

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie Sieben	Commissioner
John A. Tuma	Commissioner

In the Matter of the Application of Enbridge Energy, Limited Partnership, for a Certificate of Need for the Line 3 Replacement Project in Minnesota From the North Dakota Border to the Wisconsin Border	OAH 65-2500-32764 MPUC PL-9/CN-14-916
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**MOTION FOR STAY
OF THE LINE 3 REPLACEMENT PROJECT FINAL ORDERS
OF THE RED LAKE BAND OF CHIPPEWA
AND THE WHITE EARTH BAND OF OJIBWE**

TO: Minnesota Public Utilities Commission; Official Service List for PL-9/CN-14-916

Pursuant to Minn. Stat. §§14.65, 116D.04, subd. 10, 216B.53 (2020), and Minn. R. 7829.0410, Intervenors Red Lake Band of Chippewa and White Earth Band of Ojibwe (together, “Tribes”) move the Minnesota Public Utilities Commission (“Commission”) to stay its orders¹ finding the Environmental Impact Statement adequate and approving the Certificate of Need for the Line 3 Replacement Project (“L3RP”) proposed by Enbridge Energy, Limited Partnership (“Enbridge”), pending a final order by the Minnesota Court of Appeals in the following consolidated certiorari appeals: A20-1071 by Friends of the Headwaters; A20-1072 by the Red

¹ Order Granting Certificate of Need as Modified and Requiring Filings (Sept. 5, 2018); Order Denying Reconsideration, Excluding Filings, and Granting Variance (Nov. 21, 2018); Order Approving Compliance Filings as Modified and Denying Motion (Jan. 23, 2019); Order Denying Reconsideration (Mar. 27, 2019); Order Finding Environmental Impact Statement Adequate, Granting Certificate of Need as Modified, and Granting Routing Permit as Modified (May 1, 2020); Order Denying Reconsideration (July 20, 2020) (together “L3RP Orders”).

Lake Band of Chippewa Indians, the White Earth Band of Ojibwe, Honor the Earth, and The Sierra Club; A20-1074 by Minnesota Department of Commerce; A20-1075 by Youth Climate Intervenors; and A20-1077 by the Mille Lacs Band of Ojibwe. The Commission should stay its L3RP Orders for the reasons contained in the attached Memorandum in Support of Motion for Stay.

POSITION OF PARTIES

The Mille Lacs Band of Ojibwe, Friends of the Headwaters, Northern Water Alliance, and Youth Climate Intervenors have stated they support this motion. The Fond du Lac Band of Lake Superior Chippewa has stated that it will take no position on the motion. Enbridge, Inc., Shippers for Secure, Reliable, and Economical Petroleum Transportation, and the Laborers' District Council of Minnesota and North Dakota advise that they oppose this motion. As of the time of filing this motion, the Tribes have not received responses from counsel for the Department of Commerce, Kennecott Exploration Company, United Association, the Leech Lake Band of Ojibwe, or Donovan Dyrdal.

RESPONSES TO MOTION

The other parties must state any opposition to this motion and file it and serve it on the service list for PUC Docket No. PL-9/CN-14-916 within 14 days of service of the motion filing.

REQUEST FOR EXPEDITED DECISION

Since Enbridge has informed landowners that it is “estimating construction on or near your property will start on approximately November 30, 2020,”² and that it intends to complete

² Enbridge Compliance Filing, Route Permit Section 4.2, Permit Distribution to Affected Landowners, Letter to Landowners at 2 (Nov. 12, 2020) (“Enbridge is now conducting staking surveys along the pipeline route as well as other preconstruction activities. We are estimating construction on or near your property will start on approximately November 30, 2020.”) (filing available at EDockets Document ID. No. [202011-168227-01](#) .

construction within six to nine months of the start of construction,³ the Tribes respectfully request that the Commission expedite consideration of this motion.

REQUESTED RELIEF

For the reasons contained in the Tribes' Memorandum in Support of Motion, the Tribes request that the Commission take the following actions:

- 1) Stay its L3RP Orders pending an Order in the 2020 Appeals by the Minnesota Court of Appeals; and
- 2) Deny any request for a security bond that might be presented by Enbridge.

Dated: November 25, 2020

Respectfully submitted,

/s/ Joseph Plumer

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³ Enbridge News Release (Nov. 6, 2020) ("Once Enbridge receives all necessary permits and the Authorization to Construct from the MPUC, the Company expects Minnesota construction to take 6 to 9 months."), available online at: <https://www.enbridge.com/media-center/news/details?id=123646&lang=en>.