

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

IN RE ENBRIDGE)
PIPELINES (FSP) L.L.C.)
APPLICATION PURSUANT TO SECTIONS 8-503,)
8-509, AND 15-401 OF THE PUBLIC UTILITIES)
ACT/THE COMMON CARRIER BY PIPELINE LAW)
FOR CERTIFICATION AND AUTHORITY TO)
CONSTRUCT AND OPERATE A PETROLEUM)
PIPELINE AND WHEN NECESSARY TO TAKE)
PRIVATE PROPERTY AS PROVIDED BY THE LAW)
OF EMINENT DOMAIN)

Docket No. 12-0347

Direct Testimony of

Virginia B. Holder

Land Owner, Intervenor

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE
COMMISSION

WITNESS IDENTIFICATION

Q. What is your name and business address?

A. My name is Virginia B. Holder and my address is 61 Greencroft Drive, Champaign, IL.

Q. What is your interest in the ICC, Docket No. 12-0347?

A. I am a 4th and 5th generation landowner and landowner agent for the following two parcels directly affected by the proposed Enbridge pipeline project:

1. Mason County, Illinois, PIN # 004-31000
2. Mason County, Illinois, PIN # 004-39000

PURPOSE OF TESTIMONY

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to submit to the ICC vital information regarding the impact of the Enbridge pipeline should it be installed on the above parcels of land as proposed, and to apprise the ICC of the communications between Enbridge and myself that have occurred to date.

Q. What is the current status of the Enbridge pipeline proposal?

A. Our land has been surveyed by Enbridge agents, and after much delay, agents met with myself and my attorney of record, Charles B. Holder, on Thursday, July 19 in Champaign, IL.

Q. Was there a good faith effort regarding the communication with Enbridge during the meeting?

A. Enbridge agents (Sam Weaver and Cristiann Weaver) were pleasant in demeanor, but unable to answer a number of questions regarding our land in question.

Q. What was discussed at the meeting with Enbridge's land agents?

A. We discussed briefly the pipeline route and construction. The land agents provided 'surface' information, but failed to answer all of my questions. Specifically, I asked:

- How does Enbridge propose to construct the pipeline over important county drainage ditches that run through our land?

- Who or what published the report that bitumen (the material traveling the proposed pipeline) maintains a temperature of not greater than 99 degrees Fahrenheit (as the land agents declared), when our information indicates bitumen in transport maintains temperatures well in excess of 100 degrees Fahrenheit?
- How would a pipeline leak affect the water table and soil composition?
- How severely will the pipeline construction compact the soil? And how long will those adverse effects last?
- What happens to continuing safety concerns, obligations, and responsibilities if or when Enbridge is purchased, dissolves, or otherwise ceases?

The Enbridge agents could not answer these important questions.

Q. Did anything else notable happen at the meeting with Enbridge's agents?

A. Yes, Enbridge failed to have the correct land and ownership information at the meeting. Upon realizing this error, I instructed Enbridge to contact my attorney after the meeting with information concerning BOTH parcels of land in which my family and I have interests. To date, Enbridge has failed to contact either myself or my attorney with their proposals regarding the correct parcels of land.

Q. When did you first get notice of Enbridge's effort to build a pipeline across your land?

A. Enbridge did not notify me of the proposed pipeline across my land until one day before an open house meeting, and three business days before the ICC hearing on July 10, 2012. Additionally, I noticed other farmers at the open house meeting also had not received any 'pipeline packets' or other literature regarding the proposed pipeline project.

Q. What other notice or efforts did Enbridge make in negotiating land rights with you?

A. Enbridge held an open house in Havana, IL (I received notice 1 day prior). At this open house Enbridge held a very brief 30 min presentation, which addressed minimal details of the pipeline project. Included in the presentation was information regarding the proposed pipeline route, brief details on construction, temporary and permanent pipeline easement needs, and notification of a contemplated environmental clean-up pact. I remember in this presentation that a land agent of Enbridge, wearing Enbridge clothing, told the room of farmers/landowners that Enbridge did not need any new easement rights and that it could go ahead and build a pipeline on almost all of the properties as is.

Q. What information regarding the actual farming, has the tenant farmer communicated to you?

Randy Friedrich, 29471 E. County Road 2390 N., Manito, IL, and his family have farmed this land for 3 generations or more. Randy is the professional doing the actual business with the seed companies, chemical companies, irrigation company, and any and all other business associated

with the farms. Mr. Friedrich has indicated the following concerns related to the proposed pipeline:

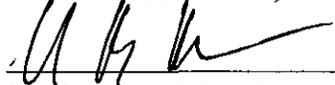
- In any close to normal rainfall year, the surface water feeding to the aquifer and the drainage ditches, is 8-10 feet from the top of the ground. Noting the size of the pipeline and the depth of burial, this water feed will be directly affected. Of particular note, the constant heating of the ground surrounding the pipeline will adversely impact the water quality and safety. If the pipeline were to leak underground, there might be little above ground evidence initially, and the leak will go directly into the aquifer running through our land.
- Ground impaction from installation area throughout the work zone is a serious consequence of the pipeline installation. At best, it will take 2-3 seasons to work the ground to repair the impaction from the heavy machinery. History has shown the ground may be impacted for up to 10 harvest seasons and then never totally be repaired. This should be taken into consideration when accounting for any compensatory payments. As this problem exists in perpetuity, so should the compensatory payments. Furthermore, if work actually starts in October after harvest, then the finish time would most likely be in the winter when the weather and temperature would significantly limit or completely prohibit any restorative work on the farmland. Again, a significant negative impact on the farming for the upcoming season.
- Seed corn companies are not willing to commit to those farms who will be involved in the pipeline. The condition of the land and the range of impact will possibly prohibit seed corn contracts. Seed corn contracts are rather lucrative, but also carry strict requirements as to which farm and farmer may qualify. In other words, these seed corn contracts are awarded under stringent restrictions, they are quite profitable, and there are many farmers in the marketplace willing to take on these scarce business opportunities. Enbridge has not contemplated this loss in its valuation of the easement or in its offers to landowners. This loss would be significant.
- Past problems with Enbridge in our county and nearby counties have the farming community skeptical regarding the operations of Enbridge and their lack of response and response time. Mr. Friedrich maintains that one small leak on our land will potentially affect two counties water supply. Enbridge does not have a current record of safety or performance which would indicate their ability to prevent or react appropriately.

Q. Does this conclude the information and testimony?

A. Yes

Respectfully Submitted

CHARLES B. HOLDER, ATTORNEY AT LAW

By: 
Charles B. Holder, Attorney for Intervenor

PROOF OF SERVICE

The undersigned hereby certifies that on this ____ day of August, 2012, a copy of the foregoing Direct Testimony was served upon the following parties by Internet e-mail transmission, if available or U.S. Mail to the following parties:

Gerald Ambrose
Atty. For Applicant Sidley Austin LLP
One S. Dearborn
Chicago, IL 60603
gambrose@sidley.com

Lois E Barth
401 S. Webster St.
Flanagan, IL 61740
loisbarth@gmail.com

Jeffrey E. Barth
6484 E. 1600 North Rd.
Flanagan, IL 61740
jtb5@frontier.com

Ellen L. Dingledine
904 Peoria St.
Washington, IL 61571
ellenlding@aol.com

Michael Duffy
535 S. Bluff
South Beloit, IL 61080
Coolio416@sbcglobal.net

Mark Maple
Case Manager
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
mmaple@icc.illinois.gov

Paul Duffy
758 N. 1st Rd.
Dana, IL 61321
Pc.duffy.1@gmail.com

G. Darryl Reed
Atty. for Applicant
Sidley Austin LLP
One S. Dearborn St.
Chicago, IL 60603
gdreed@sidley.com

Christine Ericson
Office of General Counsel

Greg Rockrohr
ALJ's Assistant

Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, IL 60601-3104
cericson@icc.illinois.gov

Terrance Hillard
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
thilliard@icc.illinois.gov

Joel W. Knavik
Director US. Law
Enbridge Energy Company, Inc.
1409 Hammond Ave. Superior, WI 54880
Joel.knavik@enbridge.com

Joseph L. Lakshmanan
Managing Director-CoalCo
Dynergy Operating Company
133 S. Fourth St., Ste. 306
Springfield, IL 62701-1232
Joseph.l.lakshmanan@dynergy.com

Michael J. Lannon
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle, Suite C-800
Chicago, IL 60601
mlannon@icc.illinois.gov

Elizabeth A. Laughlin
6 Laurel Ct.
Washington, IL 61571
laughee@hotmail.com

Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
grockroh@icc.illinois.gov

Mercer Turner
Atty. for Intervenors
Law Office of Mercer Turner, P.C.
202 N. Prospect, Ste. 202
Bloomington, IL 61701
Mercerturner1@msn.com

Charles Holder
Attorney for Intervenors
2004 Fox Drive, Suite G
Champaign, IL 61820
cholder@dehcapatax.com

Maureen E. Kalkwarf
15961 N. 600 East Rd.
Flanagan, IL 61740

Virginia Bartholow Holder
61 Greencroft Dr.
Champaign, IL 61821

Emily Watts
937 Cheshire Dr.
Champaign, IL 61821

By: _____

