

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie J. Sieben	Commissioner
John A. Tuma	Commissioner

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

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

ORDER DENYING RECONSIDERATION

PROCEDURAL HISTORY

On April 24, 2015, Enbridge Energy, Limited Partnership (Enbridge) filed separate applications for a certificate of need and a route permit for a 338 mile pipeline, along with associated facilities, extending from the North Dakota–Minnesota border to the Minnesota–Wisconsin border (Line 3 Project) to replace the existing Line 3 pipeline.

On February 1, 2016, the Commission issued an order joining the need and routing matters into one contested-case proceeding and authorizing the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) to prepare a combined environmental impact statement (EIS).

On May 15, 2017, EERA issued a draft EIS.

On August 14, 2017, the Commission issued an order accepting Enbridge’s consent to extend the statutory deadline for the EIS adequacy determination and requesting a report and recommendation from an administrative law judge (ALJ) on the adequacy of the final EIS (FEIS).

On August 17, 2017, EERA issued the FEIS.

On November 1, 2017, the ALJ filed a report recommending that the Commission find the FEIS adequate under Minn. R. 4410.2800, subp. 4.

On December 14, 2017, the Commission issued an order finding that four deficiencies in the FEIS needed to be remedied before the FEIS could be considered adequate under Minn. R. 4410.2800 (December 14 Order).

On February 12, 2018, EERA issued the revised FEIS.

On March 1, 2018, the Commission issued an order denying the petitions for reconsideration of its December 14 Order filed by Enbridge, Sierra Club, and a joint petition by the Fond du Lac Band of Lake Superior Chippewa (Fond du Lac Band), Mille Lacs Band of Ojibwe (Mille Lacs Band), Leech Lake Band of Ojibwe, White Earth Band of Ojibwe, and Red Lake Band of Chippewa.

On March 15, 2018, the Commission met to consider the adequacy of the revised FEIS.

On May 1, 2018, the Commission issued its Order Finding Environmental Impact Statement Adequate and Adopting ALJ Lipman's November 2017 Report as Modified (May 1 Order).

On May 21, 2018, the following parties filed petitions for reconsideration of the May 1 Order: the Mille Lacs Band and Fond du Lac Band, Friends of the Headwaters, Honor the Earth, and Youth Climate Intervenors.

On May 31, 2018, Enbridge filed an answer to the petitions for reconsideration of the May 1 Order.

On June 26, 2018, the Commission met to consider the petitions for reconsideration of the May 1 Order.

FINDINGS AND CONCLUSIONS

The Commission has reviewed the entire record and the arguments of the parties.

Based upon this review, the Commission finds that the petitions for reconsideration filed by the Mille Lacs Band and Fond du Lac Band, Friends of the Headwaters, Honor the Earth, and Youth Climate Intervenors do not raise new issues, do not point to new and relevant evidence, do not expose errors or ambiguities in the May 1 Order, and do not otherwise persuade the Commission that it should rethink the decision set forth in that order. The Commission concludes that its decision is consistent with the facts, the law, and the public interest, and will therefore deny the petitions for reconsideration.

The Commission will so order.

ORDER

1. The Commission denies the petitions for reconsideration of the Commission's May 1, 2018 Order Finding Environmental Impact Statement Adequate and Adopting ALJ Lipman's November 2017 Report as Modified.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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