed testimony shall make the witnesses available at the public evidentiary hearing in the matter or shall request an exemption. A knowledgeable person must be available at the evidentiary hearing to respond to questions where the particular witness is exempted from attending.

27. Witnesses will be allowed thirty (30) minutes in which to summarize their pre-filed testimony. In order for a witness to include new information in his or her summary, the party offering that witness' testimony must obtain the prior approval of the Administrative Law Judge upon a motion with a showing of good cause for not having addressed that information in pre-filed testimony.

28. Parties shall examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through one representative chosen by the party.

29. Except for good cause shown, objections by any party as to the qualifications of a witness or the admissibility of any portion of a witness's pre-filed testimony are waived unless the objecting party states its objection by motion made to the Administrative Law Judge, no later than **4:30 p.m. on October 31, 2017**.

Filing of Documents (Excluding Information Requests and Responses)

30. Original documents shall be filed using the Commission's eFiling system where feasible, in accordance with Minn. Stat. § 216.17, subd. 3 (2016), and the Commission's standards. In any instance where the eFiling system cannot be used, the original document shall be filed by delivery or mail with the Administrative Law Judge.

31. An oversized exhibit may be received into the hearing record, with approval of the Administrative Law Judge, provided that a duplicate original of the exhibit conforming to the standards of Minn. R. 1400.5275 (2016), is submitted into the record.

32. The effective date of filing shall be the date the document is eFiled, mailed by U.S. Mail, or delivered to the Administrative Law Judge. Parties using the eFiling system should retain the unique document identifier as proof of filing through that system. Proof of service to the service list in this proceeding shall be filed with each document or within three business days thereafter.

33. The parties agree that eFiling through the eDockets system shall constitute service in this matter. Anything that cannot be eFiled shall be served by U.S. mail or delivered to the persons indicated on the official service list by the date the document is required to be served. The list will be revised as necessary by the Office of Administrative Hearings. Any party filing voluminous documents or documents containing colored copies shall provide a courtesy copy to the Administrative Law Judge by U.S. Mail.

34. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission in accordance with the Commission's standards.

35. If material designated Trade Secret or Nonpublic Data is filed in this proceeding, a Protective Order will be issued (upon request to the Administrative Law Judge) which will govern access to such information. Material designated Trade Secret or Nonpublic Data shall be prepared and marked in accordance with the Minnesota

Government Data Practices Act, Minn. Stat. Chap. 13, and the Public Utilities Commission's September 1, 1999, Revised Procedures for Handling Trade Secret and Privileged Data. The procedures are available from the Commission's website at: http://mn.gov/puc/consumers/data-practices/index.html

36. A courtesy copy of all briefs, motions, memoranda, and proposed findings shall be sent to the Administrative Law Judge and court reporter by electronic mail and to the Administrative Law Judge as paper copies. Proposed findings should also be sent by electronic mail to the Administrative Law Judge and copied to all parties and participants in a Microsoft Word format that permits revision.

37. The Applicant shall provide the Administrative Law Judge with a paper copy (in color) of the Petition for a Certificate of Need and Route Permit Application. The DOC-EERA shall provide the Administrative Law Judge with a paper copy (in color) of the Scoping Summary Report, Scoping Decision, DEIS, and FEIS, when available.

Request for Accommodation

38. No person has requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly, in writing, if either an accommodation or interpreter is needed.

Date: October 28, 2016

ANN C. O'REILLY
Administrative Law Judge

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900
TTY (651) 361-7878
FAX (651) 539-0310

October 28, 2016

See Attached Service List

Re: In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Replacement Project-PL-9/CN-14-916

OAH 65-2500-32764
MPUC PL-9/CN-14-916

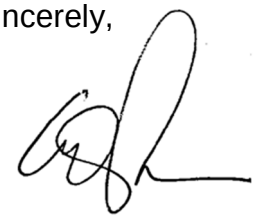
OAH 65-2500-33377
MPUC PL-9/PPL-15-137

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **SECOND AMENDED THIRD PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact my legal assistant Denyse Johnson at (651) 361-7888 or denyse.johnson@state.mn.us, or facsimile at (651) 539-0310.

Sincerely,



ANN C. O'REILLY
Administrative Law Judge

ACO:klm
Enclosure
cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Replacement Project-PL-9/CN-14-916	OAH Docket No.: 65-2500-32764

Denyse Johnson, certifies that on October 28, 2016 she served the true and correct **SECOND AMENDED THIRD PREHEARING ORDER** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes
Kenneth	Barker	kenneth.barker@centurylink.com	Centurylink Communications, LLC	100 CenturyLink Drive Monroe, LA 71203	Electronic Service	No
Richard	Beatty	rjb1946@aol.com		19281 530th Lane McGregor, MN 55760	Electronic Service	No
Sarah	Beimers	sarah.beimers@mnhs.org	Minnesota Historical Society	345 Kellogg Boulevard West St. Paul, MN 55102	Electronic Service	No
Paul	Blackburn	paul@paulblackburn.net		PO Box 17234 Minneapolis, MN 55417	Electronic Service	No
Ellen	Boardman	eboardman@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW Washington, DC 20016	Electronic Service	No
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson	200 S 6th St	Electroni	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
			Byron	Ste 4000 Minneapolis, MN 554021425	c Service	
Army	Corp of Engineers	N/A	Army Corps of Engineers	180 5th St E Ste 700 Saint Paul, MN 55101	Paper Service	No
Rebecca	Cramer	rebacramer@gmail.com		2916 E Lake St Minnepolis, MN 55406	Electronic Service	No
Brendan	Cummins	brendan@cummins-law.com	Cummins & Cummins, LLP	1245 International Centre Minneapolis, MN 55402	Electronic Service	No
Leigh	Currie	lcurrie@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 551 01	Electronic Service	No
John E.	Drawz	jdrawz@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes
Kate	Frantz	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	Yes
Anna	Friedlander	afriedlander@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW Washington, DC 20016	Electronic Service	No
John R.	Gasele	jgasele@fryberger.com	Fryberger Buchanan Smith & Frederick PA	700 Lonsdale Building 302 West Superior Street Duluth, MN 55802	Electronic Service	No
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	Yes
Emerald	Gratz	emerald.gratz@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, Minnesota 551 64-0620	Electronic Service	Yes
Gary	Hill	hillx001@umn.edu		50569 218th Pl McGregor, MN 55760	Electronic Service	No
Janet	Hill	janethillnew@gmail.com		50569 218th Pl	Electroni	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
				Mcgregor, MN 55760-5592	c Service	
Kathryn	Hoffman	khoffman@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St Ste 206 St. Paul, MN 55101	Electronic Service	No
Terry	Hokenson	terryhokn@visi.com		3352 Prospect Ter SE Minneapolis, MN 55414	Electronic Service	No
Kathleen	Hollander	kath77holl77@gmail.com		3824 Edmund Blvd Minneapolis, MN 55406	Electronic Service	No
John	Hottinger	N/A		14 Irvine Park Unit 14A St. Paul, MN 55102	Paper Service	No
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	Yes
Arshia	Javaherian	arshia.javaherian@enbridge.com	Enbridge Energy	26 East Superior Street Suite 309 Duluth, MN 55802	Electronic Service	No
Susu	Jeffrey	susujeffrey@msn.com	Friends of Coldwater	1063 Antoinette Ave Minneapolis, MN 55405	Electronic Service	No
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	Yes
Rachel	Kitze Collins	rakitzecollins@locklaw.com	Lockridge Grindeal Nauen PLLP	100 Washington Ave S Suite 2200 Minneapolis, MN 55401	Electronic Service	No
Kathy	LaBerge	labergeonthelake@yahoo.com		50597 Long Pt Pl McGregor, MN 55760	Electronic Service	No
Winona	LaDuke	winonaladuke1@gmail.com	Honor the Earth	607 Main Avenue Callaway, MN 56521	Electronic Service	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Kevin P.	Lee	klee@mncenter.org	Minnesota Center for Environmental Advocacy	26 . Exchange St Ste 206 Saint Paul, MN 55101	Electronic Service	No
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
Otto Edwin	Lueck	N/A		18719 US Hwy 2 Warba, MN 55793	Paper Service	No
Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No
Willis	Mattison	mattison@arvig.net	Self	42516 State Hwy 34 Osage, MN 56570	Electronic Service	No
Debra	Moynihan	debra.moynihan@state.mn.us	MN Department of Transportation	395 John Ireland Blvd MS 620 St. Paul, MN 55155-1899	Electronic Service	Yes
John	Munter	mumooatthefarm@yahoo.com		14860 Bruce Crk Rd Warba, MN 55793	Electronic Service	No
Charles	Nauen	cnnauen@locklaw.com	Lockridge Grindal Nauen	Suite 2200 100 Washington Avenue South Minneapolis, MN 55401	Electronic Service	No
Zoe	Nicholie	N/A		4140 Grand AVe S Minneapolis, MN 55409	Paper Service	No
Ann	O'Reilly	ann.oreilly@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 55101	Electronic Service	Yes
Bob	Patton	bob.patton@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	Yes
Andrew	Pearson	stopthewar24@gmail.com		2629 18th Ave S Apt 2 Minneapolis, MN 55407	Electronic Service	No
Jesse	Peterson	N/A		2011 East Second St Duluth, MN 55812	Paper Service	No
Alice	Peterson	N/A		24153 300th St	Paper	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
				NW Argyle, MN 56713	Service	
Abbie	Plouff	abbie.plouff@gmail.com		308 E Prince St Apt 522 St. Paul, MN 55101	Electronic Service	No
Joseph	Plumer	joep@whiteearth.com	White Earth Band of Ojibwe	P.O. Box 418 White Earth, Minnesota 56591	Electronic Service	No
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No
James W.	Reents	jwreents@gmail.com		4561 Alder Ln NW Hackensack, MN 56452	Electronic Service	No
Steve	Roe	roetreat@crosslake.net		11663 Whitefish Ave Crosslake, MN 56442	Electronic Service	No
Jean	Ross	jfross@umn.edu		3624 Bryant Ave S Minneapolis, MN 55409	Electronic Service	No
Stan	Sattinger	sattinss@aol.com		3933 Twelfth Ave S Minneapolis, MN 55407	Electronic Service	No
Jamie	Schrenzel	jamie.schrenzel@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Saint Paul, MN 55155	Electronic Service	Yes
Claudia	Schrull	CLAUDIA.SCHRULL@ENBRIDGE.COM	Enbridge Pipelines (North Dakota) LLC	Suite 3300 1100 Louisiana Houston, TX 77002	Electronic Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes
Eileen	Shore	eileenshore@outlook.com	Friends of the Headwaters	3137 42nd Ave So Minneapolis, MN 55406	Electronic Service	No
Mollie	Smith	msmith@fredlaw.com	Fredrikson Byron PA	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
Richard	Smith	grizrs615@gmail.com	Friends of the Headwaters	P.O. Box 583 Park Rapids, MN 56470	Electronic Service	No
Ken	Vraa	N/A		22070 512th Ln	Paper	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
				McGregor, MN 55760	Service	
Janice	Vraa	N/A		22070 512th Ln McGregor, MN 55760	Paper Service	No
Tom	Watson	twatson@iphouse.com	Whitefish Area Property Owners Association	39195 Swanburg Court Pine River, Minnesota 56474	Electronic Service	No
James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth, MN 55802	Electronic Service	No
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Department of Public Safety	445 Minnesota Street Suite 147 St. Paul, MN 55101-1547	Electronic Service	Yes
David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes
Kenneth	Barker	kenneth.barker@centurylink.com	Centurylink Communications, LLC	100 CenturyLink Drive Monroe, LA 71203	Electronic Service	No
Sarah	Beimers	sarah.beimers@mnhs.org	Minnesota Historical Society	345 Kellogg Boulevard West St. Paul, MN 55102	Electronic Service	No
Paul	Blackburn	paul@paulblackburn.net		PO Box 17234 Minneapolis, MN 55417	Electronic Service	No
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No
Army	Corp of	N/A	Army Corps of Engineers	180 5th St E	Paper	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
	Engineers			Ste 700 Saint Paul, MN 55101	Service	
Leigh	Currie	lcurrie@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 55101	Electronic Service	No
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No
John E.	Drawz	jdrawz@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No
Kate	Frantz	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No
Travis	Germundson	travis.germundson@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No
Emerald	Gratz	emerald.gratz@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, Minnesota 55164-0620	Electronic Service	Yes
Kathryn	Hoffman	khoffman@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St Ste 206 St. Paul, MN 55101	Electronic Service	No
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No
Arshia	Javaherian	arshia.javaherian@enbridge.com	Enbridge Energy	26 East Superior Street Suite 309 Duluth, MN 55802	Electronic Service	No
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street	Electronic Service	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
				St. Paul, MN 551012134		
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No
Rachel	Kitze Collins	rakitzecollins@locklaw.com	Lockridge Grindeal Nauen PLLP	100 Washington Ave S Suite 2200 Minneapolis, MN 55401	Electronic Service	No
Kevin P.	Lee	klee@mncenter.org	Minnesota Center for Environmental Advocacy	26 . Exchange St Ste 206 Saint Paul, MN 55101	Electronic Service	No
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No
Brian	Meloy	brian.meloy@stinson.com	Stinson,Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	No
Jessica	Miller	Jessica.Miller@whiteearth-nsn.gov	White Earth Band of Ojibwe	P.O. Box 238 White Earth, MN 56591	Electronic Service	No
Debra	Moynihan	debra.moynihan@state.mn.us	MN Department of Transportation	395 John Ireland Blvd MS 620 St. Paul, MN 55155-1899	Electronic Service	No
John	Munter	mumooatthefarm@yahoo.com		14860 Bruce Crk Rd Warba, MN 55793	Electronic Service	No
Charles	Nauen	cnnauen@locklaw.com	Lockridge Grindal Nauen	Suite 2200 100 Washington Avenue South Minneapolis, MN 55401	Electronic Service	No
Ann	O'Reilly	ann.oreilly@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 55101	Electronic Service	Yes
Bob	Patton	bob.patton@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Alice	Peterson	N/A		24153 300th St NW Argyle, MN 56713	Paper Service	No
Joseph	Plumer	joep@whiteearth.com	White Earth Band of Ojibwe	P.O. Box 418 White Earth, Minnesota 56591	Electronic Service	No
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No
Jamie	Schrenzel	jamie.schrenzel@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Saint Paul, MN 55155	Electronic Service	No
Claudia	Schrull	CLAUDIA.SCHRULL@ENBRIDGE.COM	Enbridge Pipelines (North Dakota) LLC	Suite 3300 1100 Louisiana Houston, TX 77002	Electronic Service	No
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes
Eileen	Shore	eileenshore@outlook.com	Friends of the Headwaters	3137 42nd Ave So Minneapolis, MN 55406	Electronic Service	No
Bill	Sierks	bill.sierks@state.mn.us	State of MN - MPCA	520 Lafayette Rd N St. Paul, MN 55101	Electronic Service	No
Richard	Smith	grizrs615@gmail.com	Friends of the Headwaters	P.O. Box 583 Park Rapids, MN 56470	Electronic Service	No
Mollie	Smith	msmith@fredlaw.com	Fredrikson Byron PA	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
Byron E.	Starns	byron.starns@stinson.com	Stinson Leonard Street LLP	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No
Sandy	Sterle	ssterle777@gmail.com		2676 County Road 104 Barnum, MN 55707	Electronic Service	No
Gerald	Von Korff	jvonkorff@rinkenoonan.com	Rinke Noonan	PO Box 1497 St. Cloud, MN 56302	Paper Service	No
James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth,	Electronic Service	No

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
				MN 55802		
Cam	Winton	cwinton@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	No
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Department of Public Safety	445 Minnesota Street Suite 147 St. Paul, MN 55101-1547	Electronic Service	No
David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	No