

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ENBRIDGE PIPELINES (ILLINOIS) L.L.C.	)	
	)	
APPLICATION PURSUANT TO SECTIONS	)	
8-503, 8-509 AND 15-401 OF THE PUBLIC	)	
UTILITIES ACT/THE COMMON CARRIER	)	Dkt. No. 07-0446
BY PIPELINE LAW TO CONSTRUCT AND	)	
OPERATE A PETROLEUM PIPELINE AND	)	(Reopen)
WHEN NECESSARY TO TAKE PRIVATE	)	
PROPERTY AS PROVIDED BY THE LAW	)	
OF EMINENT DOMAIN	)	

**RESPONSE OF ENBRIDGE PIPELINES (ILLINOIS), L.L.C.  
TO PLIURA INTERVENORS' MOTION TO COMPEL AND  
MOTION TO VACATE FILING DEADLINE AND HEARING DATE**

Enbridge Pipelines (Illinois) L.L.C, now known as Illinois Extension Pipeline Company, L.L.C. ("IEPC"), hereby responds to Pliura Intervenors' Motion to Compel and Motion to Vacate Filing Deadline And Hearing Date ("Motion To Compel"), filed August 26, 2014. For the reasons set forth below, the Motion To Compel should be denied in its entirety.

IEPC provides herein for each Pliura Intervenors' data request a specific explanation of why IEPC's response was appropriate. IEPC's responses to those data requests are Attachment A to this filing. Before doing so, however, IEPC provides an overview of the many misrepresentations, falsehoods, misguided theories, and other problems reflected in the Pliura Intervenors' data requests.

First, from the very beginning, the Pliura Intervenors have argued in this reopened proceeding that the change from a 36-inch outside diameter pipe to a 24-inch outside diameter pipe requires a wholly-new, full-scale examination of whether the SAX pipeline should be certificated. *See* Pliura Intervenors' Response in Opposition to Motion to Reopen and Amend,

Dkt. 07-0446, at 10-11 (Jun. 12, 2014). They do so again in their Motion To Compel (at 2,4). This position was *rejected* by the Commission when it reopened the proceeding “for the *limited purpose* of allowing parties to address whether the Order should be amended in the manner described in [Enbridge’s Motion To Reopen And Amend].” *See* Notice of Corrected Commission Action, Dkt. 07-0446 (Jun. 27, 2014). That Motion To Reopen And Amend does not describe a process in which there would be a relitigation of issues, such as certification, already decided by the Commission in Docket No. 07-0446 other than the change in the diameter of the pipe from 36 inches to 24 inches. The Pliura Intervenors have never been able to bring themselves even to acknowledge that the reopening was for a “limited purpose,” much less explain how their wildly expansive theories of the proper scope of this proceeding can be reconciled with the words “limited purpose.”

The Pliura Intervenors also ignore that an examination of the Commission’s analysis and conclusions in its Order in Docket No. 07-0446 on the issue of public need/public convenience and necessity shows that at best the pipe’s diameter and capacity were minor factors in reaching its conclusion that there was a public need for the pipeline. *See* Reply of Enbridge Pipelines (Illinois) L.L.C. On Motion To Reopen And Amend Order Concerning Diameter Of The Southern Access Extension Pipeline, Dkt. No. 07-0446, at 18-22 (June 13, 2014) (“Reply On Motion To Reopen And Amend”). Thus, the Pliura Intervenors’ attempt to suggest that a mere change in the diameter of the SAX pipe throws into question the Commission’s whole rationale for finding that the pipeline meets the public need test has no grounding in reality.

Staff has the limited scope of the issue to be addressed exactly right. In the Direct Testimony On Reopening Of Mark Maple, filed on August 27, 2014, Mr. Maple testified that only one of the four criteria necessary for a certificate in good standing, the issue of public need,

“is even potentially affected by the diameter change” and as to that criteria, Mr. Maple testified that reducing the diameter of the pipeline does not prohibit Enbridge from meeting that criterion:

“The Company has stated the product that will be shipped on the pipeline is still liquid petroleum, as has always been the case. . . . The route has not changed, therefore, the regions being served by the pipeline have not changed. Additionally, the Company has long-term shipper commitments for the proposed pipeline. . . . Finally, the construction, operation and maintenance of the new, smaller pipeline will be the same as the larger pipeline originally approved in this docket. . . . Essentially nothing has changed other than the physical size of the pipe and that change does not affect the Company’s ability to continue to meet the public need criterion.”

Direct Testimony of Mark Maple, ICC Staff Ex. 4.0, Docket No. 07-0446 (Reopen), at 3-4 (Aug. 27, 2014).

Second, as support for their exceedingly broad scope data requests, the Pliura Intervenors’ cite to 83 Ill. Admin. Code 200.340, which they characterize as reflecting “the Policy of the Commission to obtain full disclosure of all relevant and material facts to a proceeding.” Motion To Compel, at 2. But the operative directive here is full disclosure of “relevant” facts. The problem for the Pliura Intervenors is they have demanded the production of alleged “facts” for issues and theories that are not “relevant” under any reasonable conception. The Pliura Intervenors’ demand for facts that are not “relevant” under any legal theory runs afoul of the admonition in 83 Ill. Admin. Code 200.340 that “[i]t is the policy of the Commission not to permit requests for information . . . whose primary purpose is harassment or which will delay the proceeding in a manner which prejudices any party. . . .” 83 Ill. Adm. Code. 200.340.

A good example is the Pliura Intervenors’ newly minted theory that because Marathon Petroleum Co. will be an anchor shipper, SAX will be a “contract carrier” and not a common carrier. Motion To Compel, at 4-5. But their theory would require the repudiation not only of

established law in this state on what constitutes a common carrier, but FERC's recent approval of a common carrier tariff for SAX. *See* Order on Petition for Declaratory Order, Dkt. No. OR 13-19-000 (July 31, 2013); Response of Enbridge Pipelines (Illinois) L.L.C. To Turner Intervenors' Motion To Add A Party, Docket No. 07-0447 (Reopen) (August 19, 2014) (Attachment B). Indeed, in its Order FERC held that it would be consistent with SAX being a common carrier if up to 90% of the capacity of the SAX pipeline were committed to one shipper, but IEPC's data request response to Staff, also provided to the Pliura Intervenors, shows that there is no committed shipper for SAX close to 90% of the pipeline's capacity as a 24-inch line (Attachment C).

Third, the Pliura Intervenors have attempted to give legitimacy to many of their unreasonable requests by claiming that McLean County has made similar requests that have also gone unanswered. Motion To Compel, at 2. Perhaps unknown to the Pliura Intervenors, IEPC and McLean County have agreed on data to be provided that meets McLean County's desire to know the exact route of the pipeline through McLean County. McLean County has dropped all of their other data requests, i.e., the requests that mirrored the Pliura Intervenors' improper requests. Moreover, the Pliura Intervenors have no standing to make any claim for other Intervenors.

Fourth, the Pliura Intervenors also refuse to accept facts that are not disputable. They continue to ask for data concerning alleged changes regarding the oil to be carried by the SAX pipeline from heavy Canadian crude to light crude, and alleged changes in the sources of the oil from Canadian sources only to include U.S. sources as well. Motion To Compel, at 4. But, as pointed out time and time again, IEPC's Application expressly states that the oil to be carried on SAX may include light crude, and light crude not just from Canada, but also the U.S.

Application for Certificate in Good Standing and Other Relief, Dkt. 07-0446 (Aug. 16, 2007), at 12. These facts are what they are, and no amount of argument or discovery can change them. Accordingly, data requests based on a theory that, contrary to fact, the Application does not make these statements, are properly objected to as irrelevant. Further, as IEPC has pointed out time and time again, a petroleum common-carrier-by-pipeline must be prepared to transport oil, of whatever form, to where it is needed. Adapting to shipper needs is part of the pipeline operators' obligations as a common carrier. Thus, the Pliura Intervenors' theory that a certificated common carrier pipeline can be rigidly confined to carrying one type of oil regardless of changes in shipper and market needs is without support and contrary to common carrier obligations.

Fifth, it is worth noting that the Pliura Intervenors have never attempted in this proceeding or in any other proceeding to explain, obtain evidence on, or show that, "authorizing a 24-inch pipeline would place more burdens on their property than would the currently certificated 36-inch pipeline. . . ." Memorandum to the Commission, Dkt. 13-0446 (Jun. 6, 2014), at 2. The fact that they have never done so strongly suggests that no such incremental burdens exist. Indeed, the Turner Intervenors admitted as much to the McLean County Circuit Court. Transcript at 14, *Enbridge Pipelines (Illinois) v. Larry Kiefer, et al.*, 14ED2, Circuit Ct. of McLean County, 8/21/14 (Attachment D).

The bottom line is the Pliura Intervenors offer nothing to support their Motion but unfounded speculation, misrepresentations, personal opinions, outright falsehoods, and disparagement of the Commission and its processes. Thus, rhetoric such as "rubber-stamp," "little chance," "Commission is not permitted," "strongly suspect," "intentional obfuscation," "long history of evasiveness," and "on information and belief" pervades their pleading. Such

language provides no basis for any relief. What is required for a party objecting to a data request response is an explanation of the respects in which the response, including any objections to the data request, is not well-taken. This the Pliura Intervenors have not done.

Finally, the Pliura Intervenors completely fail to explain how the “impossible” and “short time frame imposed” by the Administrative Law Judge’s scheduling order can be reconciled with their counsel’s failure for two weeks after that Order’s release to even serve any data requests and that counsel’s decision, as noted to the McLean County Circuit Court, to go out of the country after the schedule was established and not return until a few days before the scheduled date for filing Intervenors’ testimony. Transcript, August 22, 2014, *Enbridge Pipelines (Illinois), L.L.C. v. Monarch Farms*, Nos. 14ED12 – 14ED23 (consld.), August 22, 2014.<sup>1</sup>

---

<sup>1</sup> In numbered paragraph 9, the Pliura Intervenors state that they “object to Applicant’s responses as follows:” One does not “object” to Data Request responses – the answering party “Objects” to the propounded data request. After an objection, the proponent of the data request has the burden to show why the data request should be answered or supplemented. A party cannot just object that they don’t like the answer. The problem for the Pliura Intervenors is they never try to show why their data requests are “relevant” to the “limited purpose” of this proceeding, or are based on any defensible legal theory.

**I. Pliura Intervenors' Data Request No. 1:**

Please state the approximate date upon which Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches.

Pliura Intervenors assert: “With respect to Request No. 1, Applicant alleges in a sworn response that a decision to alter the project to a 24-inch pipeline was not made until March 2014.” This statement misrepresents IEPC’s answer, which stated: “When the SAX Project (“Project”) was reactivated in 2012 . . . IEPC publically discussed, disclosed and otherwise made known that the Project was not likely to require a 36-inch pipeline, but rather something smaller in diameter, such as a 24-inch diameter pipeline,” but that “a final decision to place orders for 24-inch diameter pipe was not made until March 2014.” IEPC then explained at greater length in its answer why, up until the 24-inch pipeline was ordered, events, such as an increase in shipper interest and volumes, might have caused IEPC to use a pipe greater than 24 inches in outside diameter.

The Pliura Intervenors not only distort IEPC’s answer and ignore its explanation of why March 2014 was the “cross the Rubicon” date for the decision to install 24-inch pipe, but they ignore the extensive explanation set forth in IEPC’s Reply on the Motion to Reopen and Amend which makes clear that IEPC often represented in public statements that the pipeline was approved “for up to 36-inches in diameter” rather than that it would be 24-inches in diameter. Indeed, as also discussed there, the easements IEPC utilized on the SAX project specified not 24-inches, but “up to 36 [inches].” Reply, at 10-12. As these varying formulations show, IEPC had not definitively decided in this time frame whether the pipeline would be 24-inches or another diameter short of 36-inches.

Further, the Pliura Intervenors ignore IEPC has answered the Pliura Intervenors’ actual question, which is “Please state the approximate date upon which Applicant decided to change

the proposed diameter from 36 inches to 24 inches.” The fact that they do not like the date given is no basis for a motion to compel. If they doubt the validity of the date given, Randy Rice will be available for cross-examination on this point.

Finally, as explained in IEPC’s response to Data Request No. 3, this question is properly objected to because it is designed to elicit information relevant to the appeal of the Commission’s Eminent Domain Order in Docket 13-0446, not this proceeding.

**II. Pliura Intervenors' Data Request No. 2:**

Please state the approximate date upon which Applicant first notified the Illinois Commerce Commission in any fashion as to the decision to change the proposed SAX pipeline diameter from 36 inches to 24 inches, and the method of that notification. Please produce any documents related to that notification if such documents are not already a part of the record in ICC Docket 07-0446.

IEPC provided the date when it first sought to have the ICC affirm its decision to construct 24-inch pipe for the SAX pipeline with its filing of its Motion to Reopen and Amend on May 19, 2014. Any other documents related to that notification, as IEPC objected, would necessarily be protected work-product.

Additionally, as explained in IEPC’s response to Data Request No. 3, this question is properly objected to because it is designed to elicit information relevant to the appeal of the Commission’s Eminent Domain Order in Docket 13-0446, not this proceeding.

**III. Pliura Intervenors' Data Request No. 3:**

If the date that Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches was prior to July 22, 2013, why did Applicant reference to a 36 inch diameter pipeline in its application in ICC Docket 13-0446 and make no mention of the planned 24 inch diameter pipeline?

IEPC objected to Pliura Intervenors’ Data Request No. 3 because their Request No. 3 hinged on the assumption that the final decision was made prior to July 22, 2013. However, as

explained in IEPC's response to Pliura Intervenors' Data Request No. 1, the final decision by IEPC to use 24-inch pipe did not occur until IEPC issued its first purchase order for such pipe on March 11, 2014. The Pliura Intervenors will be able to cross-examine Randy Rice on this point. Nothing is gained by the Pliura Intervenors' further inflammatory complaints that IEPC's answer to their Data Request No. 3 "is intentionally evasive and non-responsive," or "at best, absurd, and at worst, an intentional obfuscation." Motion To Compel, at 3-4.

IEPC further points out, however, that Pliura Intervenors' Request No. 3, is improper because it is not designed to elicit information relevant to this proceeding. Rather, it is designed to obtain information that the Pliura Intervenors think will be useful in their appeal of the Commission's Eminent Domain Order in Docket No. 13-0446. This is improper.

**IV. Pliura Intervenors' Data Request No. 4:**

If the date that Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches was prior to July 22, 2013, why did Applicant reference a 400,000 BPD capacity for the SAX in its application in ICC Docket 13-0446 and make no mention of the planned 24-inch diameter pipeline or its reduced capacity.

See IEPC's Response to Data Request No. 3

**V. Pliura Intervenors' Data Request Nos. 5-8:**

**Pliura Intervenors' Data Request No. 5:**

Previous evidence and testimony submitted by Applicant in 07-0446 concerning public benefit of the proposed SAX pipeline presumed a 36 inch internal diameter pipeline and a capacity of 400,000 BPD. Please produce all documents in the possession of Applicant disclosing revised calculations of public benefit due to the reduced pipeline diameter and reduced pipeline capacity.

**Pliura Intervenors' Data Request No. 6:**

Please state the approximate date upon which Applicant decided to change the primary product to be shipped via the SAX from Canadian Heavy Crude as reflected in the application to Bakken Light Oil as reflected in the motion to reopen.

**Pliura Intervenors' Data Request No. 7:**

Please state the approximate date upon which Applicant first notified the Illinois Commerce Commission in any fashion as to the decision to charge [sic] the primary product to be shipped via the SAX from Canadian Heavy Crude as reflected in the application to Bakken Light Oil as reflected in the motion to reopen, and the method of that notification. Please produce any documents related to that notification if such documents are not already a part of the record in the ICC Docket No. 07-0446.

**Pliura Intervenors' Data Request No. 8:**

Previous evidence and testimony submitted by Applicant in 07-0446 concerning public benefit of the proposed SAX pipeline presume the primary product to be shipped via the SAX to be Canadian Heavy Crude. Please produce all documents in the possession of Applicant disclosing revised calculations of public benefit due to the change in primary product to be shipped from Canadian Heavy Crude to Bakken Light Oil.

IEPC hereby incorporates its responses and objections to the above data requests in their entirety. IEPC also refers the Commission to its discussion earlier in this response to the untenable premises underlying these type of data requests. Nothing in the Pliura Intervenors' Motion to Compel explains how and why IEPC's answers are deficient or the objections not well-taken.

In addition, IEPC notes that the crux of the Pliura Intervenors' complaints about all of the responses is contained in "e" on page four of their Motion to Compel, where they state: "There can be no legitimate dispute that a substantial change in the capacity of the pipeline and the intended product drastically alters, if not moots, all of the prior evidence of record as to public benefit of the project." In its Reply On Motion To Reopen And Amend (at 18-22), IEPC discusses in detail why there is no support in the Commission's analysis and findings in its 07-0446 Order on the issue of public need/public convenience and necessity for the alleged importance of the diameter and capacity of the pipeline. The Pliura Intervenors have never addressed this argument, for the simple reason they cannot. IEPC also relies on Staff witness Mark Maple's short and lucid explanation of why there is no substantial public need issue here.

Direct Testimony of Mark Maple, ICC Staff Ex. 4.0, Docket No. 07-0446 (Reopen), at 3-4 (August 27, 2014).

**VI. Pliura Intervenors' Data Request No. 9:**

What percentage of the shipper commitments now in place for the SAX is from companies other than Marathon Petroleum or its subsidiaries and affiliates?

IEPC believes its response, the same supplemental response it made to ICC Staff Data Request ENG 1.9 (May 21, 2014), is the most it can say, consistent with Federal law. That response is:

Subsequent to re-energizing the SAX project in 2012, Enbridge Pipelines (Illinois), L.L.C. (hereinafter Enbridge Illinois) received sufficient capacity commitments through two Open Seasons, the first held from December 12, 2012, to January 18, 2013, and the second half from June 5, 2013 to July 19, 2013, to support a 24-inch pipeline. Regarding specific shipper details, the Transportation Service Agreements (TSAs) between Enbridge Illinois and the individual shippers have confidentiality clauses that prohibit the disclosure of the details of the contracts by shipper, and the Interstate Commerce Act, 49 U.S.C.S. § 16103, prohibits the disclosure of shipper-specific information. Enbridge Illinois did receive contractual take-or-pay commitments from two individual shippers for 10- or 15-year terms (including Marathon Petroleum Corp. as key anchor shipper) for a volume of approximately 201,000 barrels per day of liquid petroleum that originates in western Canada or North Dakota, and is transported via a joint tariff on the Enbridge Mainline System to Flanagan, Illinois for transport on SAX to the Pakota Hub.

What this response makes clear is the commitments being made by Marathon and all other shippers on the SAX line amount to approximately two-thirds of the 300,000 bpd capacity of the 24-inch pipeline.

**VII. Pliura Intervenors' Data Request No. 10:**

What percentage of the shipper commitments now in place for the SAX is for the transportation of Canadian Heavy Crude?

IEPC believes its answer – “The composition of the shipments will vary month-to-month depending on monthly nominations by shippers” – is fully responsive to the question. Shippers

do not commit to transporting “x” bpd of a particular crude, but “x” bpd of crude that meets their shipper and market needs at the time.

**VIII. Pliura Intervenors’ Data Request Nos. 11-12:**

**Pliura Intervenors’ Data Request No. 11:**

Please provide documents which detail the ownership or investment interest in the SAX held by Marathon Petroleum or its subsidiaries and affiliates, including documents which detail the date and [sic] such interest was acquired, the percentage of ownership interest acquired, and whether any entity, including Marathon Petroleum or its subsidiaries and affiliates has acquired any preferential terms or status or a shipper on the SAX.

**Pliura Intervenors’ Data Request No. 12:**

Please provide documentation detailing all current shipper commitments for the SAX. If it is the position of the applicant that disclosure of such information is prohibited by state or federal law or regulation, please provide a citation to all such statutes or regulations upon which Applicant asserts a limitation on disclosure.

As shown by IEPC’s answer to ICC Staff Data Request ENG 1.9, reproduced in full in the response to Pliura Intervenors’ Request No. 9, Marathon and other shippers have committed to 210,000 bpd of liquid petroleum to be transported over SAX. This is approximately two-thirds of the 300,000 bpd capacity of the 24-inch SAX pipeline. The Pliura Intervenors’ suggestion that notwithstanding this fact, they believe Marathon “has already committed to the full capacity of the line” is incorrect and without any grounding in reality. Further, in response to the Pliura Intervenors’ argument that SAX is a “contract line” and not a common carrier, IEPC hereby incorporates in full, by way of response, its “Response of Enbridge Pipelines (Illinois) L.L.C. To Turner Intervenors’ Motion to Add a Party” (Attachment B). This filing shows that the theory on which the Pliura Intervenors and Mr. Turner are proceeding regarding contract line versus common carrier has no grounding in fact or in law.

**CONCLUSION**

WHEREFORE, the Pliura Intervenors' Motion to Compel should be denied in its entirety.

Respectfully submitted,

**OF COUNSEL:**

Amy Graham Back  
Enbridge Pipelines (Illinois) L.L.C.  
260 E. Superior Street  
Duluth, MN 55802  
(715) 398-4500

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

Gerald. A. Ambrose  
Dale E. Thomas  
G. Darryl Reed  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
(312) 853-7000

Attorneys for Applicant

Dated: August 28, 2014

By: /s/ G. Darryl Reed

One of the Attorneys for  
Enbridge Illinois

# Attachment A

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ENBRIDGE PIPELINES (Illinois) L.L.C.	:	
	:	
Application pursuant to sections 8-503, 8-509 and	:	Docket No. 07-0446
15-401 of the Public Utilities Act / the Common	:	
Carrier by Pipeline Law to Construct and Operate a	:	(Reopen)
Petroleum Pipeline and when necessary, to Take	:	
Private Property as Provided by the Law of	:	
Eminent Domain.	:	

**RESPONSES OF ENBRIDGE PIPELINES (ILLINOIS) L.L.C.  
TO TURNER INTERVENORS' DATA REQUESTS DATED AUGUST 11, 2014**

Enbridge Pipelines (Illinois) L.L.C. , now known as Illinois Extension Pipeline Company,  
L.L.C. ("IEPC"), hereby states it responses as follows:

**Pliura Intervenors' Data Request No. 1**

Please state the approximate date upon which Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

When the SAX project (“Project”) was reactivated in 2012, as discussed at length in Reply Of Enbridge Pipelines (Illinois) L.L.C. On Motion To Reopen And Amend Order Concerning Diameter Of The Southern Access Extension Pipeline (June 13, 2014) (“Reply”), IEPC publically discussed, disclosed and otherwise made known that the Project was not likely to require a 36-inch pipeline, but rather something smaller in diameter, such as a 24-inch diameter pipeline (Reply, at 10-12). However, a final decision to place orders for 24-inch diameter pipe was not made until March 2014.

The events leading up to this final decision were these. IEPC held two Open Seasons for the Project, the first held from December 12, 2012 to January 18, 2013 and the second held from June 5, 2013 to July 19, 2013 in an effort to solidify capacity commitments and determine sufficient pipeline diameter to meet those commitments. IEPC reserved mill space with the pipeline manufacturer, Evraz Inc., in early November 2013 with a view towards ordering 24-inch diameter pipe. However, this decision on using 24-inch diameter pipe was not final until the issuance of the first purchase order for 24-inch diameter pipe, which occurred on March 11,

2014. Up until that time, events, such as an increase in shipper interest and volumes, might have caused IEPC to use a pipe greater than 24 inches in outside diameter.

**Pliura Intervenors' Data Request No. 2**

Please state the approximate date upon which Applicant first notified the Illinois Commerce Commission in any fashion as to the decision to change the proposed SAX pipeline diameter from 36 inches to 24 inches, and the method of that notification. Please produce any documents related to that notification if such documents are not already a part of the record in ICC Docket 07-0446.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to producing "any documents related to" notification of the Commission regarding the decision to change the diameter of the SAX pipeline from 36 inches to 24 inches because such documents, even if they existed, would be privileged work product prepared in anticipation of litigation, except for those documents actually sent to the Commission. Without prejudice to this objection, as made clear in the response to Pliura Intervenors' Data Request No. 1, although IEPC publicly disclosed that as early as December 2012 that it was considering installing a SAX pipeline smaller than 36 inches in outside diameter, the decision to install 24-inch pipe was not made final until the issuance of the first purchase order for 24-inch pipe on March 11, 2014. The date IEPC first sought to have the Commission affirm that decision was on May 19, 2014, in its Motion To Reopen And Amend.

**Pliura Intervenors' Data Request No. 3**

If the date that Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches was prior to July 22, 2013, why did Applicant reference to a 36 inch diameter pipeline in its application in ICC Docket 13-0446 and make no mention of the planned 24 inch diameter pipeline?

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects that the final decision by IEPC to purchase 24-inch diameter pipe did not occur until March 11, 2014, and hence the data request is not relevant. *See* response to Pliura Intervenors' Request No. 1.

**Pliura Intervenors' Data Request No. 4**

If the date that Applicant decided to change the proposed SAX pipeline diameter from 36 inches to 24 inches was prior to July 22, 2013, why did Applicant reference a 400,000 BPD capacity for the SAX in its application in ICC Docket 13-0446 and make no mention of the planned 24-inch diameter pipeline or its reduced capacity.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects that the final decision by IEPC to purchase 24-inch diameter pipe did not occur until March 11, 2014, and hence the data request is not relevant. *See* response to Pliura Intervenors' Request No. 1.

**Pliura Intervenors' Data Request No. 5**

Previous evidence and testimony submitted by Applicant in 07-0446 concerning public benefit of the proposed SAX pipeline presumed a 36 inch internal diameter pipeline and a capacity of 400,000 BPD. Please produce all documents in the possession of Applicant disclosing revised calculations of public benefit due to the reduced pipeline diameter and reduced pipeline capacity.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to this data request as being premised on incorrect facts. The SAX pipeline as proposed in Docket No. 07-0446 before reopening was a 36 inch outside diameter pipe, not a "36 inch internal diameter pipeline" as assumed by the Pliura Intervenors. IEPC also objects that this data request fails to acknowledge that the 36 inch outside diameter SAX pipeline had an initial capacity of 400,000 bpd, and that how much of that capacity might actually have been used would have depended upon shipper and market demands.

IEPC further objects to this data request as unduly burdensome and irrelevant to the "limited purpose" (as identified by the Commission) of these reopened proceedings insofar as it requests "all documents in the possession of Applicant disclosing revised calculations of public benefit due to the reduced pipeline diameter and reduced pipeline capacity." The documents requested, if they exist, would be relevant if at all only to the issue of whether the now 24-inch pipeline should be certified. That issue is not part of this reopened proceeding. Despite arguments by the Pliura Intervenors and others that as a result of the change in the diameter of

the pipe, the Commission should conduct a new certification proceeding, the Commission declared that this reopened proceeding has a "limited purpose" as defined by the Motion To Reopen And Amend. Notice of Corrected Commission Action, Dkt. No. 07-0446 (June 27, 2014). That Motion To Reopen And Amend does not describe a process in which there would be relitigation of issues, such as certification, already decided by the Commission in Docket No. 07-0446 other than the change in diameter of the pipe from 36-inches to 24-inches. To conclude otherwise is to render the phrase "for the limited purpose" in the Corrected Notice without meaning. Motion to Reopen And Amend Order Concerning Diameter Of The Southern Access Extension Pipeline, at 3-8 (May 19, 2014). This verified Motion To Open Amend is now in evidence.

Moreover, and in any event, without prejudice to this objection, in its Reply of Enbridge Pipeline (Illinois) L.L.C. on Motion To Reopen And Amend, IEPC explained at length why examination of the Commission's July 2009 Order and the appellate court decision upholding that Order show that the diameter of the pipeline was not a major factor in the Commission's determination that the pipeline meets the public need/public convenience and necessity standard. Reply Of Enbridge Pipelines (Illinois) L.L.C. On Motion To Reopen And Amend Order Concerning Diameter Of The Southern Access Extension Pipeline, at 17-22 (June 13, 2014). Given these facts, an argument by the Pliura Intervenor that the pipeline now does not serve a public purpose based solely on a reduction in the diameter of the pipeline from 36-inches to 24-inches would be a collateral attack on the Commission's July 2009 certification decision upheld on appeal, and would be beyond the "limited purpose" of these reopened proceedings.

**Pliura Intervenors' Data Request No. 6**

Please state the approximate date upon which Applicant decided to change the primary product to be shipped via the SAX from Canadian Heavy Crude as reflected in the application to Bakken Light Oil as reflected in the motion to reopen.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to this data request as premised on incorrect facts and as seeking information that, in any event, is irrelevant to this reopened proceeding. First, Enbridge Illinois nowhere represented in its Application for a certificate in Docket No. 07-0446 that the SAX pipeline would be limited to the carrying of "heavy" Canadian crude. On the very first page of the Application, it states that Enbridge Illinois is seeking the "entry of an order authorizing it to construct, operate, and maintain approximately 170 miles of a new 36-inch *liquid petroleum pipeline . . . .*" Application, at 1; emphasis supplied. The term "liquid petroleum pipeline" is not synonymous with a "heavy" crude oil pipeline. Thereafter, in the Application, the pipeline is consistently described as meant to carry "crude petroleum." "Crude petroleum" includes light crude. Nowhere in the Application did Enbridge Illinois represent that the crude oil to be carried by the SAX pipeline would solely be "heavy" crude oil. Lest there be any doubt, in footnote 4 of the Application, IEPC specifically represented that the SAX pipeline might carry "light, sweet

crude":

In addition to the growing Canadian supply, domestic production in the Williston Basin, which covers large areas of North Dakota, eastern Montana, and parts of Canada, has been growing since 2002, unlike other domestic sources. *The light, sweet crude produced therein flows into Enbridge's Mainline System at Clearbrook, Minnesota via Enbridge's North Dakota System (which is also being expanded). From there, it is available to U.S. refiners in the Midwest, including Illinois, via the Southern Access program, including the Extension Project.* No other pipeline systems are acting to expand access to the Williston Basin's resources.

Application, at 12; emphasis supplied. In addition, as this Footnote 4 in the Application makes clear, IEPC never represented that all of the oil to be carried by the pipeline would be from Canada. In fact, as stated in the verified Motion to Reopen, the light oil that Enbridge seeks to carry under its Light Oil Market Access Program is from "U.S. north central producing formations – e.g., the Bakken -- as well as Western Canadian sources, such as the Cardium and Viking formations in Alberta." Motion to Reopen, Docket 07-0446, at 4 (May 19, 2014).

An examination of IEPC's standard easement agreement attached to IEPC's Application further proves the point. That Agreement, which is Exhibit J to the Application, provides for an easement "for the transportation of crude petroleum, any product, by-product, and derivatives thereof, whether liquid or gaseous, which can be conveyed through a pipeline. . . ." The easement is therefore not limited to the carrying of "heavy" Canadian crude.

Finally, the Pliura Intervenor ignores that an oil pipeline must be prepared to move oil, of whatever form, to where it is needed. Adapting to shipper needs is part of the pipeline operator's obligations as a common carrier. Consequently, the pipeline cannot be rigidly confined to

carrying one type of oil because shipper and market needs change. As related in IEPC's Motion To Reopen, it is expected that the SAX line will initially transport more light oil than heavy crude, but the actual grades of crude transported at any given time will depend upon shipper nominations, capacity availability, and market needs. Motion to Reopen, at 7.

**Pliura Intervenors' Data Request No. 7**

Please state the approximate date upon which Applicant first notified the Illinois Commerce Commission in any fashion as to the decision to charge [sic] the primary product to be shipped via the SAX from Canadian Heavy Crude as reflected in the application to Bakken Light Oil as reflected in the motion to reopen, and the method of that notification. Please produce any documents related to that notification if such documents are not already a part of the record in the ICC Docket No. 07-0446.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to this data request as premised on the same incorrect facts as Pliura Intervenors' Data Request No. 6, and hereby incorporates IEPC's response to Pliura Intervenors' Data Request No. 6 as a response to Pliura Intervenors' Request No. 7. For these same reasons, there was no need or obligation by IEPC to notify the Illinois Commerce Commission of any "decision" related to "changing" the oil to be carried over SAX.

**Pliura Intervenors' Data Request No. 8**

Previous evidence and testimony submitted by Applicant in 07-0446 concerning public benefit of the proposed SAX pipeline presume the primary product to be shipped via the SAX to be Canadian Heavy Crude. Please produce all documents in the possession of Applicant disclosing revised calculations of public benefit due to the change in primary product to be shipped from Canadian Heavy Crude to Bakken Light Oil.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to this data request as resting on the same incorrect assumptions as Pliura Intervenors' Data Requests 6 and 7, and hereby incorporates its answers to those data requests as a partial answer to this Data Request No. 8. In addition, IEPC objects to this data request as seeking information of public benefit relevant only to a relitigation of the certification of the SAX pipeline, which is beyond the "limited purpose" of this reopened proceeding. *See* IEPC response to Pliura Intervenors' Data Request No. 5.

**Pliura Intervenors' Data Request No. 9**

What percentage of the shipper commitments now in place for the SAX is from companies other than Marathon Petroleum or its subsidiaries and affiliates?

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

*See IEPC Response to ICC Staff Data Request ENG 1.9 (May 21, 2014).*

**Pliura Intervenors' Data Request No. 10**

What percentage of the shipper commitments now in place for the SAX is for the transportation of Canadian Heavy Crude?

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

The composition of the shipments will vary month-to-month depending on monthly nominations by shippers.

**Pliura Intervenors' Data Request No. 11**

Please provide documents which detail the ownership or investment interest in the SAX held by Marathon Petroleum or its subsidiaries and affiliates, including documents which detail the date and [sic] such interest was acquired, the percentage of ownership interest acquired, and whether any entity, including Marathon Petroleum or its subsidiaries and affiliates has acquired any preferential terms or status or a shipper on the SAX.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC objects to this data request as unduly burdensome and irrelevant to the "limited purpose" (as identified by the Commission) of these reopened proceedings. Without prejudice to this objection, the documents that created the interest of Marathon Petroleum Company affiliate Lincoln Pipeline LLC in IEPC and that the Pliura Intervenors seek are confidential, proprietary documents wholly unrelated to the reasons for the change in the pipeline's diameter, reasons which were discussed at length in the Reply and Motion To Reopen and Amend filed by IEPC, both of which are verified and hence evidence of record. The record shows that IEPC was considering use of a 24-inch pipeline as early as 2012, whereas the Lincoln Pipeline LLC took on a minority interest equity investment in IEPC of 35% effective July 1, 2014, as shown in the 10Q filed by Enbridge Partners on August 1, 2014, that is publicly available and that was attached to the Turner Intervenors' Motion to Add a Party filed in this docket on August 7, 2014. Lincoln Pipeline LLC will not participate in the construction, operation, or maintenance of SAX.

IEPC also objects to Pliura Intervenors' further request for "any entity, including Marathon Petroleum or its subsidiaries and affiliates has acquired any preferential terms or status or [sic] a shipper on the SAX" because it does not know what is meant by vague and ambiguous words such as "preferential terms or status." Without prejudice to this objection, FERC by law has exclusive jurisdiction over the rates to be charged by an interstate common carrier by pipeline under tariffs for shipments of oil. In FERC's Order On Petition For Declaratory Order, Docket No. OR13-19-000, issued July 31, 2013, IEPC told FERC that "the Project currently is sized as a 24-inch pipeline that will provide up to 300,000 barrels per day (BPD) of capacity for crude oil transportation;" that "up to 90 percent of the capacity will be available for committed volumes, while at least 10 percent will be reserved for uncommitted volumes;" that "the Project will require a large capital investment; therefore the success of the Project depends on the support of committed shippers that make long-term ship-or-pay commitments at premium rates;" that "the Commission has recognized the importance of committed shippers to the pipeline's capital financing;" and that while "the Commission has not established a minimum percentage of capacity that must be set aside for uncommitted shippers ... the Commission has indicated that a reservation of 10 percent of capacity for uncommitted shippers is sufficient to provide reasonable access." Order, Dkt. No. OR 13-19-000, at 1, 3, 5 (July 31, 2013). FERC accepted these arguments and granted the petition of IEPC, as shown in the FERC Order attached to the Turner Intervenors' Motion to Add a Party filed in this docket on August 7, 2014. The information sought by Pliura Intervenors in this data request about "preferential terms or status as a shipper" appears to be predicated on the notion that the very level of substantial commitment to one

shipper approved by FERC is somehow evidence of a lack of public purpose. This argument is an impermissible collateral attack on FERC's approval of common carrier tariffs for IEPC.

In sum, the data request seeks information to support a theory that is legally and factually insupportable, and accordingly is not a request for relevant information.

**Pliura Intervenors' Data Request No. 12**

Please provide documentation detailing all current shipper commitments for the SAX. If it is the position of the applicant that disclosure of such information is prohibited by state or federal law or regulation, please provide a citation to all such statutes or regulations upon which Applicant asserts a limitation on disclosure.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC hereby repeats the answer provided on May 21, 2014, to ICC Staff Data Request

ENG 1.9:

Subsequent to re-energizing the SAX project in 2012, Enbridge Pipelines (Illinois), L.L.C. (hereinafter Enbridge Illinois) received sufficient capacity commitments through two Open Seasons, the first held from December 12, 2012, to January 18, 2013, and the second held from June 5, 2013 to July 19, 2013, to support a 24-inch pipeline. Regarding specific shipper details, the Transportation Service Agreements (TSAs) between Enbridge Illinois and the individual shippers have confidentiality clauses that prohibit the disclosure of the details of the contracts by shipper, and the Interstate Commerce Act, 49 U.S.C.S. § 16103, prohibits the disclosure of shipper-specific information. Enbridge Illinois did receive contractual take-or-pay commitments from two individual shippers for 10- or 15-year terms (including Marathon Petroleum Corp. as key anchor shipper) for a volume of approximately 210,000 barrels per day of liquid petroleum that originates in western Canada or North Dakota, and is transported via a joint tariff on the Enbridge Mainline System to Flanagan, Illinois for transport on SAX to the Patoka Hub.

Illinois Commerce Commission  
Response to Pliura Intervenors' Data Requests to Applicant dated August 11, 2014  
Illinois Extension Pipeline Company, L.L.C.  
Docket No. 07-0446 (Reopened)  
Page 1 of 1

**Pliura Intervenors' Data Request No. 13**

Is Marathon Petroleum or its subsidiaries and affiliates an "Anchor Shipper," as that term is commonly used in the liquid petroleum and natural gas pipeline vernacular, for the SAX?

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

Yes.

Illinois Commerce Commission  
Response to Pliura Intervenors' Data Requests to Applicant dated August 11, 2014  
Illinois Extension Pipeline Company, L.L.C.  
Docket No. 07-0446 (Reopened)  
Page 1 of 1

**Pliura Intervenors' Data Request No. 14**

Is any other entity an "Anchor Shipper" for the SAX?

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

No.

Illinois Commerce Commission  
Response to Pliura Intervenors' Data Requests to Applicant dated August 11, 2014  
Illinois Extension Pipeline Company, L.L.C.  
Docket No. 07-0446 (Reopened)  
Page 1 of 1

**Pliura Intervenors' Data Request No. 15**

Pliura Intervenors incorporate by reference the data requests of Turner Intervenors and McLean County.

**Response prepared by:**

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

**Objection and Response:**

IEPC states that copies of its answers to the data requests of Turner Intervenors and McLean County were served upon the Pliura Intervenors.



# Attachment B



Certificate of Good Standing and the award of eminent domain" (Turner Intervenors' Motion, at 2, 4) – is legally and factually incorrect *as a matter of law*.

First, the Turner Intervenors' motion is procedurally flawed. They have failed to comply with the Commission's rules for supporting their argument that Lincoln Pipeline LLC is a "necessary" party. Section 200.190 provides, in relevant part, that "Motions may be presented requesting ... the addition of necessary parties...." 83 Ill. Adm. Code Section 200.190(a). However, the Commission's Section 200.190 rules are clear that "[m]otions based on matter which does not appear of record shall be supported by affidavit." 83 Ill. Adm. Code Section 200.190(c). The Turner Intervenors' Motion relies entirely on matter – much of it inflammatory – that does not appear of record and is unsupported by any affidavit. None of the exhibits to the Motion is properly qualified, most are hearsay, and several flatly contradict the *ipse dixits* of movants' counsel.

Additionally, the Turner Intervenors have not identified a rule or legal basis by which the Commission could *require* Lincoln Pipeline LLC to participate in this proceeding. Without such a rule or basis, it remain unknown how the commission could join Lincoln Pipeline LLC, even if it were a necessary party (which, as explained below, it is not). For procedural reasons alone, the Turner Intervenors' Motion must be rejected.

Second, even if the Commission were to accept all of the claims in the Turner Intervenors' Motion as true, at most it would show that Lincoln Pipeline LLC is a minority equity investor in IEPC; Enbridge remains in charge of the construction, operation and maintenance of the pipeline: "Lincoln has purchased a 35% equity interest in the project and will make additional contributions in accordance with the Southern Access Extension's spend profile in proportion to its 35% interest." Turner Intervenors' Motion, at 2 (quoting from Enbridge Energy

Partners, L.P. Form 10Q, filed August 1, 2014). There is no basis to conclude from that fact that IEPC is not fully capable of presenting all essential evidence in this "limited purpose" proceeding (notably limited by the Commission itself) which is focused on the change in the SAX pipeline from 36-inches to 24-inches. *See* Notice of Corrected Commission Action, June 27, 2014. For example, Enbridge Energy Company, Inc. has from the beginning been a financial investor in the project, yet neither it nor any other Enbridge entity were added to the Docket No. 07-0446 proceedings on the grounds that Enbridge Pipelines (Illinois) L.L.C. was not capable of providing any necessary evidence. Moreover, the Commission has previously rejected arguments similar to those of the Turner Intervenors here about the alleged necessity of adding a party where the utility applicant itself was fully capable of providing all relevant information. For example, in Docket No. 87-0034, Commonwealth Edison Company filed a petition seeking the Commission's approval of the sale of the common stock of an Edison wholly-owned subsidiary to Illinois Midland Transportation Company (IMT). Intervenors argued that IMT was a necessary party to the proceedings. The Commission declined to add IMT, holding that "a public utility proposing to sell property could, by itself, present evidence sufficient to meet its burden of proof . . . a utility is in at least as good a position as the proposed buyer to present all the essential evidence." *Commonwealth Edison Co., Petition pursuant to Section 7-102*, Dkt. No. 87-0034, 1987 WL 1377188 (Ill. C.C. Dec. 9, 1987). Here, Enbridge is the only entity that can and should provide the essential evidence regarding *its own pipeline*, and it is entirely without merit to suggest that it is necessary for Lincoln Pipeline LLC, a minority equity investor in Enbridge's pipeline, to be added as a party.

Third, the Turner Intervenors' Motion seeks to add Lincoln Pipeline LLC as a party on the theory that this will support their argument that the reason for the change in the pipeline

diameter is to construct SAX as "a contract line" for Marathon, which owns Lincoln Pipeline LLC through MPL Investment LLC. Turner Intervenors' Motion, at 3-5. If so, they argue, there can be no Certificate of Good Standing and no award of eminent domain. *Id.*, at 4. Those arguments are factually and legally incorrect, and provide yet another reason why Lincoln Pipeline LLC is not a "necessary party."

Turner Intervenors' Motion attempts to create confusion concerning the nature of SAX by introducing incorrect facts regarding another project – Sandpiper – that is wholly outside the State of Illinois and that ends approximately 462 miles away from this pipeline. At the outset, Turner Intervenors are wrong that Enbridge's Sandpiper pipeline is a "contract" line for Marathon. Turner Intervenors' Motion, at 3-4. As indicated by the Form 10Q filing by Enbridge Energy Partners, L.P. on August 1, 2014 (ironically, one of the exhibits to the Motion), the Sandpiper line operates as a common carrier. *See* Turner Intervenors' Motion, at 14-15. Sandpiper, once constructed, will operate as a common carrier under tariffs approved by the Federal Energy Regulatory Commission ("FERC"). *Id.* But, even if the Sandpiper pipeline were a contract line, that would have no bearing on whether SAX will be a contract line. The two are separate and independent energy infrastructure projects.

Equally important, it should be clear that the Turner Intervenors fail to grasp the legal criteria for being a common carrier. As shown below, their arguments amount to an impermissible collateral attack on decisions of the Commission and FERC that Enbridge Illinois (now IEPC) is and will continue to be a common carrier.

A common carrier-by-pipeline, as with any common carrier, is a carrier that holds itself out to carry the product of any shipper who requests transport and is willing to pay the FERC-approved tariff for interstate movements, so long as there is available capacity. *See, e.g., Doe v.*

*Rockdale Sch. Dist., No. 84*, 287 Ill. App. 3d 791, 794 (3d Dist. 1997) ("A common carrier undertakes for hire to carry all persons indifferently, who may apply for passage so long as there is room and there is no legal excuse for refusal"). IEPC meets these criteria regarding the SAX pipeline. The fact that at this point in time one customer is expected to be considered an "anchor shipper" does not cause IEPC to cease being a common carrier and become a contract carrier. For example, as stated by the appellate court in *Kenna v. Calumet, H. & C.E.R. Co.*, 206 Ill. App. 17, 27-28 (1st Dist. 1917), *aff'd*, 284 Ill. 301 (1918) (emphasis added):

The true test of whether a corporation is or is not a common carrier seems to us to be succinctly stated by the United States Supreme Court in its opinion in the *Tap Line Cases*, 234 U.S. 1, cited by appellant, in which the court said, at page 24: 'It is insisted that these roads are not carriers because the most of their traffic is in their own logs and lumber, and that only a small part of the traffic carried is the property of others. *But this conclusion loses sight of the principle that the extent to which a railroad is in fact used does not determine the fact whether it is or is not a common carrier.* It is the right of the public to use the road's facilities and to demand service of it rather than the extent of its business, which is the real criterion determinative of its character.

A similar conclusion was reached by the same appellate court in a case involving this Commission. In *Holland Motor Exp., Inc. v. Illinois Commerce Comm'n*, 165 Ill. App. 3d 703 (1st Dist. 1987) plaintiffs appealed the trial court's order affirming the defendant's authority as a common carrier. The court held that the defendant was a common carrier despite the fact that the defendant had entered into certain limited contracts and dedicated certain equipment to two shippers. The appellate court stated (internal citations omitted):

The seventh circuit court in *Fleming v. Chicago Cartage Co.*, (7th Cir. 1947), 160 F.2d 992 stated that a common carrier may enter into certain limited written contracts, for instance, to assign some of its equipment and services to a particular shipper for a certain period of time. However, a common carrier must still hold itself out to the public regarding its services. That is, in determining whether a common carrier is acting within its authority,

consideration may be made regarding whether anyone has ever been refused any of the services which the carrier purports to furnish.

*Id.* at 714-15.

Moreover, the Turner Intervenors' Motion also ignores that there will be other shippers on the line. As the record shows, Marathon has contracted for enough of the line's initial capacity to warrant construction of the line. In addition, there is room for more committed shippers as well as spot volumes and other shippers have shown interest in moving light oil to Patoka. *See, e.g.*, Motion To Reopen And Amend, at 5.

The Commission certified Enbridge Illinois, now IEPC, as a common-carrier-by-pipeline for the SAX pipeline under the Common Carrier By Pipeline Law in its July 2009 Order in this docket. Enbridge has not yet constructed the SAX pipeline, much less operated it in a manner that could lead to a question whether IEPC is functioning in fact as a common carrier. Thus, this issue is simply not part of this "limited purpose" reopening and is at best premature.

Moreover, even if this issue were properly a part of this proceeding, FERC has approved common carrier tariffs for oil shipments using the SAX pipeline under the very circumstances that the Turner Intervenors claim show that it is not such a carrier. Strangely, the Turner Intervenors refer to FERC's Order in Docket No. OR13-19-00, issued July 31, 2013, approving the planned SAX tariff structure and capacity allocations, but then essentially ask this Commission to ignore it. The Turner Intervenors' Motion is both wrong and an impermissible collateral attack on the FERC decision as well.

FERC by law has exclusive jurisdiction over the rates to be charged by a common carrier by pipeline under tariffs for interstate shipments of oil. In FERC's "Order On Petition For Declaratory Order," Docket No. OR13-19-000, issued July 31, 2013 (attached as pages 41-48 to the Turner Intervenors' Motion), Enbridge Illinois told FERC that "the Project currently is sized

as a 24-inch pipeline that will provide up to 300,000 barrels per day (BPD) of capacity for crude oil transportation;" that "up to 90 percent of the capacity will be available for committed volumes, while at least 10 percent will be reserved for uncommitted volumes;" that "the Project will require a large capital investment; therefore the success of the Project depends on the support of committed shippers that make long-term ship-or-pay commitments at premium rates;" that "the Commission has recognized the importance of committed shippers to the pipeline's capital financing;" and that while "the Commission has not established a minimum percentage of capacity that must be set aside for uncommitted shippers ... the Commission has indicated that a reservation of 10 percent of capacity for uncommitted shippers is sufficient to provide reasonable access." Order, Dkt. No. OR 13-19-000, at 1, 3, 5 (July 31, 2013). FERC accepted these arguments and granted Enbridge Illinois' petition. That decision by FERC, standing alone, requires the denial of the Turner Intervenors' Motion as it is predicated on the incorrect argument that the level of substantial commitment of a shipper approved by FERC somehow transforms the service provided into "contract service" and affects the pipeline's status as a common carrier. This argument is an impermissible collateral attack on FERC's approval of common carrier tariffs for Enbridge Illinois (now IEPC).

### **CONCLUSION**

For all the foregoing reasons, the Turner Intervenors' Motion to add Lincoln Pipeline LLC as a party should be denied.

Respectfully submitted,

OF COUNSEL:

Amy Graham Back  
Enbridge Pipelines (Illinois) L.L.C.  
26 E. Superior Street  
Duluth, MN 55802  
(218) 464-5700

ILLINOIS EXTENSION PIPELINE COMPANY,  
L.L.C.

Gerald. A. Ambrose  
Dale E. Thomas  
G. Darryl Reed  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
(312) 853-7000

Attorneys for Applicant

Dated: August 19, 2014

By: /s/ G. Darryl Reed

One of the Attorneys for  
Enbridge Illinois

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

ENBRIDGE PIPELINES (ILLINOIS) 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 TO CONSTRUCT AND ) Dkt. No. 07-0446  
OPERATE A PETROLEUM PIPELINE AND )  
WHEN NECESSARY TO TAKE PRIVATE )  
PROPERTY AS PROVIDED BY THE LAW )  
OF EMINENT DOMAIN )

=====

**VERIFICATION OF RANDY RICE**

=====

I, Randy Rice, declare as follows:

1. I am the Project Director for the Southern Access Extension Project, Illinois Extension Pipeline Company, L.L.C. ("IEPC").
2. I have personal knowledge of the facts contained in the "Response of Enbridge Pipelines (Illinois) L.L.C. to Turner Intervenors' Motion to Add a Party" or the facts therein are based on business records of IEPC.
3. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the "Response of Enbridge Pipelines (Illinois) L.L.C. to Turner Intervenors' Motion to Add a Party" are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
Randy Rice

# Attachment C

ICC Staff Data Request

ENG 1.9 Provide a list of every shipper that has contracted or proposed to contract for capacity on the proposed pipeline, and include the length of the commitment, the product to be shipped, and the amount of capacity purchased.

Supplemental Response prepared by:

Name: Randy Rice  
Title: Project Director  
Address: 4628 Mike Colalillo Drive  
Duluth, MN 55807

Subsequent to re-energizing the SAX project in 2012, Enbridge Pipelines (Illinois), L.L.C. (hereinafter Enbridge Illinois) received sufficient capacity commitments through two Open Seasons, the first held from December 12, 2012, to January 18, 2013, and the second held from June 5, 2013 to July 19, 2013, to support a 24-inch pipeline. Regarding specific shipper details, the Transportation Service Agreements (TSAs) between Enbridge Illinois and the individual shippers have confidentiality clauses that prohibit the disclosure of the details of the contracts by shipper, and the Interstate Commerce Act, 49 U.S.C.S. § 16103, prohibits the disclosure of shipper-specific information. Enbridge Illinois did receive contractual take-or-pay commitments from two individual shippers for 10- or 15-year terms (including Marathon Petroleum Corp. as key anchor shipper) for a volume of approximately 210,000 barrels per day of liquid petroleum that originates in western Canada or North Dakota, and is transported via a joint tariff on the Enbridge Mainline System to Flanagan, Illinois for transport on SAX to the Patoka Hub.

# Attachment D

1 IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
2 McLEAN COUNTY, ILLINOIS

3  
4 ENBRIDGE PIPELINES, et al, )  
Plaintiff, )  
5 -vs- ) McLean County Case  
6 ) Nos. 14 ED 2, 3, 4,  
7 ) 5, 6, 8, 10, 11, 13,  
8 ) 14, 15, 16, 18, 20,  
9 ) 26, 28, 30, 32, 33,  
10 ) 34, 35, 50  
11 )  
12 KIEFER, ONDECK, KIEFER, TEMPLE, )  
GUTH, ADREON, TURNER, NELSON, )  
13 FREED AG SERVICES, LEARNED, )  
14 OSWEGO COMM. BANK, HINTHORN, )  
15 AMB HOLDINGS, ARMSTRONG, HOLSTINE, )  
16 KILLIAN, JPR, SNYDER, HINES, )  
17 KILLIAN, ROOP, LAY, ANDREWS, et al, )  
18 Defendants. )

19 MOTION

20 REPORT OF PROCEEDINGS of the hearing before  
21 the HONORABLE PAUL LAWRENCE, on the 21st day of August,  
22 2014.

23 APPEARANCES:

24 Mr. John M. Spesia,  
SPESIA & AYERS,  
Mr. Gerald Ambrose,  
SIDLEY AUSTIN LLP,  
On behalf of the Plaintiff.

Mr. Mercer Turner,  
ATTORNEY AT LAW,,  
On behalf of the Defendants.

Kathy L. Fulks, CSR  
Official Reporter  
509 Law & Justice Center  
Bloomington, IL 61701 License# 084-002020

1                   MR. TURNER: Yes, Your Honor. A couple of  
2 things. When the suggestion's made that we're  
3 complaining about the size, Your Honor, that sounds  
4 like, you know, they have us -- they've shrunk the size,  
5 and it ought to be less of an impact. That isn't the  
6 issue. I'd like to provide the Court with just a couple  
7 of slides that were dated back in December 4th of 2013,  
8 in a presentation by the president of Marathon Petroleum  
9 Company where Marathon announces to its investor groups  
10 that it has secured an interest in the SAS line, 35  
11 percent interest, and made it part of the Marathon  
12 portfolio, and this was not disclosed at all until  
13 August one, 2014. The concern there is that this is a  
14 private line that's not eligible for a certificate of  
15 good standing, and that's the issue. It doesn't have  
16 anything to do with the size. In the entire ICC case,  
17 07-0446 and then the new one, 13-0446, all of the  
18 evidence in those proceedings pertain to 36 inch  
19 pipeline. Now, it sounds like that the difference  
20 between a 24 and a 36 inch pipeline is 12 inches, but  
21 the difference in volume without considering questions  
22 of viscosity and pressure, the difference in volume is  
23 that the 36 inch line is 225 percent larger than a 24  
24 inch line. That extra capacity would be public capacity

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ENBRIDGE PIPELINES (Illinois) L.L.C.	:	
	:	
Application pursuant to sections 8-503, 8-509 and	:	Docket No. 07-0446
15-401 of the Public Utilities Act / the Common	:	
Carrier by Pipeline Law to Construct and Operate a	:	(Reopen)
Petroleum Pipeline and when necessary, to Take	:	
Private Property as Provided by the Law of	:	
Eminent Domain.	:	

**NOTICE OF FILING**

**TO: SEE ATTACHED SERVICE LIST**

**PLEASE TAKE NOTICE** that on this date we have filed with the Clerk of the Illinois Commerce Commission, the RESPONSE OF ENBRIDGE PIPELINES (ILLINOIS) L.L.C. TO PLIURA INTERVENORS' MOTION TO COMPEL AND MOTION TO VACATE FILING DEADLINE AND HEARING DATE, in the above-captioned matter.

ENBRIDGE PIPELINES (ILLINOIS) L.L.C.

By:  /s/ G. Darryl Reed  
One of Its Attorneys

Dated: August 28, 2014

Gerald A. Ambrose  
Dale E. Thomas  
G. Darryl Reed  
Sidley Austin LLP  
One South Dearborn  
Chicago, IL 60603  
(312) 853-7000

**CERTIFICATE OF SERVICE**

I, G. Darryl Reed, an attorney, certify that I caused copies of the RESPONSE OF ENBRIDGE PIPELINES (ILLINOIS) L.L.C. TO PLIURA INTERVENORS' MOTION TO COMPEL AND MOTION TO VACATE FILING DEADLINE AND HEARING DATE, to be served on each of the parties listed on the service list via electronic or regular mail, this 28<sup>th</sup> day of August, 2014.

/s/ G. Darryl Reed

One of Its Attorneys

ENBRIDGE PIPELINES (ILLINOIS) L.L.C.

Gerald A. Ambrose  
Dale E. Thomas  
G. Darryl Reed  
Sidley Austin LLP  
One South Dearborn  
Chicago, Illinois 60603  
(312) 853-7000

**ICC Service List**

Docket 07-0446

James Adams  
Adams Land Corp.  
20365 E. 1200 North Rd.  
Bloomington, IL 61704

Ann Alexander, Senior Attorney  
Natural Resources Defense Council  
101 N. Wacker Dr., Ste. 609  
Chicago, IL 60606

Londa Allen  
RR #1, Box 88  
Herrick, IL 62431

Randall Allen  
RR #1, Box 88  
Herrick, IL 62431

Gerald Ambrose, Atty. for Applicant  
Sidley Austin LLP  
One S. Dearborn  
Chicago, IL 60603

Fredric P. Andes, Atty. for American Petroleum Institute  
Barnes & Thornburg LLP  
One N. Wacker Dr., Ste. 4400  
Chicago, IL 60606

George R. Armstrong  
Rt 1, Box 284  
Clinton, IL 61727

Nina S. Armstrong, Trustee of Nina S. Armstrong Trust  
1150 W. Market St., Ste. 622  
Akron, OH 44313

Wallace F. Ashby  
R.R. 2, Box 320  
Clinton, IL 61727

William Aurand  
R.R. 1, Box 424  
Herrick, IL 62431

Carol Austin  
R 1, Box 156  
Brownstown, IL 62418

Clyde Austin  
R 1, Box 156  
Brownstown, IL 62418

Mary Babb  
1632 N. Towanda Barnes Rd.  
Normal, IL 61761

Bill Baldock  
R.R. 1  
Ramsey, IL 62080

David T. Ballard, Atty. for American Petroleum Institute  
Barnes & Thornburg LLP  
One N. Wacker Dr., Ste. 4400  
Chicago, IL 60606

Kenneth Barr  
R.R. 1, Box 16  
Herrick, IL 62431

Jay E. Barth  
PO Box 506  
Flanagan, IL 61740

Jeffrey E. Barth  
9484 E. 1600 North Rd.  
Flanagan, IL 61740

Lois E. Barth  
PO Box 506  
Flanagan, IL 61740

Tracy Barth  
6484 E. 1600 North Rd.  
Flanagan, IL 61740

Jeanne Batorson  
2 Alder Ct.  
Bloomington, IL 61704

Scott Bauknecht  
16790 N. 1130 East Rd.  
Pontiac, IL 61764

Ted Bauknecht  
11753 E. 1800 North Rd.  
Pontiac, IL 61764

Virginia Bauknecht  
11753 E. 1800 North Rd.  
Pontiac, IL 61764

Dorothy Benjamin  
2025 E. Lincoln #1213  
Bloomington, IL 61701

John L. Benjamin  
2375 Interlackin Circle  
Cleveland, TN 37312

James E. Bethel  
R.R. 1, Box 120  
Heyworth, IL 61745

Lloyd Betterton  
23732 S. Glenburn Dr.  
Sun Lakes, AZ 85248

Mary Betterton  
23732 S. Glenburn Dr.  
Sun Lakes, AZ 85248

Richard A. Betterton  
R.R. 3, Box 1325  
Pana, IL 62557

Chester F. Beyers  
350 U.S. Hwy. 51  
Pana, IL 62557

Marie M. Beyers  
350 U.S. Hwy. 51  
Pana, IL 62557

Robert J. Beyers, Atty. for Intervenors  
Law Offices of Robert Dodd & Associates, LLC  
Chase Bank Building  
303 S. Mattis, Ste. 201  
Champaign, IL 61821

J. Merrill Bland  
6199 Cty. Rd. 2100 E.  
Charleston, IL 61920

Donald K. Blaney  
R.R. 3, Box 133  
Pana, IL 62557

Patsey Blaney  
RR #1, Box 155  
Herrick, IL 62431

Sue E. Blaney  
R.R. 3, Box 133  
Pana, IL 62557

William Blaney  
RR #1, Box 156  
Herrick, IL 62431

Sherry Blankenship  
14 S.W. Crescent Dr.  
Mt. Vernon, IL 62864

Ron Block  
200 N. Belmont Rd.  
Bloomington, IL 61704

Elizabeth Blythe  
231 Northwind Dr.  
Brandon, MS 39047

Clara Borgic  
2637 E. 400 North Rd.  
Pana, IL 62557

Wayne Borgic  
2637 E. 400 North Rd.  
Pana, IL 62557

Thomas Bowden  
25 Dean Park  
Springfield, IL 62707

Peter W. Brandt, Atty. for Intervenors  
Livingston Barger Brandt & Schroeder  
115 W. Jefferson St., Ste. 400  
Bloomington, IL 61701

Dick P. Breese  
1638 Embassy Dr., Apt. 105  
West Palm Beach, FL 33401

Barbara Brehm  
50 N CR 400 E  
Arcola, IL 61910

John D. Britt  
R.R. 1, Box 444  
Vandalia, IL 62471

Michael M. Buchanan  
RR 1 Box 720  
Herrick, IL 62431

Rose Burger  
228 S. Franklin St.  
Decatur, IL 62523

Walter Burger Jr.  
228 S. Franklin St.  
Decatur, IL 62523

Joseph E. Burrus  
R.R. 1, Box 425  
Herrick, IL 62431

Robert Buzzard  
RR 1 Box 27  
Brownstown, IL 62418

Angelo P. Capparella  
907 S. Fell Ave.  
Normal, IL 61761

Robert Carroll  
17583 N. 1090 East Rd.  
Pontiac, IL 61764

Belinda J. Carter  
RR #2, Box 321 A  
Clinton, IL 61727

Stacy A. Carter  
RR 2, Box 321 A  
Clinton, IL 61727

Zach Carter  
R.R. 2  
Ramsey, IL 62080

Dean Chandler  
R.R. 1, Box 490  
Herrick, IL 62431

Kathleen Clayton  
R.R. 1, Box 287  
Clinton, IL 61727

William Clayton  
R.R. 1, Box 287  
Clinton, IL 61727

Carl E. Cloe  
R.R. 1, Box 178  
Herrick, IL 62431

Elinor I. Cole  
9S005 Nantucket Dr.  
Darien, IL 60561

Lois Corley  
311 W. 7th St.  
Pana, IL 62557

Joe Crabtree  
RR 2  
Ramsey, IL 62080

David Cray  
172 Goulburn Ave.  
Ottawa, ON K1N8E2  
CANADA

Kevin Cray  
PO Box 394  
Clinton, IL 61727

Lois E. Cray  
R. R. 2, Box 321  
Clinton, IL 61727

Phillip Cray  
1102 Deer Trail Court  
Port Byron, IL 61275

Terrence B. Cray  
1540 N. LaSalle Dr., #1008  
Chicago, IL 60610

Thomas Cray  
8940 Mansfield Ave.  
Morton Grove, IL 60053

Bruce E. Cray  
2507 Calvary Lane  
Katy, TX 77449

Frances Cray Barnard  
1765 Aynsley Way  
Vero Beach, FL 32966

H. Renee Cray-Zorc  
936 S. 4th Ave.  
Libertyville, IL 60048

Donald J. Cremeens  
313 Apple Dr.  
Metamora, IL 61548

Jean E. Cremeens  
313 Apple Dr.  
Metamora, IL 61548

Brian L. Cripe, (Rev Trust)  
R.R. 1, Box 273  
Vandalia, IL 62471

Darlene Dagen  
R.R. 1, Box 285  
Herrick, IL 62431

Ty L. Dagen  
R.R. 1, Box 285  
Herrick, IL 62431

Glen Wayne Daniels  
2512 Whitler Ln.  
Vandalia, IL 62471

Bobby H. Davis  
2211 E. Lake Shore Dr.  
Taylorville, IL 62568

Julia Davis, Atty. for Intervenors  
The Law Office of Mercer Turner  
202 N. Prospect, Ste. 202  
Bloomington, IL 61701

Melvin H. Davis, Trustee  
21407 Hawthorne Arbor Lane  
Downs, IL 61736

Robert H. Davis, Residuary Trust  
c/o Richard Haas  
1960 N. 2200 East Rd.  
Le Roy, IL 61752

Ruth Davis  
200 N. Bellmont Rd.  
Bloomington, IL 61704

Kathy Dehority  
R.R. 1, Box 412  
Herrick, IL 62431

James S. Dehority  
R.R. 1, Box 412  
Herrick, IL 62431

Melvin Dellinger  
PO Box 635  
Clinton, IL 61727

Ellen L. Dingleline  
904 Peoria St.  
Washington, IL 61571

Carolyn A. Donaldson  
25927 N. 2150 E Rd.  
Lexington, IL 61753

Timothy R. Donaldson  
25927 N. 2150 East Rd.  
Lexington, IL 61753

Mark Doolen  
2325 Bark Ridge Ct.  
Lisle, IL 60532

Carl Doolen  
2325 Bark Ridge Ct.  
Lisle, IL 60532

Carol Duffy  
758 N. 1st Rd.  
Dana, IL 61321

Paul Duffy  
758 N. 1st Rd  
Dana, IL 61321

Mary Dugan  
940 E. Old Willow Rd.  
Prospect Heights, IL 60070

Keith Dunaway  
R.R. 1, Box 76 R  
Cowden, IL 62422

Sheredith Durbin  
R.R. 2, Box 152  
Ramsey, IL 62080

Dora J. Eck  
22279 Stringtown Rd.  
Pana, IL 62557-7016

Robert D. Eddy  
R.R. 1, Box 331 B  
Ramsey, IL 62080

Walter Ehrat  
800 Meyers Lane  
Vandalia, IL 62471

Roger Eide  
7105 Interlochen  
Eden Prairie, MN 55346

Deborah F. Evans  
1190 S. Joynt Rd.  
Decatur, IL 62522

Kenneth M. Evans  
Rte. 1, Box 314  
Ramsey, IL 62080

Thomas A. Evans  
1190 S. Joynt Rd.  
Decatur, IL 62522

Pablo Eves, 1st Assistant State's Attorney  
Civil Division  
McLean County  
PO Box 2400  
115 E. Washington St., Ste. 401  
Bloomington, IL 61702

Herman Farms, Inc.  
15515 Dan Patch Dr.  
Plainfield, IL 60544

John Feeley  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle, Ste. C-800  
Chicago, IL 60601

Leslie Foffel  
6116 Green Valley Rd.  
Clinton, IL 61727

Ann Fulop  
25738 N. 2150 E. Rd.  
Lexington, IL 61753

Terry Giannoni, Township Supervisor  
Money Creek township  
24133 N. 2250 E. Rd.  
Lexington, IL 61753

Julie Gilmore  
R.R. 1, Box 432  
Herrick, IL 62431

Robert J. Gougar  
21341 S. Gougar Rd.  
Joliet, IL 60433

Brian P. Granahan  
Environment Illinois Research & Education Center  
407 S. Dearborn, Ste. 701  
Chicago, IL 60605

Daniel Greer, Manager, Kraft Farms, LLC  
4265 Fifth St.  
Springfield, IL 62701

Roy P. Farwell, Attorney  
Union Pacific Railroad Company  
100 North Broadway, Suite 1500  
St. Louis, MO 63102

Shannon Fisk  
Natural Resource Defense Council  
101 N. Wacker Dr., Ste. 609  
Chicago, IL 60606

Max Foster, Township Road Dist. Commissioner  
Towanda Township Road Dist.  
PO Box 61  
Towanda, IL 61776

Thomas Fulop  
25738 N. 2150 E. Rd.  
Lexington, IL 61753

Darrell Gilmore  
R.R. 1, Box 432  
Herrick, IL 62431

Elda M. Gougar  
21341 S. Gougar Rd.  
Joliet, IL 60433

Amy Graham Back, Atty. for Enbridge Pipelines (Illinois)  
L.L.C.  
Enbridge Energy Company, Inc.  
26 E. Superior St., Ste. 309  
Duluth, MN 55802

Todd Greenburg, Corporation Counsel  
Legal Department  
City of Bloomington  
109 E. Olive St.  
Bloomington, IL 61701

Nina Gregory  
3422 Woodyend Ct.  
San Jose, CA 95121

Robert L. Grissom, Robert L. Grissom Partnership  
9804 Nicholas St.  
Omaha, NE 68114

Doris Grunloh  
20514 N. 2150 East Rd.  
Towanda, IL 61776-9413

Laura S. Haas  
Hughart Family Limited Partnership  
24207 Ron Smith Mem. Hwy.  
Hudson, IL 61748

Lorraine M. Hacker  
1812 Cherry Rd.  
Oswego, IL 60543

William M. Hacker  
1812 Cherry Rd.  
Oswego, IL 60543

Leslie Hadley  
RR 1, Box 420  
Herrick, IL 62431

Terri Hadley  
R.R. 1, Box 435  
Herrick, IL 62431

Les Hadley  
R.R. 1, Box 435  
Herrick, IL 62431

Bessie Hagy  
R.R. 1, Box 197  
Vandalia, IL 62471

Dwight L. Hagy  
R.R. 1, Box 197  
Vandalia, IL 62471

Linda Hall  
R.R. 1, Box 316  
Ramsey, IL 62080

Virgil T. Harbach  
1006 S. Quincy St.  
Clinton, IL 61727

Glen M. Hardeman  
4575 Jackson Rd.  
Macon, IL 62544

Kathryn M. Hardeman  
4575 Jackson Rd.  
Macon, IL 62544

James W. Hardimon  
RR #1, Box 460  
Herrick, IL 62431

Kevin Hardimon  
R.R. 1, Box 648  
Herrick, IL 62431

Maureen J. Harris  
Maureen J. Harris Trust Agreement  
PO Box 412  
Fairfield, VA 24435

William H. Harris  
Maureen J. Harris Trust Agreement  
PO Box 412  
Fairfield, VA 24435

Michael Hayes  
RR 2, Box 156 A  
Ramsey, IL 62080

Craig R. Hedin, Atty. for Illinois Oil & Gas Association  
Campbell Black Carnine Hedin Ballard & McDonald,  
P.C.  
PO Drawer C  
108 S. 9th St.  
Mt. Vernon, IL 62864

John Heller, Atty. for Enbridge Pipelines (Illinois)  
L.L.C.  
Sidley Austin LLP  
One S. Dearborn St.  
Chicago, IL 60603

Randall Henderson  
2 N. Henderson Ave.  
Herrick, IL 62431

Philip Herbord  
R.R. 1, Box 315  
Ramsey, IL 62080

Carl Hinthorn  
22720 E. 1900 North Rd.  
Towanda, IL 61776

Floyd B. Hinton  
PO Box 200  
Tower Hill, IL 62571

Chad Hoke  
R.R. 1, Box 280 C  
Clinton, IL 61727

Sonna H. Hoke  
R.R. 1, Box 279  
Clinton, IL 61727

Thomas J. Healey, Counsel - Regulatory  
Illinois Central Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430

Elliott M. Hedin, Atty. for Intervenors  
Brown Hay & Stephens, LLP  
205 S. Fifth St., Ste. 700  
Springfield, IL 62701

Scott C. Helmholz, Atty. for Shelby Intervenors  
Bailey & Glasser, LLP  
One N. Old State Capitol Plz., Ste. 560  
Springfield, IL 62701

Hunt Henderson, Atty. for Intervenors  
Hunt Henderson, Attorney at Law  
112 E. Center St.  
Le Roy, IL 61752

Sheila J. Herbord  
R.R. 1, Box 315  
Ramsey, IL 62080

Donnie Hinton  
RR 1, Box 96  
Tower Hill, IL 62571

Merle Hoback  
752 Jacobs Way  
Forsyth, IL 62535

Edward Hoke  
R.R. 1, Box 279  
Clinton, IL 61727

Kirk A. Holman, Atty. for  
Livingston Barger Brandt & Schroeder  
115 W. Jefferson St., Ste. 400  
Bloomington, IL 61701

Andrew Holstine, Atty. for Intervenors  
Zukowski Rogers Flood & McArdle  
50 Virginia St.  
Crystal Lake, IL 60014

William J. Holstine, Trustee of Alice E. Temple Trust  
c/o Hertz Farm Management  
PO Box 500  
Nevada, IL 50201

Andrew Hortenstine  
RR 1, Box 445  
Herrick, IL 62431

Annetta M. Hortenstine  
R.R. 1, Box 36  
Gays, IL 61928

Marc B. Hortenstine  
R.R. 1, Box 324  
Ramsey, IL 62080

Richard Hortenstine  
R.R. 1, Box 31  
Gays, IL 61928

Jennifer Hortenstine-Grohler  
R.R. 1, Box 18 C  
Sullivan, IL 61951

John Hunt  
R.R. 1, Box 286  
Clinton, IL 61727

Larry G. James  
736 Jacobs Way  
Forsyth, IL 62535

Zera L. James  
736 Jacobs Way  
Forsyth, IL 62535

Larry Jones, Administrative Law Judge  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield, IL 62701

Maurice E. Jones  
M & D Jones Farm, Inc.  
18264 N. 2150 E. Rd.  
Towanda, IL 61776

Judith J. Jurgelas  
208 S. Vine  
Lexington, IL 61753

Maureen E. Kalkwarf  
15691 N. 600 East Rd.  
Flanagan, IL 61740

Margaret Rose Kampfner  
14569 N. 500 East Rd.  
Flanagan, IL 61740

Joel W. Kanvik, Senior Counsel  
Enbridge Energy Company, Inc.  
1100 Louisiana  
Houston, TX 77002

Dawn Kellow  
1816 Kimberly Lake Dr.  
Swansea, IL 62226

Robert Kellow  
1816 Kimberly Lake Dr.  
Swansea, IL 62226

Carlisle E. Kelly  
25457 Chestnut Dr.  
Le Roy, IL 61752

DeAnna K. Kelly  
25457 Chestnut Dr.  
Le Roy, IL 61752

Jeff Kelly  
RR 1, Box 378 C  
Vandalia, IL 62471

Renne Kelly  
RR#1, Box 378 C  
Vandalia, IL 62471

Janice Kay Kerley  
RR 2, Box 326  
Clinton, IL 61727

Lonnie L. Kerley  
R.R. 2, Box 326  
Clinton, IL 61727

Tim Killian  
28525 N. 2380 East Rd.  
Gridley, IL 61744

Al Killian  
21328 E. 2200 North Rd.  
Towanda, IL 61776

Patrick D. Killian  
704 Marshall Lane  
Bloomington, IL 61701

Susan M. Killian  
524 S. Kreitzer Ave.  
Bloomington, IL 61701

Terrence Killian  
PO Box 204  
Lexington, IL 61753

Rosemary King  
21024 E. 1600 North Rd.  
Normal, IL 61761

Patrick Kinsella  
26377 N. 2000 East Rd.  
Lexington, IL 61753

Suzanne W. Klassen  
19570 E. 500 N. Rd.  
Downs, IL 61736

Benjamin Klein  
29712 N 2280 E. Road  
Gridley, IL 61744

Bruce A. Klein  
23479 E. 2700 North Road  
Lexington, IL 61753

David E. Klein  
1018 Oak Hill St.  
Normal, IL 61761

John Klein  
286 N. 1600 East Rd.  
Rosamond, IL 62083

Kathleen Klein  
286 N. 1600 East Rd.  
Rosamond, IL 62083

Donald Korte  
Korte Farm Partnership  
400 Douglas St.  
Park Forest, IL 60466

Mark Kraft, Township Supervisor  
Towanda Township  
PO Box 61  
Towanda, IL 61776

Timothy C. Kraft  
21448 E. 1900 North Rd.  
Towanda, IL 61776

Brenda Kramer  
R.R. 1, Box 415  
Herrick, IL 62451

Rocky Kramer  
R.R. 1, Box 415  
Herrick, IL 62451

Evelyn Krueger  
c/o Soy Capital Ag Services  
6 Heartland Dr., Ste. A  
Bloomington, IL 61704

Debra S. Kuerth  
31594 N. 2180 East Rd.  
Gridley, IL 61744

Dianne I. Kuerth  
22777 E. 3100 N. Rd.  
Gridley, IL 61744

Kenneth L. Kuerth  
22777 E. 3100 N. Rd.  
Gridley, IL 61744

Steven L. Kuerth  
31594 N. 2180 East Rd.  
Gridley, IL 61744

Glenn R. Kunkel  
13874 Lisbon Rd.  
Newark, IL 60541

Naomi K. Kunkel  
13874 Lisbon Rd.  
Newark, IL 60541

Gordon Larsen  
RR 2, Box 322  
Clinton, IL 61727

Kay Larsen  
RR 2, Box 322  
Clinton, IL 61727

Elizabeth A. Laughlin  
6 Laurel Ct.  
Washington, IL 61571

Dan Lay  
7583 N. 1300 East Rd.  
Shirley, IL 61772

Ronald W. Lea  
RR #1, Box 154  
Wapella, IL 61777

Wanda M. Lea  
RR #1, Box 154  
Wapella, IL 61777

Mark S. Lillie, Atty. for ExxonMobil Pipeline Company  
Kirkland & Ellis LLP  
300 N. LaSalle St.  
Chicago, IL 60654

Betty Lofland  
R.R. 1, Box 436  
Herrick, IL 62431

Joshua Lofland  
R.R. 1, Box 436  
Herrick, IL 62431

Mike Lofland  
R.R. 1  
Bethany, IL 61914

Mabel Lux  
21199 Hawthorne Arbor Lane  
Downs, IL 61736

Michael Lux  
21199 Hawthorne Arbor Lane  
Downs, IL 61736

Jewell Manley  
R.R. 1, Box 317  
Ramsey, IL 62080

Shirley Manley  
Rte. 2, Box 127  
Ramsey, IL 62080

Terry Manley  
R.R. 2, Box 127  
Ramsey, IL 62080

John Mathewson  
PO Box 43  
Oconee, IL 62553

Patricia Mathewson  
PO Box 43  
Oconee, IL 62553

Vernon McCammack  
RR #1, Box 22  
Brownstown, IL 62418

Joseph A. McCormick  
3595 Rider Trail South  
Earth City, MO 63045

Charles McDonald  
2523 Oriskany Dr.  
Schererville, IL 46375

Kevin McMath  
R #1, Box 409  
Clinton, IL 61727

Darrell Miller  
RR 1, Box 273  
Maroa, IL 61756

Wesley Miller  
602 W. South 1st  
Herrick, IL 62431

Daniel M. Miller  
3489 Plover Dr.  
Decatur, IL 62526

Theresa Miller  
3489 Plover Dr.  
Decatur, IL 62526

James E. Mohr  
24650 N. 2100 E Rd.  
Lexington, IL 61753

Patricia A. Mohr  
24650 N 2100 E Rd.  
Lexington, IL 61753

Gary Moncelle, Road Dist. Commissioner  
Money Creek Township Road Dist.  
24133 N. 2250 E. Rd.  
Lexington, IL 61753

Debra J. Moore  
1942 N. 2600 E. Rd.  
Moweaqua, IL 62550

Michael S. Moore  
1942 N. 2600 E. Rd.  
Moweaqua, IL 62550

Saundra Moore  
2255 Sands Dr.  
Decatur, IL 62526

Carol Morefield  
9865 Clear Lake Lane  
Bloomington, IL 61704

Charles E. Murphy  
758 E. 1400 North Rd.  
Wapella, IL 61777-9757

Vivian E. Murphy  
RR #1, Box 178  
Wapella, IL 61777

Bernadine Murphy  
R 2 Box 14  
Heyworth, IL 61745

Pleasant R. Murphy  
R 2 Box 14  
Heyworth, IL 61745

Marco J. Muscarello  
38W386 Burr Oak Lane  
St. Charles, IL 60175

Patricia A. Muscarello  
9225 N. Crimson Canyon  
Fountain Hills, AZ 85268

James R. Myers, Atty. for the Fayette Water Company  
LeFevre Oldfield Myers Apke & Payne Law Group, Ltd.  
303 S. Seventh St.  
Vandalia, IL 62471

Ric Oberlink  
1007 Allston Way  
Berkeley, CA 94710

Village of Downs  
PO Box 18  
Downs, IL 61736

James V. Olivero  
Office of General Counsel  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield, IL 62701

Jim Ondeck  
25358 N. 1475 East Road  
Hudson, IL 61748

Catherine Otto  
R.R. 3, Box 4  
Ramsey, IL 62080

Leon Otto  
R.R. 3, Box 4  
Ramsey, IL 62080

Timothy Otto  
R.R. 3, Box 4  
Ramsey, IL 62080

Fred Owings  
PO Box 421  
The Sea Ranch, CA 95497

Jerry Owings  
PO Box 184  
The Sea Ranch, CA 95497

Darwin Dean Padgett  
3245 N. Susan Dr.  
Decatur, IL 62526

Roy A. Padgett  
16102 Tawney Ridge Lane  
Victorville, CA 92394

Russell Padgett  
15445 Blackfoot Rd.  
Apple Valley, CA 92307

Sandra Padgett  
3981 Castleman St.  
Riverside, CA 92503

Robert C. Peveryly  
R.R. 4, Box 253 E  
Clinton, IL 61727

Ruth W. Peveryly  
R.R. 4, Box 253 E  
Clinton, IL 61727

Robert M. Phelps  
10602 IL 78 So.  
Mt. Carroll, IL 61053

Karen Phillips  
3010 E. Mound Rd.  
Decatur, IL 62526

Thomas J. Pliura, Atty. for Intervenors  
Law Offices of Thomas J. Pliura  
PO Box 130  
Le Roy, IL 61752

Henry Portz  
RR 2, Box 158  
Ramsey, IL 62080

Potter & Potter Land Company Potter  
1161 Winwood Rd.  
Lake Forest, IL 60045

Mary E. Preston  
RR 1, Box 275  
Maroa, IL 61956

Bill Price  
PO Box 6034  
Taylorville, IL 62568

Stephanie Price  
PO Box 6034  
Taylorville, IL 62568

Beverly Pryor  
611 Dogwood Dr.  
Arcola, IL 61910

Michael Pryor  
Rte. 2, Box 170  
Ramsey, IL 62080

Alice M. Raber, Trustee of Raber Living Trust  
6355 E. 1400 North Rd.  
Flanagan, IL 61740

Janice K. Raburn, Senior Counsel  
American Petroleum Institute  
1220 L St., NW  
Washington, DC 20008

Allen J. Radcliff  
R.R. 1 Box 79  
Brownstown, IL 62418

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

Phillip Reynolds, Highway Commissioner  
Old Town Road District  
RR 1, Box 121  
Downs, IL 61736

Charles Rhoads  
6965 Oleatha Ave.  
St. Louis, MO 63139

Archie L. Rhodes  
R.R. 2, Box 151-3  
Ramsey, IL 62080

Janet K. Riggins  
d/b/a Riggins Family Living Trust  
810 N. Bentsen Palm Dr., #513  
Mission, TX 78572

L. Dale Riggins  
d/b/a Riggins Family Living Trust  
810 N. Bentsen Palm Dr., #513  
Mission, TX 78572

Jon Robinson, Atty. for Intervenors  
Bolen Robinson & Ellis, LLP  
202 S. Franklin St., 2nd Floor  
Decatur, IL 62523

Frank Roop  
216 Fleetwood  
Bloomington, IL 61701

Gregory Roop  
5446 N. 200 E. Rd.  
Downs, IL 61736

Daniel M. Rubin  
R.R. 1, Box 154  
Shobonier, IL 62885

Margot Rudesill  
21021 E. 1300 North Rd.  
Bloomington, IL 61704

Robert Rudow  
R 3 Box 141  
Pana, IL 62557

Larry Sallee  
R.R. 1, Box 408  
Herrick, IL 62431

Wilma L. Sanner  
4442 Mt. Vernon Place  
Decatur, IL 62521

William Schmitz  
R.R. 3, Box 294 A  
Pana, IL 62557

Leonard Schwartz  
5885 N. St. Rt. 159  
Edwardsville, IL 62025

Cecil W. Scroggins  
3986 N. Cowgill  
Decatur, IL 62526

Nick Seabaugh  
RR 2, Box 408 A  
Vandalia, IL 62471

Heather Sears Gregory  
418 N. Linden  
Bloomington, IL 61701

Beverly Rudow  
R 3 Box 141  
Pana, IL 62557

Eric T. Ruud  
Civil Division  
McLean County State's Attorney's Office  
PO Box 2400  
115 E. Washington St., Ste. 401  
Bloomington, IL 61702-2400

Ann M. Sanner  
1616 Baltimore Ter.  
Manhattan, KS 66502

Lisa Schmitz  
R.R. 3, Box 294 A  
Pana, IL 62557

Robert Schwartz  
5885 N. St. Rt. 159  
Edwardsville, IL 62025

Stephen Schwartz  
5885 N. St. Rt. 159  
Edwardsville, IL 62025

Michele Seabaugh  
RR 2, Box 408 A  
Vandalia, IL 62471

Deanna Sears  
21237 E. 950 North Rd.  
Bloomington, IL 61704

C. Kenneth Sefton  
R.R. 1, Box 143  
Brownstown, IL 62418

Donald Shea  
6116 Green Valley Rd.  
Clinton, IL 61727

Gary Smith  
2325 E 400 North Rd  
Pana, IL 62557

Robert L. Smith  
958 Illinois St.  
Pana, IL 62557

George W. Springman  
R.R. 1, Box 181  
Brownstown, IL 62418

Russell Springman  
R.R. 1, Box 145  
Brownstown, IL 62418

Rebecca Stanfield, Director  
Environment Illinois Research and Education Center  
407 S. Dearborn, Ste. 701  
Chicago, IL 60605

Peter Stasiewicz, Atty. for ExxonMobil Pipeline  
Company  
Kirkland & Ellis LLP  
300 N. LaSalle St.  
Chicago, IL 60654

Michael L. Stewart  
2008 W. Lincoln Ave.  
Montebello, CA 90640

Daniel Summann  
RR 1 Box 107  
Shobonier, IL 62885

Barbara G. Taft, Atty. for  
Livingston Barger Brandt & Schroeder  
115 W. Jefferson St., Ste. 400  
Bloomington, IL 61701

Joseph B. Taylor  
PO Box 478  
216 S. Center  
Clinton, IL 61727

Sharon Tedrick Jorandby  
Tedrick Farms Company  
Box 378  
Vandalia, IL 62471

Richard Thacker  
RR #2, Box 100  
Farmer City, IL 61842

Dale E. Thomas, Atty. for Enbridge Pipelines (Illinois)  
L.L.C.  
Sidley Austin LLP  
One South Dearborn  
Chicago, IL 60603

James L. Thomas  
R.R. 2, Box 124 A  
Ramsey, IL 62080

Ronald D. Thomas  
R.R. #1, Box 431  
Clinton, IL 61727

Carson Township  
R.R. 1, Box 412  
Herrick, IL 62431

Leslie D. Troyer  
17792 E. 2200 North Rd.  
Hudson, IL 61748

Mary Troyer  
17792 E. 2200 North Rd.  
Hudson, IL 61748

Mercer Turner, Atty. for Interveners  
Law Office of Mercer Turner, P.C.  
202 N. Prospect, Ste. 202  
Bloomington, IL 61701

Brenda Von Bokel  
1261 Cedar Rd.  
St. Jacob, IL 62281

Mike Von Bokel  
1261 Cedar Rd.  
St. Jacob, IL 62281

Jimmy Warren  
R.R. 2, Box 154 A  
Ramsey, IL 62080

Karen Warren  
R.R. 2, Box 154 A  
Ramsey, IL 62080

Barbara J. Washburn  
3636 N. Piedmont St.  
Arlington, VA 22207

Lewis E. Wasson  
RR 1 Box 577  
Herrick, IL 62431

Dianne Weer  
24913 N. 2100 E. Rd.  
Lexington, IL 61753

Mary Westerhold  
5885 N. St. Rt. 159  
Edwardsville, IL 62025

Chad Wilhour  
R.R. 3, Box 125 AA  
Altamont, IL 62411

Harry Donald Willms  
RR 2, Box 80  
Brownstown, IL 62418

Duane Willms  
RR 2, Box 80 A  
Brownstown, IL 62418

Ellen Marie Willms  
RR 2, Box 80  
Brownstown, IL 62418

Laura Willms  
RR 2 Box 80 A  
Brownstown, IL 62418

Brenda Witt  
R.R. 3, Box 296 A  
Pana, IL 62557

Virgil Witt  
R.R. 3, Box 296 A  
Pana, IL 62557

Bonnie Woolley  
5445 Half Round Rd.  
Oswego, IL 60543

Bruce Woolley  
5445 Half Round Rd.  
Oswego, IL 60543

Andrea M. Workman  
R.R. 2, Box 64  
Sullivan, IL 61951

Phyllis Yenny  
3137 Penrod Rd. NW  
Sugarcreek, OH 44681

Jim Yordy  
14538 N. 400 East Rd.  
Flanagan, IL 61740

Miles Young  
85 Carriage Dr.  
Morris, IL 60450

Rosella Young  
85 Carriage Dr.  
Morris, IL 60450