



ENVIRONMENTAL LAW & POLICY CENTER

June 20, 2023

Via eDockets

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: ***In the Matter of the Application of the Decommissioning Trust Fund for the Enbridge Energy, Limited Partnership Line 3 Replacement Pipeline***

MPUC Docket No. PL-9/CN-21-823

Dear Mr. Seuffert:

Friends of the Headwaters alerts the Commission to two developments in the last week that are relevant to the Commission's consideration of the Enbridge Decommissioning Trust.

First, on June 15, 2023, the Canadian Energy Regulator (CER) raised its estimate of the cost of abandoning the pipelines it regulates by **79%**, from \$10.4 billion in 2019 to \$18.6 billion today. *Canadian Regulator Raises Pipeline Abandonment Cost Estimate to Over \$14 Billion*, Pipeline & Gas Journal (6/16/2023), <https://pgjonline.com/news/2023/march/canadian-regulator-raises-pipeline-abandonment-cost-estimate-to-over-14-billion> (attached); *Decision in Brief: Pipeline Abandonment Funding Review*, Canadian Energy Regulator (6/15/2023), <https://www.cer-rec.gc.ca/en/about/news-room/decision-in-brief/2023/decision-in-brief-pipeline-abandonment-funding-review/>. That will trigger a corresponding increase in the amount companies like Enbridge will have to contribute to their abandonment trusts. That also reflects how rapidly costs and assumptions can change and how five-year reviews can leave taxpayers quite exposed.

Second, on June 16, 2023, the U.S. District Court for the Western District of Wisconsin issued an injunction compelling Enbridge to shut down its Line 5 no later than three years from now, and possibly sooner depending on conditions at a particularly vulnerable location on the Bad River Reservation. *Bad River Band of the Lake Superior Tribe of Chippewa Indians v. Enbridge Energy Co., Inc.*, 2023 WL 4043961 (W.D. Wis. June 16, 2023). That is an example of why making decisions based on 30 or 40-year expected life assumptions is inherently risky.

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Respectfully submitted,

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Canadian Regulator Raises Pipeline Abandonment Cost Estimate to Over \$14 Billion

6/16/2023

June 16 (Reuters)– The Canada Energy Regulator (CER) has raised its estimate of the cost of abandoning the pipelines it regulates by 79% to C\$18.6 billion (\$14.10 billion), in a preliminary review calculating how much companies should set aside for taking oil and gas pipelines out of service.



Pipeline abandonment costs are reviewed every five years, and the steep increase from C\$10.4 billion in 2019 is due to inflation, changes to company-owned infrastructure and updated abandonment assumptions, the regulator said in a statement released on Thursday.

"This will enhance our ability to ensure that pipelines are safely abandoned while safeguarding the environment and surrounding communities," the CER said.

The increase means most of the 93 companies whose Canadian pipelines are regulated by the CER will face higher abandonment costs, the regulator said.

The final amount will be confirmed in the second part of the review process when companies and other stakeholders can ask for changes to the preliminary cost estimates for particular pipelines.

The CER regulates all pipelines that cross provincial boundaries or the U.S.-Canada border, amounting to roughly 73,000 kilometers, or 10% of all pipelines in the country. Major operators include Enbridge Inc (ENB.TO) and TC Energy (TRP.TO).

An Enbridge spokesperson said the revision will impact how much the company sets aside for abandonment costs.

"We have not yet determined whether we will request any changes to the estimates," she added.

TC did not immediately respond to a request for comment.

Abandonment involves permanently removing a **pipeline ()** from service, by emptying it of fluids, conducting inspections and when necessary, cutting, capping and filling it with materials like concrete.

Companies must gradually accumulate the funds in a dedicated trust by the end of 2054 or earlier, or post a financial guarantee, essentially an agreement with a third party to cover the cost of abandonment if the company cannot pay.

(\$1 = 1.3188 Canadian dollars)

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- [More Talks Needed Before Resuming Iraq-Turkey Pipeline Exports; Officials Cite 'Political' Issues \(/news/2023/june/more-talks-needed-before-resuming-iraq-turkey-pipeline-exports-officials-cite-political-issues\)](/news/2023/june/more-talks-needed-before-resuming-iraq-turkey-pipeline-exports-officials-cite-political-issues)
- [Enbridge Ordered to Shut Down Portions of Wisconsin Pipeline Within Three Years \(/news/2023/march/enbridge-ordered-to-shut-down-portions-of-wisconsin-pipeline-within-three-years\)](/news/2023/march/enbridge-ordered-to-shut-down-portions-of-wisconsin-pipeline-within-three-years)
- ['Powerhouse' Texas Pipeline Industry Contributes Billions to Economic Output \(/news/2023/june/powerhouse-texas-pipeline-industry-contributes-billions-to-economic-output\)](/news/2023/june/powerhouse-texas-pipeline-industry-contributes-billions-to-economic-output)
- [Turkey, Iraq to Discuss Resuming Oil Exports Through Iraq-Turkey Pipeline \(/news/2023/june/turkey-iraq-to-discuss-resuming-oil-exports-through-iraq-turkey-pipeline\)](/news/2023/june/turkey-iraq-to-discuss-resuming-oil-exports-through-iraq-turkey-pipeline)
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DECLARATION OF SERVICE

Re: *In the Matter of the Application of the Decommissioning Trust Fund for the Enbridge Energy, Limited Partnership Line 3 Replacement Pipeline*
MPUC Docket No. PL-9/CN-21-823

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Scott Strand, hereby state that on June 20, 2023, I filed, by electronic eDockets, the attached **Letter on behalf of Friends of the Headwaters**, and eServed or sent by U.S. Mail, as noted, to all parties on the attached service list.

See attached service list.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

/s/ Scott Strand
_____ *Scott Strand*

Document ID	Class	Docket #	Docket Type	On Behalf Of	Document Type	Received Date
20236-196460-01	PUBLIC	21-823	CN	PUC	BRIEFING PAPERS--JUNE 22, 2023 AGENDA	06/09/2023
20236-196461-01	PUBLIC	21-823	CN	PUC	NOTICE OF COMMISSION MEETING--JUNE 22, 2023 AGENDA MEETING	06/09/2023
20236-196462-01	PUBLIC	21-823	CN	PUC	NOTICE OF COMMISSION MEETING--JUNE 22, 2023 AGENDA MEETING - RESUBMITTED WITH UPDATED AGENDA COVER PAGE	06/09/2023
20234-194963-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	COMMENTS--SUPPLEMENTAL	04/19/2023
20234-194977-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, L.P.	COMMENTS--SUPPLEMENTAL	04/19/2023
20234-194979-01	PUBLIC	21-823	CN	DOC	COMMENTS--SUPPLEMENTAL	04/19/2023
20234-194979-02	PUBLIC	21-823	CN	DOC	COMMENTS--FILING LETTER	04/19/2023
20234-194841-01	PUBLIC	21-823	CN	DOC DER	OTHER--DECOMMISSIONING COST ESTIMATE REVIEW	04/17/2023
20234-194841-02	PUBLIC	21-823	CN	DOC DER	OTHER--INDEPENDENT REVIEW FILING LETTER	04/17/2023
20234-194731-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	REPLY COMMENTS	04/12/2023
20234-194737-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--FILING LETTER AND CERTIFICATE OF SERVICE	04/12/2023
20234-194737-02	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--COMMENTS	04/12/2023
20234-194737-03	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--ATTACHMENT A REVISED PROPOSED TRUST AGREEMENT	04/12/2023
20234-194737-04	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--ATTACHMENT B TABLE REVIEW OF DER REVISIONS	04/12/2023
20234-194737-05	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--ATTACHMENT C REVISED DER AGREEMENT	04/12/2023
20233-194078-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--DEANNA JOHNSON	03/17/2023
20233-194019-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, L.P.	LETTER	03/15/2023
20233-193939-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--SHARON NATZEL	03/14/2023
20233-193952-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--BATCH 1 2 COMMENTS	03/14/2023
20233-193904-01	PUBLIC	21-823	CN	DOC DER	REPLY COMMENTS	03/13/2023

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20233-193904-02	PUBLIC	21-823	CN	DOC DER	REPLY COMMENTS	03/13/2023
20233-193918-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	COMMENTS	03/13/2023
20232-193261-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--ALICE AND RANDY PETERSON	02/17/2023
20232-193073-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REQUEST TO UPDATE SERVICE LIST	02/10/2023
20231-192392-17	PUBLIC	21-823	CN	PUC	MINUTES--SEPTEMBER 22, 2022 MINUTES	01/23/2023
20231-192326-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--APRIL REINHARD	01/19/2023
20231-192327-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--SOPHIA KELLER	01/19/2023
20231-192041-01	PUBLIC	21-823	CN	PUC	NOTICE OF COMMENT PERIOD	01/11/2023
20231-191784-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	COMMENTS--LETTER RE COMMENTS AND DRAFT TRUST AGREEMENT	01/03/2023
20231-191784-02	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	COMMENTS--ENBRIDGE COMMENTS ACCOMPANYING DRAFT TRUST AGREEMENT	01/03/2023
202211-190435-01	PUBLIC	21-823	CN	PUC	ORDER--ORDER DIRECTING ENBRIDGE TO DRAFT TRUST AGREEMENT FOR NOTICE AND COMMENT	11/04/2022
202211-190435-02	PUBLIC	21-823	CN	PUC	ORDER--CERTIFICATE OF SERVICE AND SERVICE LIST	11/04/2022
202210-189880-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--COMMENT OUTSIDE COMMENT PERIOD- A PETERSON	10/18/2022
20229-189209-01	PUBLIC	21-823	CN	PUC	BRIEFING PAPERS--SEPTEMBER 22, 2022 AGENDA - DECISION OPTIONS-COMMISSIONER TUMA	09/21/2022
20229-189062-01	PUBLIC	21-823	CN	PUC	BRIEFING PAPERS--SEPTEMBER 22, 2022 AGENDA - FILED IN ERROR	09/14/2022
20229-188937-12	PUBLIC	21-823	CN	PUC	NOTICE OF COMMISSION MEETING--SEPTEMBER 22, 2022 AGENDA MEETING	09/09/2022
20229-188945-01	PUBLIC	21-823	CN	DOC DER	LETTER	09/09/2022
20227-187633-01	PUBLIC	21-823	CN	MN DOC	COMMENTS--LETTER	07/20/2022

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20227-187636-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	COMMENTS--SUPPLEMENTAL COMMENTS	07/20/2022
20227-187645-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--DECOMMISSIONING TRUST FUND SUPPLEMENTAL COMMENTS	07/20/2022
20227-187647-01	PUBLIC	21-823	CN	CANADIAN ASSOCIATION OF PETROLEUM PRODUCERS	COMMENTS--CAPP DECOMMISSIONING TRUST COMMENTS	07/20/2022
20227-187649-01	PUBLIC	21-823	CN	DYRDALS	COMMENTS--LETTER	07/20/2022
20226-186914-01	PUBLIC	21-823	CN	HONOR THE EARTH	REPLY COMMENTS--REPLY COMMENTS LINE 93 DECOMMISSIONING TRUST FUND	06/27/2022
20226-186914-02	PUBLIC	21-823	CN	HONOR THE EARTH	REPLY COMMENTS--COVER LETTER FOR REPLY	06/27/2022
20226-186764-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	REPLY COMMENTS	06/20/2022
20226-186765-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REPLY COMMENTS--DECOMMISSIONING TRUST FUND	06/20/2022
20226-186741-01	PUBLIC	21-823	CN	MN DOC	REPLY COMMENTS	06/17/2022
20226-186741-02	PUBLIC	21-823	CN	MN DOC	REPLY COMMENTS	06/17/2022
20225-186027-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REQUEST TO UPDATE SERVICE LIST	05/24/2022
20225-186005-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--MARK TAGGART	05/23/2022
20225-186007-01	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--DAN GAITHER	05/23/2022
20225-186007-02	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--BENJAMIN AND ERICA GROESCHL	05/23/2022
20225-186007-03	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--DENISE MARLOWE	05/23/2022
20225-186007-04	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--GREGORY DYRDAL	05/23/2022
20225-186007-05	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--HONOR THE EARTH	05/23/2022
20225-186007-06	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--JAMI GAITHER	05/23/2022
20225-186007-07	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--JOANA KIRCHHOFF	05/23/2022

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20225-186007-08	PUBLIC	21-823	CN	PUC	PUBLIC COMMENT--SHARON NATZEL	05/23/2022
20225-185928-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	COMMENTS--CERTIFICATE OF SERVICE	05/20/2022
20225-185956-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	REQUEST TO UPDATE SERVICE LIST--REQUEST TO UPDATE SERVICE LIST	05/20/2022
20225-185887-01	PUBLIC	21-823	CN	PEER	COMMENTS	05/19/2022
20225-185915-01	PUBLIC	21-823	CN	DOC DER	COMMENTS--COVER LETTER	05/19/2022
20225-185915-02	PUBLIC	21-823	CN	DOC DER	COMMENTS	05/19/2022
20225-185918-01	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	COMMENTS--LETTER AND COS DECOMMISSIONING TRUST FUND ENBRIDGE ENERGY	05/19/2022
20225-185918-02	PUBLIC	21-823	CN	ENBRIDGE ENERGY, LIMITED PARTNERSHIP	COMMENTS--LINE 93 INITIAL COMMENTS DECOMMISSIONING TRUST FUND AND ATTACH A	05/19/2022
20225-185923-01	PUBLIC	21-823	CN	FRIENDS OF THE HEADWATERS	COMMENTS	05/19/2022
20225-185925-01	PUBLIC	21-823	CN	DONOVAN D. DYRDAL & DYR-VALLEY ENTERPRISES, LTD.	COMMENTS--LETTER	05/19/2022
20225-185926-01	PUBLIC	21-823	CN	HONOR THE EARTH	COMMENTS--INITIAL COMMENTS ON DECOMMISSIONING TRUST FUND	05/19/2022
20222-182576-01	PUBLIC	21-823	CN	PUC	NOTICE OF EXTENSIONVARIANCE	02/09/2022
20221-181889-01	PUBLIC	21-823	CN	DOC DER	LETTER--REQUESTING GUIDANCE ON OBTAINING SPECIALIZED ASSISTANCE	01/24/2022
202112-180839-01	PUBLIC	21-823	CN	PUC	NOTICE OF COMMENT PERIOD	12/20/2021
202112-180453-01	PUBLIC	21-823	CN	HONOR THE EARTH	OTHER--PETITION TO OPEN ABANDONMENT TRUST FUND DOCKET	12/06/2021
202112-180453-02	PUBLIC	21-823	CN	HONOR THE EARTH	OTHER--ATTACHMENT A	12/06/2021
202112-180453-03	PUBLIC	21-823	CN	HONOR THE EARTH	OTHER--ATTACHMENT B	12/06/2021
202112-180453-04	PUBLIC	21-823	CN	HONOR THE EARTH	OTHER--ATTACHMENT C	12/06/2021
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202112-180453-06	PUBLIC	21-823	CN	HONOR THE EARTH	OTHER--PETITION TO OPEN TRUST FUND DOCKET	12/06/2021