Discovery Questions and Document Requests
Submitted by Thomas J. Pliura, attorney for intervenors
Date: October 25, 2007

1. What is in the pipe
    a. Please describe in detail the product that will be transported in the pipe
    b. Is the product "synthetic crude oil"
    c. Who are the producers & shippers
    d. Where is the product coming from
    e. Where is the product being upgraded
    f. Describe the upgrading process
    g. By volume and percent, describe the amount of product in the pipe that will be derived by bitumen
    h. By volume and percent, describe the amount of product in the pipe that will consist of traditional liquid crude oil, pumped from the sub-surface of the earth in liquid form and thereafter transported without chemical alteration or upgrading
    i. Does Enbridge allege or claim that it will be shipping "crude oil" through the pipe, as defined under the Illinois Oil and Gas Act

2. Identify with specificity the producers and/or shippers of the product intended for the pipe, including:
    a. Name of Company
    b. Country of origin
    c. Volume of product this company intends to transport in pipe
    d. Identify all shareholders holding in excess of 5% ownership in the company

3. Please identify and describe in detail any foreign countries that hold an ownership interest in any of the companies intending to ship product through the pipe.

4. Please state whether any of the following countries own an investment interest, directly or indirectly, in any of the companies intending to ship product through the pipe. If the answer is affirmative, please state the approximate ownership in those companies:

    a. China
    b. Korea
    c. Afghanistan
    d. Iran
    e. Iraq
    f. Venezuela

5. If Enbridge claims a privilege from disclosing any information requested herein, please identify said privilege with a specific and detailed citation to the appropriate federal or state law or regulation that allegedly affords such protection or privilege. On page 7 of responses Enbridge submitted to ICC staff dated August 31, 2007, Enbridge cites the Interstate Commerce Act (Act) as a basis for not responding to staff inquiry. Please cite the specific section of the Act relied upon.

6. Please identify with specificity the amount of product transported in the pipe which will be refined in Illinois refineries. For example, please state how many barrels per day of product will be refined in any of the four (4) Illinois refineries (Woodriver, Robinson, etc.)

7. Will foreign producers who are shipping product through the pipe be able to trade those petroleum by-products on the World commodities market?

8. Is there any process in place that will prevent producers from transporting the pipe product or refined byproducts derived from the pipe product out of the United States?

9. Will the proposed pipeline and the by-product in the pipe cause any downward effect on the price of gasoline that consumers pay at local gasoline stations across the state? If Enbridge alleges there will be a lowering of the price that customers pay at local Illinois gas stations, please support your response in detail, giving the economic theory as to why that will be the case.

10. Enbridge has stated that it will not own the product in the proposed pipe. In its August 31 response to ICC staff questions, at page 38, the staff inquired “Will any of the ‘crude oil’ (or its end products) that enters Illinois end up being exported out of the United States?" Enbridge answers: "Enbridge does not own the oil. Enbridge will not have knowledge or control of the eventual disposition of the crude oil." Considering that response, please explain how Illinois citizens will benefit if Enbridge does not know where the product or its end-products will go.

11. Please explain in detail Enbridge’s theory as to how and why **Illinois citizens** will benefit from the proposed pipeline if a foreign country owns the product in the pipe and the product or its end products are shipped out of the United States to other foreign countries.

12. Please explain in detail Enbridge’s theory as to how and why citizens in **Petroleum Administration Defense District II (PADD II)** will benefit from the proposed pipeline if a foreign country owns the product in the pipe and the product or its end products are shipped out of the United States to other foreign countries.

13. Please explain in detail Enbridge’s theory as to how and why citizens in the **United States** will benefit from the proposed pipeline if a foreign country owns the product in the pipe and the product or its end products are shipped out of the United States to other foreign countries.

14. Describe how an Illinois oil producer will be able to access the proposed common carrier pipeline to ship product through the pipe. Describe how and where Illinois

crude oil producers will be able to introduce their product into the pipe between Flanagan, Illinois and Patoka, Illinois.

15. Identify the Illinois crude oil producers who have been contacted about their needs to ship traditional liquid crude oil product through the pipe.

16. Will Illinois crude oil producers be allowed to ship product through the pipe? If so, please describe in detail.

17. Please explain how the Illinois general public will be able to utilize the common carrier pipeline.

18. Please state whether or not Enbridge, Inc or its affiliates have shareholders who include any of the following, and if so describe specific amounts owned:

    a. public institution of higher education or municipal corporation of this State
    b. political subdivision

19. Please describe with specificity the tariff and/or rate Enbridge will charge shippers or producers to use the pipeline, and describe how these tariffs or rates were determined.

20. Please describe whether Enbridge will remove the pipe from the property of landowners after its useful life and describe any guarantees landowners will have that Enbridge or its assignees will actually remove the pipe.

21. Please describe plans to clean up or remove the existing pipeline that Enbridge now alleges it owns (old Texas Empire Pipeline easement from 1939) along the proposed path of the new pipeline, including plans to remove contaminated soil, if any.

22. In the Lake Head pipeline application previously before the ICC in 1997, Lake Head Pipeline Company and Interprovincial Pipe Line, Inc. (hereafter collectively "Enbridge I") received a denial of eminent domain authority. Enbridge I officials thereafter simply moved the pipe path to many areas not previously disclosed to the ICC. If Enbridge receives approval for this project, 07-0446, is there any scenario where Enbridge would alter the path of the proposed project without first seeking approval from the ICC?

23. Similarly to the previous question, if the ICC grants Enbridge's application seeking authority to take property via eminent domain, is there any scenario where Enbridge would attempt to move the path of the pipeline to property of landowners who were not contacted during the ICC application process?

24. Enbridge alleges at page 7 of its application that the proposed pipeline will be "adjacent to or collocated with existing rights-of-way or will be partially in an existing right-of-way of the former Central Illinois Pipeline Company (CIPC) with which Enbridge Illinois merged in 2006." Please provide all written documentation and copies of documents verifying Enbridge merged with CIPC.

25. Enbridge alleges at page 16 of its application that it has acquired "approximately 120 miles of the needed 170 ± miles of right-of-way for the Extension Project." A variety of landowners in the path of the proposed pipeline dispute that Enbridge holds any easements at all for the property in question. These landowners believe that any easements that might have existed back in 1939 have now expired pursuant to the terms of said easement agreement. Please provide copies of all written documentation related to Enbridge's allegation it has legally acquired any easements related to this 120 mile section of property. We specifically request copies of all sale documents, settlement sheets, easement records, transfer records and any supporting documents related to this alleged sale and acquisition.

26. 42 CFR 195 requires annual reports for pipelines. Landowners in the path of the proposed pipeline allege the old pipeline that is in the path of the proposed pipeline has not been maintained. Landowners allege the pipe is corroded and has eroded up out of the ground. Landowners allege the pipe is not buried to the depths required by 49 CFR 195.248. Landowners allege the pipe contains numerous holes and is now leaking substance out of the ground into the surrounding soil and local watershed systems. Please provide copies of all the annual reports, cathodic testing records and all maintenance records for the past five years for the pipeline which Enbridge alleges it acquired in 2006 from Central Illinois Pipeline Company (CIPC) or any other pipeline on the property it alleges to now hold easements for.

27. Landowners in the path of the proposed pipeline allege the old pipeline that is in the path of the proposed new pipeline has not been maintained. A legal action was filed by intervenor Carlisle Kelly in DeWitt County Circuit Court requesting the court to determine whether Enbridge holds a valid easement to the property in question. Enbridge has transferred the case to federal court, based on a diversity claim. The case (3-07-cv-3245) is now pending before the U.S. District Court, Central District in Springfield, IL. Landowners allege the pipe is corroded and has eroded up out of the ground. Landowners allege the pipe is not buried to the depths required by 49 CFR 195.248 and has not been maintained. We have attached copies of a letter sent to the Office of Pipeline Safety in Kansas City, Missouri with accompanying exhibits. Please respond as to whether the pipeline referred to in the letter sent to the Office of Pipeline Safety and in the accompanying exhibits is now owned by Enbridge.

28. The Federal District Court in case 3-07-cv-3245 (referenced above) has set a scheduling conference on November 26, 2007 and directed the parties to submit a proposed discovery plan by that date. Is Enbridge agreeable to have its application

and hearing with the ICC tolled until the Federal Court issues its decision on whether Enbridge holds a valid easement for the property in question in that lawsuit? If Enbridge is not agreeable to toll the ICC application until the federal court issues its ruling, is Enbridge willing to acknowledge to the ICC that there is a pending legal dispute over whether it actually holds a valid and legal easement for the 120 miles it now alleges it holds?

29. Please provide a detailed explanation as to whether or not Enbridge will remove the "inactive" pipeline that it allegedly acquired from CIPC or any other pipeline that exists in the pathway of the proposed pipeline. If Enbridge has plans to remove the old pipeline, please provide details of those plans including a timeline.

30. If Enbridge does not plan to remove the old "inactive" pipeline that it alleges to now own, please provide a detailed corrective action plan including the steps it will take to clean up or otherwise maintain this "inactive" line so it does not further harm the environment.

31. What type of assurances exist for landowners that Enbridge will not allow its proposed pipeline to deteriorate into a condition such as that shown in the pictures and referenced in the letter sent to the Office of Pipeline Safety in Kansas City, Missouri mentioned in question 22, above?

32. What recourse will landowners have against Enbridge if the proposed pipeline deteriorates and is not maintained after its useful life? Will landowners be required to initiate legal proceedings and pay legal costs, fees and expenses to force Enbridge or a subsequent assignee to try and force the company to maintain the pipe?

33. Is it possible to ship products such as that proposed for the pipe in rail cars via rail shipment in tanker cars? If so, what is the reason Enbridge does not utilize railcars for shipping the product?

34. Will the shipment of proposed tar sands byproducts from Alberta, Canada have any affect on the price of crude oil produced in Illinois by drillers of Illinois oil? How will the price of crude oil produced in Illinois be affected by the shipment of tar sands byproduct into the state?

35. In Wisconsin, many landowners are allegedly upset with Enbridge because of the Southern Access expansion project. Landowners allegedly have commented that Enbridge used the terms of an old easement from 1969 to coerce and threaten them into accepting fair market value for their easements. In essence, these landowners allege Enbridge threatened to only pay a small portion of the fair market value of the land, citing language in the 1969 easement that allowed a second pipeline for the payment price of $450/acre. Numerous landowners have commented about a fear or threat that Enbridge might try a similar tactic in Illinois with this project, and try to argue Enbridge could build another second

pipeline for payment of forty dollars ($40.00). Does Enbridge intend to tell landowners in the path of the pipeline that it can take their land for payment of an additional forty ($40.00) dollars? Has Enbridge threatened or told landowners that it has authority to take their land pursuant to the 1939 easement, which is now at the center of a dispute in federal court? See attached easement from 1939.

36. The 1939 easement (attached) contains language stating Texas-Empire Pipeline Company, its succeesors and its assigns could hold the easement so long as the pipe line and other structures are maintained. Has the pipeline running through the property of the landowners been maintained by Enbridge or the previous pipeline company? If Enbridge believes the pipeline has been maintained, will Enbridge maintain its proposed new pipeline in the same fashion as the pipeline which now exists on the landowners property?

THOMAS J. PLIURA, M.D., J.D.
A PROFESSIONAL CORPORATION
PHYSICIAN AND ATTORNEY AT LAW
POST OFFICE BOX 130
LeROY, ILLINOIS 61752
(309) 962-2299

tom.pliura@zchart.com

October 11, 2007 Certified Mail

Office of Pipeline Safety
Pipeline and Hazardous Materials Administration
Karen Butler- Central Region
901 Locust St., Room 462
Kansas City, MO 64106

Dear Ms. Butler:

Very respectfully, I am submitting this letter to your office in regards to our formal request for information pursuant to the Freedom of Information Act (FOIA). We are seeking information about a pipeline in our area of the state.

About a month ago, on Tuesday, September 4, 2007, I contacted Leonard Steiner at the Kansas City branch of the Office of Pipeline Safety/Pipeline and Hazardous Materials Administration (OPS) via telephone seeking information about a pipeline located in Central Illinois, several miles west of the town of Clinton, in De Witt County. He was very helpful and answered my basic questions promptly. I informed Mr. Steiner that I was seeking information and annual reports regarding a pipeline in Central Illinois located in De Witt County. I told him I represented a local landowner and we were trying to determine whether a pipeline had been properly maintained on his property, including the filing of annual reports with the Office of Pipeline Safety. We are seeking this information because my client is now opposing a pipeline project being proposed by a company known as Enbridge. After another phone call to Mr. Steiner, he referred me to you. When we last spoke on the phone, I tried to verbally explain to you exactly what my client was seeking. I apologize if I did not fully explain what it is that I need. Since we last spoke, I have learned you were at the meeting in Bloomington-Normal several months ago regarding the proposed Enbridge pipeline so I assume you are vaguely familiar with the Enbridge proposal.

Very respectfully, I represent Carlisle Kelly and his wife DeAnna as their attorney. The Kelly's have a pipeline on their property that has come up out of the ground and they seek specific information about the owners and/or operators of said pipeline. As you know, Enbridge is proposing a project through Central Illinois, including through my client's property. Among other things, Enbridge alleges it holds an easement allowing it to build another pipeline across my client's property, regardless of his refusal to consent to their project. The Kelly's now have one pipeline across their property that has come up out of the ground and is causing them a large amount of trouble. They do not want another problem. We filed a lawsuit with the Circuit Court of DeWitt County requesting a judge to rule on the issue whether Enbridge holds a valid easement, as it claims. Enbridge has transferred the case to federal court, which brings to my mind the old adage, "I guess they want to make a federal case out of this matter."

I have included copies of the De Witt County plat book showing the property owned by my clients. Additionally, the Kelly's wish to file an official complaint with the Office of Pipeline Safety and all regulatory agencies who might have authority over the pipeline in question. They request an investigation into this matter based on safety concerns and environmental hazards. My clients seek to have all state and federal regulations and statutes enforced against the owner's or operators of the pipeline, whoever that might be. (See Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Public Law 109-468 and 49 U.S.C. 601) If violations are discovered, my client seeks to have the Office of Pipeline Safety investigate fully and act accordingly. It is my understanding that if the pipeline on the Kelly's property has not been officially abandoned, then federal laws and regulations require annual reports to be filed with the Pipeline and Hazardous Materials Administration, Office of Pipeline Safety. If this is not the case, please let me know. State regulations suggest that before a pipeline can be deactivated or taken out of commission, the operators of said pipeline must receive authority from the Illinois Commerce Commission. I have been unable to find any evidence that the ICC granted authority to deactivate this pipeline, yet it appears to be presenting many safety and environmental issues. I believe federal regulations also require regular visual inspections, along with documentation that those inspections have occurred. Additionally, I believe cathodic protection record requirements might also come into play here. It is difficult for me to believe the regulations allow a company to simply walk away from a pipeline and have it rot away in the ground, as would appear to be the case here.

I respectfully seek any and all information regarding the pipeline in question that traverses the property of my clients. It is not clear to me who actually owns the pipeline in question. I am told that for many years there were signs on the property indicating it was an oil pipeline. Then sometime last year unknown individuals added new signs indicating a "gas pipeline" is located on the property in question. I have no idea who put these gas pipeline signs up or whether a gas pipeline does in fact traverse the property. I understand the Illinois Commerce Commission, Pipeline Safety Division has jurisdiction over gas pipelines in the state. I have included copies of photos of the signs located on the property as well.

I respectfully request copies of the annual reports, 49 CFR § 195.50, maps and records of the company that owns, operates, maintains or is otherwise responsible for this pipeline. If any previous companies operated this line, I request annual reports from those companies as well. I also seek any documents or materials regarding any safety inspections, cathodic protection records 49 CFR § 195.563 and virtually any and all records held in the files of the Office of Pipeline Safety or related agencies regarding this pipeline. See 49 CFR §§ 195.404, 195.507, 195.581, 195.589. Part of the problem involves our lack of knowledge as to who actually is responsible for this pipeline. We seek information as to whether this is an inactive pipeline or if it has been abandoned. If it has not technically been abandoned, then we request to receive copies of any annual reports that exist on the pipeline. I have been told that prior operators inspected the pipeline many years ago with small remote video or camera devices and found corrosion and breaks in the line. It is unclear whether actual pipeline inspections gauges ("pigs") were utilized or if some other inspection devices were used. If maintenance inspections are required for this pipeline, we request copies of the records. It is my understanding federal regulations require a minimum depth of cover for pipelines. See 49 CFR §§ 192.327, 192.5, 192.325, 195.210, 195.248, 195.250. The pipeline has risen out of the ground and it is now dripping a material or substance from the pipe after each rain. We are

unsure if this presents any environmental hazards although we have no expertise in this venue. We request that this also be checked out.

I have included pictures of this pipeline for your review. If you need additional information or require more information from me to respond to this request, please notify me immediately. I have been told by other landowners living many miles south of Clinton, Illinois that the pipeline is in disrepair in their region as well. Last evening one lady mentioned the pipeline on her property had been "cut in two" by prior operators and simply covered with earthen soil. Admittedly, I am not an expert in the field of pipeline environmental issues, but if this is true it seems there could be a potential environmental issue with this practice as well. We are in the process of trying to determine whether there is a need for soil borings and chemical analysis of some of the questionable areas. These types of decisions are obviously far beyond my limited scope of knowledge. As naïve as I might be, it is difficult for me to envision a set of circumstances where it would ever be appropriate to allow an abandoned or non-functional pipeline to leach substances into valuable tributaries such as Salt Creek near Clinton, Illinois.

Per your recent phone call to my office, you have indicated some of the various operators of this pipeline have been Texaco Cities Pipeline Co., Williams Pipeline Company, Magellan Midstream Partners, Mid-Continent Producers and Enbridge.

As I recently explained to you on the phone, we are in need of this information very promptly. I apologize for being somewhat insistent about receiving this information. I clearly understand your office is very busy and probably understaffed, with too much work to do and not enough funding to adequately perform the day-to-day tasks. Nevertheless, very respectfully, I need this information very soon. If there are specific forms or additional paperwork that require my signature, please let me know and I will prepare it promptly. If there is a cost for my request, please let me know the amount and I will forward payment promptly as well.

Thank you.

Sincerely,

Thomas J. Pliura

Cc Ivan Huntoon, Director, Central region, Office of Pipeline Safety
Leonard Steiner, Kansas City Office
Darin Burk, Illinois Commerce Commission, Pipeline Safety Division
Stacey Gerard, Chief Safety Officer, PHMSA
Douglas P. Scott, Director, Illinois EPA
Complaint Center, Illinois Department of Natural Resources
Jack Darkin, Director, Illinois Sierra Club
Colleen Sarna, Conservation, Midwest Sierra Club
Sam Flood, Acting Director, Department of Natural Resources
Lisa Madigan, Illinois Attorney General
Pat Quinn, Lt. Governor, Illinois
U.S. Senator Dick Durbin

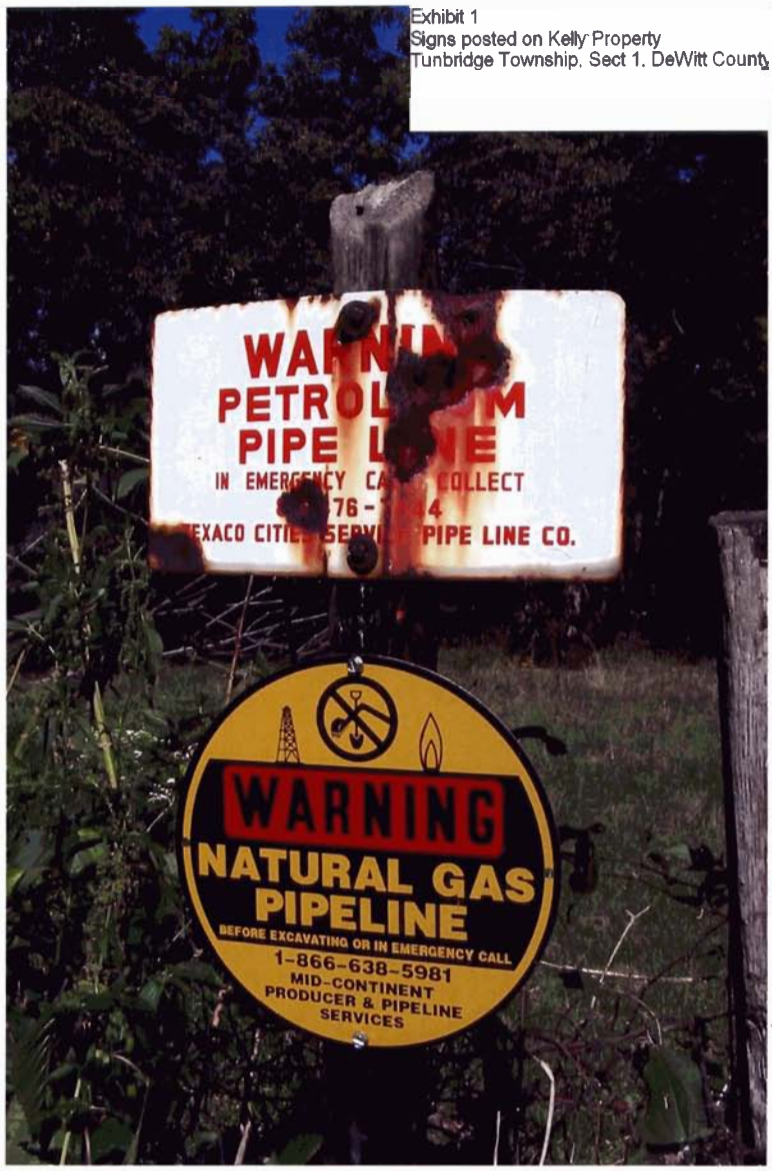

Exhibit 1
Signs posted on Kelly Property
Tunbridge Township, Sect 1, DeWitt County

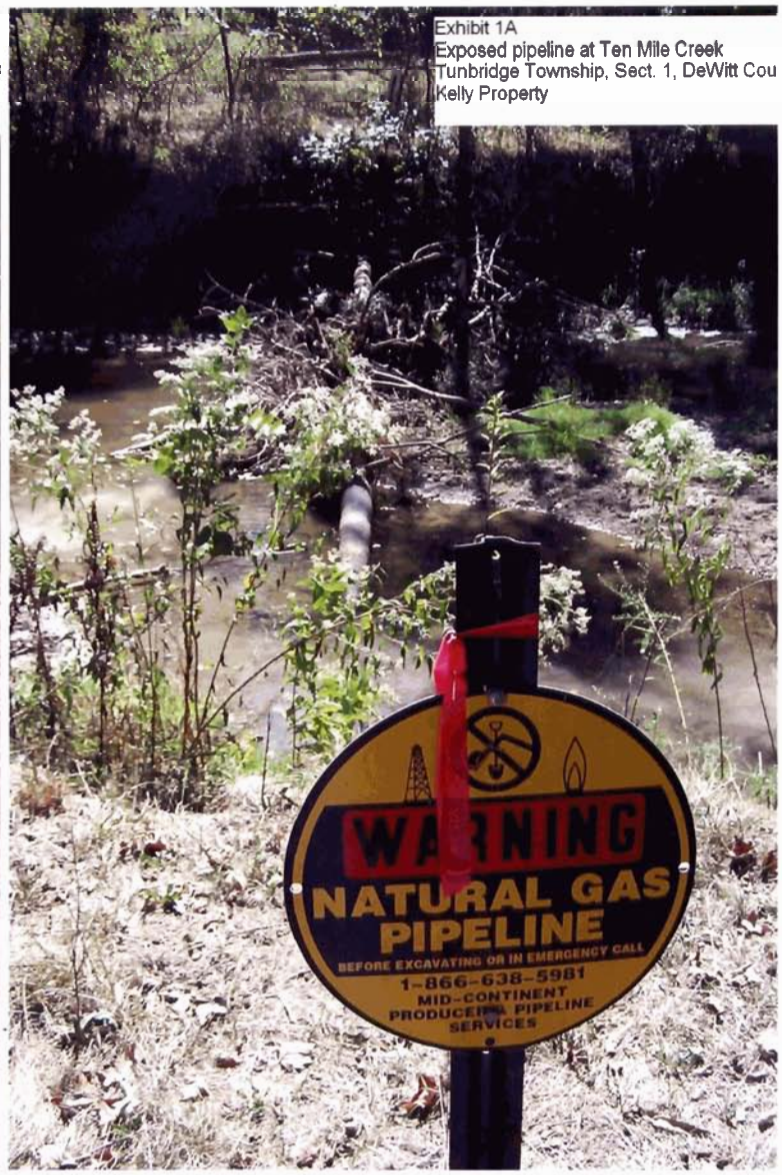

Exhibit 1A
Exposed pipeline at Ten Mile Creek
Tunbridge Township, Sect. 1, DeWitt Cou
Kelly Property

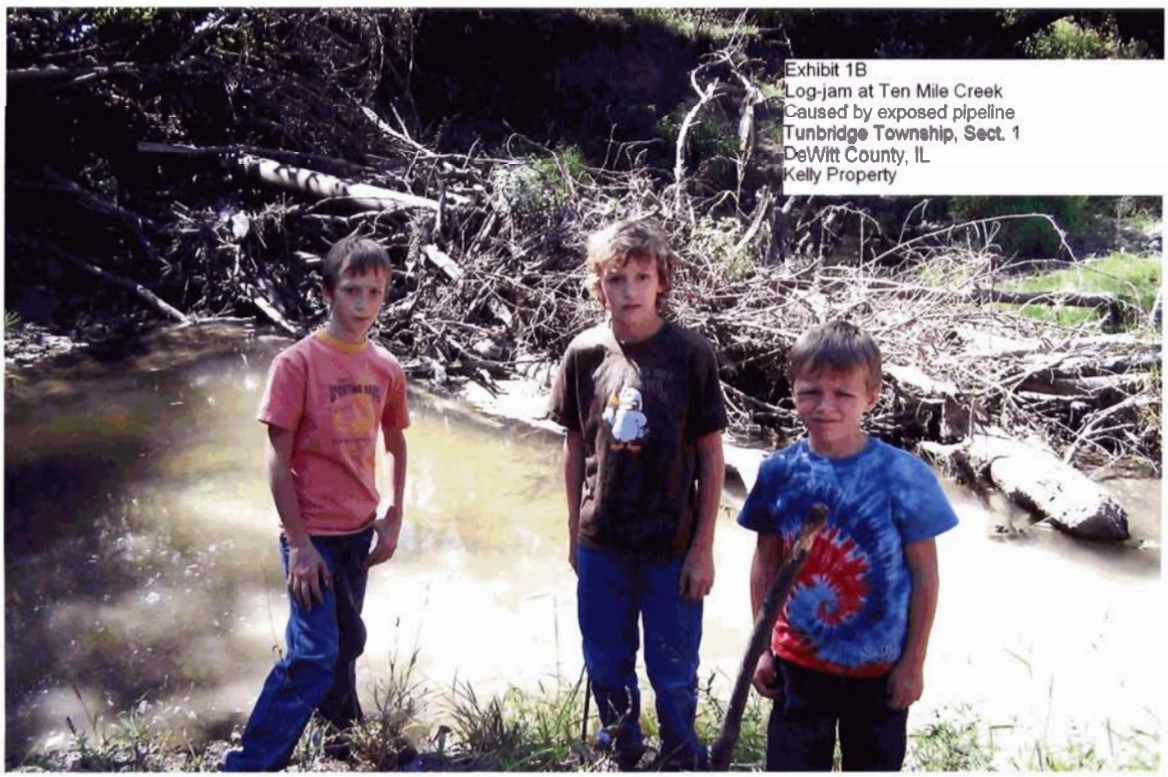

Exhibit 1B
Log-jam at Ten Mile Creek
Caused by exposed pipeline
Tunbridge Township, Sect. 1
DeWitt County, IL
Kelly Property

Carter Property
County Line Rd., DeWitt County
Exhibit 2, Exposed pipeline
Corrosion

Carter Property, County Line Road

Exhibit 2A
Close-up of Exposed Pipe
DeWitt County, IL

Wapella Township, DeWitt County, IL
1/8 mile North of 800E/1400N
Exposed pipeline running through creek

Exhibit 3

Exhibit 3A
Close-up of exposed pipeline
Near 800E/1400N
Wapella Township, DeWitt County

Exhibit 4A
Tunbridge Township, DeWitt County
Sect. 12
~1/8 mile north of Salt Creek

Exhibit 4
Tunbridge Township, DeWitt County, Sect. 12
Exposed Pipeline
Located ~1/8 Mile North of Salt Creek

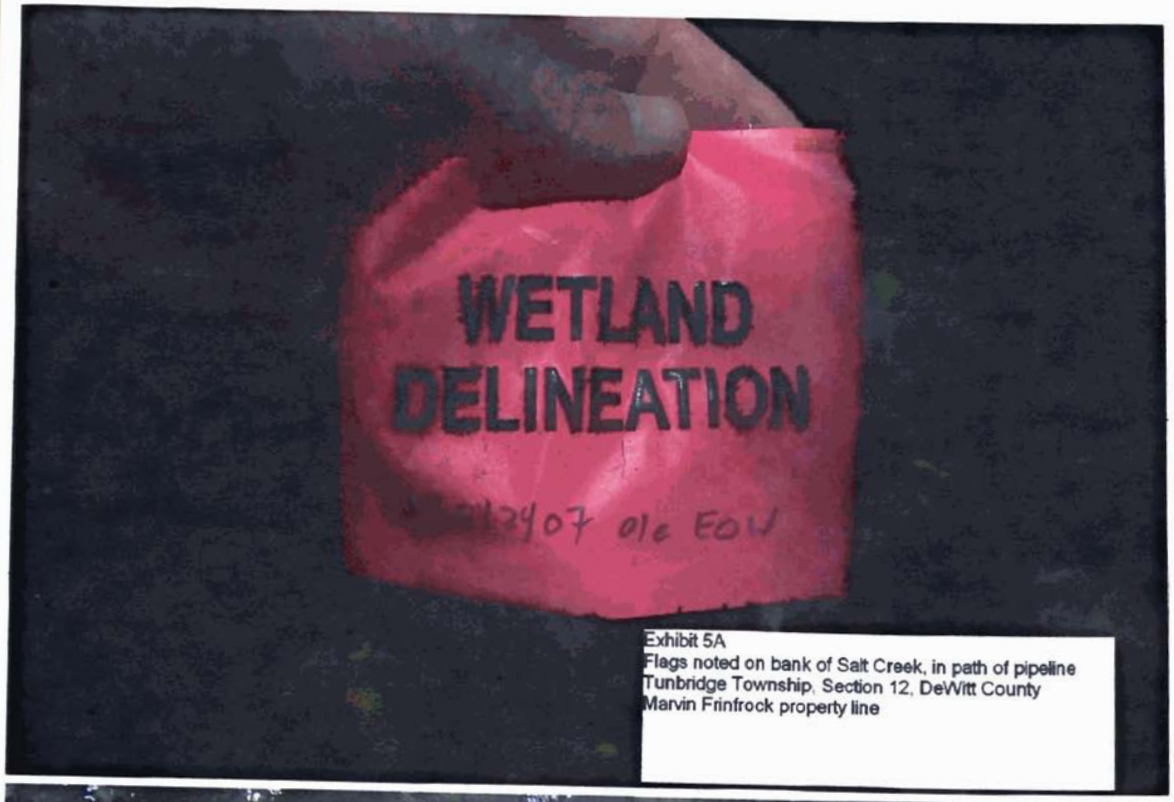

Exhibit 5A
Flags noted on bank of Salt Creek, in path of pipeline
Tunbridge Township, Section 12, DeWitt County
Marvin Frinfrock property line

Exhibit 5
Signs posted on bank of Salt Creek
Just above exposed pipe above creek
Tunbridge Township, Sect. 12
DeWitt County, IL

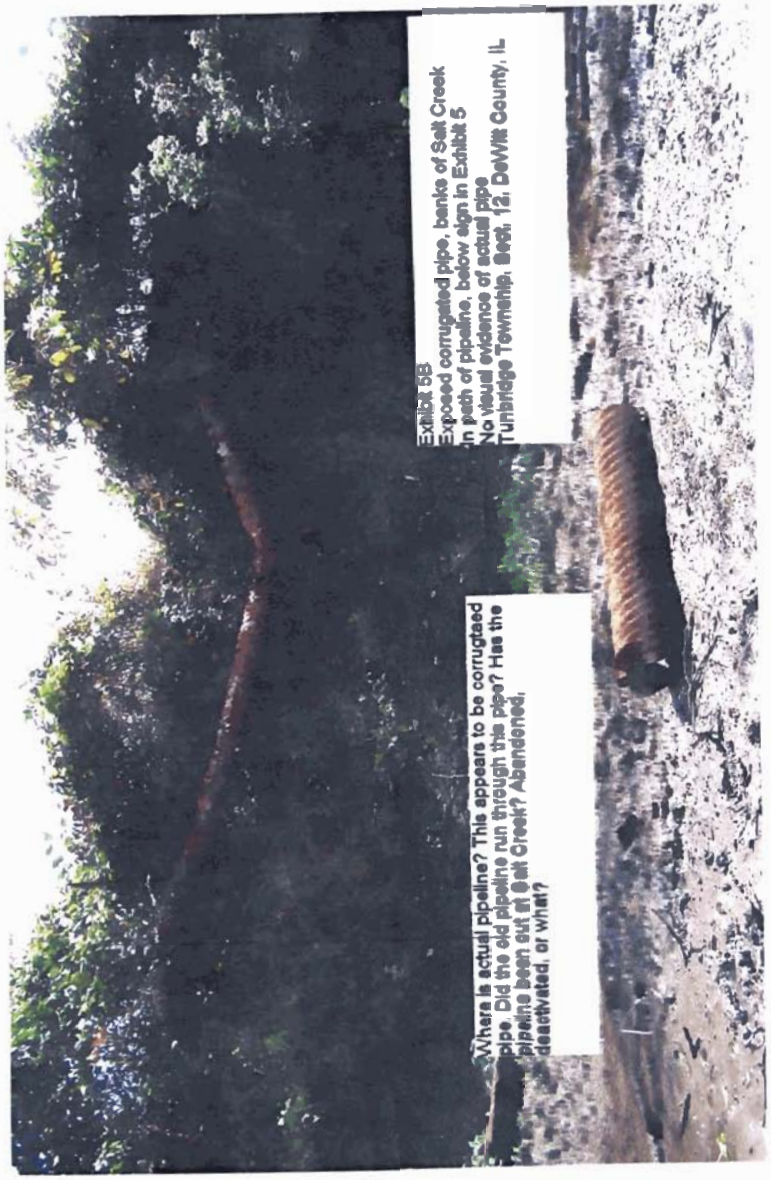

Exhibit 5B
Exposed corrugated pipe, banks of Salt Creek
In path of pipeline, below sign in Exhibit 5
No visual evidence of actual pipe
Tunbridge Township, Sect. 12, DeWitt County, IL

Where is actual pipeline? This appears to be corrugated pipe. Did the old pipeline run through this pipe? Has the pipeline been cut at Salt Creek? Abandoned, deactivated, or what?

No. 81212

Pantagraph Ptg. & Stat. Co., Bloomington, Ill. — 228539

Know All Men by These Presents That Frank E. Conners and his wife Mary E. Conners

of the post office of Wapella in the State of Illinois for and in consideration of Fourty (40.00) Dollars, cash in hand paid, receipt of which is hereby acknowledged, do hereby grant and convey unto THE TEXAS-EMPIRE PIPE LINE COMPANY, a corporation of Delaware, the right to lay, operate and maintain a pipe line for the transportation of oil, gas, gasoline and/or other fluids, the grantee selecting the route, upon, over and through the following described land, situated in the County of DeWitt and the State of Illinois:

East Half (E½) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Twenty-one (21), Township Twenty-one (21) North, Range Two (2) East of the Third Principal Meridian,

and any other lands of the grantor(s) adjoining the lands above described.

Also the right to lay, operate and maintain, adjacent to and parallel with the first, a second pipe line, whereupon, when and if said second pipe line is laid, said grantee shall pay to said grantors, their heirs or assigns the same consideration named above.

The grantee shall have the right of ingress to and egress from such pipe lines at any and all reasonable times; to install and maintain such appliances or instrumentalities upon or near said pipe lines as may be deemed necessary for the operation and protection of the same; and to replace or remove at will any part or all of said pipe lines and appurtenances.

TO HAVE AND TO HOLD the said easements unto said THE TEXAS-EMPIRE PIPE LINE COMPANY, its successors and assigns, so long as such pipe lines or other structures are maintained; grantor(s) hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois.

And by the acceptance hereof the grantee agrees to bury such pipe lines so that they will not interfere with the cultivation of the land, and also to pay any and all damages to crops owned by grantor, fences, and land which may be suffered from the construction, operation or maintenance of such pipe lines.

The grantor represents that the above described land is rented for the current year, to not rented

It is also understood and acknowledged by the grantor or grantors that the person securing this grant is without authority to make any agreement in regard to the subject matter hereof which is not expressed herein and that no such agreement will be binding on the grantee.

IN WITNESS WHEREOF, This instrument is signed on this the 21 day of June, 1939

Witnesses:

Thomas O' Connor

Frank E Conners (Seal)

Mary E Conners (Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT

STATE OF ILLINOIS, DeWitt County, } ss.

I, O.C.Caldwell, a Notary Public in and for Crawford County, State of Illinois, and residing in said last named county, do hereby certify that Frank E. Conners and Mary E. Conners, his wife personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknolwedged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of Homestead.

COMPARED

Given under my hand and official seal this 21 day of June, 19 39

(O.C.Caldwell Notary Public Crawford County,Ill.)
My commission expires June 19-1943

O C Caldwell
Notary Public.

Filed August 23rd, A. D. 19 39, at 3:57 P.M.