May 27, 2020

Ms. Lisa Felice
Michigan Public Service Commission
7109 W. Saginaw Hwy.
P. O. Box 30221
Lansing, MI 48909

Via E-filing

RE: MPSC Case No. U-20763

Dear Ms. Felice:

The following is attached for paperless electronic filing:

- Reply to Enbridge Energy Limited Partnership's Comments Regarding Request for Declaratory Ruling by Michigan Environmental Council, Grand Traverse Band of Ottawa and Chippewa Indians, Tip of the Mitt Watershed Council, and National Wildlife Federation, and
- Proof of Service.

Sincerely,

Christopher M. Bzdok
Chris@envlaw.com

xc: Parties to Case No. U-20763

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application for the Authority to Replace and Relocate the Segment of Line 5 Crossing the Straits of Mackinac into a Tunnel Beneath the Straits of Mackinac, if Approval is Required Pursuant to 1929 PA 16; MCL 483.1 et seq. and Rule 447 of the Michigan Public Service Commission's Rules of Practice and Procedure, R 792.10447, or the Grant of other Appropriate Relief.	U-20763

REPLY TO ENBRIDGE ENERGY LIMITED PARTNERSHIP'S COMMENTS REGARDING REQUEST FOR DECLARATORY RULING BY MICHIGAN ENVIRONMENTAL COUNCIL, GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS, TIP OF THE MITT WATERSHED COUNCIL, AND NATIONAL WILDLIFE FEDERATION

May 27, 2020

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I. INTRODUCTION

The Michigan Environmental Council, Grand Traverse Band of Ottawa and Chippewa Indians, Tip of the Mitt Watershed Council, and the National Wildlife Federation Great Lakes Regional Center[1] submit this reply to the initial comments submitted by Enbridge Energy, Limited Partnership (Enbridge) following the Commission's April 22nd Order in this case. Enbridge's arguments for a declaratory ruling and ex parte approval are meritless, and the Commission should reject them.

In support of its request for declaratory relief, Enbridge first argues that its Line 5 replacement project is already authorized by the Commission's 1953 Orders that initially approved the Line 5 pipeline. However, those orders did not approve the construction of a tunnel and did not approve the proposed configuration of the new pipeline segment. And even if the new project was within the scope of the 1953 Orders, the Commission reserved jurisdiction and authority over Line 5, and the right to issue subsequent orders as the Commission deemed necessary. That reservation gives the Commission ample authority to require a new approval for the project and a new contested case.

Second, Enbridge argues that the project does not require approval under Public Act 16 of 1929. Enbridge argues that Act 16 merely requires the filing of a plat showing the location of pipelines and related facilities, rather than Commission approval. This position ignores the Commission's broad authority under Act 16 and longstanding precedent.

Third, Enbridge argues that Rule 447 of the Commission's Rules of Practice and Procedure does not require a new application or approval for the project. While Rule 447 requires an application for approval to construct facilities to transport crude oil or petroleum, Enbridge argues

[1] Collectively, MEC-GTB-WC-NWF.

that the rule should be construed to mean something different than it says, based on words or phrases from other sections of the rule. These arguments contravene fundamental principles for interpreting unambiguous legal directives, and in any case are not supported by the words in the other sections that Enbridge relies on. Enbridge's policy argument fails for the same reasons.

Fourth, in the alternative to its request for declaratory ruling, Enbridge requests ex parte approval for the project. The Commission should deny this request as well because Enbridge offers no legal authority to support it; the Commission has broad discretion to require a contested case; and because the Commission has traditionally done so in matters that generate significant intervenor interest or where a decision would benefit from a complete record.

Finally, Enbridge maintains its argument that the tunnel is somehow not a part of this case – despite the facts that the tunnel is a facility to transport oil; and most of the company's filing discusses the tunnel. Because Enbridge has shown it will muddy the waters on this issue as long as it can, the Commission should clear it up now, to prevent the future waste of time and resources in this proceeding.

II. ENBRIDGE'S REQUEST FOR DECLARATORY RULING SHOULD BE DENIED.

A. The 1953 Orders do not Authorize Enbridge to Construct the New Pipe Segment or the Tunnel; and Even if They Did, the Commission Specifically Reserved the Right to Issue Further Orders in the Future.

Enbridge first argues that the 1953 Orders granted approval to construct, operate, and maintain Line 5 and that the project "falls squarely within the scope of this previously granted authority."[2] Enbridge claims this is so because it is "merely relocating" four miles of the pipeline

[2] Enbridge comments, p 11. See *In the matter of the application of Lakehead Pipeline Company, Inc for approval of construction and operation of a common carrier oil pipeline,* Case No. D-3903-53.1, Order dated March 31, 1953, and Supplemental Order dated May 29, 1953; both included as Exhibit A-3 to the application in this case.

within a tunnel located along Line 5's existing route.[3] Enbridge further claims that the project "does not alter the nature or the services provided by Line 5" and "does not change the annual average capacity of Line 5."[4] However, as explained in MEC-GTB-WC-NWF's initial comments on this issue, the 1953 Orders did not authorize the project described in Enbridge's application in this case.

First and foremost, the 1953 Orders did not authorize the construction of a tunnel. Nor did the 1953 Orders authorize the placement and operation of a new section of pipe within that tunnel. As discussed in MEC-GTB-WC-NWF's initial comments and again further below, Rule 447 and Act 16 require the approval of the tunnel because it is a facility used to transport crude oil or petroleum products, and a fixture appurtenant to a pipeline.[5]

Second, as Enbridge conceded in its application, the new Straits segment crosses at a different location and requires a new easement issued by the State of Michigan.[6]

Third, as noted in MEC-GTB-WC-NWF's initial comments, the capacity of the project has increased substantially since the initial approvals. The operational capacity of the pipeline approved in the 1953 Orders was for up to 300,000 barrels per day.[7] Enbridge states that today, Line 5 has an annual average capacity of 540,000 barrels per day.[8]

Fourth, even if the project was within the scope of what the 1953 Orders approved, that would not settle the matter. In both of those orders, the Commission specifically reserved "unto

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[3] *Id*.

[4] *Id* at 12.

[5] Mich Admin Code R 792.10447(1)(c); MCL 483.6.

[6] Application, paragraph 45.

[7] Case No. D-3903-53.2, March 31, 1953 Order, p 6.

[8] Application, paragraph 13.

itself jurisdiction of this matter and the right to make any other or further orders herein which in its judgment should hereafter be made."[9] Accordingly, even if the 1953 Orders had "embraced" the current project as Enbridge claims, the Commission reserved the authority to issue any further order it deems necessary. Such an order certainly could include opening a new proceeding to review the replacement segment and tunnel via contested case.

In sum, because the project is a new pipe segment, on a new easement, within a new tunnel that is itself regulated by Act 16, the 1953 Orders did not implicitly approve the project. Instead, the Commission must consider and adjudicate the project at this time. And even if the 1953 Orders did somehow encompass the project, the Commission nonetheless reserved to itself the authority to issue further orders and require contested case review of the new project elements.

B. Act 16 and Rule 447 Require Enbridge to Apply for Commission Approval of the New Pipe Segment and the Tunnel.

After discussing the 1953 Orders, Enbridge argues that Act 16 and Rule 447 do not require approval of the project from the Commission. Enbridge's convoluted arguments run afoul of statutory construction principles and are unsupported by the text Enbridge relies on.

1. The Commission has exercised its broad authority under Act 16 to require an application to construct a facility to transport crude oil or petroleum.

First, Enbridge argues that "while Section 6 of Act 16 requires a filing [of] a 'plat' showing the location of the pipeline, Section 6 does not require pre-approval of the plat by the Commission…"[10] However, this argument is not unique to what Enbridge claims are the relevant features of its project. If true, Enbridge's argument would hold for any pipeline or facility that

[9] Case No. D-3903-53.2, Opinion and Order dated March 31, 1953, p 10; and Supplemental Opinion and Order dated May 29, 1953, p 5.

[10] Enbridge comments, p 12, citing MCL 483.6.

transports petroleum or crude oil – none of which would be required to do more than file a plat with the Commission, rather than an application for approval.

The reason Enbridge's argument does not hold (for this project or others) is because Act 16 grants the Commission power to regulate any entity that carries or transports crude oil or petroleum.[11] Furthermore, Act 16 grants the Commission authority to issue any rules necessary to give effect to that statute.[12]

Under the authority of that statute – and two others – the Commission has issued Rule 447. Section 1(a) of Rule 447 implements Public Act 69 of 1929, which governs certificates of public convenience and necessity for electric and gas utilities.[13] Section 1(b) implements Public Act 9 of 1929, which governs pipelines, fixtures, and equipment for the transport of natural gas.[14] And Section (1)(c) – the section at issue here – governs pipelines, fixtures, and equipment for the transport of crude oil and petroleum products.[15]

Each of these sections of Rule 447 describes the circumstances under which an entity must file an application for approval from the Commission for a project. Specifically, section 1(c) requires an application to construct any "facilities to transport crude oil or petroleum for which approval is required by statute."[16] Thus, while Section 6 of Act 16 may refer to filing a plat, Section 8 of Act 16 broadly empowers the Commission to promulgate rules, and Rule 447 requires an application for approval.

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[11] MCL 483.3.

[12] MCL 483.8.

[13] R 792.10447(1)(a); MCL 460.501, *et seq*.

[14] R 792.10447(1)(b); MCL 483.101, *et seq*.

[15] R 792.10447(1)(c); MCL 483.1, *et seq*.

[16] R 792.10447(1)(c).

The application requirement under Act 16 and Rule 447 has never been in dispute, and should not be doubted here. As noted in MEC-GTB-WC-NWF's initial comments, the Commission has held that "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."[17] Exercising that broad authority, the Commission's longstanding practice and policy has been to require an application and make a decision in a proceeding. That proceeding is sometimes carried out ex parte and other times as a contested case, depending on the circumstance.

2. Because Rule 447(1)(c) unambiguously requires Commission approval for the project, it would be an error to interpret it differently based on other sections of the rule.

Turning next to Rule 447, the plain text of section 1(c) requires an application to the Commission in order "to construct facilities to transport crude oil or petroleum…"[18] The Line 5 replacement pipe is a facility to transport crude oil or petroleum. So is the tunnel.

In its comments, Enbridge tries to maneuver around the plain meaning of section 1(c) by arguing that the rule must be "read as a whole." What Enbridge means is that the Commission should not apply the text as written, and instead should impute a different meaning to Rule 447(1)(c) using words or phrases from other sections as evidence of intent. For example, Enbridge argues that the phrase "service to be furnished" in section 2(c) implies that section 1(c) only requires an application for construction of future oil transport projects providing service that does not exist yet.[19] Enbridge also argues that section 3 – which allows utilities in the same service area

[17] *In re Wolverine Pipe Line Company*, Case No. U-13225, Final Order dated July 23, 2002, 2002 WL 31057451.

[18] R 792.10447(1)(c).

[19] Enbridge comments, pp 14-16, citing R 792.10447(2)(c).

to intervene in a proceeding for new electric or gas construction – implies that section 1(c) only requires an application for construction in a new service area.[20] Enbridge also makes a policy argument for why the rule should be construed in the way Enbridge prefers.[21]

These arguments should be rejected. MEC-GTB-WC-NWF agree with Enbridge that principles of statutory construction should be used to interpret administrative rules.[22] But the agreement ends when Enbridge abandons Rule 447's plain text in favor of contortionism.

Fundamentally, the task of construing a statute or rule begins with the text itself.[23] "Judicial construction of an unambiguous statute is neither required nor permitted."[24] One may only go beyond the words to ascertain the drafter's intent if the text is ambiguous.[25]

Ambiguity is neither a subjective quality nor a matter of degree. To be ambiguous, a provision must "irreconcilably" conflict with another provision; or be "equally susceptible to more than one meaning."[26] If reasonable minds differ on the interpretation of a statute or rule, that does not mean that judicial construction of it is justified.[27] "In other words, because the proper role of the judiciary is to interpret and not write the law, courts lack authority to venture beyond the unambiguous text of a statute."[28]

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[20] Enbridge comments, p 17, citing R 792.10447(2)(d).

[21] Enbridge comments, pp 18-19.

[22] *United Parcel Service, Inc. v. Bureau of Safety and Regulation*, 277 Mich App 192, 202; 745 NW2d 125 (2007); *City of Romulus v MI Dep't of Environmental Quality*, 260 Mich App 54, 65; 678 NW2d 444 (2003).

[23] Sun Valley Foods v Ward, 460 Mich 230, 236; 596 NW2d 119 (1999).

[24] *McCormick v. Carrier*, 487 Mich 180, 192; 795 NW2d 517 (2010); *Tryc v Michigan Veterans Facility*, 451 Mich 129, 135; 545 NW2d 642 (1996).

[25] *Luttrell v Dep't of Corrections*, 421 Mich 93; 365 NW2d 74 (1984).

[26] *In re Indiana Michigan Power Co*, 297 Mich App 332, 344; 824 NW2d 246 (2012).

[27] *Village of Holly v Holly Twp*, 267 Mich App 461, 474; 705 NW2d 532 (2005).

[28] *Paige v City of Sterling Heights,* 476 Mich 495, 504; 720 NW2d 219 (2006) (internal citation omitted).

The Michigan Supreme Court rejected an argument very similar to the one Enbridge is making here: that an unambiguous statutory section may be interpreted by looking to other subsections of the same statute for clues about its meaning. In *Tyler v Livonia Public Schools,* the Court interpreted a section of the Michigan Worker's Disability Compensation Act (WDCA) to determine whether pension payments under the Public School Employees Retirement Act had to be coordinated with (i.e., deducted from) the plaintiff's worker's compensation benefits.[29] The question turned on whether section 354 of the WDCA exempted certain public pensions from the coordination requirement; or whether it only exempted certain private pensions. That question, in turn, depended on whether the word "plan" in section 354 referred to public and private pension plans, or just private plans.

The Court held that the word "plan" in section 354 only applied to private pensions, based on language in that section. The plaintiff argued that the word "plan" encompassed both public and private pensions because "plan" is used in other sections of the same stature to mean both.[30] The Court rejected plaintiff's position – calling it a type of *in pari materia* interpretation. The Court held that "the interpretative aid of the doctrine of *in pari materia* can only be utilized in a situation where the section of the statute under examination is itself ambiguous."[31] The Court concluded that because section 354 was unambiguous, it would not be appropriate to look to other sections of the statute for guidance on how to interpret it.[32]

The same is true here. Here, the language of Rule 447(1)(c) is unambiguous. It states that an entity "that wants to construct facilities to transport crude oil or petroleum" must file an

[29] *Tyler v. Livonia Public Schools*, 459 Mich 382; 590 NW2d 560 (1999).

[30] *Id*. at 391-92.

[31] *Id*. at 392.

[32] *Id.* See also, *AK Steel Holding Corp v Dep't of Treasury*, 314 Mich App 453, 469 fn 9; 887 NW2d 209 (2016).

application with the Commission. None of the terms in that provision are ambiguous, so it would be improper to resort to other sections to interpret section 1(c), as Enbridge urges.

3. The phrases from other sections of Rule 447 that Enbridge relies on do not support its argument.

Even if the Commission were to look beyond the plain text of section 1(c), Enbridge's arguments about sections 2 and 3 of Rule 447 also fail when examined closely.

First, Enbridge focuses on the words "service to be furnished" in section 2(c) of Rule 447. Generally, section 2 of the rule lists information to be included in an application under Rule 447. As noted earlier in this reply, Rule 447 implements three statutes – Act 69 (certificates of public convenience and necessity for electric and gas); Act 9 (natural gas transport); and Act 16 (crude oil and petroleum transport). Enbridge argues that "the type of construction requiring an application pursuant to Section (1) is the type of construction that relates to 'service to be furnished' in the future but not yet in service…"[33] Because Line 5 is already in service, Enbridge reasons, it must not require a new application.

Enbridge's argument is not only convoluted; it is based on the omission of a keyword from the phrase Enbridge relies on. As noted earlier, section 2(c) of Rule 447 refers to "the nature of the utility service to be furnished."[34] Enbridge omits the word "utility" from all of its discussion of section 2(c). The reason for the omission is that Enbridge is not a utility, and Line 5 does not furnish utility service. For example, Act 69 defines a "public utility" as a certain type of entity that owns or operates "equipment or facilities for producing, generating, transmitting, delivering or furnishing gas or electricity for the production of light, heat or power to or for the public for

[33] Enbridge comments, pp 14-15.

[34] R 792.10447(2)(c) (emphasis added).

compensation."[35] Likewise, the Commission has defined a utility as "a firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that provides electric or gas service."[36] Finally, sections 1(a) and (b) of Rule 447 specifically refer to "furnishing public utility service;" and section 1(c) does not.[37]

No Act 16 oil pipeline or tunnel furnishes utility service. Therefore, the reference to "utility service to be furnished" in section 2(c) of Rule 447 is germane to applications under Act 69 and Act 9; but not to an application under Act 16. Using a phrase that does not apply to any Act 16 project to interpret the application requirement under Act 16 is a fallacious argument. Enbridge's position should be rejected.

Enbridge makes a similar argument about section 3 of Rule 447. This argument fails for the same reason as the argument about section 2. Section 3 states that a utility classified as a respondent under Rule 402 may participate as a party to a Rule 447 application proceeding without filing a petition to intervene.[38] Rule 402 defines a respondent as "one against whom a complaint is filed or against whom an investigation, order to show cause, or other proceeding on the commission's own motion is commenced and a utility rendering the same kind of service within a municipality or part of a municipality proposed to be served by another utility in a proceeding under [Rule 447].[39]

The second clause is the pertinent one here. Enbridge reasons that because section 3 allows a utility rendering the same kind of service in the municipality to intervene in a Rule 447

[35] MCL 460.501.

[36] MPSC Consumer Standards and Billing Practices for Electric and Natural Gas Service, R 460.102b(m), Definition of "utility."

[37] Compare R 792.10447(1)(a) and (b) with (1)(c).

[38] R 792.10447(3).

[39] R 792.10402(n) (emphasis added).

proceeding, that implies that Rule 447 only applies to new projects that could compete with service provided by another utility.[40] Again, however, Enbridge is not a utility and an Act 16 pipeline does not provide utility service. Therefore, section 3 is of no use for interpreting what projects require Commission approval under section 1(c) of Rule 447.

4. Enbridge's claim of adverse policy consequences does not withstand scrutiny.

Enbridge also claims that adverse policy consequences will follow if the Commission determines that the Line 5 replacement pipe and tunnel require Commission approval. Enbridge argues that "the interpretation of Rule 447 adopted in this proceeding involving a petroleum pipeline will apply equally to electric and gas distribution utilities."[41] Enbridge predicts that requiring an application for the Line 5 replacement pipe and tunnel will set a precedent requiring Commission approval of any minor electric and gas utility replacement or relocation; and that this state of affairs will "create unintended consequences and undue delays to necessary future projects."[42]

As noted earlier in this reply, the Commission is obliged to apply the unambiguous text of Rule 447; and is not permitted to distort or gloss that text for policy reasons. Even putting that point aside, however, Enbridge's premise is wrong. The interpretation of Rule 447's application requirement for petroleum projects will not apply equally to electric and gas utilities, because the triggering language for an application under section 1(c) is different than under sections 1(a) or (b).

[40] Enbridge comments, p 17.

[41] *Id* at 18.

[42] *Id*.

Both sections 1(a) and (b) require an application only for projects "for which a certificate of public convenience and necessity is required by statute."[43] By contrast, section 1(c) includes no reference to a certificate of public convenience and necessity. So contrary to Enbridge's claim, the Commission's determination of when an application is required for an Act 16 project will not apply equally to projects by electric and gas utilities. Since the routine replacement or relocation of an electric or gas line does not require a certificate of public convenience and necessity, a Commission decision here will not have the consequence of requiring an application for such projects going forward. Enbridge's policy argument is misguided and provides no basis to depart from a straightforward application of section 1(c) of the rule to Enbridge's project in this case.

III. ENBRIDGE'S REQUEST FOR EX PARTE APPROVAL SHOULD ALSO BE DENIED.

In the alternative to its request for declaratory relief, Enbridge requests ex parte approval of the project. However, Enbridge offers no legal authority for the request; and fails to even discuss the applicable Commission rule.

Under the MPSC Rules of Practice and Procedure, "a contested case proceeding shall be held when required by statute and may be held when the commission so directs."[44] Under this rule, the Commission has broad discretion to set any matter for contested case where not prohibited by law. The Commission has historically used this discretion to open a contested case – even where not required – when a proceeding is the subject of substantial intervenor interest. For example, in the Voluntary Green Pricing (VGP) dockets for Consumers Energy and DTE Electric Company, the Commission found that contested cases were warranted to address concerns regarding the

[43] R 792.10447(1)(a) and (b).

[44] R. 792.10415(1) (emphasis added).

companies' proposals.[45] In a subsequent order in the DTE docket, the Commission agreed with the intervening parties on the merits and denied approval of DTE's initial VGP program.

Likewise, in Case No. U-20497, the Commission denied a request for ex parte approval when it determined a contested case was appropriate for a fuller explanation of the applicants' proposal.[46] In that case, several entities led by METC filed a joint application requesting the Commission issue an ex parte order classifying a proposed 138 kV facility as transmission. Consumers Energy objected to the request, argued that the facility should be classified as distribution, and filed a petition to intervene. The Commission concluded "a contested case, containing a fuller explanation of the project and an evidentiary record, is necessary for the Commission to make a factual determination" on how to classify the project.[47] The Commission therefore denied the request for ex parte approval; and in a subsequent order ruled in favor of Consumers on the merits.

In this case, several parties have already filed petitions to intervene or stated an intent to do so – including two frequent parties to Commission proceedings, two environmental organizations with deep involvement in Line 5, and two Indian Tribes. As in the METC and VGP dockets, the intervenors here dispute the applicant's characterization of the matter before the Commission as simple and straightforward. The substantial public interest in this case, the legal interests of the parties who have filed or stated an intent to file for intervention, and the significant

[45] *In the matter, on the Commission's own motion, regarding the regulatory reviews, revisions, determination and/or approvals necessary for regulated electric providers to comply with Section 61 of 2016 PA 342,* Case Nos. U-18348 *et al,* Order dated December 20, 2017, p 8.

[46] *In the Matter of the Application of Michigan Elec. Transmission Co., LLC; Wolverine Power Supply Coop., Inc.; & Midwest Energy & Commc'ns for an Admin. Determination Regarding the Proper Classification of Certain Facilities & to Submit Findings to the Fed. Energy Regulatory Comm'n.*, Case No. U-20497, Order dated May 2, 2019.

[47] *Id* at 2.

factual and policy questions all weigh in favor of a full contested case. The Commission should deny Enbridge's request for ex parte approval consistent with past practice in similar situations.

IV. THE COMMISSION SHOULD DEFINITIVELY REJECT ENBRIDGE'S CONTINUING ARGUMENT THAT THE TUNNEL IS NOT PART OF THIS CASE.

Enbridge continues to maintain that construction of the tunnel is not a "legitimate" issue in this proceeding.[48] Yet Enbridge has still not provided any legal authority to support that position. As explained in more detail in MEC-GTB-WC-NWF's initial comments, the Commission has jurisdiction and authority over the tunnel under Act 16 and Rule 447. The tunnel is a facility used for the transport of crude oil and petroleum products; it is a fixture used in connection with the transport of these substances; and it is the secondary containment system for the pipeline. In addition, Enbridge's testimony and exhibits in this case discuss the tunnel at length.[49]

Clarifying this issue at the outset will promote administrative efficiency and conserve resources by avoiding (or providing needed guidance for) discovery disputes, motions to strike, and evidentiary objections. Therefore, MEC-GTB-WC-NWF reiterate the request from our initial comments that the Commission rule now that the tunnel is subject to the Commission's authority and within the scope of this case.

[48] Enbridge comments, p 21.

[49] Exhibit A-9, p 14 ("Secondary containment feature").

V. CONCLUSION.

For the reasons discussed above, MEC-GTB-WC-NWF respectfully request that the Commission:

A. Deny Enbridge's request for declaratory ruling;

B. Deny Enbridge's request for ex parte approval;

C. Open a full contested case; and

D. Rule that the tunnel is part of the Line 5 project, requires Commission approval, and is within the scope of this case.

Respectfully Submitted,

OLSON, BZDOK & HOWARD, P.C.
Counsel for MEC, GTB, Watershed Council, NWF

Date: May 27, 2020

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William Rastetter (P26170)
Tribal Attorney,
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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application for the Authority to Replace and Relocate the Segment of Line 5 Crossing the Straits of Mackinac into a Tunnel Beneath the Straits of Mackinac, if Approval is Required Pursuant to 1929 PA 16; MCL 483.1 et seq. and Rule 447 of the Michigan Public Service Commission's Rules of Practice and Procedure, R 792.10447, or the Grant of other Appropriate Relief	U-20763

PROOF OF SERVICE

On the date below, an electronic copy of **Reply to Enbridge Energy Limited Partnership's Comments Regarding Request for Declaratory Ruling by Michigan Environmental Council, Grand Traverse Band of Ottawa and Chippewa Indians, Tip of the Mitt Watershed Council, and National Wildlife Federation** was served on the following:

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The statements above are true to the best of my knowledge, information and belief.

Date: May 27, 2020

By: _____

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