

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
ENBRIDGE ENERGY, LIMITED PARTNERSHIP)	
pursuant to 1929 PA 16; MCL 483.1 <i>et seq.</i> and)	Case No. U-17020
Rule 601 of the Michigan Public Service)	
Commission's Rules of Practice and Procedure,)	
R 460.17601, to replace, construct, and operate certain)	
segments of pipeline for the transportation of crude oil)	
and petroleum in Berrien, Cass, St. Joseph,)	
Kalamazoo, Calhoun, Jackson, Ingham, Oakland,)	
Macomb, and St. Clair counties.)	
_____)	

At the January 31, 2013 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman
Hon. Orjiakor N. Isiogu, Commissioner
Hon. Greg R. White, Commissioner

ORDER APPROVING APPLICATION

History of Proceedings

On April 16, 2012, Enbridge Energy, Limited Partnership (Enbridge) filed an application, with supporting testimony and exhibits, pursuant to 1929 PA 16; MCL 483.1 *et seq.* (Act 16) and Rule 601 of the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17601, requesting approval to construct, own, and operate approximately 110 miles of new 36-inch diameter pipeline and 50 miles of new 30-inch diameter pipeline, all of which replace certain 30-inch diameter

pipeline segments of its existing crude oil and petroleum pipeline known as Line 6B¹ in the counties of Berrien, Cass, St. Joseph, Kalamazoo, Calhoun, Jackson, Ingham, Oakland, Macomb and St. Clair, Michigan.²

Pursuant to due notice, the initial prehearing conference was held on June 6, 2012 by Administrative Law Judge Theresa A. Sheets (ALJ). The ALJ granted petitions to intervene filed by Steven Fischer, David Schmick, Leroy E. Rodgers, and the John E. Fetzer Institute, Inc. (Fetzer Institute). The Commission Staff (Staff) also participated in the proceedings. At this prehearing conference the schedule was established for the remainder of the proceedings. A request to have the case re-noticed was rejected.³ Also, the ALJ permitted 16 persons to provide oral or written statements pursuant to 1999 AC, R 460.17207.

¹ Line 6B originates at Griffith, Indiana, and extends to the east traversing northwestern Indiana and southern Michigan, crossing the US-Canadian International Border at Marysville, Michigan, where it terminates at an affiliated Enbridge facility in Sarnia, Ontario. This application pertains only to those portions of Line 6B that are (1) located in Michigan and (2) were not the subject of Case Nos. U-16838 and U-16856.

² Specifically, the application addresses the replacement of five separate, noncontiguous pipeline segments, which vary in length, and are referred to as Segments 2B in Berrien and Cass counties; Segment 3A in Cass and St. Joseph counties; Segment 4A in Kalamazoo and Calhoun counties; Segment 5A in Calhoun, Jackson and Ingham counties; and Segment 8 in Oakland, Macomb and St. Clair counties. The application also addresses the installation of certain new station facilities at the existing station sites of Niles Pump Station in Cass County; Mendon Pump Station in St. Joseph County; Stockbridge Pump Station and Terminal Facility in Ingham County; Howell Pump Station in Livingston County; Ortonville Station in Oakland County; and St. Clair (Marysville) Station in St. Clair County, Michigan.

³ On June 20, 2012, an emergency appeal of the ALJ's decision not to require the case to be re-noticed was filed with the Commission by Mr. Schmick and Mr. Rodgers. In an order issued on July 13, 2012, the Commission rejected the request to require Enbridge to re-notice its application. See, <http://efile.mpsc.state.mi.us/efile/docs/17020/0087.pdf>.

On July 12, 2012, a motion hearing was held at which the ALJ granted two additional petitions to intervene filed by Helen McCauslin, co-trustee of the Joanne Holden Trust,⁴ and by Jerry and Joanne Mains.⁵ The ALJ then addressed a motion for a 21 month adjournment of the proceedings filed by Mr. Fischer, which she denied. However, in so doing, the ALJ signaled that a request for a less lengthy delay of the proceedings might be looked upon more favorably.

On July 13, 2012, Mr. Fischer filed a second motion to delay the proceedings, this time to allow the parties two months to review a recently released report by the National Transportation Safety Board (NTSB) concerning the July 25, 2010 Line 6B rupture and release of 843,444 gallons of crude oil near Marshall, Michigan. On July 17, 2012, Mr. Schmick, Mr. Rodgers, and Mr. and Mrs. Mains (collectively, the Landowner Intervenors) filed a similar motion for a delay of the proceedings to allow for examination of the NTSB report.

On July 25, 2012, the ALJ conducted a second motion hearing for the purpose of addressing the motions for delay filed by Mr. Fischer and the Landowner Intervenors. At the conclusion of oral arguments on the motions, the ALJ granted additional time for the parties to review the NTSB report, thereby extending the schedule of the case by several months.

On August 1, 2012, Enbridge filed an application for leave to appeal the scheduling adjustments ordered at the July 25, 2012 prehearing conference. On or before August 13, 2012, responses to Enbridge's application for leave to appeal were filed by Mr. Fischer, the Landowner Intervenors, the Fetzer Institute, and the Staff.

⁴ On January 17, 2013, Ms. McCauslin withdrew from the proceeding because she sold the property to another individual.

⁵ Another intervention petition filed by The Hermitage Community was withdrawn at the request of Kevin Driedger, the Chairman of the Board of that organization, at the July 12, 2012 motion hearing.

In an order issued on August 14, 2012, the Commission granted, in part, and denied, in part, Enbridge's application for leave to appeal, waived the preparation of a Proposal for Decision (PFD), and ordered revisions to the established schedule to expedite the issuance of a final order.⁶

On August 24, 2012, the ALJ convened another motion hearing. The purpose of this hearing was twofold. The ALJ first considered and rejected a motion by the Landowner Intervenors to compel Enbridge to submit an answer to a discovery question regarding consents received by the pipeline from local governments for the use of their public right-of-ways. Second, the ALJ addressed a multitude of delayed motions to intervene in the proceedings filed on and after July 10, 2012, all of which were denied.⁷

On November 8, 2012, the ALJ conducted the final motion hearing at which she made rulings on three motions. The first two motions were filed by Enbridge. Both related to requests by Enbridge to strike the pre-filed testimony and exhibits submitted by the Landowner Intervenors. The first motion considered by the ALJ pertained to the pre-filed testimony of Leroy E. Rodgers and his proposed exhibit, which the ALJ agreed to strike from the record. The second motion pertained to the pre-filed testimony of Debora Hense and her proposed exhibits, which were also stricken from the record. The third motion was filed by the Landowner Intervenors. It pertained to a request by the Landowner Intervenors for entry of a protective order and for issuance of an order to compel discovery. Specifically, the Landowner Intervenors were seeking access to a highly detailed set of maps that Enbridge had voluntarily provided to the Staff, but not to the Landowner Intervenors. After oral argument by the parties and questioning by the ALJ, the parties

⁶ The August 14 order appears at <http://efile.mpsc.state.mi.us/efile/docs/17020/0142.pdf>.

⁷ A recitation of the names of the proposed intervenors appears at 4 Tr 209. The ALJ's ruling denying the delayed interventions appears at 4 Tr 227-233.

reached an agreement under which the specific portions of the maps pertinent to the Landowner Intervenor's properties were to be provided pursuant to a protective order.

Statutory Provisions

Pursuant to Act 16, the Commission is granted the authority to control and regulate oil and petroleum pipelines. Act 16 provides the Commission with broad jurisdiction to approve the construction, maintenance, operation, and routing of pipelines delivering liquid petroleum products for public use. Generally, the Commission will grant an application pursuant to Act 16 when it finds that (1) the applicant has demonstrated a public need for the proposed pipeline, (2) the proposed pipeline is designed and routed in a reasonable manner, and (3) the construction of the pipeline will meet or exceed current safety and engineering standards. *See*, the July 23, 2002 order in Case No. U-13225.

Testimony and Exhibits

The ALJ conducted the evidentiary portion of this proceeding on November 13, 2012. Because the Commission has dispensed with the preparation of a PFD, the Commission has reviewed and will describe the testimony and exhibits in detail in this order.

a. Enbridge

Enbridge presented the testimony of four witnesses and offered six exhibits, all of which were received into evidence. Mark Sitek, Enbridge's Vice President of Major Projects Execution, explained Enbridge's corporate structure, gave details of Enbridge's operations, and described the design and construction of the overall Line 6B project. Mr. Sitek described how Line 6B is to be operated and the service it will provide. He also explained why the Line 6B project is needed and explained the public need and benefits of the project.

According to Mr. Sitek, Enbridge operates a 3,500 mile international integrated liquid petroleum pipeline system known as the Enbridge Mainline System (EMS). Generally, Enbridge's EMS pipeline system links oil producing facilities in western Canada and North Dakota to markets in the United States and eastern Canada.

The part of the EMS located in the United States is known as the Lakehead System.⁸ The Lakehead System spans 1,900 miles from the US/Canada international border near Natchez, N.D., to the US/Canada international border near Marysville, Michigan, plus a short section from the international border at the Niagara River into the Buffalo, New York area. The Lakehead System operates in seven Great Lakes areas and transports between 50% and 75% of the crude oil needed by refineries in the Upper Midwest, including the Marathon Petroleum Company (Marathon) refinery in Detroit, Michigan.⁹ The refineries served by the Lakehead System provide "refined petroleum products used by Michigan and regional residents in the form of gasoline, jet fuel and other petroleum products." 6 Tr 289.

The complete description of the scope of the Line 6B project covered by this application appears at 6 Tr 291-294. Starting at 6 Tr 294, Mr. Sitek provided an explanation of why Enbridge decided to undertake the Line 6B project. In his testimony, Mr. Sitek stated that replacement of the entire Line 6B pipeline was "a component of [Enbridge's] long-term integrity management program." 6 Tr 294. The initial phase of the long-term integrity management program called for

⁸ Generally, Line 6B is the portion of the Lakehead System that runs through Michigan. *See*, note 1, *supra*.

⁹ Of the other refineries served by Line 6B that are physically nearby Michigan, two are located in Toledo, Ohio and three are located in Sarnia, Ontario.

replacement of 75 miles of Line 6B, of which there were two noncontiguous segments totaling 10 miles replaced in Indiana, and five noncontiguous segments totaling 65 miles in Michigan.¹⁰

After dealing with the first 75 miles of Line 6B replacements, Mr. Sitek stated that Enbridge then evaluated the operation of the remaining Line 6B segments, and based on comprehensive and integrated integrity results, came to the conclusion that projected future maintenance activities on these remaining segments and the limitations on the current capacity of Line 6B¹¹ could both be resolved favorably by the replacement of the remaining Line 6B segments as proposed in this application. In addition, Enbridge believes that the upgrades to Line 6B will allow it to meet its shippers' forecasted demands for additional pipeline capacity in the future in a cost-effective manner. 6 Tr 296.

Mr. Sitek explained that the project would fulfill the statutory requirement of public need by the following testimony:

The Phase 2 Replacement Project serves a public need because it: 1) reduces the frequency and magnitude of maintenance activities that would otherwise be needed in these pipeline segments to maintain continued safe operations, thus, providing significant benefits to landowners, local communities and the environment; 2) restores the ultimate pipeline capacity of Line 6B and adds incremental pipeline capacity to meet shippers' current and future transportation requirements as well as avoids anticipated increased level of apportionment on Line 6B; and 3) serves the future petroleum requirements of Michigan residents and surrounding region, who are dependent on refineries throughout the region to meet their refined petroleum product needs.

6 Tr 301-302.

Other reasons proffered by Mr. Sitek in support of the public benefits of the project include a reduction in future integrity excavations that disrupt landowners and local communities along

¹⁰ See, Case Nos. U-16838 and U-16856 for a more complete description of the Michigan-based activities.

¹¹ Currently, Enbridge is required to operate Line 6B at a reduced pressure, which limits the capacity of the pipeline.

Line 6B, and sparing the landowners and local communities along Line 5 from an even more intrusive construction of a second parallel pipeline across the Upper Peninsula and through the northern lower peninsula of the state. Additionally, Mr. Sitek described the estimated \$3.1 billion of economic benefits that will flow from Enbridge's payment of higher property taxes, the creation of 21,948 person-years of construction jobs, the local purchase of consumables and miscellaneous materials, and food and temporary housing for its workforce. *See*, testimony at 6 Tr 306 and Table No. 3 at 6 Tr 307. Mr. Sitek also explained the public outreach efforts undertaken by Enbridge to inform landowners, public officials, and other stakeholders about the project. *See*, 6 Tr 307-309. Finally, Mr. Sitek confirmed that Enbridge has accepted the requirements imposed by Act 16, which is a statutory requirement imposed by MCL 483.6.¹² 6 Tr 311.

Mr. Sitek sponsored Exhibit A-1, which provides an overview map of the Line 6B replacement project. Additionally, he sponsored Exhibit A-6, which provides an overview of the refineries directly or indirectly served by Line 6B. Both of his exhibits were received into evidence.

Thomas Hodge, Enbridge's Project Director for the Line 6B project, testified about the design and the construction of the Line 6B project. Mr. Hodge provided a detailed description of each of the pipeline segments at 6 Tr 357 to 359. Further, he explained that Enbridge is not planning to remove the existing Line 6B pipeline segments that are being replaced. Rather, he stated that Enbridge will deactivate those segments in place by purging each segment of any materials, capping the ends, and then filling the deactivated segments with an inert gas (nitrogen) at a low pressure.

¹² In paragraph 54 of its application, Enbridge also made an explicit authorized acceptance of 1929 PA 16, as amended, which is required by MCL 483.6.

Next, Mr. Hodge described the installation of new station facilities to be added at its existing station locations. *See*, 6 Tr 360 and Exhibit A-2. Mr. Hodge then provided the details of the requirements governing the design, construction, installation, operation, and maintenance of the pipeline, which appear at 6 Tr 362. According to Mr. Hodge, Enbridge will comply with all applicable federal, state, and local regulatory and permitting requirements that govern the design, construction, installation, operation, and maintenance of liquid petroleum facilities. His testimony also includes Table No. 2 that sets forth specifications for the 30- and 36-inch replacement segments for Line 6B. According to him, the applicable governing federal pipeline safety regulations are contained in 49 Code of Federal Regulations Part 194 and 195 (49 CFR Parts 194 and 195). He also acknowledged that Enbridge would be governed by applicable national technical standards.

Mr. Hodge also explained that the improvements to Line 6B will allow for operation of the pipeline at an increased operating pressure, which will increase its capacity. The details of the pre- and post-construction operating specifications appear on Table No. 3 at 6 Tr 364.

According to Mr. Hodge, these pipeline improvements will necessitate the acquisition by Enbridge of new right-of-way easements and permits. Such acquisitions will include both permanent and temporary right-of-way easements, which he generally described on Table No. 4 at 6 Tr 368 and in Appendix A of Exhibit A-5. He explained that the additional easements are needed “to ensure safe separation or distance between the active line or other facilities and the newly replaced segments for construction, maintenance and operation purposes.” 6 Tr 367. Generally, Enbridge intends to acquire up to 50 feet of new permanent right-of-way immediately adjacent to and abutting its existing Line 6B right-of-way so that it can maintain a 25-foot offset

from the deactivated pipeline and the new pipeline, with another 20-foot buffer zone from the new pipeline to the edge of the new right-of-way.

With regard to the need for temporary workspaces, Mr. Hodge testified that Enbridge would likely need to avoid encroachments, certain land features, and/or environmental circumstances. Additionally, due to special circumstances, Mr. Hodge opined that it might be necessary for Enbridge to deviate from its planned route to address a few special landowner requirements or to avoid special land or environmental features. In such cases, Mr. Hodge stated that Enbridge would acquire a new 60-foot permanent right-of-way easement. Additionally, Mr. Hodge confirmed that Enbridge planned to work with affected landowners regarding minor route adjustments on a case-by-case basis.

Mr. Hodge sponsored Exhibits A-2, A-3, A-4, Appendix A of Exhibit A-5 and Section 2 of Exhibit A-5. These exhibits include a project description, maps, design and construction specifications, right-of-way configuration drawings, and a portion of the company's Environmental Impact Report (EIR). All of these exhibits were received into evidence.

During cross-examination Mr. Hodge clarified that in certain areas Enbridge might be able to locate the new pipeline within the existing right-of-way. He also stated that Enbridge would be willing to restore a previously treed temporary workspace by planting trees after the construction is completed. 6 Tr 378.

Rachel Shetka, Enbridge's Senior Environmental Analyst, testified that she oversaw preparation of the company's EIR for the Line 6B project. She also served as the lead contact for the company with regulatory agencies. Ms. Shetka stated that the EIR was prepared under her supervision by a team of qualified experts, including wetland and wildlife scientists, archaeologists, and environmental specialists. Multiple field teams surveyed a 250-foot-wide

corridor for wetlands, waterbodies, sensitive habitats, and cultural resources. Ms. Shetka testified that:

The results of the field surveys identified the pipeline segments crossing 338 wetlands; 60 perennial waterbodies; 68 intermittent / ephemeral waterbodies; and potential Indiana bat roost trees. Significant cultural resources sites identified along the Project route include eight standing structures and three prehistoric buried sites that are potentially eligible for listing on the National Register of Historic Places ("NRHP"). Thirty-two isolated finds or small lithic scatters were identified and are not recommended for additional survey work or listing on the NRHP. Enbridge submitted the survey report to the Michigan State Historic Preservation Office ("SHPO") for review and comment on February 10, 2012. Enbridge is currently consulting with the SHPO to determine the best method for routing the pipeline around or near the three buried prehistoric sites and constructing near significant standing structures. Enbridge is also consulting with the SHPO on what type of mitigation, if any, may be needed for work near the potentially eligible historic structures.

6 Tr 412-413.

Ms. Shetka explained that Enbridge also considered various alternatives, including a no-action alternative; a repair versus replace alternative; system alternatives; route variations; alternative energy sources; and energy conservation. However, in the end, the company determined that the Line 6B project was the preferred alternative. Her testimony regarding alternative routes mirrors that of Mr. Hodge at 6 Tr 369-370. The balance of Ms. Shetka's testimony involved descriptions of construction techniques for minimizing environmental impacts, the existence of sensitive species, habitats, and culturally significant sites, and the necessity of obtaining air quality and other federal, state, and local permits.

Ms. Shetka sponsored Exhibit A-5 that includes the EIR and its six appendices, all of which were admitted into evidence.

Douglas Aller, Enbridge's Land and Right-of-Way Project Manager, testified regarding right-of-way requirements for the project. According to Mr. Aller, the Line 6B project will require Enbridge to acquire new permanent and temporary right-of-way easements immediately adjacent

to and abutting Enbridge's existing pipeline right-of-way. This expanded right-of-way space is needed to provide a buffer between the newly installed pipeline segments and the existing pipeline. It is also essential to accommodate construction activities along the path of the pipeline. At 6 Tr 433-435, Mr. Aller explained the areas in which additional right-of-ways will be needed.

Mr. Aller next explained why the project includes several deviations from the existing right-of-way of Line 6B. According to him, due to some landowner requests, encroachments, land use, and construction issues, Enbridge envisions that slight deviations will be necessary.

Mr. Aller testified that the existing right-of-way easements along Line 6B typically have a 60-foot wide permanent easement. According to him, the existing Line 6B centerline is generally aligned 20 feet from one edge of the easement and 40 feet from the other edge. Because the replacement pipelines are designed to have a 25 foot offset from any existing pipeline¹³ and a 20 foot offset from the boundary of the easement, Enbridge will need to acquire, depending on the location, up to 50 feet in width for the new permanent right-of-way.

Mr. Aller also stated that in certain areas temporary construction areas will be needed. As examples, Mr. Aller described the need for horizontal directional drilling zones around roadways, railroads, and river crossings. 6 Tr 437-438. Finally, Mr. Aller testified:

Enbridge remains committed to working with landowners as field survey work proceeds, and the exact location for the new 30-inch and 36-inch diameter pipe is determined within the new, or existing, Line 6B pipeline easements. Enbridge has sent an 'Introduction Packet' to landowners along the Line 6B route to keep them informed on the progress of our replacement Project. Also, Enbridge established a toll-free number for inquiries and a Project website to keep interested Stakeholders informed about the Project. Enbridge plans to commence negotiations for such land rights once civil survey and land title work are completed. Prior to initiation of such negotiations, Enbridge plans to hand deliver, where practical, or mail its informational packets to landowners of agricultural property prior to any offers for a pipeline easement as required under 1929 PA 16; MCL 483.2a. Enbridge will negotiate in good faith with affected

¹³ In some locations more than one existing pipeline inhabits the existing easement.

landowners along each replacement segment for the acquisition of any additional permanent or temporary right-of-way and easement grants that are needed for the Project.

6 Tr 438.

b. Commission Staff

The Commission Staff presented the testimony of Travis Warner, a Public Utilities Engineer in the Gas Operations Section of the Commission's Operations and Wholesale Markets Division. Mr. Warner testified in support of Enbridge's application and he sponsored nine exhibits. He concluded that the Phase 2 Project was necessary and in the public interest.

Mr. Warner explained that the Pipeline and Hazardous Materials Safety Administration (PHMSA), an agency within the U.S. Department of Transportation, is responsible for the enforcement of 49 CFR Part 195, which governs the requirements for the design, construction, pressure testing, operations and maintenance, employee qualifications, and corrosion control standards applicable to both the existing Line 6B and the replacement line proposed in this application.

Mr. Warner explained that following the July 25, 2010 rupture of Line 6B, PHMSA issued a Corrective Action Order (CAO) that requires Enbridge to operate Line 6B at 80% of the operating pressure at the time of the rupture. Because the Marshall segment was operating at 425 pounds per square inch gauge (psig), the CAO requires Enbridge to operate the Marshall segment at a 20% pressure reduction, which is about 340 psig. Mr. Warner stressed that the pressure limitation imposed by the CAO translates into a corresponding reduction in throughput capacity. According to Mr. Warner, "there is no guarantee that PHMSA will ever allow Enbridge [to] operate Line 6B at its original design pressure and the subsequent capacity." 6 Tr 465. Moreover, Mr. Warner confirmed Enbridge's allegation that the CAO-ordered operating pressure reduction and the

corresponding capacity reduction are having adverse effects on shippers and Midwest refineries, including the large Marathon refinery in Detroit.

Because PHMSA was signaling that Line 6B may need to be replaced, and because the alternative of expanding Enbridge's Line 5 was more costly and would be more intrusive to landowners, Mr. Warner testified that the Staff agreed with the company that replacing and increasing the capacity of Line 6B is the most efficient way to transport additional crude supply from the western producing areas to the eastern markets. Additionally, Mr. Warner stated that replacement of the old segments of Line 6B with the new segments proposed in this application would eliminate any integrity issues identified by PHMSA in Exhibits S-4 and S-5. Moreover, Mr. Warner agreed that the replacement of the old Line 6B segments would be a better alternative "because with the number of repairs needed on the pipeline, Enbridge would routinely be in the right-of-way causing ongoing long-term issues for landowners." 6 Tr 470. Indeed, he also opined that "the risk of a failure will be lower if the pipeline is replaced." 6 Tr 471.

Mr. Warner testified that the Staff had reviewed maps of the preliminary proposed pipeline route, and had found it to be reasonable. He also confirmed that the proposed permanent right-of-way and temporary work space needs were reasonable. On the subject of potential route deviations, Mr. Warner testified that there are 35 potential route variations along the line that Enbridge is still in the process of evaluating. He stated that these potential route variations are relatively minor because individually, each variation is less than one mile from the existing Line 6B route. He added that about 50% of these route variations are attributable to efforts by Enbridge to avoid placing the new pipeline close to a residence. He recommended that Enbridge use route variations to lessen impacts to landowners or to provide a greater offset from an existing residence.

c. Landowner Intervenor

The Landowner Intervenor proposed to introduce the testimony of two witnesses, but the testimony and exhibits of those two witnesses were stricken from the record by the ALJ after she determined that their testimony and exhibits were not relevant to the issues raised by this proceeding. The Landowner Intervenor did introduce 18 other exhibits, which were comprised of 10 discovery responses (Exhibits I-1 to I-10), a webpage-based Regional Input-Output Modeling System (Exhibit 11),¹⁴ a map of North America depicting Enbridge's Liquid Pipelines (Exhibit I-12), and Enbridge's Federal Energy Regulatory Commission (FERC) tariffs (Exhibits I-13 to I-18). These documents were submitted during the cross-examination of the witnesses proffered by Enbridge. Among the points covered by the Landowner Intervenor's exhibits are that Enbridge is an interstate common carrier (Exhibit I-1); that no shipper has requested intrastate service in Michigan from Enbridge (Exhibit I-1); that Enbridge is prepared to meet its legal obligations to provide intrastate common carrier pipeline service within the State of Michigan (Exhibit I-2); descriptions of residences located in close proximity to the centerline of the pipeline (Exhibit I-3); an inquiry regarding whether the pipeline will transport petroleum liquids derived from tar sands (Exhibit I-4); a statement that Enbridge accepts all legal requirements imposed by Act 16, including presumably those of a common carrier and a common purchaser (Exhibit I-5 and Exhibit I-6); an explanation of why both 30-inch and 36-inch diameter pipe will be installed at different places along the pipeline's route (Exhibit I-7); a statement that Enbridge is prepared to work with any shipper of Michigan-produced crude oil and petroleum at any safe and appropriate location along Line 6B (Exhibit I-8); an explanation of how a pipeline transports different grades of crude oil via batch processing (Exhibit I-9); and a reaffirmation that Enbridge accepts all requirements

¹⁴ See, <http://www.bea.gov/regional/rims/brfdesc.cfm>.

imposed by Act 16 (Exhibit I-10). The Landowner Intervenor also submitted both a brief and a reply brief.

d. Mr. Fischer

Mr. Fischer offered no testimony nor did he submit any exhibits. However, he did participate in the cross-examination of the witnesses, and he did submit a brief and a reply brief.

e. The Fetzer Institute

Initially, the Fetzer Institute was active in the proceeding as a party. But its interest and participation waned as the proceeding progressed. The Fetzer Institute did not appear for the evidentiary hearing. It did not submit any testimony or any exhibits. It did not participate in cross-examination; nor did it file a brief or a reply brief. In short, the Commission has no basis for speculating how the Fetzer Institute would want this matter to be decided.

Positions of the Parties

a. Enbridge

In its brief, Enbridge maintains that its application should be granted because it meets all of the requirements of Act 16. Citing the Commission's July 23, 2002 order in Case No. U-13225, which involved an Act 16 pipeline application filed by Wolverine Pipe Line Company, Enbridge insists that its proofs established that the pipeline is needed, that the route of the pipeline is reasonable, and that the design of the pipeline will meet or exceed current safety and engineering standards.

With regard to the public need issue, Enbridge states that the Line 6B project constitutes an environmentally responsible and efficient solution to its long-term task of maintaining the integrity of the pipeline. By replacing the remaining segments of the original Line 6B, the company

anticipates that it will lessen future intrusive maintenance activities, which it argues is in the public interest, because it minimizes the amount and frequency of such events.

On the topic of how the Line 6B project will affect Michigan's energy needs, Enbridge contends that the record is replete with evidence that absent approval of the Line 6B project, the current and future needs of shippers, local refineries, and ultimately, Michigan's consumers will be underserved. Indeed, Enbridge stresses that Line 6B is operating under periodic apportionments.¹⁵ Further, Enbridge maintains that there is abundant evidence of shipper and local refinery support for an increase in pipeline capacity at this time.

Moreover, Enbridge contends that because the Line 6B project will cost \$1.295 billion, Michigan communities will benefit from \$23 million in extra annual property tax payments beginning in 2014. Also, Enbridge estimates that the total economic impact of the construction of the pipeline will produce upwards of a \$3.1 billion boost during the construction of the pipeline. Further, according to Enbridge, post-construction general economic benefits are estimated to range from \$315 million to \$350 million annually.

On the issue of the reasonableness of the proposed pipeline route, Enbridge contends that the route is reasonable because it follows the path of the existing Line 6B pipeline. Using the existing path, argues Enbridge, lessens environmental impacts and minimizes disruptions to landowners. Enbridge points out that it did consider alternatives to construction of the Line 6B project, but had rejected all of them because they were either inadequate, more costly, and/or because they would cause even more disruption to the environment and the adjacent landowners.

¹⁵The allocation of capacity when nominations exceed available capacity is referred to as "apportionment." When nominations on a pipeline exceed available capacity in a given month, the volumes nominated are allocated amongst those shippers that nominated in a month in accordance with the specific, nondiscriminatory, procedures detailed by the FERC.

Finally, on the question of whether the pipeline's design will meet or exceed current safety and engineering standards, Enbridge states that PHMSA is responsible for the enforcement of the design, construction, and safety of the pipeline. Enbridge contends that Mr. Hodge testified that the pipeline will be designed, constructed, installed, operated, and maintained to meet or exceed applicable pipeline safety requirements including, but not limited to, those specified in 49 CFR Parts 194 and 195 to protect the public health and safety and to minimize environmental impacts.

b. Commission Staff

In its brief, the Staff first addresses the need for the pipeline. According to the Staff, one of the main concerns underlying the proposed construction of the Line 6B project is the continuing integrity issue faced by the existing Line 6B. The Staff agrees that it would be in the public interest to replace the existing Line 6B with the new project, which would address the integrity issue, reduce future maintenance digs, and increase capacity to serve the present and future needs of shippers and local refineries. Indeed, Staff witness Warner testified that he had recently confirmed the need for additional pipeline capacity at the site of Marathon's Detroit refinery.

On the routing issue, the Staff emphasizes that it carefully reviewed maps and aerial photographs of the proposed pipeline route. Relying on the testimony of both Enbridge's witnesses and on Mr. Warner's testimony, the Staff asserts that Enbridge has proven that the design and the route of the pipeline are reasonable.

With regard to the safety and engineering issues, the Staff expresses its opinion that Enbridge had also proven that the pipeline will meet or exceed all applicable current design and safety standards. Specifically, the Staff relies on the testimony of Enbridge witness Hodge that the pipeline would be built to the current design and safety standards in 49 CFR 194 and 195.

Because Enbridge accepted the provisions of Act 16, and because Enbridge's proofs demonstrated public need for the proposed pipeline, that the proposed design and route are reasonable, and that the proposed pipeline will meet or exceed current safety and engineering standards, the Staff maintains that Enbridge's application should be approved.

c. Landowner Intervenor

In addition to introducing 18 exhibits, the Landowner Intervenor filed both a brief and a reply brief. In so doing, the Landowner Intervenor insists that Enbridge's application should be denied.

According to the Landowner Intervenor, procedural irregularities such as the alleged insufficiency of the notice sent out by Enbridge and the rejection of numerous petitions for delayed intervention combined to deny them a fair hearing.

Next, the Landowner Intervenor maintains that the ALJ should have received a copy of the NTSB Report about the July 25, 2010 Line 6B leak into evidence. The Landowner Intervenor maintains that proposed Exhibit I-19 contains extremely relevant material. The Landowner Intervenor insists that the NTSB report would have provided relevant information showing that safety concerns do not drive the need for replacement of the pipeline. The Landowner Intervenor also maintains that because the instant proceeding is regulatory in nature, the evidentiary preclusion provision set forth in 49 USC 1154(b) does not apply.

Regarding the question of whether the proposed pipeline will satisfy current safety and engineering standards, the Landowner Intervenor argues that the Staff did not fully comprehend the extent of the safety measures that the federal government required Enbridge to take. This position is based on a claim that the Staff's witness had no knowledge regarding which portions of Line 6B PHMSA had indicated should be replaced.

The Landowner Intervenor next argue that Enbridge's application does not satisfy the requirements of Act 16. Specifically, citing Sections 4 and 5 of Act 16, MCL 483.4 and MCL 483.5, the Landowner Intervenor argue that Enbridge must be both an intrastate common purchaser and an intrastate common carrier to receive approval of its application under Act 16. The Landowner Intervenor stress that Enbridge is neither an intrastate common purchaser nor an intrastate common carrier at this time. Because Enbridge has not demonstrated that it has any plans to ever perform public utility functions under Act 16, the Landowner Intervenor maintain that Enbridge's application should be denied.

Additionally, the Landowner Intervenor contend that Enbridge's proofs are insufficient to establish that its proposed pipeline will result in a public benefit. According to the Landowner Intervenor, there is no real evidence to support Enbridge's contention that construction of the new pipeline will be less disruptive to landowners than periodic repairs to the existing pipeline. Further, because lessening the need to repair either the old pipeline or the new pipeline is simply a disruption of a lone landowner, any benefit attained would more properly be classified as a private benefit, not a public benefit.

Citing Article X, Section 2 of the Michigan Constitution of 1963 and *Lakehead Pipe Line Co v Dehn*, 340 Mich 25; 64 NW2d 903 (1954), the Landowner Intervenor insist that granting Enbridge authority to build its new pipeline is unlawful. The Landowner Intervenor again opine that absent some amount of intrastate common purchaser and common carrier activity, Enbridge is prohibited by Article X, Section 2 from exercising condemnation authority.

Lastly, the Landowner Intervenor maintain that, if the Commission approves Enbridge's application, then the Commission must, as a condition of its approval, require Enbridge to "clarify the granularity of its route approval as to each parcel." Landowner Intervenor's initial brief, p. 17.

As authority for this requirement, the Landowner Intervenor cite Section 6(3) of the state's Uniform Condemnation Procedures Act, MCL 213.56(3).

d. Mr. Fischer

Mr. Fischer did not testify, nor did he submit any exhibits. Instead, he relied on his brief and reply brief. In his initial brief, Mr. Fischer conceded that the public is entitled to a safe and reliable fuel supply. However, he urged the Commission to find that conservation measures, including the use of alternative energy sources, will allow for the balancing of supply and demand. He also suggested that the record calls into question whether Enbridge's status as a common carrier will withstand attacks at the FERC. Next, Mr. Fischer asserts that the proposed pipeline route is not reasonable. He apparently bases this opinion on the fact of the Line 6B leak in 2010, a tank farm leak in Illinois, an oil spill near Chicago, a release of gasoline in Wisconsin, and other undescribed records of Enbridge's violations. Mr. Fischer also commented regarding the potential for the future use of the deactivated Line 6B, arguing that it should no longer be considered safe for the transportation of petroleum products. Additionally, Mr. Fischer generally criticized Enbridge's ability to condemn private property of abutting landowners like him. Finally, Mr. Fischer insists that the issue of whether the proposed pipeline will meet or exceed current standards is not answerable at this time because the applicable standards could be strengthened in the near future. Therefore, he contends that it is premature for the Commission to address Enbridge's application at this time.

Discussion

Many cases litigated before this Commission involve matters that are arguably close calls. This case is not one of them. Whereas the evidentiary presentations by Enbridge and the Staff

were thorough and complete as discussed above, the evidentiary presentations of the pipeline's opponents were virtually nonexistent. This introductory observation is critical because the Commission is required to base its findings on record evidence. With this in mind, the Commission first turns to the three key issues raised by Enbridge's Act 16 pipeline application.

On the issue of public need, the Commission finds that there is abundant unrefuted testimony establishing that Enbridge's shipper and refinery customers both have a present need for additional pipeline capacity. 6 Tr 297. For example, Staff witness Warner testified that on September 25, 2012, he confirmed that an expansion of the Marathon refinery in Detroit was to be completed in 2012, and that Enbridge's expansion project was being counted on by Marathon for the purpose of accommodating increases in deliveries of heavy crudes coming from western Canada to the Detroit refinery. 6 Tr 467 and Exhibit S-3. Also, it is unrefuted that Line 6B is the only pipeline "that can transport the large volumes or types of crude oil and petroleum produced in western Canada or the Williston Basin to refineries served in the region of the Project." 6 Tr 300. These refineries, including the expanded Marathon facility in Detroit, will "process crude oil into the petroleum products used by consumers and businesses in Michigan and the surrounding regions." 6 Tr 300. Also, it is obvious to the Commission that the public interest will be furthered by replacing the decades' old existing Line 6B segments, which currently are subject to a federally-imposed operating pressure restraint ordered in the aftermath of the Line 6B catastrophic failure in 2010, with a completely updated pipeline that will not be subject to an operating pressure restraint. Additionally, both Enbridge and the Staff stressed that having new pipeline segments on Line 6B will minimize the occurrence of maintenance digs, which can be disruptive events for abutting landowners, affected municipalities, and the general public.

In reaching its determination on the public need issue, the Commission finds that it is appropriate to discount the positions taken by Mr. Fischer and the Landowner Intervenor regarding the proofs. Mr. Fischer's arguments are mostly generalizations based not on record evidence, but on his own suppositions. As pointed out by Enbridge, such arguments are wholly inappropriate because both the Commission's Rules of Practice and Procedure¹⁶ and the Michigan Administrative Procedures Act¹⁷ require the Commission's decisions to be based on record evidence. Mr. Fischer offers none to support his positions. Likewise, the Commission finds that the Landowner Intervenor's representations on the public need issue are clearly outweighed by the proofs submitted by Enbridge and the Staff and are lacking in arguable merit. At pages 13-14 of their initial brief, the Landowner Intervenor acknowledges, but trivializes, that the new pipeline will both lessen the impact on abutting landowners and serve the needs of shippers and refiners. To the contrary, the Commission finds that (1) replacing pipeline segments of questionable integrity with new pipeline segments; (2) reducing the number of maintenance digs; (3) increasing the capacity of the pipeline; and (4) reducing or eliminating apportionments are all important to the public interest and demonstrations of public need. Moreover, the Commission finds that the Landowner Intervenor's public need arguments that are based on *Lakehead Pipe Line Co v Dehn, supra*, are specious because they are grounded on a tortured interpretation of the Supreme Court's decision. Contrary to the Landowner Intervenor's interpretation, the Supreme Court quite clearly indicated that Act 16 was applicable to a pipeline operating in interstate commerce that would be delivering petroleum products in interstate commerce to an in-state refinery:

As before noted, however, plaintiff proposes to deliver oil to Michigan refineries and other purchasers in this State. That such transportation and delivery in interstate commerce will result in benefits to Michigan is scarcely open to

¹⁶ See, R 460.17325(2).

¹⁷ See, MCL 24.276.

question. It is further in evidence that plaintiff holds itself out, and will continue to do so, as ready, willing and able, to transport oil in intrastate commerce if and when such business is offered to it.

340 Mich at 34.

For these reasons, the Commission finds that Enbridge has proven by a preponderance of the evidence that its pipeline proposal will serve a public need.¹⁸

The second issue raised by the application concerns whether the proposed pipeline is designed and routed in a reasonable manner. Again, the Commission finds decisive support for Enbridge's position on this issue. To begin with, the Commission concludes that Enbridge's decision to place the new line alongside the route of the existing pipeline makes the most sense and is the best solution to the routing issue. In some areas, the company will not need to acquire any additional easement space. Further, adhering to the existing route takes the greatest advantage of earlier pipeline improvements along Line 6B, which were previously approved by the Commission. Also, the Commission is persuaded that use of the existing path will minimize environmental impacts and disruptions to landowners. Additionally, the Staff agreed that the "no action" option would mean long-term capacity reductions, which were already adversely affecting shippers and refineries alike. The Staff also agreed that another pipeline route, such as paralleling Line 5, would prove to be much more costly and would disrupt more landowners. For these reasons and due to the lack of any credible record evidence to the contrary, the Commission finds that the proposed pipeline has been designed and routed in a reasonable manner.

¹⁸ Although the record is clear that Enbridge is not now an intrastate common purchaser or an intrastate common carrier, the Commission finds that there is ample evidence that Enbridge would perform such activities if called upon to do so. Indeed, Enbridge has agreed to be bound by all of the legal requirements of Act 16. *See*, 6 Tr 311 and 479 and Exhibit I-2. Also, Exhibit I-8, which was admitted at the behest of the Landowner Intervenors, establishes that "Enbridge is prepared to work with any shipper of Michigan-produced crude oil and petroleum at any safe and appropriate location along Line 6B." Likewise, the Commission finds that Mr. Fischer's speculations regarding Enbridge's interstate common carrier status are specious.

The third issue presented by the application involves whether the construction of the pipeline will meet or exceed current safety and engineering standards. With regard to this issue, witnesses from both Enbridge and the Staff opined that the construction of the pipeline will meet or exceed current safety and engineering standards. Mr. Hodge testified that Enbridge will comply with all applicable federal, state, and local regulatory and permitting requirements that govern the design, construction, installation, operation, and maintenance of the pipeline. He described the specifications for the 30- and 36-inch replacement segments for Line 6B. According to Mr. Hodge, the applicable governing federal pipeline safety regulations will be complied with during the construction of the pipeline. Mr. Hodge also acknowledged that Enbridge will be governed by applicable national technical standards. The Staff concurred with the company's position.

The positions of Enbridge and the Staff were not challenged by record evidence introduced by either the Landowner Intervenor or Mr. Fischer. However, in their brief there was a representation made by the Landowner Intervenor that the Staff did not fully understand the safety measures that the federal government would be imposing on Enbridge. In its reply brief, the Staff demonstrated that it fully grasped the situation. According to the Staff, its position is based on Enbridge's representations that questions about the integrity of the existing Line 6B pipeline led Enbridge to conclude that replacement of the Line 6B segments would be the most economical solution and would result in fewer future maintenance activities on the line.

The Commission is persuaded that, at best, the Landowner Intervenor's complaints go to the weight, not the admissibility, of the Staff's testimony. The Commission finds that, in light of the Staff's expertise, the Staff's testimony is entitled to significant weight, and neither the Landowner Intervenor nor Mr. Fischer offered any contrary evidence on whether the construction of the pipeline will meet or exceed current safety and engineering standards. Accordingly, the

Commission finds that construction of the pipeline will meet or exceed current safety and engineering standards.

Other Issues

The Commission finds that none of the following arguments raised by the intervenors constitute a basis for denying Enbridge's application or granting them any form of regulatory relief.

First, Mr. Fischer's concern over the future use of the deactivated Line 6B pipeline segments is, at best, premature. Enbridge is not now proposing to do anything with those deactivated segments. Moreover, it is highly doubtful that the deactivated segments could be reused due to the existence of several gaps.

Second, certain aspects of the arguments raised by Mr. Fischer and the Landowner Intervenors regarding their constitutional and condemnation claims are clearly beyond the scope of the Commission's jurisdiction and will not be discussed.¹⁹

Third, both Mr. Fischer and the Landowner Intervenors complain that the ALJ improperly rejected the Landowner Intervenors' proposed Exhibit I-19, a copy of the NTSB's Report about the July 25, 2010 Line 6B catastrophic failure. An examination of the record demonstrates that proposed Exhibit I-19 was rejected by the ALJ for two reasons, either of which alone constitutes an appropriate basis for its rejection. To begin with, the ALJ found that receipt of the NTSB Report into evidence was barred by 49 USC 1154(b), which states:

¹⁹ See, *Dation v Ford Motor Co*, 314 Mich 152; 22 NW2d 252 (1946), which prohibits a state agency from determining a statute unconstitutional, and *Booth v Consumers Energy Co*, 226 Mich App 368; 573 NW2d 333 (1997), which finds that the Commission lacks authority to interpret statutes that it does not administer.

No part of a report of the Board, related to an accident or an investigation of an accident, may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

Next, the ALJ rejected the proffered exhibit on the ground that it was not relevant to this proceeding. 6 Tr 396. The Commission finds that proposed Exhibit I-19 is not relevant to this proceeding.²⁰ The NTSB Report pertains to the July 25, 2010 failure of Line 6B near Marshall. The segment of Line 6B that failed was the subject of Case No. U-16856.²¹ Proposed Exhibit I-19 does not address Enbridge's current application to replace the remaining segments of Line 6B.²² Moreover, the Commission agrees with Enbridge that proposed Exhibit I-19 is not relevant to Exhibit A-5, Appendix E. As explained by Enbridge, proposed Exhibit I-19 concerns the operation of Line 6B during the 2010 oil spill whereas Exhibit A-5, Appendix E pertains to preventing, containing, and controlling spills that might occur during construction of the new pipeline segments.

Fourth, the Landowner Intervenor's argument that parties who had actually received notice and had appeared for the hearing with an attorney have been denied procedural due process due to the lack of the issuance of a second notice is not relevant. Once a party appears, the party has

²⁰ In reaching the determination that the ALJ properly denied admission of proposed Exhibit I-19, the Commission rests its finding solely on the ALJ's ruling regarding the lack of relevance of the document.

²¹ The Commission approved Enbridge's application to replace the compromised Marshall area segment of Line 6B in its December 6, 2011 order in Case No. U-16856. *See*, <http://efile.mp.sc.state.mi.us/efile/docs/16856/0025.pdf>.

²² It is abundantly clear that while the Landowner Intervenor made lofty claims of the need to review the NTSB Report so as to "present those expert witnesses on behalf of the landowners that would be very highly qualified to speak on the subject and would give your Honor, you know, both sides of the story so you can make as informed decision as possible," [2 Tr 116] and that they demanded and received additional time to do so, in the end the Landowner Intervenor failed to submit admissible testimony from a single witness, expert or otherwise. Accordingly, the Commission finds that the NTSB Report constitutes nothing more than a red herring in this proceeding.

actual notice of the proceedings, and nothing additional is required. This issue was resolved by the Commission's July 13, 2012 order, which the Commission finds to be dispositive.

Fifth, the Commission also finds that the Landowner Intervenor's contention that Enbridge's application must be denied due to the ALJ's refusal to grant the delayed intervention petitions is without merit for several reasons. Because the ALJ denied the delayed intervention petitions on August 24, 2012, the ALJ's decision could have been appealed to the Commission, which had clearly indicated its interest in assuming full authority over all final fact-finding determinations when it announced its intention to read the record in its August 14, 2012 order. No one appealed the ALJ's ruling. Had any of the aggrieved persons desired to appeal the ALJ's ruling to the Commission, there was abundant time to do so before the commencement of the evidentiary hearing on November 13, 2012. Therefore, it is readily apparent that this issue was abandoned by the real persons in interest. Next, the Landowner Intervenor has no standing to raise this issue. The Landowner Intervenor is all parties to the case. They have no right to represent the interests of anyone but themselves. Finally, even a cursory examination of the ALJ's ruling demonstrates that it was not error to deny the delayed intervention petitions. R 460.17201(1) governs the question of whether a petition for delayed intervention may be granted. R 460.17201(1) provides, in part:

A petition for leave to intervene that is not filed in a timely manner may be granted upon a showing of good cause and a showing that a grant of the petition will not delay the proceeding or unduly prejudice any party to the proceeding.

The ALJ considered and found that most of the potential intervenors had timely notice of the proceedings, had not acted in a timely manner to seek intervention, and were without good cause to seek delayed intervention at a late stage of the proceedings. The ALJ also observed that the landowners being denied intervention could seek to have the Staff represent their interests, which

the Staff had done in previous cases. The record validates the ALJ's decision. With regard to the intervenors who alleged that they never received notice,²³ after inquiring into the situation, the ALJ found that "there was nothing peculiar about the addresses or the ownership of the property that would lead me to believe that they did not receive proper notice in this case." 4 Tr 232. The Commission agrees with the ALJ's assessment.

Sixth, the Landowner Intervenors insist that if the Commission grants Enbridge's application, the Commission must order the company to identify each and every parcel of property across which the pipeline will travel. Enbridge maintains that this burden is substantial and wholly unrelated to the Commission's authority under Act 16. The Commission finds that the Landowner Intervenors' request should be denied. The pipeline route is described in detail in Exhibit A-3. Possible deviations are very limited and described in Exhibit A-5. During the course of the hearing, the Landowner Intervenors received very detailed maps pertaining to their properties. Nothing in Act 16 requires Enbridge to file a more granular explanation of its pipeline route as a condition to approval of its application.

THEREFORE, IT IS ORDERED that:

A. The April 16, 2012 application filed by Enbridge Energy, Limited Partnership requesting approval to replace, construct, and operate a crude oil and petroleum pipeline running through Berrien, Cass, St. Joseph, Kalamazoo, Calhoun, Jackson, Ingham, Oakland, Macomb, and St. Clair counties is approved.

B. Enbridge Energy, Limited Partnership is authorized to replace, design, construct, install, test, operate, maintain, repair and own the replaced segments of its Line 6B Project described in its April 16, 2012 application and to install new facilities at the existing station sites at Niles,

²³ The names of these intervenors are Ronald Budd, Richard Mack, Chris and Jennifer Matuschka, and Frank Mitchell. 4 Tr 232.

Mendon, Stockbridge, Howell, Ortonville and St. Clair (Marysville) stations, including all related appurtenances, for the transportation of crude oil and petroleum as described in its application.

C. Enbridge Energy, Limited Partnership shall, within 60 days after the completion of the construction of the project, submit to the Commission “as built” maps.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, under MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

John D. Quackenbush, Chairman

Orjiakor N. Isiogu, Commissioner

Greg R. White, Commissioner

By its action of January 31, 2013.

Mary Jo Kunkle, Executive Secretary

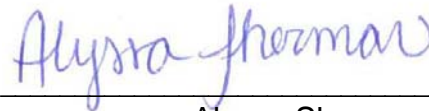
P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-17020

County of Ingham)

Alyssa Sherman being duly sworn, deposes and says that on January 31, 2013 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



Alyssa Sherman

Subscribed and sworn to before me
This 31st day of January 2013

Gloria Pearl Jones
Notary Public, Ingham County, MI
My Commission Expires June 5, 2016
Acting in Eaton County

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