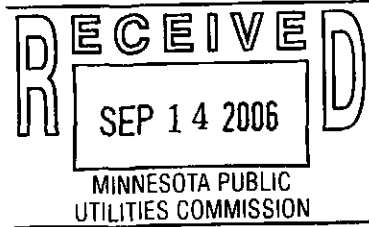


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Fax

To: Burl Herz From: Nick Keenan
Fax: 651-297-7073 Pages including cover page:
Phone: _____ Date: _____
Re: Max Deck # 9-5/PP-05-2003

Urgent For Review Please Comment Please Reply Please Recycle

1) Motion to Intervene¹⁷

3. MPL's proposed crude oil pipeline has an initial design capacity of 165,000 barrels of petroleum crude oil per day, with an ultimate capacity of 350,000 barrels per day if additional pumping stations are installed. The pipeline will operate at a maximum pressure of 1,462 pounds per square inch and will cross almost 300 miles of Minnesota forest, wetland, agricultural and prime land for development, compromising environmental quality, current land use (farming practices, personal and recreational use) as well as future land use and value. The proposed certificate of need and routing of the MPL pipeline would have a direct and substantial adverse impact on the citizens of the state and MPIRG, Russell and Judy Martin, Dianne Staricka, Joyce Osborn, and Roger and Joyce Tupy.
4. MPIRG and the above named property owners have grave concern over the safety record of Minnesota Pipeline Company, Koch Pipeline Company and Koch Industries affiliates. We request that a formal Environmental Impact Statement be developed by MPL for this project.
5. Furthermore, the citizens of Minnesota have not had a party representing an opposing view to the MinnCan Project. Access to information has been limited due to a lack of publicity of the project and unwillingness of the DOC/PUC members to clearly communicate with the public. Citizens not represented by counsel can be confounded by various State statutes governing the permit process and therefore are left out of the process. The DOC is on record stating that MinnCan Project would not get "...a particularly rigorous exam,...will give the project less scrutiny,...because a private company is putting their capital at risk..."(St Paul Pioneer Press, 2-5-.06, p. 7D). Many citizen shave been only recently notified of the pipeline crossing their land, limiting their participation.
6. MPIRG seek to intervene in the pipeline certificate of need and routing procedure herein in the name of the above property owners, on the grounds that the certificate of need and routing of MPL's crude oil pipeline as proposed would have a direct, substantial and potentially irreparable impact upon their property, its ecological and agricultural resources, and its future development. MPIRG's intervention is proposed to ensure that if a Certificate of Need is issued for the MPL pipeline: (i) a route is selected that does not cross and impair the use and development of the above property owners land, (ii) the right-of-way preparation, construction, operation, maintenance and restoration practices identified by MPL in their Environmental Assessment Supplement and Organic Agricultural Impact Mitigation Plan are employed so that they provide appropriate protection for all wetland and farm land, and, (iii) a comprehensive woodland mitigation program be developed.

7. MPIRG and the listed property owners are located in Minnesota at the addresses below. All correspondence, papers and pleadings served in this proceeding should be addressed to MPIRG. Phone, fax and electronic mail contacts are further specified in the Notice of Appearance filed with this Petition.

WHEREFORE, MPIRG asks for leave to intervene in this proceeding, with all of the rights of a party as provided in Minn. Rule. 1400.6200.

Date: September 14, 2006

Respectfully submitted,
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