

programs, construction experience with the pipe size being installed and constructed, construction conditions expected for this project i.e. winter, wetland, agriculture drain tile, etc. All of the aforementioned attributes are weighted as applicable and used in the qualification and project award evaluation.

- c. Within the bid package, Enbridge requires that all contractors submit their work plan to accomplish the timely and compliant construction of the proposed pipeline facilities. Those applicants who effectively communicate their work plan by:
1. Identifying construction procedures to perform all work activities within established pipeline right-of-ways and temporary work space areas, and
  2. Describing contractor company policy on work ethics and practices for complying with all issued permits and any mandated requirements under federal, state and local laws and regulations;
- will generally score high on evaluation. These factors, along with quoted pricing, are all considered. Enbridge does not necessarily award the project to the lowest bidder.

ICC Staff Data Request

ENG 1.15 For each project listed in response to Staff data request ENG 1.14 b., provide the dates of construction of those pipelines, indicate whether the project was completed within budget, the number of complaints received regarding the construction of each pipeline and the safety record (number of leaks, etc.) for each pipeline project.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
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As stated in ENG 1.14, Enbridge has not selected its third-party contractors and is therefore unable to provide the information requested in the data request. However, even if Enbridge had selected its contractors, such information would not be publicly available to Enbridge. Most contractors and their clients consider information relative to cost performance and number of complaints received on an individual project as proprietary information and not information that could be readily retrieved from a public domain.

No information is available within the public domain that shows, by contractor, subsequent leaks on pipeline segments that a contractor was involved in constructing. Moreover, most pipeline leaks are caused by operating conditions, such as subsequent excavation damage, or environmental conditions, such as internal or external corrosion, that are not related to installation.

Complaint Process Will be Established for Enbridge Expansion

Enbridge has established a toll-free number for affected landowners and an expansion project website to facilitate communications with the affected public. Complaints that arise during construction will be addressed at the time they arise according to permit and easement agreement conditions and in compliance with the Illinois Commission's Statement under Chapter 300, Appendix A, of 83 Illinois Administrative Code.

Safety Record

The safety performance of a contractor is public record. Thus, Enbridge requires third-party contractors electing to submit a bid for a proposed construction project to include their safety record as part of their bid package. Their safety record is reviewed by Enbridge as part of the pre-qualifying conditions for which an applicant will be further considered as a potential candidate in the bidding process. Additionally, Enbridge further requires its third-party contractors to submit its safety program to a third-party manager for evaluation and monitoring. Enbridge also reviews and monitors the safety record of its third-party contractors through the Occupational Safety & Health

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Administration's Accident Frequency Reports, the regulating agency for which occupational accidents are reported to become public record.

ICC Staff Data Request

ENG 1.16 Provide evidence that Enbridge is a legitimate business concern (copy of Certificate of Incorporation, etc.).

Response prepared by:

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The Certificates of Good Standing in Delaware for all Enbridge entities involved in this Application are attached hereto as Attachment F.

ICC Staff Data Request

ENG 1.17 Provide evidence that Enbridge is registered to do business in the State of Illinois.

Response prepared by:

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The Certificates of Registration in Illinois for all Enbridge entities involved in this Application are attached hereto as Attachment G.

ICC Staff Data Request

ENG 1.18 Describe the benefits that the proposed pipeline will provide to the landowners whose property is being used for the construction of this line?

Response prepared by:

Name: Dale Burgess  
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Landowners receive compensation comparable to market value of the length and width of the permanent easement. As most of the route for the portion of the project in Illinois crosses agricultural land, farming will resume soon after construction is completed, thus the landowner of cultivated lands receives compensation but experiences little, if any, impact to the current use of the land. While not an incremental "benefit", landowners are also compensated for temporary or other damages that cannot be avoided, including compensation for the temporary use of working space next to the permanent easement, loss of marketable trees, and compensation for crops along the work and easement area.

As part of the wider consuming public, landowners will receive the benefits that are described in Enbridge's filing, data request ENG 1.22, and afforded by refinery access to continuing and growing supplies of their raw feed stock, that in turn supplies consumers and regional farmers with petro-chemical products such as transportation fuels, fertilizers, and asphalt roads.

ICC Staff Data Request

ENG 1.19 Will the proposed pipelines include the necessary equipment or facilities to allow for the withdrawal or injection of crude petroleum, oil sands, diluent, or any other products, from interested parties at various points along the route? If not, explain why not and describe what steps would have to be taken to allow for an entity to interconnect with the proposed line. If yes, provide the location and describe the nature of the interconnection(s).

Response prepared by:

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Title: Director Southern Access  
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The proposed pipeline systems will include the necessary equipment or facilities to allow for the withdrawals or injections of crude oil and diluent from interested parties at various points along the route. Such intermediate injections or deliveries on the crude oil pipeline and/or the diluent pipeline have been anticipated at a number of locations along the entire route of the proposed pipeline systems. The eventual receipt and delivery points on each pipeline will be determined through consultation with the prospective shippers that will be placing nominations on that system.

The Southern Access Expansion and Southern Lights Pipeline are interstate liquid pipeline systems that will be operated as common carriers under the rules and authority of the Interstate Commerce Act and the Federal Energy Regulatory Commission ("FERC"). The transportation rates charged, and the terms and conditions for which liquid transportation service (tariff) will be provided as common carrier pipelines will be regulated by FERC. The Canadian portion of the Southern Lights Pipeline will be regulated as an interprovincial common carrier petroleum pipeline by Canada's National Energy Board.

As interstate liquid petroleum pipelines, the construction, operation, and maintenance of both pipeline systems are exclusively regulated by the United States Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) under 49 CFR Subtitle B, Chapter I, Part 191, 194, 195 and 199 of PHMSA, DOT Regulations.

At this time, interconnecting points and delivery points are being determined based on the needs of the shippers that will utilize these facilities. As that information becomes available, Enbridge will provide such data to the ICC Staff.

ICC Staff Data Request

ENG 1.20 Describe the type of equipment (safety equipment, pigs, etc.) that will be needed in conjunction with the proposed pipeline that will allow the Company to meet the long term needs of its customers, while also maintaining compliance with applicable statutes and regulations.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
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The construction of the pipeline includes the installation of necessary equipment to monitor and control the pipeline flow. Once construction is completed and the proposed pipeline facilities are ready to be placed in service, Enbridge will connect its state-of-the-art "Supervisory Control and Data Acquisition" (SCADA) system to the new pipeline facilities. This pipeline control system will be used to continuously monitor and control the efficient and safe operations of the new pipeline facilities, and thus provide customers with long-term dependability in the operation of these systems. This type of equipment includes but is not limited to pressure control and monitoring, flow monitoring for leak detection, remote valve control, and start and stop operation of pumping stations.

The majority of valves along the pipeline will be electrified, allowing remote operation from Enbridge's 24-hour pipeline control center to provide quick isolation of the pipeline segments if abnormal conditions or a leak is suspected.

As part of Enbridge's Integrity Management Program, Enbridge plans to run internal inspection tools such as smart pigs, etc., through the pipelines at intervals as required under 49 CFR Part 195 PHMSA Regulations or at more frequent intervals that Enbridge's System Integrity Department deems necessary to effectively maintain the integrity of the pipelines.

ICC Staff Data Request

ENG 1.21 Does the Company currently have the equipment listed in its response to Staff data request ENG 1.20? If no, when does the Company foresee obtaining this equipment?

Response prepared by:

Name: Dale Burgess  
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Enbridge will utilize its state-of-the-art SCADA system that is currently used on its existing liquid petroleum pipelines.

Prior to placing the proposed pipeline facilities in-service, Enbridge will make certain modifications to its SCADA equipment to incorporate the subject facilities into this operational management system.

Enbridge is in the process of procuring the necessary valves, internal inspection launching equipment, and systems control and monitoring equipment as part of the overall procurement of materials and equipment for construction. The design of such equipment must meet the operating parameters of the pipeline and PHMSA regulatory requirements.

Enbridge does not currently own extensive internal inspection devices, but rather contracts with specialized contractors for the type of internal inspection tool or tools that are appropriate for the size, inspection type and technology needed at the time of our periodic internal inspections.

ICC Staff Data Request

ENG 1.22 Assuming the proposed pipelines are approved and constructed, will there be any impact upon the economy (breakout Illinois and national separately) as a result, for example, additional jobs, new businesses locating along the proposed routes, etc. If yes, then detail out the impact, explain how this impact was determined and include any studies, reports, etc. which support the Company's claims.

Response prepared by:

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The primary purpose and benefit of Enbridge's crude oil and diluent pipeline construction is to assure that regional refineries have continued and economical access to the crude oil they use as raw feedstock. As put forth in Enbridge's initial filing, these refineries, such as those in the greater Chicago area, Illinois and the Midwest (that are or plan to upgrade to be equipped to process heavy crude oil) benefit through the discounted costs of heavy crude compared to the cost of light or sweet crude. Secondly, refineries will have access to a secure and growing supply of crude oil from western Canada as U.S. domestic supplies are declining and the world competes for supplies from countries outside North America. Enbridge will provide testimony from refinery representatives and petroleum industry experts to expand on these energy supply benefits.

There are two secondary benefits associated with Enbridge's expansion. First, regional refineries that stay competitive contribute to the local economy, as they retain access to supplies and enjoy the economic benefit of discounted heavy crude supply. As outlined in Data Request ENG 1.35, the economic benefits of access to heavy crude oil prompted Chicago area and Midwest refineries to invest in equipment to process heavy crude oil in the past and this spread between heavy and light continues to prompt further such investments.

Enbridge employed Dr. Ronald Promboin from the University of Virginia to estimate the economic impact of refinery investments and the regional benefit realized by the Enbridge investment in constructing both the 42-inch crude line and 16-20 inch diluent pipeline. Dr. Promboin's analysis assumed the diluent line size was 16-inch. While the direct benefit of ensuring continued access to growing supplies of crude oil from North America provide the primary and most important benefit to the region, the additional economic infusion of investments by refineries and Enbridge also contribute to the region's economic well-being. Dr. Promboin used the Regional Input-Output Modeling System (RIMS II) as developed and maintained by the U.S. Department of Commerce,

Bureau of Economic Analysis. The analysis, detailed in Attachment H concluded that:

- for every \$1 million of investment made in regional refineries, the total output - - or multiplier of this investment - - is 1.72 for Illinois. In other words, there is a direct public and regional economic benefit realized by any investment made by refineries and only financially healthy refineries that have economical access to their raw feed stock are in a position to make these investments. See Data Request ENG 1.35.
- for every \$1 million invested in construction of the two new pipelines and associated facilities, the Illinois output multiplier is 2.57 for the time period of equipment supply and construction activity. Using early cost estimates for the pipeline construction and basing the analysis on the RIM II model (which requires discounting investments to 2003 dollars), constructing the Southern Access pipeline is estimated to create nearly 13,000 person-years of jobs in Wisconsin, primarily in 2007 as well as nearly 4,000 person-years of jobs in Illinois, all in 2008. Total economic impacts are over \$1.5 billion in Wisconsin (almost all in 2007) and over \$500 million in Illinois (2008).

As pipelines are a very capital-intensive business and Enbridge already has a large U.S. and Midwest based workforce, projects of this nature do not add a significant number of new staff. Once the pipeline systems are operational, Enbridge expects to add 25 regular employees to its current workforce, 16 of whom would be located in Illinois. Liquid pipelines, however, have significant annual operating costs, including electric power, maintenance and state taxes.

Dr. Promboin's summary and work papers supporting these conclusions are attached hereto as Attachment H.

ICC Staff Data Request

ENG 1.23 Provide any relevant studies or analyses that show why building the proposed pipelines are in the public's best interest as opposed to acquiring supplies for the region from some other source.

Response prepared by:

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There are several published studies or reports that have been cited within other responses in this submission to the ICC's requests for additional data.

In addition, the Canadian National Energy Board published an Energy Report in June 2006 that provides an update of Alberta's oil sands developments and forecasts for production. The report also assesses the refineries that will be the markets for such production and concludes that with the increasing production from the oil sands, ***total pipeline capacity out of western Canada is expected to be near full utilization starting in 2007***. While much of the report is focused on challenges and opportunities of developing this North American petroleum resource, considerable attention is paid to the pipeline transportation needs that will be required.

Reference: Canada's Oil Sands - Opportunities and Challenges to 2015: An Update - June 2006

[http://www.neb-one.gc.ca/energy/EnergyReports/index\\_e.htm#OilSands](http://www.neb-one.gc.ca/energy/EnergyReports/index_e.htm#OilSands)

A proprietary study was prepared for the Canadian Association of Petroleum Producers in August 2003 by Muse, Stancil & Company, however the Executive Summary of that report was made public and is submitted as an addendum to this response. The study focused on the markets for increased production from the Western Canadian Sedimentary Basin and need for additional pipeline capacity to reach those markets.

Reference: "Western Canadian Crude Oil Supply and Markets 2002-2010, Executive Summary" August 2003. Enclosed herewith as Attachment I.

Several other studies or reports from U.S. government organizations have been published in recent years that affirm the proven reserves of Canada's oil sands and recognize the importance of this supply to the nation's energy needs and security.

The Joint Economic Committee is a bi-partisan committee of selected U.S. Senators and Congressmen who prepare or commission research and studies to facilitate legislative deliberations. A report was completed in June 2006 that concluded that the oil sands

reserves are important to North American energy security and at one point "... given the huge reserves, the oil sands supply will set an upper limit to the world oil price that OPEC can no longer exceed...." The reports acknowledges that there are **benefits to the U.S. as these supplies are from Canada** for several key reasons including that Canada (as opposed to many oil producing countries) has a privatized oil sector with assured property rights and reasonable royalty payment regime; that oil sands producers are price takers and subject to laws governing competition similar to those in the U.S.; that we have a number of secure and efficient oil export shipping [transportation] routes in place; and that Canada [as opposed to many other alternative oil producing countries] has transparency in oil reserve estimates, production activity, and development plans. The JEC report concludes new pipeline capacity is necessary into the U.S. Confirming the substantial increases in the rate of oil sands production projected even at crude oil prices lower than recent \$70 per barrel (WTI) and thus there is a potential for still larger increases in oil sands production that would be sustainable far into the future, even if the costs [of production] were to increase. And therefore, this "**...lessens the possibility that the market price of oil could settle at even higher levels in the long-run.**"

Reference: U.S. Congress, Joint Economic Committee  
"Canadian Oil Sands: A New Force in the World Oil Market"  
[http://www.house.gov/jec/publications/109/06-26-06\\_oil\\_sands.pdf](http://www.house.gov/jec/publications/109/06-26-06_oil_sands.pdf)

Several studies and reports have been published by The North American Energy Working Group (NAEWG), established in spring of 2001 by the Canadian Minister of Natural Resources, the Mexican Secretary of Energy and the U.S. Secretary of Energy, to enhance North American energy cooperation. The NAEWG is led by officials from Natural Resources Canada, the Mexican Secretariat of Energy, and the U.S. Department of Energy.

The goals of the NAEWG are to foster communication and cooperation among the governments and energy sectors of the three countries on energy-related matters of common interest, and to enhance North American energy trade and interconnections consistent with the goal of sustainable development, **for the benefit of all.**

On March 23, 2005, Canadian Prime Minister Paul Martin, Mexican President Vicente Fox and U.S. President George W. Bush announced the formation of a trilateral, cooperative program – the Security and Prosperity Partnership of North America (SPP). The goal of the SPP is to protect the region against terrorism and expand trade through greater cooperation and information sharing. To ensure the success of the SPP, cabinet secretaries and ministers organized trilateral working groups based on focus areas identified by the Heads of State, including a group for energy. Moreover, all three nations agreed that the NAEWG, already established and working successfully, would be the body used to achieve the expanded energy goals of the three nations. **One of the goals of this trilateral program is to "...encourage greater economic production from [the Canadian] oil sands..."** This is a policy supported by President Bush, The U.S. Secretary of Energy and other U.S. sponsors of the SPP. Several studies and reports have been generated which

provide a broad energy overview, last updated in early 2006. The overview concludes that Canada's proven reserves of approximately 175 billion barrels is over four times the total of North America's conventional crude oil and that North America's energy infrastructure is increasingly interconnected **and needs to be expanded through large investments**. The report also concludes that the cross-border oil flows are "...**very important to the region's economies...**"

References:

- Broad overview of energy picture: U.S. Department of Energy, Energy Information Administration, North American Energy Working Group "North American Energy Picture" 2002 <http://www.eia.doe.gov/emeu/northamerica/>
- Report to Leaders of the Security and Prosperity Partnership, June 2005 [http://www.spp.gov/report to leaders/](http://www.spp.gov/report%20to%20leaders/)
- "The Energy Picture II" *prepared by* North American Energy Working Group Security and Prosperity Partnership Energy Picture Experts Group January 2006 <http://www.pi.energy.gov/pdf/library/NorthAmericaEnergyPictureII.pdf>

Enbridge will submit further analysis, drawing from published reports, in its expert witness testimony that provide a macroeconomic analysis of worldwide and regional energy supply and demand forecasts and how the Illinois and U.S. public's need for a wide range of petroleum products is met by the proposed pipeline that links the growing supply with Midwest refineries.

ICC Staff Data Request

ENG 1.24 Provide a list identifying all pipeline leaks or losses of structural integrity which have occurred since 1996 on any pipeline owned or operated by Enbridge or an affiliate. Include only incidents where the damage or value of product lost exceeded \$10,000. For each occurrence identified, provide the following:

a	cause of the leak;
b	name and location of party who caused the leak;
c	magnitude/size of the leak;
d	date on which the leak was detected;
e	date on which repair work was begun;
f	date on which repair work was completed;
g	type of product which was leaked;
h	estimate number of barrels (or gallons) of product which was leaked;
i	whether the leak caused damage to property other than Enbridge's property;
j	extent to which property other than Enbridge's property was damaged in terms of what was damaged, how it was damaged and the dollar value associated with the damage;
k	whether Enbridge reimbursed any parties for damage to those parties' property including the amount of any reimbursement paid; and
l	extent of damage that occurred to the environment in terms of what was damaged, how it was damaged and the dollar value associated with the damage.

Response prepared by:

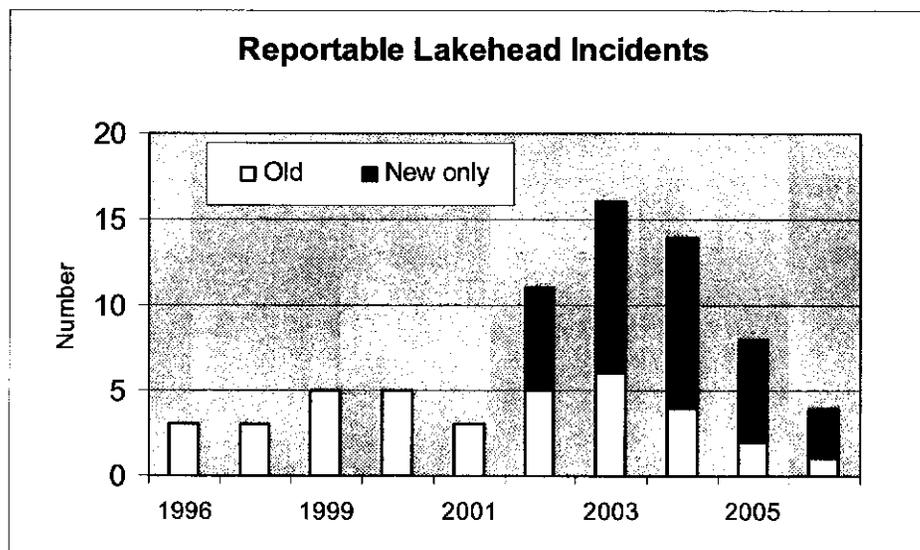
Name: Dale Burgess  
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As described in Enbridge's initial application, there are a number of Enbridge affiliated entities operating pipelines, local gas distribution systems and other types of facilities. Many of these affiliates operate systems that are either located in other countries or are different in nature than the petroleum transmission pipeline planned to be constructed. Some of these systems have been recently acquired by Enbridge and not operated by

Enbridge for most of the timeframe between 1996 and 2006. Therefore, the pipeline leak history for Enbridge Energy, Limited Partnership (the Lakehead System), which is the Applicant, is included and listed below for 1996 to the present time.

As a federally regulated interstate pipeline system, the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration "PHMSA" requires reporting of pipeline leaks on liquid petroleum pipelines. Their criteria are based on a financial impact (leaks greater than \$50,000), a volume impact (leaks over 50 barrels prior to 2002, or 5 gallons after 2002), or other impact criteria as detailed in 49 CFR Part 195. If any of these criteria are met, the leak must be reported. Some of these leaks may not meet the \$10,000 criteria requested by ICC staff, but do meet the PHMSA reporting criteria based on volume or impact. The table below lists all leaks that were reportable to PHMSA.

To normalize the 2002 change in reporting criteria based on volume, Enbridge has prepared the following chart that shows the trend of reportable incidents to better illustrate the historical trends.



Until recently, specific incident cost data was not categorized and recorded in a manner that allows Enbridge to accurately respond to the specific line item costs requested by ICC Staff for some of the historical incidents. Prior to recent changes in the way Enbridge tracks incident cost information, only the total cost of the incident response and remediation were recorded. Enbridge has tabulated and included this information, as available, in the listing below.

By way of background, and as can be seen by the categorized incident cost data, the majority of the incident costs incurred by Enbridge are in the response, containment,

repairs and remediation of the spill site, rather than damages to private property. If private property is affected, Enbridge completes remediation (e.g. recovery of oil and removal of soils impacted, groundwater monitoring, etc.) under the oversight of State and Federal environmental agencies. These remedial activities are performed using modern environmental practices, and the various regulatory agencies provide oversight of cleanup until environmental impacts are mitigated. Should the incident be negligently caused by a third party (such as unsafe excavation), Enbridge proceeds with all cleanup, restoration and compensation and only subsequently decides whether to pursue cost recovery or claims from the third party if necessary.

Typically the majority of free oil that has spilled from the pipeline is recovered within hours or days of an incident. Contaminated soil (on the tables below this often accounts for the difference between volume spilled and volume initially recovered) is then removed and disposed of or treated in a manner approved by the overseeing environmental agency(s).

Many of these PHMSA reportable incidents occurred within terminals or other facilities that are not the subject of Enbridge's Application before the ICC, but are nevertheless included in the listing below.

Neither PHMSA incident reports, nor Enbridge's leak report records for the Lakehead System include the actual date of repair. In general, pipeline incidents, including incidents where segments of mainline pipe need replacement, can be completed within just a few days. The cleanup and restoration of the area that was affected by the spill is an ongoing activity that begins immediately and continues for as long as it takes to ensure removal of soil or other appropriate remediation has been completed to the satisfaction of the jurisdictional environmental agency and affected landowner(s). Cleanup and restoration activities are typically done in parallel with the pipeline repair.

No incident has caused any fatalities or major injury to the public, although Enbridge has had infrequent OSHA recordable injuries to its workers or contractors involved in cleanup activities.

None of these incidents have contaminated drinking water supplies, although some incidents have impacted localized ground water or streams. In these cases, remedial measures included installation of groundwater monitoring networks to assure drinking water resources remain protected. All actions are done under the close oversight of appropriate environmental agencies until such time the agency concurs that cleanup has been completed.

Enclosed herewith as Attachment K is a table that lists reportable incidents that have occurred on Lakehead's system, listing leaks along the pipeline corridor (shown as "mainline") and separately listing those incidents within Enbridge Lakehead System facilities such as tank terminals or pump stations.

ICC Staff Data Request

ENG 1.25 Provide a list of complaints lodged against Enbridge and/or any of its affiliates by property owners adjacent to or nearby any pipeline which it owns or operates for the period beginning January 1, 2000 and continuing through to the date of this request. Also, include as part of your response the name and location of the party lodging the complaint, the date on which the complaint was lodged, the nature of the complaint and what steps were taken to resolve the complaint.

Response prepared by:

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*Eugene Black, et al. v. Enbridge Energy, Limited Partnership, et al.*, D03-13087-NZ (Michigan)

Landowner sued Enbridge in 2003 for certain health complaints and for public nuisance relating to emergence of material used to coat the pipeline during construction on his land. Certain settlement negotiations took place, but were unsuccessful. During subsequent litigation, Landowner's contention on public nuisance was dismissed due to overwhelming evidence that the coating pieces did not constitute a public nuisance. The remainder of the complaint went through case evaluation and were ultimately settled. Case resolved in 2006.

*Nogorka v. Enbridge Energy, Limited Partnership*, 2004-005850-CZ (Michigan)

Landowner sued Enbridge in 2003 to require cleanup of residual contamination he claimed continued to exist on his property, resulting from a leak in 1988. Enbridge demonstrated that it had cleaned up the property well in excess of Michigan DEQ standards, and the complaint was dismissed. Dismissal occurred in 2004.

*Raimer v. Enbridge Energy, Limited Partnership*, 04-CV-303 (Wisconsin)

Landowner sued Enbridge in 2004 for damage to trees and a driveway alleged as a result of construction of SEP II in 1998. Enbridge offered full settlement for the driveway immediately, but disputed the tree damage claim. After hiring a forestry expert, Enbridge offered landowner several times the value of the trees as determined by the expert, but such settlement was rejected by landowner. Enbridge exercised its right to demand arbitration per the easement, but the process has stalled as landowner cycles through attorneys.

ICC Staff Data Request

ENG 1.26 Has Enbridge or an affiliate ever been charged with violating any Federal or State laws, rules or regulations related to the construction or operation of its pipeline system? If yes, then provide the following:

- a. citation to the specific law, rule or regulation violated;
- b. short synopsis of the facts alleged which formed the basis for the charge;
- c. the outcome of the charge;
- d. time period covered by the charge; and
- e. location of the pipeline system where the violation is alleged to have occurred.

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For all the same reasons discussed in ENG 1.24, Enbridge has limited its review for federal or state violations to its Lakehead system. Also, consistent with the 10-year time period requested in ENG 1.24, Enbridge lists below in ascending date order, the incidents for which Enbridge Energy, Limited Partnership which is the Applicant in this proceeding, has been charged with violating any federal or state laws, rules or regulations on its Lakehead System.

December 1996

In December, 1996 Lakehead Pipe Line, Limited Partnership (now renamed Enbridge Energy, Limited Partnership) was cited as violating U.S. Department of Transportation, Office of Pipeline Safety's 49 C.F.R. §195.214 and 49 C.F.R. §195.228 – Welding. The notice of violation was for three weld locations along its pipeline system in Minnesota where Enbridge workers did not follow the Company's approved welding procedure and for not completing sufficient inspection of welds. Civil penalties of \$16,000 and \$9000 were assessed and paid. Enbridge subsequently modified its welding procedures and conducted extensive welder education.

May 1998 Incident

Due to a leak at Enbridge's facility near Mokena, IL in May 1998 resulting from work done by an excavation contractor, Enbridge was charged with violating 415 ILCS 5/12(a), 415 ILCS 5/12(d), and 415 ILCS 5/9(a). Pursuant to a Consent Decree, Enbridge and its co-defendants jointly agreed to pay a fine in the amount of \$97,960.00, plus some nominal response costs, which was all paid by the third party contractor/co-

defendant.

January 1999

Notice of Violation related to terms and conditions of a construction trench dewatering permit in Wisconsin in 1998, and for the failure to immediately report a release of natural gas liquids at Enbridge's Superior maintenance facility in January 1999. Resolved June 2000 by a Stipulation and Order for Judgment, with a total penalty of \$195,000. Construction trench dewatering permit exceedance was by an Enbridge contractor and did not contain any petroleum contaminants. Incident report was promptly reported at federal level.

August 1999

Findings of Violation issued by the U.S. EPA in August 1999 pursuant to Section 309(g) of the Clean Water Act, and a Natural Resource Damage claim by IDNR and IEPA as State Trustees pursuant to CERCLA, CWA, OPA and other authorities stemming from the discharge of drilling mud into a wetland area in Kendall County, IL as part of pipeline construction activities in 1998. U.S. EPA action resolved by a Consent Agreement and Final Order in October 1999 requiring a penalty of \$13,365 and payment of \$45,875 for acquisition of 12 acres of property on the lower Fox River, IL. IDNR/IEPA matter resolved by a Covenant not to Sue in January 2000, which included the transfer of "Milhurst fen" acquired from a private landowner to IDNR, and payment of \$24,000 for invasive species control and environmental education programs.

February 2002

Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act. Related to residual crude oil contamination encountered in February 2002 associated with Enbridge's 34" pipeline near Elgin, Illinois. Contamination was from a 1986 incident, where a gravel pit excavator negligently struck the pipeline. The release had been cleaned to standards of the day and closed by U.S. EPA. Violation notice essentially reopened the incident due to residual oil in the soil discovered subsequently by unrelated excavation activity in the area. Enbridge will complete final residual oil cleanup once access to gravel pit (under new ownership) and ComEd land granted. Final resolution of any enforcement action is pending.

June 2002

In June 2002 Enbridge Energy, Limited Partnership was cited as violating U.S. Department of Transportation, Office of Pipeline Safety's 49 C.F.R. §195.432 – Inspection of in-service breakout tanks as documentation could not be located for the required annual tank inspections at the Stockbridge, Michigan location for the year 2000. A civil penalty of \$2,500 was assessed and paid and Enbridge has reinforced its record-keeping requirements.

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June 2002

In June 2002 Enbridge Energy, Limited Partnership was cited as violating U.S. Department of Transportation, Office of Pipeline Safety's 49 C.F.R. §195.401(b) – General Requirements. This portion of this regulation requires the operator to correct a condition that could adversely affect the safe operation of the system in a reasonable amount of time. The regulatory inspection found that due to vegetation overgrowth on several locations along the pipeline right-of-way, the aerial inspections should have noted that the right-of-way was obstructed by overgrowth and therefore, could obstruct the ability to complete required patrols of the pipeline right-of-way. The right-of-way was cleared of vegetation and no issues were identified during the following routine inspection. No penalty was assessed.

September 2003

Notice of Intent to Conduct Restoration Planning pursuant to the Oil Pollution Act, 15 CFR 990.44, issued in September 2003 by the U.S. Fish and Wildlife Service as Lead Administrative Trustee and on behalf of State on Minnesota Trustees related to a Natural Resource Damages associated with a July 2002 crude oil release near Cohasset, Minnesota. A Draft Restoration Plan and Environmental Assessment has been completed, including public comment, and a Cooperative Assessment process is ongoing, but a final Consent Agreement has not been issued.

ICC Staff Data Request

ENG 1.27 Provide a listing, including location, of all Enbridge (and affiliated) facilities that can make use of either the diluent or the oil sands and that operate in the states along the proposed route.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

Neither Enbridge nor any of its affiliates own or operate facilities that can make use of either the diluent or crude oil in the states along the proposed route or the Canadian provinces in which Enbridge operates, with the exception of incidental marketing of available pipeline capacity performed by Enbridge's petroleum marketing affiliate. As shown in the filed annual financial reports provided to the ICC, Enbridge does not own nor is it involved in the operation of crude oil production or refinery facilities. Enbridge only owns and operates common carrier pipeline transportation and crude oil terminal tank systems in the states along the proposed route. These systems provide liquid transportation service from points of receipt to points of delivery, as all such entry and take-off points are determined based on the needs of its shippers. Additionally, the tolls charged for this service, and terms and conditions for which this service is provided are regulated by the Federal Energy Regulatory Commission under the Interstate Commerce Act.

ICC Staff Data Request

ENG 1.28 What is the current status of Enbridge's proposed line in the other states it will pass through? Provide any orders or similar type of documents that have been issued by the agency or agencies that have authority over the proposed line.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

As stated in ENG 1.10, the Southern Access Expansion and Southern Lights Pipeline will be constructed in stages that will be phased-in over the next several years. Presently Enbridge is diligently working in the states of Wisconsin and Illinois on Stages 1 & 2 for Southern Access and Part II for Southern Lights. As shown on the response table for ENG 1.10, Enbridge has filed for and is waiting to receive its federal and state approvals as indicated.

ICC Staff Data Request

ENG 1.29 Provide a copy of any documents that the Company has received from any Illinois state agency regarding the construction of its proposed line (i.e., environmental impact studies, etc.).

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

To date, Enbridge has completed a final draft of its Agricultural Mitigation Agreement with the Illinois Department of Agricultural, which was attached to the initial filing. Once the final document is executed, Enbridge will provide a copy to the ICC. As stated in ENG 1.10, Enbridge is currently seeking its federal, state and local permits in the state of Illinois and Wisconsin as listed on Attachment J.

ICC Staff Data Request

ENG 1.30 Does the Company foresee using the Southern Access pipeline for any purpose other than the delivery of oil sands? If yes, identify what other substances are being considered for transport and detail what permits, licenses, etc. that must be obtained in order to transport these other substances.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

Enbridge does not foresee using Southern Access Expansion facilities for any other purpose than that of transporting liquid petroleum that originates in western Canada, including Alberta's oil sands or from other sources along the Enbridge system, such as interconnects from pipelines delivering North Dakota and Montana production into the Lakehead System at Clearbrook, Minnesota. As a common carrier liquid petroleum pipeline, Enbridge will transport all crude petroleum on its pipeline that meets its tariff conditions.

With the support of its shippers and CAPP, Enbridge has obtained FERC approval for a 30-year surcharge to Enbridge's tolls to recover the costs of building and operating the Southern Access facilities.

ICC Staff Data Request

ENG 1.31 Does the Company foresee using the Southern Lights pipeline for any purpose other than the transportation of diluent to Canada? If yes, identify what other substances are being considered for transport and detail what permits, licenses, etc. that must be obtained in order to transport these other substances.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

Enbridge does not foresee using the Southern Lights Pipeline for any other purpose than that of transporting diluent from the Midwest U.S. to Alberta, Canada. As the result of a successful open season to market the capacity of this pipeline, Enbridge and its committed shippers have entered into long term Transportation Services Agreements (TSA), requiring Enbridge to offer a common stream diluent service to Canada for a period of 15 years. The remaining uncommitted pipeline capacity is available to any shipper as long as such shipper meets all the terms of conditions under the rules of the tariff that will be filed for approval by the Federal Energy Regulatory Commission. The initial rules of the tariff are contained in our Open Season documents as Schedule "C" of the TSA as published on our Internet site at <http://www.enbridge.com/southernlights/index.php>.

ICC Staff Data Request

ENG 1.32 Explain how the Company plans on fulfilling the requirements of Section 15-601 of the Public Utilities Act during the construction and operation of the proposed pipeline.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

Enbridge has a comprehensive environment, health and safety (EH&S) program that covers both the construction and the operation of any pipeline it owns and/or operates. This EH&S program complies with the federal statutes and regulations (49 C.F.R. Chapter 195), or exceeds the regulatory requirements. In addition, Enbridge is in compliance with the federally required operator qualification ("OQ") program that sets minimum qualifications for all personnel completed safety-related pipeline tasks during the design, testing and operation of the pipeline.

Prior to placing the pipeline into service, an internal inspection tool is run to test for dents, pipeline coatings including the coating at field welds are tested for coverage, and the pipeline is subjected to a hydrostatic pressure test. These, among a number of other inspections and testing subject are subject to regulatory oversight of the PHMSA for compliance with federal pipeline construction and operation laws and regulations.

ICC Staff Data Request

ENG 1.33 Provide a list of all of other applicable statutes and regulations that the Company must comply with during the construction of the proposed pipeline, besides Section 15-601 of the PUA. Provide a copy of each applicable statute and regulation, and explain how the Company plans on fulfilling each of these requirements during the construction and operation of the proposed pipeline.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

As stated in Enbridge's response to ENG 1.10, Enbridge proposes to build its Southern Access Expansion and Southern Lights Pipeline projects in program components that will be phased-in over the next several years. Attachment J provides a comprehensive list of all federal, state and local permits that Enbridge is presently or soon will be seeking for the construction of these facilities.

Enbridge is just beginning the public, agency and site survey process for the Southern Lights portions of the program in the states of Minnesota and North Dakota. However, to assist ICC Staff, Enbridge hereby states that it will be seeking applicable permits under the following:

Federal

- (i) Clean Water Act, as amended (33 U.S.C. 1251 et seq.) and the National Pollution Discharge Elimination System Program, 40 CFR part 122 et seq.;
- (ii) Clean Air Act, as amended (42 U.S.C. 1801 et seq.) and air quality regulations and state implementation plans adopted pursuant to 40 CFR parts 50-99;
- (iii) National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.);
- (iv) Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291);
- (v) Endangered Species Act of 1973, Pub. L. 93-205, as amended (16 U.S.C. 1531 et seq.);
- (vi) Executive Order 11988, May 24, 1977 requiring Federal agencies to evaluate the potential effects of any actions it may take on a floodplain;

- (vii) Executive Order 11990, May 24, 1977 requiring an evaluation of the potential effects of construction on wetland;
- (viii) Wild and Scenic Rivers Act (16 U.S.C. 1274 et seq.);
- (ix) National Wilderness Act (16 U.S.C. 1133 et seq.);
- (x) National Parks and Recreation Act of 1978 (16 U.S.C. 1 and 230 et seq.).

**State & Local**

1. Enbridge will be seeking all applicable state and local permits necessary to construct, own and operate liquid pipeline facilities as listed in Attachment J.

ICC Staff Data Request

ENG 1.34 Provide a list of every proposed take point along the U.S. portion of the pipelines. For each take point, list any refineries close by that could potentially be served by the pipelines. Additionally, provide a map that shows the location of each take point.

Response prepared by:

Name: Dale Burgess  
Title: Director Southern Access  
Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

Enclosed herewith as Attachment L is a map that shows existing delivery points to numerous refineries along the length of Enbridge's existing liquid transportation systems in the U.S. As stated in ENG 1.19, new delivery points located along the length of the new liquid transportation facilities are presently being determined based on needs of prospective shippers. As refinery upgrade or expansion plans progress, Enbridge will be working with customers to develop appropriate new interconnection points directly with the refinery or through interconnecting pipelines that can deliver to the refinery.

ICC Staff Data Request

ENG 1.35 Are any of the refineries in the Chicago area planning any upgrades or expansions associated with this project? If so, provide the location of the refineries, the approximate dollar value of the expansion, and the date of the proposed expansion. Additionally, discuss whether or not the expansion plans are dependent on the Enbridge pipelines being built.

Response prepared by:

Name: Dale Burgess  
 Title: Director Southern Access  
 Address: 10201 Jasper Ave.  
Edmonton, AB T5J 3N7

The following table presents a synopsis of announced or publicly proposed refinery upgrade projects located in PADD II as well as the expected incremental Canadian crude demand that will result, where such data are available.

<b>Company</b>	<b>Refinery</b>	<b>Investment (millions)</b>	<b>Potential Increased Canadian Crude Runs (approx. Mb/d)</b>
<b>ConocoPhillips</b>	Wood River	\$1,200	120
<b>BP</b>	Whiting	n/a	300
	Toledo	n/a	90
<b>Marathon</b>	Detroit	n/a	65
	Catlettsburg	n/a	130
<b>Sunoco</b>	Toledo	n/a	50
<b>Frontier</b>	El Dorado	\$140	28

ConocoPhillips has undertaken a five-year, \$3.3 billion capital spending program to increase its ability to process heavy sour crude and other low quality feedstocks. The Wood River refinery in Illinois could receive crude via Southern Access and connecting carriers, or through the proposed Keystone Pipeline. The \$1.2 billion project at this refinery includes the construction of a new 55 kb/d coker in addition to other unit expansions, and an increase in the refinery's Canadian heavy sour crude processing

capacity from 70 to 190 kb/d by the end of 2008.<sup>x</sup>

Although BP is still in the commercial development phase, it has announced that it will begin "repositioning" its refining portfolio to provide additional Canadian heavy crude processing capabilities at its northern U.S. refineries. By 2015, the Whiting, Indiana and Toledo, Ohio refineries are expected, subject to approval of proposed plans, to be capable of accepting a 100 percent heavy sour crude slate (the heavy sour capacity of both of these refineries is currently less than 50 percent) following reconfiguration and upgrading projects. Both the Whiting and Toledo refineries will utilize Southern Access and interconnecting existing Enbridge pipelines, to obtain Canadian crude.<sup>xi</sup> The proposed reconfigurations and upgrades are dependant on final BP approvals, permits and the completion of the Southern Access expansion.

Marathon has announced that it is exploring the addition of cokers to both its Detroit, Michigan and Catlettsburg, Kentucky refineries with potential completion dates of 2009 or 2010. At Detroit, the installation of a 20 kb/d coker and concurrent ancillary modifications will allow the refinery to increase its heavy crude utilization by up to 65 kb/d and to boost its overall refining capacity from 100 to 113 kb/d. The 37 kb/d coker project at the Catlettsburg facility will permit the utilization of up to an additional 130 kb/d of medium and heavy sour crudes, increasing their proportion of the refinery's crude slate to at least 90 percent once the upgrades are completed.<sup>xii</sup> Both the Detroit and Catlettsburg refineries could use Southern Access to receive Canadian crude.

Sunoco has indicated that it is in process of adding 50 kb/d of capacity to its Toledo, Ohio refinery, increasing its capacity by roughly one-third.<sup>xiii</sup> The modification is in response to Sunoco's desire to increase its utilization of Canadian synthetic crudes. The Toledo refinery could use Southern Access to receive Canadian crude, through an interconnect with the existing Enbridge Lakehead and Toledo pipeline systems.

The refinery upgrades to process greater amounts of Canadian heavy crude are not limited exclusive to the larger refining companies. Frontier has also announced its intention to upgrade its refineries as well. By the end of 2008, Frontier plans on investing \$224 million to increase both its heavy crude capacity and total crude capacity. At the El Dorado, Kansas refinery, which could use Southern Access, a \$140 million project to expand the crude and vacuum distillation units will increase the refinery's overall capacity by 10 kb/d (current capacity is 110 kb/d) and will provide for greater utilization of heavy crudes, from 12 to 40 kb/d.<sup>xiv</sup>

<sup>1</sup> ConocoPhillips Analyst Meeting, Jim Nokes, EVP of Refining and Marketing, November 16, 2005.

<sup>1</sup> BP Presentation, Enbridge Conference, *Canadian Crude: A Global Refiners View*, June 8, 2005.

<sup>1</sup> Marathon Oil Presentation, Bank of America 2005 Energy Conference, Clarence Cazalot, Jr., President and CEO, November 15, 2005.

**Illinois Commerce Commission**  
**Response to Data Request dated July 20, 2006**  
**Enbridge Energy**  
**Docket No. 06-0470**  
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<sup>1</sup> *Platt's Oilgram News*, Volume 83, Number 214, November 4, 2005.

<sup>1</sup> Frontier Oil, Investor Teleconference, December 1, 2005.

**Footnotes**

<sup>i</sup> SOURCE:

[http://www.eia.doe.gov/pub/oil\\_gas/petroleum/data\\_publications/petroleum\\_supply\\_annual/psa\\_volume1/current/pdf/volume1\\_appendix\\_a.pdf](http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/petroleum_supply_annual/psa_volume1/current/pdf/volume1_appendix_a.pdf)

<sup>ii</sup> SOURCE:

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<sup>iii</sup> SOURCE:

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<sup>iv</sup> SOURCE: [http://www.eia.doe.gov/oiarf/aeo/supplement/sup\\_oqc.xls](http://www.eia.doe.gov/oiarf/aeo/supplement/sup_oqc.xls)

<sup>v</sup> SOURCE:

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<sup>vi</sup> SOURCE:

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<sup>vii</sup> SOURCE:

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<sup>x</sup> ConocoPhillips Analyst Meeting, Jim Nokes, EVP of Refining and Marketing, November 16, 2005.

<sup>xi</sup> BP Presentation, Enbridge Conference, *Canadian Crude: A Global Refiners View*, June 8, 2005.

<sup>xii</sup> Marathon Oil Presentation, Bank of America 2005 Energy Conference, Clarence Cazalot, Jr., President and CEO, November 15, 2005.

<sup>xiii</sup> *Platt's Oilgram News*, Volume 83, Number 214, November 4, 2005.

<sup>xiv</sup> Frontier Oil, Investor Teleconference, December 1, 2005.

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Response to Data Request dated July 20, 2006  
Enbridge Energy  
Docket No. 06-0470**

## **ATTACHMENT A**

**Map of Liquid Petroleum Pipelines in PADD II**

