

the Commission's grant of eminent domain authority in Docket No. 13-0446, a completely different docket. By the Turner Intervenors' own admission, they do not reach the arguments related to the present case until paragraph nine of the Motion.¹ Motion, at 4. As another example, the Turner Intervenors refer numerous times to what they characterize as a "joint venture" between IEPC and Marathon Petroleum Company. But there is no joint venture agreement in the record, no testimony in the record that there is a joint venture, and no document in the record that characterizes the relationship between IEPC and Marathon as a joint venture. Arguments without support in the record of *this* docket cannot provide the basis for the Commission's final order in this docket and thus should not be the subject of oral argument.

2. The Turner Intervenors also repeatedly misrepresent the facts in the record. For example, the Turner Intervenors argue in paragraph two that IEPC entered into a joint venture with Marathon in 2012, but failed to disclose that fact in Docket No. 13-0446. Motion, at 1-2. That is untrue, as the Turner Intervenors should know. In reality, the final order in Docket No. 13-0446 was issued on April 29, 2014, and Marathon did not take on an investment interest in IEPC until July 1, 2014. *See* Testimony of Timothy Kraft, Docket No. 07-0446, Attachment 1, at 8 (Aug, 27, 2014).

3. As another example, the Turner Intervenors assert that "a new owner now exists" for the SAX pipeline and "Marathon is an active voting member of the joint venture and can vote on decisions pertaining to the construction of SAX." Motion, at 4. Although authority is cited for that statement, it appears to be based on a statement in a recent SEC filing by Marathon that is not in the record. But even if that statement were in the record, the Turner Intervenors have

¹ The Turner Intervenors designate two different paragraphs as paragraph seven. The paragraph to which IEPC now refers is actually paragraph nine. Motion, at 4.

misrepresented what it conveys regarding Marathon's actual interest in the SAX pipeline. As the Turner Intervenors acknowledge later in the same paragraph, Marathon has a *minority* ownership interest in the SAX pipeline and would need to purchase another 15.001 percent to have voting control. Motion, at 4. Further, the record is clear that the construction plan for SAX was developed by IEPC alone and aside from the diameter of the pipeline, is the same as approved in the July 2009 Order in Docket No. 07-0446. IEPC Reply on Motion to Reopen and Amend, Docket No. 07-0446, IEPC Ex. 2, at 3 (June 13, 2014). Marathon's minority ownership interest in the SAX pipeline was obtained subject to IEPC's preexisting construction plan

4. Two other mischaracterizations of the record are of note. First, IEPC has not, as the Turner Intervenors allege, "specifically sought permission for Marathon to increase its ownership percentage" or "requested that Marathon be allowed to use all of the free capacity of the SAX." Motion at 4, 5. There is no intent that Marathon would be anything other than a 35% owner. The Turner Intervenors have simply mischaracterized IEPC's arguments in its Brief on Exceptions that conditions in the Proposed Order limiting Marathon's ownership interest and capacity for shipping would exceed the Commission's jurisdiction, would be discriminatory because those conditions were not imposed on any other pipelines, and would be inconsistent with IEPC's common carrier obligations. IEPC Brief on Exceptions, Docket No. 07-0446 (Dec. 1, 2014). The second mischaracterization is the suggestion by the Turner Intervenors that while the Docket No. 13-0446 proceeding was still pending, IEPC hid the fact it had no intention to build a 36-inch pipeline. The record shows that it was not until late in that proceeding that, as IEPC made clear in its Motion to Reopen, the then-prevailing conditions were such that IEPC made its decision that a 24-inch diameter pipeline would be more economically feasible than a 36-inch diameter pipeline. Motion to Reopen, IEPC Ex. 1, at 5-6 (May 19, 2014). Moreover,

again contrary to the Turner Intervenors' suggestions (Motion, at 2), IEPC has never represented that there were *no* circumstances under which it would construct a 36-inch diameter pipeline.

5. The Turner Intervenors' misrepresentations in their Motion make clear that oral argument would only create another opportunity for the Turner Intervenors to mischaracterize the record and mislead the Commission. Accordingly, for that reason alone, oral argument should be denied.

Arguments Fully Addressed by the Record in Docket No. 07-0446

6. Oral argument is not needed because the Turner Intervenors do not make a single argument in their Motion that IEPC, the Commission Staff, and the Administrative Law Judge ("ALJ") have not already addressed at length. The Turner Intervenors first repeat their argument that the ICC approved eminent domain authority for a "secret project" in Docket No. 13-0446. Motion, at 2. Even if the grant of eminent domain authority in Docket No. 13-0446 were at issue in this docket, which it is not, that allegation is unsupported by any evidence. IEPC has already explained in detail that starting as early as December 2012, IEPC publicly discussed, published, and otherwise made known that the SAX pipeline was likely to be smaller than 36 inches in diameter. IEPC Reply on Motion to Reopen, IEPC Ex. 2, Docket No. 07-0446, at 10-11 (June 13, 2014). As IEPC has also explained in detail, IEPC believed it had inherent authority to change the pipeline's diameter without going back to the Commission. IEPC's belief, supported by other Commission orders sanctioning discretion in pipeline sizing, was that it had implicit authority under the certification order in Docket No. 07-0446 to install a smaller pipeline if business conditions so warranted. *Id.* at 12. It was the ICC Staff that suggested to IEPC that it should seek to reopen Docket No. 07-0446 and amend its certificate. Response to Turner Intervenors' Motion of August 27, 2014, Docket No. 07-0446, ¶ 6 (Aug. 29, 2014). Most

importantly, the ALJ has already rejected the Turner Intervenors' claims that IEPC requested eminent domain authority for a "secret project." In the ALJ's Memorandum to the Commission recommending the denial of the Pliura Intervenors' Application for Rehearing in Docket No. 13-0446, he concluded that the change in diameter would not be material to the grant of eminent domain authority. Memorandum to the Commission, Docket No. 13-0446, at 2 (June 2, 2014). IEPC has therefore already rebutted the Turner Intervenors' unsubstantiated allegations regarding the "secret project" in Docket No. 13-0446.

7. IEPC, the ICC Staff, and the ALJ have also repeatedly explained that the communications between Staff and IEPC before the reopening of Docket No. 07-0446 were not *ex parte* contacts as a matter of law. Staff has explained in great detail why, under the Commission's Rules of Practice and the Public Utilities Act, none of the communications violated the *ex parte* rules. Staff Of The Illinois Commerce Commission Response To Turner Intervenors' Hearing Memorandum (Sept. 10, 2014). IEPC has additionally explained that there were only two communications which occurred prior to the Final Order in Docket No. 13-0446, and they occurred after the record had been marked "Heard and Taken" and the Proposed Order was in the hands of the Commission, but before Docket No. 07-0446 was reopened. Thus, the timing of the communications was such that they could not be *ex parte* contacts in either docket. The Turner Intervenors have made no attempt to address IEPC and Staff's explanations, nor could they. The ALJ in the Proposed Order has already agreed with Staff and IEPC that the communications at issue were not *ex parte* contacts as a matter of law. Proposed Order, at 49-51. The Turner Intervenors should not be allowed to use oral argument as yet another opportunity to besmirch Staff's impartiality without legal or factual support.

8. The Turner Intervenors also provide no explanation regarding why oral argument is necessary on their private line argument, which has two parts. First, they contend that the fact that Marathon has a shipper commitment for a substantial amount of the SAX pipeline's capacity makes it a private line. Motion, at 4. They cite to no case supporting that theory because there is none. IEPC has time and again cited well-established Illinois law that a carrier remains a common-carrier so long as it continues to hold itself out as such. *Holland Motor Exp., Inc. v. Illinois Commerce Comm'n*, 165 Ill. App. 3d 703, 714-15 (1st Dist. 1987); *Kenna v. Calumet, H. & C.E.R. Co.*, 206 Ill. App. 17, 27-28 (1st Dist. 1917).² That is true regardless of the fact that the carrier has entered into shipment agreements with private shippers as to most of its capacity, as IEPC has done with Marathon. *See, e.g., Holland Motor Exp., Inc.*, 165 Ill. App. 3d at 714-15. Further, the terms and conditions of common carrier traffic for movements of interstate petroleum shipments are governed by FERC, which has already approved IEPC's common carrier tariff structure for oil shipments using the SAX pipeline despite the existence of long-term commitments to ship. Order, Docket No. OR 13-19-000, at 1, 3, 5 (July 31, 2013). Indeed, FERC has made it clear that an interstate pipeline will still be considered a common carrier so long as no more than 90% of its capacity is provided to committed shippers. *See, e.g., 148 FERC CenterPoint Energy Bakken Crude Services, LLC*, 144 FERC ¶61,130 at p. 7 (2013); *Shell Pipeline Co.*, 139 FERC ¶61,228 at p. 7 (2012). The Turner Intervenors have never attempted to distinguish either the Illinois or federal authority, nor could they. Oral argument by the Turner

² The Turner Intervenors complain that, "Enbridge also asserted that the SAX would be engaged in common carriage because Enbridge would announce that it was engaged in common carriage." IEPC's statement is in fact consistent with its common carrier obligations. So long as IEPC hold itself out to serve the public, it remains a common carrier. *Holland Motor Exp., Inc.*, 165 Ill. App. 3d at 714-15 ("[A] common carrier must still hold itself out to the public regarding its services . . . [I]n determining whether a common carrier is acting within its authority, consideration may be made to whether anyone has ever been refused any of the services[.]").

Intervenors on their incorrect and unsupported assertions and confusion as to what constitutes a common carrier would not help the Commission reach a reasoned decision on that issue.

9. The second part of the Turner Intervenors' private line argument is an assertion that Marathon's 35% ownership interest alone would make SAX a private line at least to that amount of its capacity. Motion, at 4-5. Again, the Turner Intervenors do not cite as support a single Illinois or federal case. In contrast, IEPC pointed out that the Commission previously certificated the Explorer Pipeline as a common carrier despite the fact that six of seven owners, all of whom were expected to ship their own oil on the line, held 93% of the voting stock of Explorer. The Commission found nothing inconsistent in that ownership structure of Explorer, including the 35%+ stake held by Shell, with declaring Explorer to be a common-carrier-by-pipeline. Order, Docket No. 13-0433 (Apr. 16, 2014). However, on the Turner Intervenors' theory, Explorer was actually a collection of at least six private lines totaling 93% of the line's capacity. The Commission has therefore already rejected that theory. The Turner Intervenors' argument also ignores well-established FERC law, which provides that the fact that a pipeline transports an affiliate's oil (in this case, Marathon's oil) is irrelevant to its status as a common carrier under the Interstate Commerce Act. *See, e.g., Mark West Pipeline Co.*, 146 FERC ¶ 61,035 (2014); *Ciniza Pipe Line Inc.*, 73 FERC ¶ 61,377 (1995); *Sinclair Oil Corp.*, 4 FERC ¶ 62,062 (1978). Thus, the Turner Intervenors' private line argument in their Motion is also unsubstantiated and unsupported. Again, oral argument on unsupported and unsubstantiated legal theories will not help the Commission reach a reasoned, supportable decision.

Scope of the Proceedings

10. Oral argument is also unnecessary given the limited scope of the issues presented in this proceeding. The Turner Intervenors argue that in Docket No. 07-0446, a "narrow scope

did not apply” to IEPC. Motion, at 6. Yet the proceedings in Docket No. 07-0446 were reopened for the “*limited purpose*” of addressing whether IEPC’s Certificate in Good Standing for the SAX pipeline should be amended to allow IEPC to build a 24-inch diameter pipeline rather than a 36-inch diameter pipeline. Notice of Corrected Commission Action, Docket No. 07-0446 (June 27, 2014). Except for its diameter, the pipeline’s manufacture, construction, operation, maintenance, and route are all the same as was approved in the July 2009 Order in Docket No. 07-0446. No oral argument was required in connection with that Order, which addressed a full panoply of issues regarding whether the pipeline should be certificated. Nor was oral argument required in the eminent domain proceedings for the SAX pipeline in Docket No. 13-0446. *See also* Final Order, Docket No. 13-0134 (Apr. 29, 2013) (certifying Enbridge Energy, Limited Partnership’s Line 78 pipeline without oral argument). *Ipsa facto*, oral argument is not needed here.

Delay

11. The ill-disguised purpose of the Turner Intervenors’ Motion is not to reexamine the issues but to cause further delay. Although the Turner Intervenors initially argue that the scope of the reopened proceedings in Docket No. 07-0446 is not narrow and instead contains “a panoply of factual assertions,” the Turner Intervenors later assert that oral argument “can be completed in 15 minutes.” Motion, at 6. Clearly, 15 minutes of oral argument would be insufficient to address almost any of the misleading, unsupported, but nonetheless complex issues the Turner Intervenors suggest are involved in this docket, much less a substantial number of them. In reality, the only consequence of a 15-minute oral argument would be to delay the Commission’s final order. All of the parties, including the Turner Intervenors, previously agreed to a schedule that would allow the Commission to issue a final order on December 17. Tr.,

Docket No. 07-0446, at 1400, 1402 (Oct. 2, 2014). Now, the Turner Intervenors want to renege on that agreement. The Turner Intervenors could have requested oral argument in their Initial Brief, their Reply Brief, or their Brief on Exceptions, but did not. 83 Ill. Adm. Code § 200.850(a)(3). The Turner Intervenors have failed to provide any legitimate reason why the previously agreed-upon schedule should not be adhered to. Instead, the Turner Intervenors support their Motion for Oral Argument with material outside of the record, misstatements of fact, and unsubstantiated allegations already addressed at length in this docket, none of which would assist the Commission in reaching its final decision.

CONCLUSION

For all the foregoing reasons, the Motion Requesting Oral Argument of the Turner Intervenors should be denied.

Respectfully submitted,

OF COUNSEL:

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

ILLINOIS EXTENSION PIPELINE COMPANY, L.L.C.

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

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

Dated: December 9, 2014

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS EXTENSION PIPELINE COMPANY, L.L.C. :
: :
Application pursuant to sections 8-503, 8-509 and : 07-0446
15-401 of the Public Utilities Act - the Common : (on Reopen)
Carrier by Pipeline Law to Construct and Operate a :
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 ILLINOIS EXTENSION PIPELINE COMPANY, L.L.C. IN OPPOSITION TO THE MOTION REQUESTING ORAL ARGUMENT OF THE TURNER INTERVENORS, in the above-captioned matter.

ILLINOIS EXTENSION PIPELINE COMPANY, L.L.C.

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

Dated: December 9, 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 ILLINOIS EXTENSION PIPELINE COMPANY, L.L.C. IN OPPOSITION TO THE MOTION REQUESTING ORAL ARGUMENT OF THE TURNER INTERVENORS, to be served on each of the parties listed on the service list via electronic or regular mail, this 9th day of December, 2014.

/s/ G. Darryl Reed

One of Its Attorneys

ILLINOIS EXTENSION PIPELINE COMPANY, 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

Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, IL 60606

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. Peverly
R.R. 4, Box 253 E
Clinton, IL 61727

Ruth W. Peverly
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
Sugar creek, 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