

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

IN RE ENBRIDGE PIPELINE)	
ILLINOIS LLC.)	
)	
)	07-0446
)	
Petition pursuant to Section 8-503, 8-509,)	
15-101 and 15-401 of the Public Utilities Act)	
for a certificate by pipeline, and for entry of)	
an order authorizing and directing construction)	
and operation of a petroleum pipeline and)	
granting authority to exercise eminent domain)	

**INTERVENOR KELLY’S REPLY TO
APPLICANT’S RESPONSE TO MOTION TO COMPEL**

Intervenors Carlisle Kelly and DeAnna Kelly, by and through their attorney, Thomas J. Pliura, respectfully offer the following in reply to Applicant Enbridge’s Response to their motion to compel disclosure of documents.

Firstly, the Intervenors represented by Thomas Pliura (hereafter, “Pliura Intervenors”) would like to respectfully remind all legal counsel involved with this case that civility, professionalism, and courtesy should always be the primary goal when dealing with opposing parties. A cursory review of some of the pleadings and documents might imply (to a layperson reviewing the electronic record) a lack of civility, professionalism and courtesy on the part of all legal counsel involved. We are confident none of the legal counsel involved consciously intends to ignore any of the basic tenets of our legal profession. There is often a fine line between vigorously advocating for a client and being perceived as lacking civility, professionalism and courtesy.

That said, Pliura Intervenors respectfully offer the following Reply to Applicant Enbridge's Response to the Motion to Compel. Enbridge has refused to answer approximately 61 written discovery requests based on a claim of irrelevance. In addition, Enbridge has provided answers to other discovery requests with non-responsive answers. In its original motion, Intervenors set forth the relevancy groups for several of the requests and offered to supply the Hon. Hearing Officer and Commission with the relevancy groups for every other request if necessary. Given Applicant's Response, Pliura Intervenors will set forth in detail the discovery requests in dispute and set forth their rationale as to relevance, etc.

October 25, 2007 Discovery Requests to which Enbridge has refused to respond based on a claim the requested information is irrelevant: 1 (b)-1(i), 2, 3, 4, 5, 7, 8, 11, 12, 13, 18, 19, 20, 21, 22, 24, 25, 26, 27,28, 29, 30, 32, 34, 35, 36.

Interrogatory 1 (a.)-(i).

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*

Rationale for relevance: The relevance of this request seems obvious to us. What is planned to be transported in the proposed pipe? An Enbridge pipeline recently caught fire in Minnesota and two people were killed. Safety is an issue, environmental concerns are an issue, and also whether the project is even entitled to receive eminent domain authority. We have submitted a motion to dismiss alleging the product in the pipe does not meet the definition of “oil” as defined under Illinois law.

The identity of the producers and shippers is highly relevant. Even the ICC staff inquired as to their identity. Enbridge responded that information is protected by the Interstate Commerce Act, without offering a citation to pertinent portions of that law. Nor did Enbridge supply case law to suggest the Interstate Commerce Act protected the mere identity of the proposed shippers and producers. If the shippers and producers are foreign nationals then relevance is obvious. Will the product merely be used to benefit these foreign countries rather than Illinois citizens?

The questions related to upgrading are relevant to determine, again, what will be flowing through the pipe. Will there be noxious and flammable gases in the pipe subject to explode and take the loss of life. Does the upgraded product even constitute “oil” as defined by Illinois law? The Common Carrier by Pipeline Law (220 ILCS 5/15) at Sect.15-401(b.) requires the Illinois Commerce Commission to take into consideration the effect of the pipeline upon public safety.

The identity of the shippers and producers is important as relates to the application for a common carrier by pipeline status. Enbridge has responded that the proposed pipeline is not intended for intrastate use, and instead it is intended for interstate use. This is a major point. It is our belief and understanding that virtually no Illinois-based oil producers will be able to access this pipeline. The pipeline proposal seems intended to benefit out-of-state producers. It is our belief and opinion the proposal may have an adverse impact on Illinois-based producers of Illinois subsurface oil deposits. The Common Carrier by Pipeline Law (220 ILCS 5/15) at Sect.15-401(b.) requires the Illinois Commerce Commission to take into consideration the effect of the pipeline upon the economy, infrastructure, and public safety presented by local governmental units that will be affected by the proposed pipeline.

The questions based on the type and percent of bitumen based product are highly relevant as relates to environmental concerns. Among other things, the Common Carrier by Pipeline Law (220 ILCS 5/15 et seq) contains specific provisions at Sect.15-401(b.) concerning environmental impact of the proposed pipeline, impact of the proposed pipeline or facility on any conservation areas, forest preserves, wildlife preserves, wetlands, or any other natural resource, and other environmental issues. The mining of bitumen ore is extremely harmful to the environment. Upgrading of bitumen ore (tar sands) is alleged to be one of the leading causes for greenhouse gas emissions in North America.

The issue of whether this material is crude oil is the subject of our motion to dismiss. It is our contention and belief this project cannot qualify for receipt of eminent domain authority because the product in the pipe is not crude oil, as defined by Illinois law. The issue of whether the product is “crude oil” is highly relevant. Throughout its application, Enbridge referred to the product as “crude oil.” We intend to introduce evidence the pipeline will not be transporting “crude oil” as alleged in the Enbridge application. Instead, it intends to transport a highly refined petroleum product much more similar to gasoline than to crude oil.

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*

Rationale for relevance: The relevance of the identity of the producers and/or shippers is explained in our response to #1, above. If China owns the product in the pipe, and if China intends to ship the product back to China (or trade the product on the world market) for the benefit of Chinese citizens, then we do not believe the project can be granted eminent domain authority because said project will not be utilized for the benefit of the citizens of Illinois. (See, 220 ILCS 5/8-509.5 and 735 ILCS 30/5-5-5)

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.*

Rationale for relevance: See response to #1 and #2 above.

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*

Rationale for relevance: See response to #1 and #2 above.

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.*

Rationale for relevance: Enbridge refused to answer ICC staff inquiry regarding the identity of the proposed shippers and producers of the product. Enbridge cited the Interstate Commerce Act (“Act”) as protecting the information, without citing a specific portion of the Act. Now, in response to our inquiry, Enbridge responds the information is not relevant. We believe the information is highly relevant. Enbridge previously object on the basis of some type of alleged protection from the Act. If there is such protection, please cite the specific portion of the Act.

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

Rationale for relevance: See response to #1 and #2 above.

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?*

Rationale for relevance: See response to #1 and #2 above. If the product leaves the United States, then we believe there is no benefit to citizens of Illinois for having the pipeline. Unless there are some stipulations that the product will not be allowed to leave the U.S., or prohibition against trading for products outside the U.S., then there is no assurance this project will benefit U.S. citizens, let alone Illinois citizens.

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.*

Rationale for relevance: Unless there is a well-defined benefit to Illinois citizens as a result of constructing the pipeline, then there is no reason to grant eminent domain authority for this project. Presumably the ICC could grant authorization to construct the pipeline, but withhold authorizing Enbridge to use eminent domain to take the property against the consent of any landowners, much as occurred in the Lakehead case. We believe the issue of whether benefit will accrue to Illinois citizens is a primary issue in this case.

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.*

Rationale for relevance: See response to #8, #11, above.

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.

Rationale for relevance: See response to #8, #11, #12 above

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*

Rationale for relevance: The Common Carrier by Pipeline Law, 220 ILCS 5/15-201, excludes from the definition of common carrier by pipeline, any entity owned or operated by any political subdivision, public institution of higher education or municipal corporation of this State, or common carriers by pipeline that are owned by such political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents. As such, if Enbridge shareholders comprise any of the prohibited subsets, then the project may not qualify for status as a common carrier by pipeline. Thus, we need to have an answer.

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.

Rationale for relevance: If Enbridge proposes to operate a common carrier by pipeline, we want to know what their rates will be. Will they be high, low or in-between? How much will the public pay for use of the pipeline? In many ways, this question has indirectly been answered. It does not appear any local producers will be able to use the pipeline, because it is intended only for interstate use.

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.*

Rationale for relevance: This is a highly relevant issue. Many landowners already have a decaying, abandoned old pipeline running under their property. Several landowners have actually caught their agricultural equipment on the abandoned pipeline. Landowners have a right to know who will remove the old pipeline, or whether Enbridge even intends to remove it. If they do not remove the old pipeline, then a landowner will have two pipelines running through their property. There are significant environmental and safety concerns related to this issue.

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.*

Rationale for relevance: See response to #20, above.

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?*

Rationale for relevance: It is our understanding Enbridge has not yet decided upon a final path or route for its proposed pipeline, with any degree of certainty. Many landowners have inquired about the exact path, yet Enbridge has not been able to provide these answers. We want to know whether Enbridge perceives it can alter the course of its proposed pipeline path, assuming a hypothetical scenario whereby it receives approval to proceed from the ICC.

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.*

Rationale for relevance: Enbridge alleges in its application that it holds easements for the majority of its proposed pipeline path. Pliura Intervenors strongly dispute this issue. We believe it is a misrepresentation for Enbridge to allege it holds easements for the proposed path. If Enbridge alleges it holds easements for much of the proposed path, we respectfully request to view and inspect these materials, including merger documents.

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.*

Rationale for relevance: See response to #24 above.

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.*

Rationale for relevance: Significant environmental and safety concerns exist related to the old abandoned pipeline. Among other things, Enbridge maintains it now owns this pipeline. If this is true, and if the old pipeline has not been abandoned, we request to inspect and copy the annual reports for this pipeline. We allege the old pipeline is in disrepair. It is in violation of numerous safety regulations. We wish to inspect the records pertaining thereto. If maintenance of the old pipeline is any indication as to how Enbridge will maintain the proposed new pipeline, then we have significant concerns.

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.*

Rationale for relevance: See response to #26 above.

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?*

Rationale for relevance: Enbridge alleges it holds a valid easement through much of the proposed path. We believe it is important that the ICC know with certainty whether said easement is valid or not. If the ICC approves the Enbridge application based on the misrepresentation that incorrectly alleges Enbridge holds a valid easement, then we believe this may be grounds for reversal. That is, we believe it is much more appropriate to stipulate that there is a dispute as to the validity of the old 1939 easement, considering the pending legal action in Federal Court. We believe the federal court may be able to provide an answer regarding this matter prior to the final ICC hearing. Nonetheless, this is a highly relevant matter.

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.

Rationale for relevance: Many landowners already have a single abandoned pipeline running through their property. They are not happy about having a second pipeline. These landowners wish to know whether Enbridge plans to remove the old rotting pipeline, or not.

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.

Rationale for relevance: See response to #29, 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?

Rationale for relevance: Many landowners are dealing with the environmental and safety concerns of the old 1939 pipeline that has not been used in many years. The landowners are now faced with the potential financial costs of cleaning up the mess from the old pipeline. It is our understanding the old pipeline was a very small 12” diameter pipe. While the extent of the soil contamination is not fully known, there is a potential environmental nightmare ahead for the landowners. The Enbridge proposal is for a very large diameter pipe with an exponential increase in the potential amount of environmental hazards.

33. 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?

Rationale for relevance: The Common Carrier by Pipeline law 220 ILCS 5/15-401

(b.)(4.) states, among other things:

In its determination of public convenience and necessity for a proposed pipeline or facility designed or intended to transport crude oil and any alternate locations for such proposed pipeline or facility, the Commission shall consider, but not be limited to, the following:

(4.) any evidence of the effect of the pipeline upon the economy, infrastructure, and public safety presented by local governmental units that will be affected by the proposed pipeline or facility.

We want to know what effect, if any, the proposed project will have on the price of crude oil produced in Illinois. The local oil producers believe this project will have significant detrimental effects on their ability to market oil recovered from Illinois oil fields. This is a relevant issue.

34. *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.*

Rationale for relevance: We have heard stories from landowners who have maintained Enbridge has implied it could force landowners to accept a second pipeline by claiming the old 1939 easement allowed Texas Empire Pipeline Company to install a second pipeline after payment of forty dollars (\$40.00). These implied threats are an attempt to directly, or indirectly, intentionally, or unintentionally coerce landowners into signing an easement for the Enbridge proposal. Pliura Intervenors strongly dispute that Enbridge holds a valid easement. We believe it is improper to suggest or imply that Enbridge can force the landowners to accept a second pipeline by paying additional monies. We request a response from Enbridge. We are prepared to offer testimony of certain individuals who have been presented with this information.

36. *The 1939 easement (attached) contains language stating Texas-Empire Pipeline Company, its successors 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*

Rationale for relevance: Pliura Intervenors have significant environmental concerns about the old 1939 pipeline. They are concerned they may bear the burden of clean-up of this environmental nightmare. Enbridge alleges it owns the old pipeline easement. We want to know if Enbridge believes the old pipeline has been adequately maintained.

November 6, 2007 Discovery Requests to which Enbridge has refused to respond based on a claim the requested information is irrelevant: 1, 2, 3, 4, 5, 6, 7, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29

- 1. Some news agencies report that China has made, and is making, significant investments in Canadian tar sands reserves. (See Exhibit 1, Oct. 16, 2007, Alberta Seeks Chinese Investment). Will China's three oil giants, Sinopec, The China National Petroleum Corporation (CNPC) and China National Offshore Oil Corporation (CNOOC) transport any petroleum byproduct in the proposed pipeline?*

Rationale for relevance: The relevance of whether China will be shipping petroleum byproduct through the proposed pipeline was fully explained in response #1 to the October 25, 2007 interrogatory above. In essence, Pliura Intervenors believe that the identity of the specific shippers is crucial to answering the questions whether the project will provide any benefit to Illinois citizens.

- 2. Some news agencies report that China National Offshore Oil Corporation (CNOOC) holds a significant ownership in Canada's MEG Energy Corp. Other reports suggest China Petrochemical Corp. purchased a forty percent (40%) stake in Canada's Northern Lights tar sands project with Synenco Energy Inc. (Please see Exhibit 2) Will MEG Energy Corp. or Synenco Energy Inc. transport and petroleum byproduct in the proposed pipeline?*

Rationale for relevance: See the answer to #1 above.

3. *Some news reports suggest Enbridge, Inc. is encouraging Chinese investment in the Canadian petroleum industry. (Bloomberg report, Exhibit 3). Did Pat Daniel, Enbridge Inc. CEO travel to Beijing, China with Canadian Natural Resources department officials to discuss Chinese involvement in the Canadian petroleum industry?*

Rationale for relevance: See the answer to #1 and #2 above. It is publicly known that Enbridge offered an ownership interest in its proposed Gateway project. We believe it is strongly relevant as to whether Chinese involvement is a possibility in the proposed project.

4. *What type of discussions has Enbridge, Inc. had with Chinese officials about Chinese investment in the Canadian petroleum industry? What type of discussions has Enbridge, Inc. had with Chinese officials about transportation of petroleum products and by-products through the proposed pipeline?*

Rationale for relevance: See the answer to #1, #2, #3, above.

5. *News reports suggest Enbridge and PetroChina had a confidential agreement to send Canadian petroleum to China via the Gateway project to the Canadian West Coast through British Columbia. Enbridge spokesperson Glenn Herchak has been quoted as saying that Enbridge and PetroChina had a confidential agreement (See Exhibit 4). Some news agencies reported allegations that Enbridge offered PetroChina a forty-nine percent (49%) stake in the Gateway project. Apparently the Gateway project failed to materialize for a variety of reasons, including failure to obtain appropriate permits as well as opposition from environmentalists and native indigenous tribes. Did PetroChina and Enbridge have a confidential agreement to send Canadian petroleum to China?*

Rationale for relevance: See the answer to #1, #2, #3, above.

6. *Does Enbridge support or encourage Chinese investment in Canadian petroleum investments? Now that the Gateway project has fallen through for the time being, will petroleum exports to China occur via the Southern Access project being proposed at the Illinois Commerce Commission?*

Rationale for relevance: See the answer to #1, #2, #3 above.

7. *News reports in the past alleged that China was offered a significant investment interest in a pipeline being developed by Enbridge. See Exhibit 4A. Does*

Enbridge have any plans to offer any foreign country or foreign investor an investment interest or equity stake in the proposed pipeline project now pending before the ICC? Will Enbridge stipulate and agree that it will not sell an investment interest in the proposed pipeline (now pending before the ICC) to any foreign country or foreign investors at any time in the future?

Rationale for relevance: See the answer to #1, #2, #3 above. We believe it is strongly relevant as to whether China, or any foreign country, could become an owner of the proposed project in the future. We want to know whether Enbridge will stipulate that it will not sell an investment interest in the proposed pipeline to any foreign country, directly or indirectly, at anytime in the future.

18. Please explain how increasing the availability of refining capacity for Canadian Oil sands product in the Gulf Coast will affect the price of the raw product in Canada and on the world market

Rationale for relevance: The economics of increasing the refining capacity of Canadian Oil sands may have an affect on the price of raw product. In turn, this might affect the price of oil produced in Illinois. We want to understand how Enbridge believes the economics of this situation might play out. The Common Carrier by Pipeline law 220 ILCS 5/15-401 (b.)(4.) states, among other things:

In its determination of public convenience and necessity for a proposed pipeline or facility designed or intended to transport crude oil and any alternate locations for such proposed pipeline or facility, the Commission shall consider, but not be limited to, the following:

(4.) any evidence of the effect of the pipeline upon the economy, infrastructure, and public safety presented by local governmental units that will be affected by the proposed pipeline or facility.

19. Please indicate the approximate dollar amount of 400,000 barrels of Canadian bitumen product and any necessary diluent that will be transported through the proposed pipeline on a daily basis (using world prices for Canadian heavy oil, as of Nov. 6, 2007). Please pick any respective Canadian heavy oil and simply cite the type and price when providing an answer.

Rationale for relevance: Determining an approximate value for the petroleum byproduct and diluent traveling through the proposed pipe is relevant to the potential economic impact upon Illinois and its citizens. Illinois produces a significant amount of natural crude oil and it is important to determine whether this might have an impact on the value of that product. See 220 ILCS 5/15-401 (b.)(4.)

20. *The July 12, 2006 article (Exhibit 11) states that some energy analysts believe Chinese investment in Canadian tar sands fields that is occurring will stabilize the overall energy security around the world. Will the fact that China is investing in the Canadian petroleum market have any effect on the planned Enbridge pipeline through Illinois? If so, please explain.*

Rationale for relevance: Again, the economics of foreign investment into the Canadian tar sands may have a significant impact on the economics of the project and Illinois economies.

21. *A San Francisco Chronicle article from May 22, 2005, FUELING AMERICA OIL'S DIRTY FUTURE, (Exhibit 12) alleges as follows: "These oil sands are the world's most expensive, most polluting source of oil under large-scale production. Wringing four barrels of crude oil from the sands requires burning the equivalent of a fifth barrel. The mines and refineries release huge amounts of greenhouse gases -- the equivalent each day to more than a third of California's daily car emissions." Please describe the major environmental effects that the mining of Canadian tar sands has on the global environment.*

Rationale for relevance: Environmental aspects of the Canadian tar sands is directly relevant to this proceeding. The Common Carrier by Pipeline Law, 220 ILCS 5/15-401(b)(1) and (3) requires consideration of the potential environmental aspects of any proposed pipeline project. Specifically, the law requires consideration of potential environmental impacts of the proposed pipeline and impact of the proposed pipeline or facility on any conservation areas, forest preserves, wildlife preserves, wetlands, or any other natural resource. There is most certainly no limitation as to where this impact might occur. That is, the Illinois Commerce Commission is not limited to only consider

environmental impacts that occur within the boundaries of Illinois. On the contrary, the Commission can consider any international or global impact this project might have anywhere in the world.

22. Please describe the major environmental effects that are caused by the upgrading of bitumen to a less-viscous byproduct that can be shipped via pipeline. Please comment on the major environmental effects including global green house gas production.

Rationale for relevance: See response to #21, above. Some authorities suggest upgrading of bitumen tar sands is one of the leading causes of green house gas emissions in the world today. Environmental aspects of this proposed project are highly relevant.

24. Upgrading of bitumen is alleged to produce significant amounts coke residue. Some coke residue is used to produce energy for the upgrading of bitumen to allow it to be broken down into a less-viscous byproduct of bitumen that can then be shipped via pipeline. Does the burning of coke residue in the upgrading process create green house gas emissions?

Rationale for relevance: See response to #21, above. Some authorities suggest upgrading of bitumen tar sands is one of the leading causes of green house gas emissions in the world today. Environmental aspects of this proposed project are highly relevant.

25. What happens to all the coke residue that is created during the upgrading of bitumen? If any of the coke residue is stored in mines, please explain how this might affect the environment for future generations.

Rationale for relevance: See response to #21, above. Some authorities suggest upgrading of bitumen tar sands is one of the leading causes of green house gas emissions in the world today. The production of excess coke byproducts is becoming an increasing problem from an environmental standpoint. Environmental aspects of this proposed project are highly relevant.

26. *A San Francisco Chronicle article from May 22, 2005, FUELING AMERICA OIL'S DIRTY FUTURE (Exhibit 12) quotes one oil industry executive regarding the mining of bitumen from the tar sands as follows: "This is not for the faint of heart or those short on capital," said Neil Camarta, senior vice president of Shell Canada Ltd., the lead partner in a consortium that has spent \$5 billion in the last five years. Mr. Camarta is quoted as describing the Canadian oil sands project as "one of the world's biggest projects." Is the mining of Canadian oil sands one of the world's biggest projects?*

Rationale for relevance: Pliura Intervenors will withdraw Interrogatory #26.

27. *Does Enbridge plan to dig up and remove the old Texas Empire Pipeline that runs through Central and Southern Illinois and which has not been functional for many years? How does Enbridge plan to restore the environmental damage caused by the old Texas Empire Pipeline? Will landowners be compensated by Enbridge for the environmental damaged caused by the old Texas Empire Pipeline?*

Rationale for relevance: See response to #21, above. The old, abandoned 1939 pipeline is of significant environmental concern to the landowners and the public in general. There is a major concern that the old pipeline may leach into existing water tributaries harming fish and wildlife therein. This is a valid concern. Landowners have a right to know if Enbridge proposes to compensate them for any environmental damage or clean-up costs as relates to the old, abandoned 1939 pipeline.

29. *In its application with the ICC, Enbridge alleges it holds an easement for much of the proposed 170 miles of pipeline it plans to construct. Many landowners have disputed this alleged claim by Enbridge. Please provide copies of all documents and material that verify Enbridge holds a valid easement through central and southern Illinois involving the land now being proposed for the new pipeline.*

Rationale for relevance: This relates to the disputed easements and has been addressed previously as to why the issue is relevant. See response to interrogatory #24 from the October 25, 2007 interrogatories, above.

November 8, 2007 Discovery Requests to which Enbridge has refused to respond

based on a claim the requested information is irrelevant: 6, 7, 8, 9, 10, 11, 12, 13, 14,

15.

6. *If the pipeline product or its end-products are transported to Cushing, Oklahoma and stored in tanks owned by Enbridge in that community, are the owners of the product or end-products able to trade those commodities on the world market.*

Rationale for relevance: Pliura Intervenors will withdraw Interrogatory #6

7. *If the pipeline product or its end-products are transported to Cushing, Oklahoma and stored in tanks owned by Enbridge in that community, and the product or end-products are traded on the world market, please explain in detail how the pipeline project is being operated in Illinois primarily for the benefit, use, or enjoyment of the public.*

Rationale for relevance: This question relates to byproduct passing through Illinois and being transported to another state for ultimate end-use. We believe this is relevant as to whether the project will benefit Illinois citizens.

8. *Enbridge maps of the proposed pipeline dated 4/27/07 (See Exhibit 2, attached) show three pipelines or pipeline easements: A pipeline referenced as “Magelian (sic) pipeline”, a pipeline referenced as “Southern Access 36” pipeline”, and another un-labeled pipeline which the map legend references as “surveyed proposed pipeline”. Please explain what these three pipelines or proposed pipelines are and what they constitute.*

Rationale for relevance: Multiple maps have been distributed amongst some of the landowners, showing more than a single pipeline. We believe it is not only important, but absolutely necessary to understand which pipeline is being proposed for the new pipeline. Also, we want to know what the other pipeline shown on the map actually represents.

9. *Enbridge alleges to have purchased an old pipeline easement from Central Illinois Pipeline (See Exhibit 3, attached). Will the new proposed pipeline be laid out within the existing right-of-way of the old Central Illinois Pipeline Company easement through the entire length of the old easement? If the proposed pipeline will not be laid entirely within the existing old right-of-way easement, please*

explain with specificity where and the approximate length or distance the proposed pipeline will not run within the old Central Illinois Pipeline Company easement.

Rationale for relevance: Many landowners already have an old pipeline running through their property. We want to know whether Enbridge intends to construct the proposed pipeline within the old easement, or if they will request additional property for the new proposal, thus taking up even more property of the landowners. This is highly relevant. In addition, Enbridge has represented in its application that it already owns an easement for much of the proposed path. We want to know, with specificity, how much (if any) of that old pipeline easement will be used for the proposed project.

10. If Enbridge plans to build the new pipeline outside the right-of-way of the old Central Illinois Pipeline, does this mean landowners will then have two pipelines running through their property, the old Central Illinois Pipeline and the new pipeline?

Rationale for relevance: Many landowners already have an old pipeline running through their property. They do not wish to have a second pipeline on their property. We want to know if landowners will be forced to accept two separate pipelines on their property if this project is approved by the Commission. There have been rumors about another pipeline in the future. Even the ICC staff inquired as to why the proposed Enbridge easement contained language about a second pipeline. We want to know for certain whether it is a possibility that Enbridge could construct another pipeline after this project, within this easement.

11. Enbridge has responded to an ICC Staff inquiry about multiple pipelines stating, "In some cases, this may result in a property containing two pipelines but the right-of-way for the existing line is already in place." (See Exhibit 3, attached). Please explain how many tracts of land or landowners will have two pipelines on their property.

Rationale for relevance: See response to #9 and #10. We want to know how many people might be forced to have two pipelines running through their property. Also, is there any limit on the number of pipelines that can be forced upon a landowner?

12. Please explain how many tracts of land and how many landowners will have two separate pipelines running through their land on two separate, non-overlapping right-of-ways.

Rationale for relevance: See response to #9 and #10. We want to know how many people might be forced to have two pipelines running through their property.

13. Please explain whether the existing pipeline referred to as the old Central Illinois Pipeline currently is in active operation or is used as a pipeline. If it is not currently used, please state when it was last used.

Rationale for relevance: This is a simple question. Does Enbridge allege that the old pipeline is still active? We want to have Enbridge respond as to whether the old pipeline is being used at this time. This is highly relevant to this application.

14. Please provide copies of most recent annual reports and safety inspection reports for the old Central Illinois Pipeline.

Rationale for relevance: This relates to the safety issues of the old pipeline. Recent accident in Minnesota at Enbridge's Lakehead line resulted in the death of two people. It also resulted in significant environmental concerns. The annual reports and safety inspections are critically relevant to this issue. If Enbridge has failed to maintain safety inspections on the old pipeline, Enbridge should clearly be required to clean up the old pipeline before starting another one.

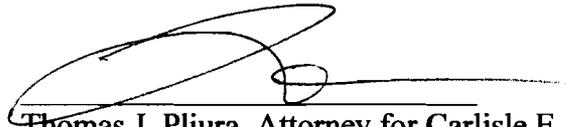
15. Please state whether the old Central Illinois Pipeline is inactive or if it has been abandoned.

Rationale for relevance: See response to #13. Is the old pipeline active, inactive, abandoned, or something other than mentioned herein?

Conclusion

Pliura Intervenors have attempted to set forth above, in summary fashion, a description of why the refused requests are relevant to the issues before the Commission. The questions posed are designed to address serious issues with respect to safety and public benefit. Applicant sees these requests as harassing, burdensome and xenophobic. With all due respect, these issues are none of these things. They are directly relevant to the very issues upon which the Commission will rule. We respectfully request, therefore, that the Hon. Hearing Officer issue an order compelling Applicant to answer the discovery requests as posed.

Respectfully Submitted,

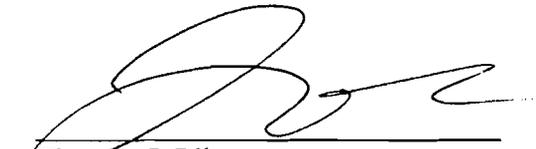


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