

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

**FIFTH
PREHEARING ORDER**

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

TO: All Persons on the Attached Service List:

These matters came before Administrative Law Judge Ann C. O'Reilly for a Fifth Prehearing Conference on July 12, 2017, at the offices of the Public Utilities Commission in St. Paul, Minnesota.

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

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

Peter Madsen, 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 Laborers' District Council of Minnesota and North Dakota (Laborers' Council).

Samuel Jackson, Cummins & Cummins, P.A., 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 (United Association).

Michael Ahern, Dorsey & Whitney, LLP, appeared on behalf of Shippers for Secure, Reliable and Economical Petroleum Transportation (Shippers).

Leili Fatehi, Advocate, PLLC, appeared on behalf of the Sierra Club (Sierra Club).

Scott Strand, Environmental Law Center, appeared on behalf of Friends of the Headwaters (FOH).

Margaret Breen appeared on behalf of Youth Climate Intervenors (Youth Climate).

Paul Blackburn appeared on behalf of Honor the Earth.

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

Philip Mahowald, the Jacobson Law Firm, and Seth Bichler, Staff Attorney, appeared on behalf of the Fond Du Lac Band of Lake Superior Chippewa (Fond Du Lac Band).

James Reents appeared on behalf of Northern Water Alliance of Minnesota (NWAM).

Willis Mattison, petitioning intervenor, appeared on his own behalf and without legal counsel.

Susan Kedzie, petitioning intervenor, appeared on her own behalf and without legal counsel.

Bret Eknes and Scott Ek appeared as representatives for the Minnesota Public Utilities Commission (Commission).

There were no appearances by Donovan and Anna Dyrdal (Dyrdals), the Leech Lake Band of Ojibwe (Leech Lake Band), the White Earth Band of Ojibwe (White Earth Band), or the Red Lake Band of Chippewa Indians (Red Lake Band).

The purpose of the Fifth Prehearing Conference was to discuss the scheduling of the public hearing and prehearing deadlines in the above-entitled matters, as well as to allow proposed intervenors to be heard in support of their petitions.

Commission Directives Related to Scheduling

On February 1, 2016, the Commission issued an Order Joining the Need and Routing Dockets in this matter.¹ In that Order, the Commission directed that the Administrative Law Judge require the completion of the Final Environmental Impact Statement (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.”²

In its March 31, 2016 Order Denying Petitions for Reconsideration and Motion to Amend Memorandum, and Referring Petitions for Intervention to the Office of Administrative Hearings, the Commission affirmed its February 1, 2016 Orders. The Commission did not amend its directive that Intervenor direct testimony be filed after the issuance of the FEIS.³ 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.⁴ However, the Commission did not reverse its February 1, 2016 Order.⁵

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 Intervenor’s direct testimony.

Based upon the submission of the parties and the hearing record,

IT IS HEREBY ORDERED THAT:

Parties to the Contested Proceedings

1. The deadline for intervention has now expired. A decision has been issued on all Petitions to Intervene. The parties and participants in this action are as follows:

Enbridge Energy
DOC-EERA
DOC-DER
Kennecott
Laborers’ Council

¹ ORDER JOINING THE NEED AND ROUTING DOCKETS (Feb. 1, 2016) (eDocket Nos. 20162-117877-02 (Certification of Need Docket “CN”); 20162-117877-01 (Route Permit Docket “R”)).

² NOTICE OF HEARING (Feb. 1, 2016) (eDocket No. 20162-117889-01 (R)).

³ ORDER DENYING PETITIONS FOR RECONSIDERATION AND MOTION TO AMEND MEMORANDUM, AND REFERRING PETITIONS FOR INTERVENTION TO OAH (March 31, 2016) (eDocket Nos. 20163-119626-02 (CN); 20163-119626-01 (R)).

⁴ *Id.*

⁵ *Id.*

United Association
Shippers
Sierra Club
Friends of the Headwaters
Youth Climate
Honor the Earth.
Mille Lacs Band
White Earth Band
Red Lake Band
Fond Du Lac Band
Leech Lake Band
NWAM
Dyrdals

2. A service list has now been finalized by the Office of Administrative Hearings for each docket. Only parties to this action remain on the service list. All others who have filed Notices of Appearance but who have not been made a party to these proceedings have been removed from the service list.

3. Attached as Exhibit A is the service list for Docket No. 14-916 (the Certificate of Need docket). Exhibit B is the service list for Docket No. 15-137 (the Route Permit docket). The parties are asked to review these exhibits and confirm that all contact information contained therein is correct. Parties shall advise the Administrative Law Judge, in writing, of any errors in, or changes to, these service lists by **August 15, 2017**.

4. Interested members of the public are invited to receive notifications of filings through the "Subscribe to Dockets" feature of the PUC's eDocket system.

5. Youth Climate shall identify one party who shall receive service of process in this matter. Currently, Akilah Sanders is listed as the party's representative to receive service of process.

6. Parties must update their Notices of Appearance if there has been any change in address, telephone number, e-mail address, or party designated for service of process.

7. Several non-parties have filed Notices of Appearance in this case. 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 make a person or group a party to this action and does not place a person or group on the official service list of these actions**. Only parties are now 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.

8. **It is not necessary to be an intervenor or party to participate in these proceedings**. Members of the public are welcome (and, in fact, encouraged) 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.

9. 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

10. The motion to add a St. Paul public hearing location is **GRANTED**. A public hearing in St. Paul shall be held on **September 28, 2017**. A Notice of Public Hearing shall provide the exact location for all public hearings.

11. Below is the **REVISED** 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 that a modification is necessary and appropriate. **Please note that hearing dates and locations have changed due to availability of suitable venues.**

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).

DATE	EVENT	DESCRIPTION
December 5, 2016 (COMPLETED)	EIS Preparation Notice served	Advises interested parties as to the preparation of the DEIS.
January 31, 2017 (COMPLETED)	Applicant's Direct Testimony Due	Direct Testimony for Applicant's witnesses shall be served and filed by this date.
May 15, 2017 (COMPLETED)	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 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.
June 6, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, and 22, 2017 (COMPLETED)	Public Information Meetings Times and locations of meetings were published in the Revised Notice of Availability of Draft Environmental Impact Statement and Public Information Meetings, eFiled on May 16, 2017.	Conducted by DOC-EERA. Describes DEIS and provides opportunity for public comment. Proposed route and route alternatives, as well as system alternatives, will be identified in the DEIS. The informational meetings provide the public an opportunity to learn about the proposed routes, route alternatives, and system alternatives, as well as an opportunity to present comments on the same. Hard copies of the DEIS shall be available for viewing at public libraries in all counties along the proposed route and route alternatives. The list of those libraries is set forth on the Notice of Availability of DEIS.
June 30, 2017 (COMPLETED)	Intervention Deadline	All Petitions for Intervention shall be served and filed by this date. Objections to the Petitions shall be served and filed by July 7, 2017 .
July 10, 2017 (COMPLETED)	DEIS Comment Period Ends	All comments on the DEIS shall be file by this date.

DATE	EVENT	DESCRIPTION
August 10, 2017 (anticipated)	Issuance of Final Environmental Impact Statement (FEIS)	<p>DOC-EERA shall prepare and file a Final Environmental Impact Statement (FEIS) 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 (paper) copy of the FEIS shall be mailed to the Administrative Law Judge by the DOC-EERA.</p> <p>Hard copies of the FEIS shall be available for viewing at public libraries in all counties along the proposed route and route alternatives. The list of those libraries is set forth on the Notice of Availability of FEIS.</p>
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.
October 23, 2017	Surrebuttal Testimony due	All surrebuttal testimony shall be served and filed by this date.
September 25, 2017 to October 26, 2017 Notice will be provided pursuant to rule and law prior to the hearings.	Public Hearings Sept. 26, 2017: Thief River Falls 1-4 pm and 6-9 pm Sept. 28, 2017: St. Paul, MN 1-4 pm and 6-9 pm Oct. 10, 2017: Grand Rapids 1-4 pm and 6-9 pm Oct. 11, 2017 McGregor 1-4 pm and 6-9 pm	<p>The purpose of this hearing is to give the public the opportunity to comment, provide oral and written testimony, and question witnesses who are present at the hearing.</p> <p>Party/intervenor questioning of witnesses and the presentation of evidence shall occur at the evidentiary hearing in St. Paul.</p> <p>Pre-filed testimony, applications, and the DEIS shall be available at each hearing for review by the public.</p> <p>In addition, the Applicant shall make Public Hearing transcripts available at public libraries located in all counties along the proposed route and route</p>

DATE	EVENT	DESCRIPTION
	<p>Oct. 12, 2017: Hinkley 1-4 pm and 6-9 pm</p> <p>Oct. 17, 2017: Bemidji 1-4 pm and 6-9 pm</p> <p>Oct. 18, 2017: Duluth 1-4 pm and 6-9 pm</p> <p>Oct. 25, 2017: Cross Lake 1-4 pm and 6-9 pm</p> <p>Oct. 26, 2017: St. Cloud 1-4 pm and 6-9 pm</p>	<p>alternatives. (See Notice of Availability of DEIS for locations of public libraries.) Cost of hearing transcript copies to be paid by the Applicant.</p> <p>Please note that hearings will end upon the final speaker. Please arrive promptly to be heard. If the final speaker is heard prior to the scheduled end time, the hearing will adjourn.</p>
October 27, 2017 at 1:30 p.m. at Commission Offices In St. :Paul, MN	Sixth Prehearing Conference	Prehearing Conference to discuss logistics of evidentiary hearing.
November 1-3, 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	<p>Transcript of contested case hearing to be filed and made available to the public.</p> <p>All comments shall be filed with the Commission using the SpeakUp system.</p>
December 11, 2017	Initial Briefs of Parties Due	Initial briefs shall be served and filed by this date.
January 15, 2018	Reply Briefs of Parties	Reply briefs shall be served and filed by this date.

DATE	EVENT	DESCRIPTION
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

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

Discovery

13. 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.

14. 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.

15. 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 (2017), the providing party may require that the requesting party comply with the terms of the Protective Orders issued in this matter before providing the information. 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.

16. 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 (2017), 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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. A paper copy of pre-filed testimony shall be provided to the Administrative Law Judge at the time of filing.

22. 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. **All documents entered into evidence at a hearing, including pre-filed testimony but excluding over-sized documents, shall be placed in a three-ring binder for ease of reference and use.**

23. 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.

24. 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.

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

26. **Three** copies of pre-filed testimony of each witness shall be made available for the review by the public at each public hearing.

Witnesses

27. 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) Intervenor 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, Intervenor in the order of Intervention, DOC-DER, DOC-EERA, Commission staff, members of the public, and the Administrative Law Judge.

28. The following is the order of intervention for intervenors:

No.	Intervenor	Date of Intervention
(1)	Kennecott	05/11/17
(2)	Laborer's Council	05/14/15
(3)	Sierra Club	09/04/15
(4)	Mille Lacs Band	09/30/15

(5)	White Earth Band	01/19/16
(6)	Friends of the Headwaters	02/19/16
(7)	United Association	05/09/16
(8)	Honor the Earth	09/19/16
(9)	Fond Du Lac Band	05/12/17
(10)	Youth Climate	05/12/17
(11)	Shippers	05/15/17
(12)	Red Lake Band	06/26/17
(13)	NWAM	06/27/17
(14)	Dyrdals	06/30/17
(15)	Leech Lake Band	06/30/17

29. The Applicant and any other party sponsoring witnesses who are proposing a route or route alternative (not route segments) and who have pre-filed testimony shall make the witnesses available at the public and evidentiary hearings in the matter or shall request an exemption. A knowledgeable person must be available at the public and evidentiary hearings to respond to questions where the particular witness is exempted from attending.

30. Witnesses will be allowed to summarize their pre-filed testimony at the evidentiary hearing. 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.

31. 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.

32. 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 25, 2017**.

Filing of Documents (Excluding Information Requests and Responses)

33. 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.

34. 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 (2017), is submitted into the record.

35. 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.

36. 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 official service 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.

37. 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.

38. For material designated Trade Secret or Nonpublic Data filed in this proceeding, a Protective Order has been issued which governs 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. ch. 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>

39. 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 in a Microsoft Word format that permits revision, and copied to all parties and participants

40. 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.

Request for Accommodation

41. 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: August 7, 2017



ANN C. O'REILLY
Administrative Law Judge

EXHIBIT A

Service List

Docket No. 14-916

(Certificate of Need)

Official Service List For 14-916 (Certificate Of Need)

Party	First	Last	Email	Company	Address	Service	Docket
Enbridge Energy	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St, Ste 4000, Minneapolis, MN 55402-1425	Electronic	14-916 (C) and 15-137 (R)
Enbridge Energy	Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson Byron	200 Sixth Street South, Suite 4000, Minneapolis MN 55402	Electronic	14-916 (C) and 15-137 (R)
Enbridge Energy	Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Minneapolis MN 55402	Electronic	14-916 (C) and 15-137 (R)
DOC-DER	Julia	Anderson	Julia.Anderson@ag.state.mn.us	DOC-DER	1800 BRM Tower 445 Minnesota Street, St. Paul, MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
DOC-DER	Peter	Madsen	peter.madsen@ag.state.mn.us	DOC-DER	1800 BRM Tower 445 Minnesota Street St. Paul MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
DOC-EERA	Linda	Jensen	linda.s.jensen@ag.state.mn.us	DOC-EERA	1800 BRM Tower 445 Minnesota Street, St. Paul, MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
Donovan Dyrda	Donovan	Dyrda	dyr-valley@hughes.net	Donovan Dyrda	13142 180TH ST NW, Thief River Falls, MN 56701	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Seth	Bichler	seth.bichler@fdlrez.com	Fond Du Lac Band	1720 Big Lake Rd, Cloquet, MN 55720	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Sara	Van Norman	sara@davismeansbusiness.com	Davis Law Office	400 South 4th Street, Suite 401, Minneapolis MN 55415	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Philip	Mahowald	pmahowald@thejacobsonlawgroup.com	The Jacobson Law Group	180 East Fifth Street, Suite 940, St. Paul, MN 55101	Electronic	14-916 (C) and 15-137 (R)
FOH	Richard	Smith	grizrs615@gmail.com	FOH	PO Box 583, Park Rapids, MN 56470	Electronic	14-916 (C) and 15-137 (R)
FOH	Scott	Strand	ssstrand@elpc.org	Environmental Law & Policy Center	15 South 5th Street, Suite 500, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)
Honor the Earth	Frank	Bibeau	frankbibeau@gmail.com	Honor the Earth	51124 County Road 118, Deer River, MN 56636	Electronic	14-916 (C) and 15-137 (R)
Honor the Earth	Paul	Blackburn	paul@honorearth.org	Honor the Earth	PO Box 63, Callaway, MN 56521	Electronic	14-916 (C) and 15-137 (R)

Official Service List For 14-916 (Certificate Of Need)

Party	First	Last	Email	Company	Address	Service	Docket
Laborers' District Council	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District	81 E Little Canada Road, St, Paul, MN 55117	Electronic	14-916 (C) and 15-137 (R)
Leech Lake Band	Chris	Allery	chris.allery@llojibwe.org	Leech Lake Band	190 Sailstar DR NW, Cass Lake, MN 56633	Electronic	14-916 (C) and 15-137 (R)
Mille Lacs Band	Charles	Nauen	cnnaunen@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Avenue S., Suite 2200, Minneapolis, MN 55401	Electronic	14-916 (C) and 15-137 (R)
Mille Lacs Band	David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Avenue S., Suite 2200, Minneapolis, MN 55401	Electronic	14-916 (C) and 15-137 (R)
NWAM	James W.	Reents	jwreents@gmail.com	NWAM	4561 Alder Ln NW, Hackensack, MN 56452	Electronic	14-916 (C) and 15-137 (R)
Red Lake Band	Joseph	Plumer	joe.plummer@whiteearth-hsn.gov	Red Lake Band o	3550 Eagle View Road, White Earth, MN 56591	Electronic	14-916 (C) and 15-137 (R)
Shippers	Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500, Minneapolis, MN 55402-1498	Electronic	14-916 (C)
Shippers	Brian	Bell	bell.brian@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500, Minneapolis, MN 55402-1498	Electronic	14-916 (C)
Shippers	Phil	Steger	steger.phil@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500, Minneapolis, MN 55402-1498	Electronic	14-916 (C)
Sierra Club	Leili	Fatehi	leili@advocatepllc.com	Advocate PLLC	4849 12th Ave S, Minneapolis, MN 55417	Electronic	14-916 (C) and 15-137 (R)
United Association	Ellen	Boardman	ebordman@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW, Washington, D.C. 20016	Electronic	14-916 (C) and 15-137 (R)
United Association	Anna	Friedlander	afriedlander@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW, Washington, DC, 20016	Electronic	14-916 (C) and 15-137 (R)
United Association	Brendan	Cummins	brendan@cummins-law.com	Cummins & Cummins	1245 International Center, 920 Second Ave South, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)

Official Service List For 14-916 (Certificate Of Need)

Party	First	Last	Email	Company	Address	Service	Docket
United Association	Samuel	Jackson	sam@cummins-law.com	Cummins & Cummins	1245 International Center, 920 Second Ave South, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)
White Earth Band	Joseph	Plumer	joe.plummer@whiteearth-nsn.gov	White Earth Band	35500 Eagle View Road, White Earth, MN 56591	Electronic	14-916 (C) and 15-137 (R)
Youth Climate	Akilah	Sanders-Reed	akilah.project350@gmail.com	Youth Climate	2514 Emerson Ave S, Apt 7, Minneapolis MN 55405	Electronic	14-916 (C) and 15-137 (R)
OAH	Ann	O'Reilly	Ann.oreilly@state.mn.us	OAH	600 North Robert Street, PO Box 64620, St. Paul MN 55101	Electronic	14-916 (C) and 15-137 (R)
Shaddix	Janet	Shaddix	janet@janetshaddix.com	Shaddix and Assoc.	9100 W Bloomington Frwy, Bloomington, MN 55431	Electronic	14-916 (C) and 15-137 (R)

EXHIBIT B

Service List

Docket No. 15-137

(Route Permit)

Official Service List For 15-137 (Route)

Party	First	Last	Email	Company	Address	Service	Docket
Enbridge Energy	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St, Suite 4000, Minneapolis, MN 55402-1425	Electronic	14-916 (C) and 15-137 (R)
Enbridge Energy	Patrick	Mahlberg	pmahlberg@fredlaw.com	Fredrikson Byron	200 Sixth Street South, Suite 4000, Minneapolis MN 55402	Electronic	14-916 (C) and 15-137 (R)
Enbridge Energy	Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 South Sixth Street Minneapolis MN 55402	Electronic	14-916 (C) and 15-137 (R)
DOC-DER	Julia	Anderson	Julia.Anderson@ag.state.mn.us	DOC-DER	1800 BRM Tower 445 Minnesota Street, St. Paul, MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
DOC-DER	Peter	Madsen	peter.madsen@ag.state.mn.us	DOC-DER	1800 BRM Tower 445 Minnesota Street St. Paul MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
DOC-EERA	Linda	Jensen	linda.s.jensen@ag.state.mn.us	DOC-EERA	1800 BRM Tower 445 Minnesota Street, St. Paul, MN 55101-2134	Electronic	14-916 (C) and 15-137 (R)
Donovan Dyrdal	Donovan	Dyrdal	dyr-valley@hughes.net	Donovan Dyrdal	13142 180TH ST NW, Thief River Falls, MN 56701	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Seth	Bichler	seth.bichler@fdlrez.com	Fond Du Lac Band	1720 Big Lake Rd Cloquet, MN 55720	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Sara	Van Norman	sara@davismeansbusiness.com	Davis Law Office	400 South 4th Street, Suite 401, Minneapolis MN 55415	Electronic	14-916 (C) and 15-137 (R)
Fond Du Lac Band	Philip	Mahowald	pmahowlad@thejacobsenlawgroup.com	The Jacobson Law Group	180 East Fifth Street, Suite 940, St. Paul, MN 55101	Electronic	14-916 (C) and 15-137 (R)
FOH	Richard	Smith	grizrs615@gmail.com	FOH	PO Box 583 Park Rapids, MN 56470	Electronic	14-916 (C) and 15-137 (R)
FOH	Scott	Strand	ssstrand@elipc.org	Environmental Law & Policy Center	15 South 5th Street, Suite 500, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)
Honor the Earth	Frank	Bibeau	frankbibeau@gmail.com	Honor the Earth	51124 County Road 118, Deer River, MN 56636	Electronic	14-916 (C) and 15-137 (R)
Honor the Earth	Paul	Blackburn	paul@honorearth.org	Honor the Earth	PO Box 63, Callaway, MN 56521	Electronic	14-916 (C) and 15-137 (R)

Official Service List For 15-137 (Route)

Party	First	Last	Email	Company	Address	Service	Docket
Kennecott	Brian	Meloy	brian.meloy@stinson.com	Stinson Leonard Street	150 S. 5th Street, Suite 2300, Minneapolis, MN 55402	Electronic	15-137 (R)
Laborers' District Council	Kevin	Pranis	kprianis@liunagroc.com	Laborers' District	81 E Little Canada Road, St. Paul, MN 55117	Electronic	14-916 (C) and 15-137 (R)
Leech Lake Band	Chris	Allery	chris.allery@llojibwe.org	Leech Lake Band	190 Sailstar DR NW, Cass Lake, MN 56633	Electronic	14-916 (C) and 15-137 (R)
Mille Lacs Band	Charles	Nauen	cnnaunen@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Avenue S., Suite 2200, Minneapolis, MN 55401	Electronic	14-916 (C) and 15-137 (R)
Mille Lacs Band	David	Zoll	djzoll@locklaw.com	Lockridge Grindal Nauen PLLP	100 Washington Avenue S., Suite 2200, Minneapolis, MN 55401	Electronic	14-916 (C) and 15-137 (R)
NWAM	James W.	Reents	jwreents@gmail.com	NWAM	4561 Alder Ln NW, Hackensack, MN 56452	Electronic	14-916 (C) and 15-137 (R)
Red Lake Band	Joseph	Plumer	joel.plummer@whiteearth-nsn.gov	Red Lake Band	3550 Eagle View Road, White Earth, MN 56591	Electronic	14-916 (C) and 15-137 (R)
Sierra Club	Leili	Fatehi	leili@advocatepllc.com	Advocate PLLC	4849 12th Ave S, Minneapolis, MN 55417	Electronic	14-916 (C) and 15-137 (R)
United Association	Ellen	Boardman	boardman@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW, Washington, D.C. 20016	Electronic	14-916 (C) and 15-137 (R)
United Association	Brendan	Cummins	brendan@cummins-law.com	Cummins & Cummins	1245 International Center, 920 Second Ave South, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)
United Association	Anna	Friedlander	afriedlander@odonoghuelaw.com	O'Donoghue & O'Donoghue LLP	4748 Wisconsin Ave NW, Washington, DC, 20016	Electronic	14-916 (C) and 15-137 (R)
United Association	Brendan	Cummins	brendan@cummins-law.com	Cummins & Cummins	1245 International Center, 920 Second Ave South, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)
United Association	Samuel	Jackson	sam@cummins-law.com	Cummins & Cummins	1245 International Center, 920 Second Ave South, Minneapolis, MN 55402	Electronic	14-916 (C) and 15-137 (R)

Official Service List For 15-137 (Route)

Party	First	Last	Email	Company	Address	Service	Docket
White Earth Band	Joseph	Plumer	joe.plummer@whiteearth-nsn.gov	White Earth Band	35500 Eagle View Road, White Earth, MN 56591	Electronic	14-916 (C) and 15-137 (R)
Youth Climate	Akilah	Sanders-Reed	akilah.project350@gmail.com	Youth Climate	2514 Emerson Ave S, Apt 7, Minneapolis MN 55405	Electronic	14-916 (C) and 15-137 (R)
OAH	Ann	O'Reilly	ann.oreilly@state.mn.us	OAH	600 North Robert St PO Box 64620, St. Paul, MN 55101	Electronic	14-916 (C) and 15-137 (R)
Shaddix	Janet	Shaddix	jshaddix@janetshaddix.com	Shaddix	9100 W Bloomington Frwy, Bloomington, MN 55431	Electronic	14-916 (C) and 15-137 (R)