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BEFORE THE
ILLINOIS COMMERCE COMMISSION

NuStar Pipeline Operating Partnership L.P.)
Application pursuant to Section 15-401) DOCKET NO.
of the Common Carrier by Pipeline Law) 15-0646
and Sections 8-503 and 8-509 of the)
Public Utilities Act for a Certificate)
in Good Standing to Operate an)
Anhydrous Ammonia Pipeline as a)
Common Carrier Pipeline and to)
Construct and Operate an Extension)
Thereto and When Necessary to take)
Private Property as Provided by the)
Law of Eminent Domain.)

Springfield, Illinois
June 9, 2016

Met, pursuant to notice, at 10:30 a.m.

BEFORE:
Stephen Yoder, Administrative Law Judge

MIDWEST LITIGATION SERVICES
by: Dorothy J. Hart, RPR, CSR
CSR #084-001390

1 APPEARANCES:

2 Owen MacBride
3 Christina Brunka
4 Schiff Hardin LLP
5 233 South Wacker Drive, Suite 6600
6 Chicago, Illinois 60606

7
8 (Appearing via teleconference on
9 behalf of NuStar Pipeline
10 Operating Partnership, L.P.)

11
12 Marcy Sherrill
13 Office of General Counsel
14 Illinois Commerce Commission
15 160 North LaSalle Street, Suite C-800
16 Chicago, Illinois 60601

17 (Appearing via teleconference on
18 behalf of the Staff of the
19 Illinois Commerce Commission)

20
21 Mack Shumate
22 Union Pacific Railroad Company
23 101 North Wacker Drive, Suite 1920
24 Chicago, Illinois 60606

(Appearing via teleconference on
behalf of Union Pacific Railroad)

25
26 Carmen Fosco
27 Rooney, Rippie & Ratnaswamy, LLP
28 350 West Hubbard Street, Suite 600
29 Chicago, Illinois 60654

30 (Appearing via teleconference
31 on behalf of Rockies Express
32 Pipeline LLC)

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WITNESSES

PAGE

(None)

EXHIBITS

IDENTIFIED

ADMITTED

(None)

1 PROCEEDINGS

2 JUDGE YODER: By the authority vested
3 in me by the Illinois Commerce Commission, I will
4 now call Docket Number 15-0646. This is an
5 application filed by NuStar Pipeline Operating
6 Partnership, L.P., application filed pursuant to
7 Section 15-401 of the Common Carrier by Pipeline
8 Law and Section 8-503 and 8-509 of the Public
9 Utilities Act for a Certificate in Good Standing to
10 operate an anhydrous pipeline and for other relief,
11 including in the application eminent domain
12 authority.

13 Can I have the appearances for the
14 record, please?

15 MR. MacBRIDE: Good morning, Judge.
16 Appearing on behalf of the Applicant, NuStar
17 Pipeline Operating Partnership L.P., Owen MacBride,
18 M-a-c-B-r-i-d-e, and Christina Brunka, B-r-u-n-k-a.
19 Our address is 233 South Wacker Drive, Suite 6600,
20 Chicago, Illinois 60606.

21 MR. SHUMATE: My name is Mack Shumate.
22 I'm an attorney with the Union Pacific Railroad
23 Company. Our offices are at 101 North Wacker
24 Drive, Chicago, Illinois 60606.

1 MS. SHERRILL: Appearing on behalf of
2 the Staff witnesses of the Illinois Commerce
3 Commission, Marcy Sherrill, S-h-e-r-r-i-l-l, 160
4 North LaSalle, Suite C-800, Chicago, Illinois
5 60601.

6 MR. FOSCO: And, Your Honor, appearing
7 on behalf of Rockies Express Pipeline LLC, Carmen
8 Fosco, with Rooney, Rippie & Ratnaswamy LLP, 350
9 West Hubbard Street, Suite 600, Chicago, Illinois
10 60654.

11 JUDGE YODER: All right. Thank you.

12 Is there anyone else wishing to enter
13 their appearance in this docket?

14 (No response)

15 JUDGE YODER: Let the record reflect no
16 response.

17 The first matter to take care of is we
18 had a Petition to Intervene filed by EJ Water
19 Cooperative, Inc. No objections were filed.

20 Does anyone have any objection to
21 granting that Petition to Intervene at this point?

22 (No response)

23 JUDGE YODER: All right. Hearing no
24 objection, then that will be granted.

1 The next order of business is the
2 Motion to Suspend the Procedural Schedule and for
3 Leave to File an Amended Application filed by
4 NuStar.

5 Do the parties want to discuss that? I
6 don't think any exact objections were filed to it.
7 Do the parties want to let me know what the process
8 they want to proceed with is at this point?

9 MR. MacBRIDE: Yes, Judge. This is
10 Owen MacBride. Let me start.

11 As you -- you correctly noted, there
12 were no objections or other responses filed to
13 NuStar's motion, which was filed on May 19th. And
14 basically, we're seeking to modify our application
15 so that NuStar is no longer seeking a certificate
16 and other authority to construct a new pipeline
17 referred to as the Decatur Lateral or an ammonia
18 delivery terminal in Dalton City, Illinois.
19 Rather, we now wish to seek only a certificate for
20 NuStar's existing in-place ammonia pipeline in
21 Illinois.

22 NuStar, on or about May 27th, actually
23 circulated the proposed amended application and
24 revised testimony that would be limited to just

1 support for the request for the certificate for the
2 existing pipeline. We circulated that to the
3 parties on May 27th.

4 We haven't filed it yet on e-Docket
5 pending your ruling on the motion. And Staff and
6 the -- so we need, obviously, a ruling from you
7 that we can go ahead and file that.

8 And then Staff and NuStar have had some
9 discussion about how to proceed procedurally in the
10 case, which I've circulated that plan to the other
11 parties.

12 So let me -- I think maybe at this
13 point, since the next -- assuming you grant our
14 motion and we file the amended application and
15 testimony, the next action would be a responsive
16 testimony filing by other parties, maybe I'll let
17 Staff speak to how they'd like to proceed.

18 MS. SHERRILL: What we discussed, Your
19 Honor, was that approximately two weeks after the
20 amended application was filed Staff would file a
21 verified statement stating it has no objection to
22 the application as amended.

23 Staff has reviewed -- Mr. MacBride
24 provided us with a preview copy, obviously,

1 attached to his motion, and Staff has reviewed that
2 and doesn't have any objection to it. And we don't
3 feel like there's a need to file actual testimony,
4 and we'll just file, if it's okay with Your Honor,
5 a verified statement stating that we have no
6 objection.

7 JUDGE YODER: Okay.

8 MR. FOSCO: Your Honor, Carmen Fosco on
9 behalf of Rockies Express Pipeline.

10 We have no objection to the motion that
11 was filed by NuStar being granted and no objection
12 to the schedule that Staff and NuStar have
13 discussed.

14 At this point, Rockies Express, given
15 the expected withdrawal of the request for the
16 approval of the new pipeline, expects just to
17 monitor the proceeding from this point forward.

18 JUDGE YODER: All right. Thank you.

19 Mr. Shumate, do you have any comment on
20 behalf of Union Pacific?

21 MR. SHUMATE: Thank you, Your Honor.

22 No, the Union Pacific has no objection
23 and will follow the same -- or, submits the same
24 testimony that counsel to Rockies just put on the

1 record.

2 JUDGE YODER: Okay. Mr. MacBride, when
3 do you believe NuStar will be able to file the
4 amended application and revised testimony?

5 MR. MacBRIDE: We can file that no
6 later than tomorrow. So, I would -- for purposes
7 of determining the date Staff to make its filing, I
8 would say assume we make our filing tomorrow and
9 count however days Staff would like from that
10 point.

11 JUDGE YODER: So, Ms. Sherrill, you had
12 indicated Staff would be able to file verified
13 statements by June 24th?

14 MS. SHERRILL: Yes.

15 JUDGE YODER: All right then. And
16 would the parties, I assume, wish to come back on a
17 status/evidentiary then sometime after the 24th?

18 MR. MacBRIDE: Correct. Then I think
19 we would need a -- what would be the evidentiary
20 hearing for the purpose of putting the Company's
21 revised testimony and Staff's verified statement
22 into the record.

23 JUDGE YODER: All right. How long
24 would -- well, assuming Staff is just going to file

1 verified statements, do you want to do it as soon
2 as June 29th or do you want to do it July 6th or do
3 you have another date?

4 MR. MacBRIDE: June 29th would be
5 acceptable for NuStar.

6 MS. SHERRILL: I actually have an
7 evidentiary hearing that day, Your Honor.

8 JUDGE YODER: Okay.

9 MS. SHERRILL: And I'm out -- I'm
10 sorry. No, I don't. June 29th is fine.

11 JUDGE YODER: Okay. Mr. Fosco, since
12 you said you would probably just be monitoring,
13 does June 29th work for you? I assume since there
14 won't be any contested issues, we can do it on the
15 phone.

16 MR. FOSCO: Yes, that sounds fine, Your
17 Honor.

18 JUDGE YODER: Okay. And Mr. Shumate?

19 MR. SHUMATE: That's fine with the
20 railroad. Thank you very much.

21 JUDGE YODER: I guess we should have
22 picked a time before we decided if it was fine for
23 everybody. Do you want to do it -- I have that day
24 entirely open. If you want to do it at 9, 9:30,

1 10, it doesn't matter for me, whatever works best
2 for everybody else.

3 MS. SHERRILL: Staff is flexible. But
4 I would note, to the extent it impacts anything,
5 that there is a -- the Commission has a regularly
6 scheduled meeting that morning.

7 JUDGE YODER: Correct.

8 MR. MacBRIDE: Is that in Chicago or
9 Springfield?

10 JUDGE YODER: I'm sure it'll be in
11 Chicago.

12 MR. MacBRIDE: Well, do you want to put
13 it like 1:00 in the afternoon or 1:30 just so
14 there's no potential conflict with the Commission
15 meeting?

16 MS. SHERRILL: Oh, I don't think it
17 will make a difference, as long as we don't
18 schedule it at --

19 JUDGE YODER: If we schedule it for 10
20 or before, I think we'll be fine. If we say 9,
21 9:30, or 10, we should be fine. I don't -- I don't
22 think I even have anything on that agenda.

23 MR. MacBRIDE: Well, that would be the
24 only issue, if you had --

1 JUDGE YODER: Right. Do you want to
2 just say 9:00?

3 MS. SHERRILL: That's fine with Staff.

4 MR. SHUMATE: Fine with the railroad.

5 MR. FOSCO: Acceptable to Rockies, too.
6 Thank you.

7 JUDGE YODER: Okay. Did you say it
8 worked for you, Mr. MacBride?

9 MR. MacBRIDE: Yes.

10 JUDGE YODER: Okay. All right then,
11 without objection, we'll grant NuStar Pipeline
12 Operating Partnership's motion for leave to file an
13 amended application and revised testimony. They
14 indicate that will be filed by June 10th.

15 The schedule then going forward would
16 be Staff and any parties who wish to would file
17 verified statements by June 24th. We will return
18 for a status hearing on June 29th, 2016. That
19 status hearing could be converted to an evidentiary
20 hearing if there are no contested issues presented
21 by any of the parties.

22 If the parties wish to appear by
23 telephone at that hearing, that would be
24 acceptable. And if NuStar would be able to set up

1 a call-in number as they did today, that would be
2 appreciated.

3 MR. MacBRIDE: Yes. Ingrid, can we use
4 the same number for the 29th?

5 MS. ETIENNE: Yeah, absolutely.

6 JUDGE YODER: Okay. All right then,
7 with that, is there anything further from NuStar
8 today, Mr. MacBride?

9 MR. MacBRIDE: Yes. We can discuss the
10 -- we can pick specific dates or times on the 29th,
11 but Staff and NuStar also discussed that after the
12 hearing we'd work together to prepare a Draft Order
13 that we would submit to you. So we can --

14 JUDGE YODER: Okay.

15 MR. MacBRIDE: -- discuss that and pick
16 a date for getting that filed.

17 JUDGE YODER: All right then. Anything
18 further from Staff?

19 MS. SHERRILL: No, Your Honor.

20 JUDGE YODER: Anything further from
21 Rockies Express, Mr. Fosco?

22 MR. FOSCO: No, Your Honor. Thank you.

23 JUDGE YODER: Anything further from
24 Union Pacific, Mr. Shumate?

1 MR. SHUMATE: No, Your Honor. Thank
2 you.

3 JUDGE YODER: All right. Thank you.

4 (The matter was continued to June
5 29th, 2016, at 9:00 a.m.)

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