

Illinois Commerce Commission
Response to Data Request dated January 16, 2008
ENG 1.75 – ENG 1.82
Enbridge Pipelines (Illinois) L.L.C.
Docket No. 07-0446

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ICC Staff Data Request

ENG 1.75 Does Enbridge agree with the statements made in the direct testimonies of Paul Russell and Jesse Smart that the proposed pipeline will be “approximately 300 feet from the eastern most corporate limits of the City of Bloomington when the Grove Subdivision Annexation Agreement is completed”? If not, explain why this statement is incorrect and provide any relevant maps that support Enbridge’s claim.

Response prepared by:

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

Enbridge is currently investigating the statements made by Mr. Russell and Mr. Smart in their respective testimonies, and working with appropriate city officials to determine the exact location of the Grove Subdivision relative to its proposed Southern Access Extension pipeline. Upon completion of this investigation, Enbridge will supplement ENG 1.75 with its response. Also see Enbridge Exhibit 6 (Batis testimony), pp. 11-12, lines 233-274.

EXHIBIT 12A

ICC Staff Data Request

ENG 1.76 If Enbridge's answer to ENG 1.75 is "yes", is Enbridge willing to relocate the pipeline to another route, such as the one suggested on lines 81-84 of Mr. Russell's direct testimony? If Enbridge is willing to relocate the pipeline, explain how that would impact the route and the landowners along the new route. If Enbridge is unwilling to relocate the pipeline, explain why it refuses to do so and why it thinks it is prudent to build a pipeline within 300 feet of a growing city.

Response prepared by:

Name: Dale Burgess

Title: Director Southern Access

Address: 10201 Jasper Avenue Edmonton, AB T5J 3N7

At this time, Enbridge is unable to answer this question. As stated above, Enbridge is currently investigating the location of its proposed Southern Access Extension pipeline in relationship to the Grove Subdivision. Enbridge will supplement its response to ENG 1.75 and 1.76 upon the completion of its investigations. Also see Enbridge Exhibit 6 (Batis testimony), pp. 11-12, lines 233-274.

ICC Staff Data Request

ENG 1.77 Does Enbridge agree with Mr. Schwartz's testimony that the proposed pipeline is "within the area of the Comprehensive Plan for the Village of Downs"? If not, explain why this statement is incorrect and provide any relevant maps that support Enbridge's claim.

Response prepared by:

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

Enbridge is currently investigating the statement made by Mr. Schwartz in his testimony that the proposed pipeline is "**within the area of the Comprehensive Plan for the Village of Downs**".

Enbridge is committed to working with its neighboring communities and will be contacting the appropriate city officials to discuss the location of its proposed Southern Access Extension pipeline in relationship to the subject area raised by Mr. Schwartz. Upon completion of this investigation, Enbridge will supplement ENG 1.77 with its response. Also see Enbridge Exhibit 2A (Aller testimony), pp 2-4 and Enbridge Exhibit 6 (Batis testimony), pp. 9-11, lines 191-232.

ICC Staff Data Request

ENG 1.77 Does Enbridge agree with Mr. Schwartz's testimony that the proposed pipeline is "within the area of the Comprehensive Plan for the Village of Downs"? If not, explain why this statement is incorrect and provide any relevant maps that support Enbridge's claim.

Response prepared by:

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

After several unsuccessful attempts to meet with the Village of Downs public officials, Enbridge requested and received a copy of "**Comprehensive Plan for the Village of Downs**". Enbridge has now reviewed this plan along with the detailed information filed in Mayor Jeffery Schwartz's response to the Illinois Commerce Commission's Data Request. Based on this relevant information and exhibits provided, it appears that Enbridge's proposed 36-inch pipeline will be located on the far eastern side of the area designated within the Comprehensive Plan for the Village of Downs .

As stated in Enbridge's February 25, 2008 response, Enbridge is committed to working with its neighboring communities in which its pipeline facilities are currently located or will be located in the near future. Enbridge is experienced in building pipelines that are located within current and planned utilities corridors. In fact, Enbridge employs a full time "crossing coordinator" in our Liquids Pipelines operational groups whose sole job is to work with communities in connection with such developments, utility crossings and/or new roadways. Enbridge is committed to working with the Village of Down's sewer planning engineers, third-party engineering firm or other designated persons so that the design and depth of its proposed pipeline will not adversely impact the Village of Down's future development area.

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ENG 1.78 If Enbridge's answer to ENG 1.77 is "yes", is Enbridge willing to relocate the pipeline to another route, such as the one suggested on lines 49-51 of Mr. Schwartz's direct testimony? If Enbridge is willing to relocate the pipeline, explain how that would impact the route and the landowners along the new route. If Enbridge is unwilling to relocate the pipeline, explain why it refuses to do so and why it thinks it is prudent to build a pipeline in close proximity to this community.

Response prepared by:

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

At this time, Enbridge is unable to answer this question. As stated above, Enbridge will be working with the Village of Downs' local officials to discuss the location of their planned residential development as it relates to the Southern Access Extension Project. Enbridge will supplement its response to ENG 1.77 and 1.78, upon the completion of its investigations and further discussions as stated above. Also see Enbridge Exhibit 2A (Aller testimony), pp. 2-4 and Enbridge Exhibit 6 (Batis testimony), pp. 9-11, lines 191-232.

ICC Staff Data Request

ENG 1.78 If Enbridge's answer to ENG 1.77 is "yes", is Enbridge willing to relocate the pipeline to another route, such as the one suggested on lines 49-51 of Mr. Schwartz's direct testimony? If Enbridge is willing to relocate the pipeline, explain how that would impact the route and the landowners along the new route. If Enbridge is unwilling to relocate the pipeline, explain why it refuses to do so and why it thinks it is prudent to build a pipeline in close proximity to this community.

Response prepared by:

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

Based on Enbridge's review of the relevant information provided by the Village of Downs and in the data response of Mayor Schwartz, Enbridge has concluded there is no justifiable reason to reroute its proposed pipeline as is explained in more detail below.

Enbridge has diligently selected its proposed pipeline route to minimize impacts on the environment and populace areas. In its review of the referenced Exhibit A and B "Map" and "Land Use Plan", Enbridge found its analysis to be accurate in that a vast majority of its planned pipeline route, as shown on Exhibit B, is generally located within agricultural areas and outside residential and commercial areas. Therefore Enbridge disagrees with Mayor Schwartz's claim that the pipeline "...will cause a reduction in growth pattern of Village of Downs for approximately fifteen hundred single family homes". Moreover, even in the event that the Plan is revised in the future or residential growth patterns extend outside the current residential growth designated areas, developers are very familiar with plotting residential lots to work around or with utilities and pipelines. For instance, in many areas along Enbridge existing pipelines, new developments have grown and the plans incorporate the easement within designated green spaces or in frontage or in rear of lots. Additionally, Enbridge had its engineers review the preliminary information provided by the Village of Downs in their response to ICC Data Request regarding the planned sewer system expansion. Similar to working with developers, Enbridge operations/field engineers and crossing coordinators deal with these issues almost daily given the location of our existing systems in high population areas of Chicago, St. Louis or near Detroit, for instance. Thus Enbridge

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does not agree that the presence of the pipeline will eliminate the entire area to the east of the Village from development in the future.

Even though the proposed route falls within the alleged planning area, Enbridge sees no reason or necessity to relocate its route. First, the purported plans are merely projections, estimates, and proposals lacking any evidence of feasibility or probability of realization. Such planning documents have no binding affect on anyone and no guarantee of ever coming to fruition. Second, Downs offers no evidence that it has the resources or economic potential to realize such plans. There is no proof of financing for the proposed sewage system or development and no evidence of any developer willing to undertake or support such developments. Nor has Downs demonstrated that its demographics and economic prospects support the potential developments discussed in Downs' response to Staff's Data Requests. Absent such evidence, and supporting evidence of development in the reasonably foreseeable future (2 years \pm), Downs' contentions are mere speculations. Third, Downs is simply incorrect that the presence of a pipeline impairs or impedes municipal growth and development, as Enbridge has demonstrated above, commercial and industrial developments occur in areas traversed by all kinds of pipelines. Fourth, Downs' contentions regarding the configuration and costs of crossing Enbridge's line are both speculative and incorrect. Absent detailed development plans and engineering analyses, none of which Downs has provided, it is impossible to know the actual configuration and operational details of a sewer and water system. It is incorrect to assert that water lines must be installed below Enbridge's line and sleeved; given the general depth of Enbridge's line, both sewer and water lines could cross above it and maintain adequate separations. The depth of Enbridge's line can also be increased if Downs can identify with specificity its potential crossing points. That depth can also be increased if necessary if Downs' development ever warrants it. Additionally, the assertion about the expense of crossing Enbridge's line (\$3,000,000) and the necessity for additional facilities (trunk line, lift station) are completely unsupported and speculative. Sewer and water lines routinely cross pipeline routes without undue expense, effort, or extra construction and Enbridge routinely works with municipalities and developers to achieve such results. It will do the same if and when warranted by the development of the Village of Downs. Additionally as previously stated, Enbridge remains willing to meet with and work with the Village to such ends now and at any reasonable time in the future.

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ENG 1.79 At any time prior to filing for a certificate, did Enbridge meet with representatives from the City of Bloomington, the Village of Downs, and McLean County to inquire about future development in those areas? If yes, provide a list of all contacts and copies of all correspondence with each entity. If no, explain why Enbridge failed to contact each of those entities.

Response prepared by:

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

In the initial scoping of a proposed pipeline project, Enbridge evaluates numerous factors in determining its proposed pipeline route. One, among many factors considered, is whether or not the proposed pipeline is located within the city limits of cities, towns and villages along its proposed pipeline route. Enbridge studied the location for its proposed Southern Access Extension Project, and determined that, to the extent practical, its proposed route would avoid the city limits for the City of Bloomington and the Village of Downs. Therefore, Enbridge felt it was premature at that time to schedule pre-filing meetings with the local representatives and deemed it more appropriate to provide written communication to these local officials as demonstrated in its certificate application (see par. 22 and Exhibit I for a copy of all correspondence). However, since this time, Enbridge has contacted and met with the City of Bloomington and McLean County local public officials to discuss future development in those areas. Additionally, Enbridge will be contacting the appropriate Village of Downs local public officials to address their future development plans as well. Again, Enbridge is committed to working with these local municipalities and their representatives to build a long working relationship in the neighboring communities for which it may own and operate pipeline facilities in the near future. Also see Enbridge Exhibit 2A (Aller testimony), p. 2, lines 38-46 and p.3, lines 47-69.

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ENG 1.80 Does Enbridge ever compensate for damage to the remainder? If so, explain why it is not being offered in negotiations for this docket, as alleged by Mr. Holstine in his direct testimony.

Response prepared by:

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

Enbridge is contracting with a local appraisal firm to research and evaluate current market sales data in order to determine fair compensation for right of way easements. Enbridge's policy is to compensate landowners' full fee value of the acreage that is encumbered by our easements. Enbridge will also compensate landowners for damages to the remainder if there is market supported data indicating such damages. Also see Enbridge Exhibit 2A (Aller testimony), p. 9, lines 192-217; Enbridge Exhibit 6 (Batis testimony), pp. 5-7, lines 107-190 and Enbridge Exhibit 4A (Colwell testimony), p. 24 line 463.

EXHIBIT 12H

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ENG 1.81 Is Enbridge aware of other pipeline companies that compensate for damage to the remainder for new pipeline construction? If the answer is yes, please provide the names of the pipelines and a general explanation of the circumstances of which Enbridge is aware.

Response prepared by:

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

Enbridge cannot attest to the compensation policy of other pipelines in acquiring pipeline right-of-way easements.

EXHIBIT 12I

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ENG1.82 Enbridge aware of other pipeline companies that do not compensate for damage to the remainder for new pipeline construction? If the answer is yes, please provide the names of the pipelines and a general explanation of the circumstances of which Enbridge is aware.

Response prepared by:

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

Enbridge cannot attest to the compensation policy of other pipelines in acquiring pipeline right-of-way easements.

EXHIBIT 12J