

REBUTTAL TESTIMONY
OF
MARK MAPLE
ENGINEERING DEPARTMENT
ENERGY DIVISION
ILLINOIS COMMERCE COMMISSION

ENBRIDGE PIPELINES (ILLINOIS), L.L.C.

DOCKET NO. 07-0446

APRIL 7, 2008

1 Q. Please state your name and business address.

2 A. My name is Mark Maple and my business address is Illinois Commerce
3 Commission, 527 East Capitol Avenue, Springfield, Illinois 62701.

4 Q. Are you the same Mark Maple who previously filed direct testimony in this
5 docket?

6 A. Yes.

7 Q. What did you recommend in your direct testimony?

8 A. I was unable to make any recommendations on the certificate
9 request due to what I felt was a lack of information from the
10 Company supporting its case. I did recommend that the Company
11 provide further justification for its position in its rebuttal testimony.

12 Q. Did the Company provide rebuttal testimony that addressed the
13 topics for which you had concern?

14 A. Yes, the Company provided a number of rebuttal exhibits that
15 addressed the need for the pipeline, the benefits of the project, and
16 the potential for a further expansion to Texas and the Gulf Coast.

17 Q. Based on the direct testimony of the intervenors and the rebuttal
18 testimony of Enbridge, do you now have recommendations for the
19 Commission?

20 A. Yes, I recommend that the Commission approve the Petitioner's
21 request for a certificate to construct and operate the proposed
22 pipeline, as well as the Petitioner's request for authorization to
23 exercise eminent domain. I also recommend that the Commission
24 order Enbridge to make several modifications to the pipeline where
25 it crosses land that affects the Village of Downs and the Fayette
26 Water Company, as described later in my testimony.

27 **Public Need**

28 Purpose of Pipeline

29 Q. Do you believe that the main purpose of this pipeline is to bring
30 Canadian crude supplies to Illinois and the PADD II region?

31 A. No. That will likely occur to some degree, but I don't believe it is
32 the driving factor for this project.

33 Q. Why do you think Enbridge is building this pipeline?

34 A. Enbridge has hinted from the beginning that it might extend its

35 pipeline project all the way to the Gulf Coast. However, I believe
36 Enbridge did not want to officially characterize this project as one
37 segment of a Gulf Coast pipeline, perhaps because the final stages
38 of the pipeline had not, at the time this docket was filed, received
39 market and corporate commitments. It is clear to me now though,
40 through various public announcements and governmental filings,
41 that Enbridge intends to extend this pipeline all the way to Texas.

42 Q. On what do you base your belief that Enbridge will extend this
43 pipeline to Texas and the Gulf Coast?

44 A. In December, Enbridge announced that it would begin soliciting
45 shipper commitments for the Patoka to Texas leg of the pipeline,
46 called the Texas Access Pipeline. The announcement was
47 covered in dozens of media articles, several of which were filed on
48 February 27, 2008, as exhibits by Mercer Turner on behalf of
49 various intervenors.

50 Additionally, Enbridge officials addressed an audience at Enbridge
51 Day 2007 in Toronto on October 3, 2007. A transcript of this event
52 was filed as Exhibit G on January 25, 2008 as part of the
53 Supplemental testimony of Carlisle Kelly. In that transcript, CEO
54 Pat Daniel and Executive Vice President Richard Bird both make

55 references to Enbridge's plans to build a pipeline from Patoka to
56 the Gulf Coast.

57 Finally, Enbridge filed a petition with the Federal Energy Regulatory
58 Commission on February 7, 2008, asking for approval for its rate
59 structure on the Texas Access Pipeline.

60 Q. If Enbridge builds the Texas Access Pipeline, will any of the
61 Canadian crude being shipped into Illinois be retained in PADD II
62 for local use, or will it all be shipped to the Gulf Coast?

63 A. I don't know. Enbridge witness Dale Burgess states in his rebuttal
64 testimony that some of the supplies would indeed stay in the PADD
65 II region in the event that the Texas Access Pipeline was built
66 (Enbridge Ex. 1A, pp. 4-6). However, that seems to conflict with
67 the repeated public statements and filings from Enbridge that claim
68 the Midwest market for Canadian crude is saturated, and supplies
69 must travel to the Gulf Coast to find an adequate market (Affidavit
70 of Perry F. Schuldhaus in Support of Joint Petition for Declaratory
71 Order from the FERC regarding Texas Access Pipeline Project, p.
72 2, FERC Docket No. OR08-7-000).

73 There are refineries in the Midwest that are considering upgrading

74 their facilities to process more Canadian crude. If this occurs, the
75 local market may no longer be saturated and thus would have a
76 use for more supplies being transported on the Southern Access
77 Extension Pipeline. If these refinery expansions do not occur, it
78 appears questionable that the extension would be serving any local
79 markets with new supplies. While some of the supplies transported
80 by Enbridge might end up being used locally, they could potentially
81 cause supplies from other shippers to be diverted to other regions
82 due to the market saturation. In that scenario, the Southern
83 Access Extension Pipeline would not result in a net increase in the
84 local consumption of Canadian crude.

85 Benefits of the Pipeline

86 Q. In your opinion, as a Commission engineer and not an attorney,
87 must the Commission require a certificate applicant to demonstrate
88 benefits to the State of Illinois as a condition of certification?

89 A. No. Section 15-401(b) of the Public Utilities Act only mentions
90 “public need” and “public convenience and necessity” without
91 defining those terms.

92 Q. Have you limited your review of the proposed pipeline to only

93 consider “benefits” on a local level?

94 A. No. My review has taken into account benefits from both a local
95 and a national level.

96 Q. Would you consider a pipeline as beneficial if the pipeline’s
97 benefits were difficult to positively quantify on a local level, but had
98 clear benefits for a region or the nation as a whole?

99 A. Yes. I would consider that project to sufficiently benefit the public,
100 since Illinois citizens are also citizens of the region and the nation.

101 Q. Are there important reasons for the Commission to consider
102 regional and national benefits when deciding Enbridge’s request for
103 a certificate to construct a crude oil pipeline in Illinois?

104 A. Yes. Illinois does not produce enough crude oil or refined
105 petroleum products to satisfy the needs of its citizens. To obtain
106 the necessary supplies, Illinois imports petroleum from other states
107 and countries, and the imported petroleum is transported to Illinois
108 by pipelines that traverse other states. If those other states had
109 ignored regional and national benefits when making decisions
110 about the pipelines carrying oil to Illinois, the pipelines might not
111 have been built, and Illinois might not have enough petroleum to

112 meet its needs. The criteria, “public need” and “public convenience
113 and necessity”, should not be viewed solely from a provincial
114 perspective. Only when states like Illinois cooperate for the good
115 of the nation can we all be assured that our transportation needs
116 will be met.

117 Q. Does the proposed pipeline benefit the nation as a whole?

118 A. Yes, I believe it does. As I stated in my direct testimony, the
119 proposed pipeline will bring in new energy supplies from a stable,
120 friendly country. This supply, however small compared to our large
121 national consumption, still helps to offset supplies that we receive
122 from politically unstable regions of the world. Additionally, the
123 proposed pipeline provides an alternative supply of petroleum
124 when other sources are not available due to disruptions. In fact, an
125 article submitted by Intervenors Pleasant Murphy and the Village of
126 Downs acknowledges the “US reliance on Enbridge’s lines” and the
127 price spikes that are caused when there are no alternative supplies
128 during an outage (Exhibit B, Verified Application for Issuance of a
129 Subpoena Duces Tecum, filed on e-Docket February 27, 2008).

130 Q. Is there a demand in the Gulf Coast for Canadian crude?

131 A. Yes, there appears to be a strong demand for Canadian crude in
132 the Gulf Coast. The demand is demonstrated by Enbridge's desire
133 to build the Texas Access Pipeline. Further, many of the articles
134 and exhibits filed by the intervenors reinforce this finding. The Gulf
135 Coast has a large amount of refining capacity, can handle the oil
136 sands from Canada, and has the infrastructure needed to ship and
137 process crude oil and refined products.

138 Q. Assuming the worst case scenario, where 100% of the supplies
139 brought into Illinois on the Southern Access pipeline were diverted
140 further south to the Gulf Coast, would there be any benefit to Illinois
141 citizens?

142 A. Yes. I have already discussed the benefits to the country as a
143 whole, which is obviously a benefit to every U.S. citizen, Illinoisans
144 included. However, I believe that there are additional direct
145 benefits to Illinois citizens from supplying the Gulf Coast region. As
146 Mr. Cicchetti points out, PADD II cannot produce enough refined
147 products to meet demand, and thus imports some refined products
148 from the Gulf Coast region (Enbridge Ex. 3A, p. 70). As a result,
149 the Midwest benefits from having the Gulf Coast region supplied
150 with reliable and competitively priced crude oil.

151 Additionally, all of the U.S. refineries are essentially competing for
152 the same pool of supplies. In that respect, any new supplies
153 brought into the pool would benefit the refining industry as a whole.
154 Even if 100% of the supplies shipped on the Enbridge pipeline end
155 up in the Gulf Coast, it could have the effect of replacing the use of
156 alternative local sources of crude by Gulf Coast refiners, making
157 those supplies available to the PADD II region. If no extra refining
158 capacity were added and refineries were operating at max capacity,
159 every barrel of crude transported by Enbridge to the Gulf Coast
160 would mean one more barrel of crude from other sources available
161 to other regions, including the Midwest. More supplies equal
162 greater reliability and potentially lower prices.

163 Q. In your direct testimony, you were unable to make any
164 recommendations due to a lack of information provided by
165 Enbridge. Are you now able to make any recommendations?

166 A. Yes, the Company and the Intervenors have provided a substantial
167 amount of information after I filed my direct testimony, some of
168 which was discussed above. I am now recommending that the
169 Commission approve Enbridge's request for a Certificate and also
170 grant Enbridge the authority to exercise eminent domain to acquire

171 the necessary land rights along the proposed route in this docket.

172 **Discussions with Intervening Bodies**

173 Village of Downs

174 Q. Did the Village of Downs express any concerns about the pipeline?

175 A. Yes, Downs Mayor Jeffrey Schwartz filed direct testimony in this
176 proceeding outlining his concerns. To summarize, Mr. Schwartz
177 was concerned that the pipeline would prevent future expansion of
178 Downs. He also had concerns about the pipeline carrying a
179 flammable substance in close proximity to homes and a school.

180 Q. Does the proposed pipeline route traverse the corporate limits of
181 Downs?

182 A. No, the proposed route is entirely outside of the corporate limits of
183 Downs.

184 Q. Is the proposed route within the planned expansion area for
185 Downs?

186 A. According to Downs Mayor Jeffrey Schwartz's response to Staff
187 data request ENG 4.1, the proposed route is within the area

188 identified in the Comprehensive Plan adopted in 1993. I would
189 note that the pipeline would cross a small portion of the eastern
190 most part of the planned expansion area. I would also point out
191 that the proposed route appears to be quite far away from the
192 village relative to the size of the village itself. Given that the area in
193 question appears to remain unchanged from the 1993 plan, it
194 seems that it could take a while for Downs to expand into the area
195 in question.

196 Q. Does Mayor Schwartz believe that the proposed pipeline will
197 interfere with any development planned by the Village of Downs?

198 A. Yes, Mayor Schwartz claims in his response to Staff data request
199 ENG 4.5 that the Enbridge pipeline could interfere with a planned
200 expansion of the village sewer system. This expansion would
201 occur if residential growth extended to the far eastern area of the
202 Comprehensive Plan. At that point, there could be some
203 residences, and thus some sewer facilities, that are on the opposite
204 side of the Enbridge pipeline from the rest of the Village of Downs.

205 Mayor Schwartz says that this is problematic because the sewer
206 needs to be at a certain depth for both frost considerations and to
207 keep the gravity fed system flowing properly. He believes that the

208 Enbridge pipeline would be at a similar depth, thus forcing the
209 sewer to be installed deeper than required, which would lead to the
210 need for a costly pump station.

211 Q. Do you think there is a way that both the sewer system and the
212 Enbridge pipeline could be collocated so that they do not interfere
213 with one another?

214 A. Yes. Enbridge's supplemental responses to Staff data requests
215 ENG 1.77 and 1.78 explain the ways that Enbridge can work with
216 Downs to locate both the pipeline and the sewer system in the
217 same area without incurring the extraneous construction methods
218 and costs that Mayor Schwartz alleged would be needed. In
219 particular, the depth of the pipeline can be lowered to give the
220 sewer system adequate clearance. I agree with Enbridge that this
221 would likely address the concerns that Downs has about its sewer
222 system.

223 Q. What is your recommendation regarding the issues raised by the
224 Village of Downs?

225 A. I recommend that Enbridge build the pipeline along the route it has
226 proposed. However, Enbridge should work with the Village of

227 Downs to identify any potential areas where the pipeline could be in
228 conflict with the future sewer system. If the Village of Downs is
229 able to identify with certainty any such conflicts, I recommend that
230 the Commission order Enbridge to increase the pipeline depth in
231 those areas to a depth that sufficiently removes any obstruction to
232 the sewer system and meets all applicable pipeline safety
233 standards.

234 Fayette Water Company

235 Q. Did the Fayette Water Company (“FWC”) express any concerns
236 about the pipeline?

237 A. Yes, Randy Wolf, Manager of the Fayette Water Company, filed an
238 affidavit voicing his concerns. To summarize, Mr. Wolf states that
239 the proposed pipeline will run through the middle of the FWC’s
240 wellfield. Mr. Wolf was concerned about the contamination that
241 could occur in the event that the pipeline leaked into the wellfield.
242 Also, Mr. Wolf is worried that the FWC would be required to pay for
243 necessary upgrades to the pipeline crossing to bring it into
244 compliance with Illinois Environmental Protection Agency
245 regulations.

246 Q. How has Enbridge addressed Mr. Wolf's concerns?

247 A. Enbridge witness Douglas Aller says the Company is aware of the
248 FWC's concerns and the parties are continuing to meet to resolve
249 the issues. He also says that Enbridge is considering various
250 construction measures, some or all of which Enbridge will
251 implement at its expense (Enbridge Ex. 2A, pp. 4-5).

252 Q. What is your recommendation regarding the pipeline crossing the
253 FWC's wellfield?

254 A. I would support any solution to which the two parties mutually
255 agree. If an agreement cannot be reached, I would recommend
256 that either Enbridge be ordered to reroute its pipeline around the
257 wellfield or pay for 100% of the necessary improvements needed to
258 meet all applicable regulations regarding the wellfield crossing.

259 McLean County Board

260 Q. Did the McLean County Board express any concerns about the
261 pipeline?

262 A. Yes, Board Chairman Matthew Sorensen filed direct testimony
263 voicing his concerns about the pipeline. To summarize, Mr.

264 Sorensen notes that the board is currently conducting a study to
265 identify a route for a future east side highway around the outer
266 edge of Bloomington and Normal. Mr. Sorensen believed that the
267 proposed pipeline route could potentially remove one of the options
268 currently being studied for the highway project. Mr. Sorensen has
269 requested that the pipeline be moved to the western edge of the
270 study area to avoid any potential conflicts.

271 Q. Have you had a chance to discuss this issue further with the
272 McLean County Board and Enbridge?

273 A. Yes, I have attended two meetings where both parties discussed
274 possible solutions for this issue.

275 Q. What additional information have you gathered from the meetings?

276 A. It appears that the proposed pipeline route is very close to one of
277 the four highway routes being studied. However, until one route is
278 chosen as the preferred route, a higher level analysis will likely not
279 be completed to more accurately define the location of the
280 construction. Obstacles such as waterways, environmentally or
281 culturally sensitive lands, existing homes, and other considerations
282 may cause the favored route to slightly deviate in areas. Until a

283 more defined highway route exists, it is impossible to determine if
284 the pipeline will interfere with the highway project.

285 Q. Is Enbridge willing to work with the McLean County Board to
286 collocate the pipeline with the highway project if the preferred
287 highway route is in the vicinity of the pipeline?

288 A. According to Mr. Aller, the Company is willing to cooperate and
289 work with the McLean County Board during the design and
290 construction phases of the highway project (Enbridge Ex. 2A, p. 4).
291 The Company has already shared some of its drawings and data to
292 better define the pipeline and highway routes and identify areas of
293 concern.

294 Q. Do you believe that both the pipeline and the highway could
295 feasibly be located in the same area if needed?

296 A. From the discussions in which I participated, it sounds as if they
297 could be collocated. Because the highway would be built years
298 later, it is possible that portions of the pipeline would need to be
299 moved at that time to accommodate the highway construction.
300 Enbridge stated that those types of alterations could and would be
301 done, if it becomes necessary.

302 Q. Does the McLean County Board have any other concerns about
303 the pipeline route?

304 A. Yes. I believe that it would like to have the pipeline and the
305 highway constructed as close together as is safely possible,
306 assuming the preferred highway route is in the same vicinity. This
307 would eliminate, or at least minimize any dead band zone between
308 the two facilities that could impede economic development along
309 the highway corridor.

310 Q. Is Enbridge able to alter its route to closely parallel the highway
311 project?

312 A. No, due to a lack of detailed drawings for the highway project. As I
313 explained earlier, the McLean County Board has not yet chosen a
314 preferred highway route, meaning that the highway and the pipeline
315 might not even be anywhere near each other. Even assuming the
316 highway alternative closest to the pipeline is chosen, the final
317 highway construction plans have not been developed and so the
318 actual route is undefined. Therefore, Enbridge is unable to alter its
319 route to parallel a highway that has an unknown route.

320 Q. When will the McLean County Board choose and define its

321 preferred route?

322 A. According to the direct testimony of Mr. Sorensen, he thinks the
323 consulting firm could have presented its recommendation as early
324 as last month, March, 2008. Staff does not know if this has taken
325 place. Mr. Sorensen also thought that Board approval of the final
326 route could come as early as May, 2008 (Sorensen Direct, p. 7).

327 Q. What alternative relief is Mr. Sorensen advocating if the highway
328 and pipeline cannot be collocated?

329 A. I believe Mr. Sorensen would like to see the pipeline moved several
330 miles to the east to remove it from the highway study area and any
331 future expansion from the City of Bloomington.

332 Q. Would it be possible for Enbridge to move the pipeline several
333 miles to the east?

334 A. Yes. However, Enbridge says it would take a significant investment
335 of time and money to redesign the pipeline, complete the
336 necessary environmental impact studies, and restart the land
337 acquisition process for those tracts of land.

338 Q. What is your recommendation regarding the issues between these

339 two parties?

340 A. I recommend that Enbridge build the pipeline using its proposed
341 route, with the realization that part or all of it may need to be
342 rerouted at some later date due to the construction of the highway.
343 I am sympathetic to the concerns of the McLean County Board.
344 However, there are currently no concrete plans to build a highway
345 along the route of the pipeline. Furthermore, I believe that if the
346 highway is built along the pipeline corridor, the two facilities should
347 be able to be safely collocated. I am not recommending that the
348 pipeline be moved several miles to the east due to the fact that the
349 unknown location of highway project makes the move potentially
350 unnecessary, and thus would be a waste of time and money for
351 Enbridge.

352 **Shipments by Foreign Companies**

353 Q. Several of the intervenors seem to be concerned that foreign
354 companies, particularly those from China, will be shipping products
355 on the proposed pipeline with the intent to export the oil to their
356 home country. Do you share this concern?

357 A. No. It is true that as a common carrier, the pipeline will be

358 available to all shippers and theoretically, a foreign company could
359 purchase capacity and ship products via the pipeline. However,
360 from a practical standpoint, I think it would be easier for a country
361 like China to ship Canadian crude to the Pacific coast of Canada
362 and export it directly across the ocean instead of paying to ship it
363 all the way to the U.S. Gulf Coast and then half way around the
364 world on a tanker.

365 Even more improbable is the thought that the U.S. market would let
366 locally available supplies escape into the foreign market. The U.S.
367 is a net importer of petroleum, so as long as these Canadian
368 shipments were competitively priced, they would be more attractive
369 than foreign imports from around the globe simply due to their local
370 source. Enbridge is building this pipeline because there is a
371 demand for Canadian crude in the U.S. and I anticipate the
372 shipments from the pipeline being used to meet that demand.

373 Q. Doesn't Enbridge's proposed pipeline at least increase the chance
374 that Canadian crude will be exported to foreign countries?

375 A. No, in fact I think it lessens that chance. Canada is, or will soon
376 be, able to produce more oil sands than it can currently get to
377 market due to pipeline and market constraints. Canadian

378 producers want to get their products to market – any market – so
379 that they can make money. Enbridge’s proposed pipeline would
380 give these producers access to more markets in the U.S. Midwest
381 and Gulf Coast, thus alleviating some of Canada’s oversupply
382 situation.

383 In the absence of this and other such pipelines, Canadian
384 producers may be tempted to partner with other foreign countries in
385 order to sell their supplies. Therefore, the Enbridge pipeline may
386 actually discourage Canadian exports to foreign countries. This
387 issue was alluded to in Enbridge’s Joint Petition for Declaratory
388 Order to the Federal Energy Regulatory Commission dated
389 February 7, 2008, page 10 (FERC Docket No. OR08-7-000).

390 **Landowner Negotiations & Eminent Domain**

391 Q. Has Enbridge made any public statements about eminent domain
392 outside of this venue?

393 A. Yes. Enbridge officials addressed an audience at Enbridge Day
394 2007 in Toronto on October 3, 2007. A transcript of this event was
395 filed as Exhibit G on January 25, 2008 as part of the Supplemental
396 testimony of Carlisle Kelly. On page 26 of this transcript, Executive

397 Vice President Richard Bird stated about eminent domain power
398 that, "...we like to have it there so there is a little more leverage on
399 our side in negotiations to keep things reasonable."

400 Q. Do you find this quote troubling?

401 A. Yes, I do. The threat of eminent domain should not be used to
402 gain leverage and ideally, should have no impact on landowner
403 negotiations. The fact that an Enbridge officer would condone the
404 exploitation of an eminent domain proceeding to possibly lower
405 land acquisition costs is wrong in my mind.

406 Q. Has Enbridge used this leverage to deal unfairly with landowners?

407 A. I don't know. Some of the intervenors have alleged various types
408 of mistreatment, from threats to trespassing. Enbridge witness Mr.
409 Aller responded in rebuttal testimony that he was not aware of any
410 wrongdoing by Enbridge agents, and that he would investigate and
411 correct any problems that he did find. There are now conflicting
412 accounts and Staff is not able to verify or dismiss any of these
413 claims. However, there doesn't seem to be a large volume of
414 complaints, so they may be isolated incidents, if true. Staff is
415 concerned about the potential for mistreatment though, and would

416 condemn any action that Enbridge might take to be heavy handed
417 in negotiations.

418 Q. Besides these few complaints by intervenors, does it appear that
419 Enbridge has made reasonable attempts to acquire the property
420 from the various landowners?

421 A. Yes, it appears so. It is important to distinguish between what a
422 landowner might define as an acceptable or fair offer and a
423 reasonable attempt to acquire property. Enbridge has contacted
424 landowners and has, or is in the process of, making offers to
425 landowners. In my opinion, the mere fact that the landowners and
426 Enbridge cannot agree to the terms or prices of the offers does not
427 lead to the conclusion that Enbridge has not made reasonable
428 attempts to acquire the property.

429 Besides making offers to landowners, Enbridge has taken other
430 strides that I consider to reflect reasonable attempts to acquire the
431 property. Some of those actions were mentioned in either my
432 direct testimony or the direct testimony of Enbridge Witness
433 Douglas Aller, and include holding public forums, sending out
434 informative literature, and making route adjustments based on

435 landowner feedback.

436 Q. Are you offering legal opinions in your testimony?

437 A. No. I am not an attorney. I am just providing a layman's
438 understanding of the legal issues in this proceeding.

439 Q. Is it your preference that eminent domain be granted in this
440 docket?

441 A. No. I believe this project is well suited to purchasing easements
442 from landowners at market prices because of the nature of the
443 project. The goal is only to get petroleum from point A to point B
444 without really serving customers along the way. Unlike a
445 distribution system that would need to cross specific parcels of land
446 to serve individual customers, this pipeline can take an almost
447 infinite number of routes to get from Illinois to Texas. If resistance
448 is met with landowners in one area, Enbridge might find
449 acceptance in another area. Other pipelines have been built
450 without eminent domain and given enough effort, I suspect this one
451 could do the same.

452 Q. Why are you recommending that the Commission grant the power

453 of eminent domain for this project if it is not your preference?

454 A. My understanding of the law and the recent rulings by the
455 Commission offer no leeway. I have already established that the
456 pipeline is a worthwhile project that satisfies a public need. It is
457 clear to me that Enbridge meets the criteria for a certificate to build
458 the pipeline.

459 The way the law is written and interpreted, once Enbridge has a
460 certificate, it essentially has implied eminent domain authority.
461 There is little, if anything else that it must show to prove its case.
462 The only additional area that the Commission considers is whether
463 Enbridge has made reasonable attempts to acquire the property.
464 As I noted above, it is difficult for Staff to categorize the state of
465 negotiations without any firsthand knowledge. But from what I have
466 seen, Enbridge has attempted to negotiate with landowners and
467 does not seem to be provoking dozens of complaints to the
468 contrary. However, if the Commission believes that Enbridge has
469 not made reasonable attempts to acquire the property, I would
470 recommend that they take the added step of denying eminent
471 domain in this proceeding.

472 Q. Does this conclude your rebuttal testimony?

473 A. Yes, it does.