

Dakota Access, LLC )  
)  
Application Pursuant to Section 15-401 of the )  
Common Carrier by Pipeline Law and Section 8-503 )  
and 8-509 of the Public Utilities Act and for a )  
Certificate in Good Standing and Related Authority )  
to Construct and Operate a Petroleum Pipeline as a )  
Common Carrier Pipeline and when Necessary to take )  
Private Property as Provided by the )  
Law of Eminent Domain )

Docket 14-0754

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE  
COMMISSION

OELZE EQUIPMENT COMPANY, L.L.C.'S

BRIEF IN REPLY TO DAKOTA ACCESS, LLC'S EXCEPTIONS

TO THE ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER

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November 24, 2015

## **I. INTRODUCTION**

Oelze Equipment Company, L.L.C. (“OEC”) submits this Brief in Reply to Exceptions (“Exceptions”) submitted by Dakota Access, LLC (“Dakota Access”) to the Administrative Law Judge’s (“ALJ”) Proposed Order (“ALJPO”), pursuant to 83 Ill. Admin. Code §200.830. OEC agrees with the conclusion set forth in the ALJPO that the issuance of the certificate in good standing to Dakota Access should be conditioned on Dakota Access’ sister company, Energy Transfer Crude Oil Company, LLC (“ETCO”), also receiving a certificate in good standing in Docket 14-0755. More specifically, OEC objects to Exception No. 1 set forth by Dakota Access in its Exceptions, and approves of the language included in the ALJPO conditioning approval on the issuance of a certificate in good standing to ETCO.

## **II. REPLY TO DAKOTA ACCESS EXCEPTION NO. 1**

The establishment of the Dakota Access Pipeline running from Bakken/Three Forks crude oil production region in North Dakota to the Patoka Hub in Marion County, Illinois, without the simultaneous establishment of the adjoining ETCO Pipeline transporting these large volumes of crude oil to the Gulf Coast, could have a detrimental impact on the oil and gas industry in the Illinois Basin. A new influx of 450,000 bpd of crude oil into the Illinois Basin due to the Dakota Access Pipeline, with no ability for such volumes to be transported to the Gulf Coast, could result in the crude oil remaining in the Midwest and add to the existing supply of crude oil delivered at the Patoka Hub. This increase in supply could flood the local market for crude oil and therefore potentially result in an unsustainable price for oil that can be paid to the local crude oil producers in the Illinois Basin. The economic development and growth of the Illinois economy may also be greatly diminished due to the potential devastating impact this could have on Illinois, and the many people who work in this important Illinois industry. It should be further noted that it is believed that an additional 300,000 bpd of crude oil is expected

to begin being delivered to the Patoka Hub late this year, due to the Southern Access Extension Pipeline Project, which may also contribute greatly to an increased supply of crude oil at the Patoka Hub.

OEC does not argue that there are local Midwest refineries that will benefit from the crude oil from the Dakota Access Pipeline, but large amounts of this oil has been planned to be transported to the Gulf Coast from the inception of this project, as demonstrated by the simultaneous application for the establishment of the ETCO Pipeline. OEC also agrees that this issue would be considered moot if the Commission issues an order granting a certificate for the ETCO Pipeline in Docket 14-0755 prior to or contemporaneous with its issuance of the certificate order for the Dakota Access, but since such order has not yet been granted by the Commission, it is necessary to argue at this time for the conditioned approval.

### **III. CONCLUSION**

For the reasons set forth herein, Oelze Equipment Company, L.L.C., respectfully requests that the Commission not adopt Dakota Access' Exception No. 1 to the Administrative Law Judge's Proposed Order, and that the Commission adopt the language in Administrative Law Judge's Proposed Order conditioning the certificate of the ETCO Pipeline as originally submitted as its final Order in this docket.

Respectfully submitted,

OELZE EQUIPMENT COMPANY, L.L.C.

By: 

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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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**NOTICE OF FILING**

The undersigned attorney hereby provides notice that Oelze Equipment Company, L.L.C.'s Brief in Reply to Dakota Access, LLC's Exceptions to the Administrative Law Judge's Proposed Order was on this day, November 24, 2015, delivered to FedEx for overnight delivery, for filing with the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, on November 25, 2015.

  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the above Notice, together with copies of the document referred to therein, have been served on each of the persons on the Service List for Docket 14-0754 by e-mail on November 24, 2015.

  
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