

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**

600 North Robert Street  
St. Paul, Minnesota 55101

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION**

121 Seventh Place East, Suite 350  
St. Paul, Minnesota 55101-2147

<p>In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Certificate of Need for the Line 3 Replacement Project in Minnesota From the North Dakota Border to the Wisconsin Border</p>	<p>MPUC PL-9/CN-14-916 OAH 65-2500-32764</p>
<p>In the Matter of the Application of Enbridge Energy, Limited Partnership for a Routing Permit for the Line 3 Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border</p>	<p>MPUC Docket No. PL-9/PPL-15-137 OAH Docket No. 65-2500-3337</p>

**DONOVAN AND ANNA DYRDAL'S PETITION FOR  
RECONSIDERATION OF ORDER CONDITIONALLY GRANTING  
APPLICATION FOR CERTIFICATE OF NEED**

## INTRODUCTION

Donovan and Anna Dyrdal (“Dyrdals”) submit for reconsideration of the Public Utility Commission’s September 5, Order granting conditionally Enbridge’s application for a Certificate of Need in the above matter. The September 5 Order is by its own terms contingent and ineffective until the Commission issues an order approving its required modifications. The Dyrdals reserve the right to file a supplemental petition for reconsideration upon final approval of an effective Order.

### Consequences to Society of Granting versus Denying a Certificate: Minn. R. 7853.01030.C

The Commission concluded, pursuant to Minn. R. 7853.0130 (C), that the consequences for of granting the Certificate for the Project, with suitable modifications, are more favorable than denying the Certificate. Again, because the Commission’s modifications have not been approved, it is difficult for the Dyrdals to respond at this time. Nonetheless, the Commission’s decision fails to adequately account for the damaging effects that the Project will have on socioeconomies like the Dyrdals farm.

The costs of another pipeline to Dyrdals and their farm are real. Not only has the Dyrdal land been devalued by Enbridge’s pipelines, the Dyrdals have spent significant resources seeking recovery from Enbridge, for which they have not been compensated. And the Dyrdals are not alone. Other farmers provided written comments in these proceedings describing similar negative effects on their farms caused by Enbridge pipelines, and the difficulty is getting redress from Enbridge.<sup>1</sup>

---

<sup>1</sup> See, e.g., Comments by Alice and Randy Peterson (Nov. 13, 2017) (Batch 13 at 66) (eDocket Nos. 201711-137317-01(R)).

With respect to construction, Enbridge states that it will satisfy this requirement by compliance “with all applicable permit requirements, its own mitigation plans, and any other environmental regulations.”<sup>2</sup> Even if Enbridge’s mitigation (or protection) plans comply with applicable law, Enbridge has a poor record of compliance with its mitigation plans. The Dyrdals set out in detail their efforts over many years to compel Enbridge to comply with mitigation plans in connection with the Alberta Clipper and LSR lines.<sup>3</sup> The Dyrdals’ experience demonstrates that landowners could reasonably expect that they will have to undertake similar costly measures to ensure that Enbridge complies with its construction and maintenance mitigation plans for the Line 3 Replacement Project. Enbridge has failed to demonstrate that its construction or operation of the Project will comply with Enbridge’s mitigation plans. Accordingly, Enbridge has not shown that it will comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.<sup>4</sup>

The Dyrdals agree with the ALJ’s conclusion that if the Commission approves a certificate of need, the Commission should do so only if it requires in-trench replacement.<sup>5</sup> Enbridge has not established by a preponderance of the evidence that, assuming Enbridge’s Preferred Route, the consequences to society of granting the certificate of need for the Project are more favorable than the consequences of denying the certificate of need.<sup>6</sup>

---

<sup>2</sup> Enbridge Initial Br. at 116 (Jan. 23, 2018) (eDocket Nos. 20181-139266-01(R)).

<sup>3</sup> Dyrdal Initial Br. at 4-7 (Jan. 23, 2018) (eDocket Nos. 20181-139266-01(R)).

<sup>4</sup> For the same reasons, Enbridge fails to meet the Certificate of Need Criteria found in Minn. R. 7853.0130(C) as discussed in the Dyrdals’ Post-Hearing Memorandum (Initial Brief).

<sup>5</sup> ALJ Report, pp.9-10; p.362, ¶30.

<sup>6</sup> ALJ Report, p.361, ¶27.

