

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

August 18, 2020

OFFICE OF
APPELLATE COURTS

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

**PETITION FOR
WRIT OF CERTIORARI**

Court of Appeals

No: _____

Red Lake Band of Chippewa Indians,
White Earth Band of Ojibwe,
Honor the Earth, and
The Sierra Club
Petitioners,

Minnesota Public Utilities
Commission Nos:
PL-9/CN-14-916
PL-9/PPL-15-137

vs.

Date of Decision:

Minnesota Public Utilities Commission,
Respondent.

Order Finding Environmental
Impact Statement Adequate,
Granting Certificate of Need
as Modified, and Granting
Routing Permit as Modified
May 1, 2020

Order Denying Reconsideration
July 20, 2020

TO: The Court of Appeals of the State of Minnesota:

The above-named petitioners hereby petition the Court of Appeals for a Writ of Certiorari to review the decisions of the Minnesota Public Utilities Commission (“PUC”) issued on the dates noted above, upon the grounds that the PUC decisions under:

- Minn. Stat. § 216B.243 approving the Certificate of Need and its Modifications for the Line 3 Replacement Project;
- Minn. Stat. § 216G.02 approving a Routing Permit and its Conditions for the Line 3 Replacement Project; and

- Minn. Stat. § 116D.04 finding the Environmental Impact Statement for the Line 3 Replacement Project to be adequate;

were contrary to law, not supported by the evidence, and arbitrary and capricious. Under Minn. Stat. § 216B.52, “[a]ny party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected by it, may appeal from the decision and order of the commission in accordance with chapter 14.” Under Minn. Stat. § 116D.04, subd. 10, a person aggrieved by a final decision on the adequacy of an environmental impact statement is entitled to seek judicial review under the Minnesota Administrative Procedure Act, Minn. Stat. §§ 14.63 - 68, by filing and serving a petition for writ of certiorari not more than 30 days after the responsible governmental unit provides notice of the final decision in the EQB Monitor. The Minnesota Administrative Procedure Act, Minn. Stat. §§ 14.63 - 68, states that an aggrieved person is entitled to judicial review of an agency decision by filing a writ of certiorari with the Court of Appeals not more than 30 days after the party receives the final decision and order of the agency.

Dated: August 18, 2020

Petitioners: Red Lake Band of Chippewa Indians,
White Earth Band of Ojibwe,
Honor the Earth, and
The Sierra Club

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