



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
PUBLIC SERVICE COMMISSION

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DIRECTOR

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CHAIRMAN

DANIEL C. SCRIPPS  
COMMISSIONER

July 1, 2020

Case No. U-20763

Mr. Michael S. Ashton  
Fraser Trebilcock Davis & Dunlap PC  
124 W. Allegan Street, #1000  
Lansing, MI 48933

Dear Mr. Ashton:

Enbridge Energy, Limited Partnership shall mail, by July 29, 2020, a copy of the enclosed notice of hearing to each of the following: 1) all cities, incorporated villages and townships in the County of Mackinac; 2) the County of Mackinac; 3) all cities, incorporated villages and townships in the County of Emmet; 4) the County of Emmet; 5) each landowner whose property may be accessed or used as a staging area in the construction of the proposed pipeline, and each landowner which may be traversed by the proposed pipeline; 6) the tribal governments of the following Tribes of Michigan located in the Upper Peninsula of Michigan: Bay Mills Indian Community, Hannahville Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, and Sault Ste. Marie Tribe of Chippewa Indians; 7) the tribal governments of the following Tribes of Michigan located in the Lower Peninsula of Michigan: Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Match-e-be-nash-she-wish Band of Pottawatomi Indians, Nottawaseppi Huron Band of the Potawatomi Indians, Little Traverse Bay Bands of Odawa Indians, Pokagon Band of Potawatomi Indians, and Saginaw Chippewa Indian Tribe; 8) the Michigan Department of Environment, Great Lakes & Energy (EGLE); 9) the Michigan Department of Natural Resources (DNR); 10) the State Historic Preservation Office (SHPO) within the Michigan State Housing Development Authority (MSHDA); 11) the Michigan Department of Transportation (MDOT); 12) the Mackinac Bridge Authority (MBA); 13) the Mackinac Straits Corridor Authority (MSCA); 14) the federal Pipeline & Hazardous Materials Safety Administration (PHMSA); 15) the U.S. Army Corps of Engineers (USACE); 16) the U.S. Fish and Wildlife Service (FWS); 17) the U.S. Environmental Protection Agency (EPA); 18) the U.S. Coast Guard; and 19) the Federal Energy Regulatory Commission (FERC). Proof of service shall be filed by the prehearing conference on August 12, 2020.

Enbridge Energy, Limited Partnership shall cause the enclosed notice of hearing to be published by July 29, 2020: 1) The Mining Journal, Daily Mining Gazette, Daily Press, and The St. Ignace News in the Upper Peninsula of Michigan; and 2) the Detroit News or Detroit Free Press (state-wide); and 3) the Lansing State Journal, The Oakland Press, The Grand Rapids Press, Traverse City Record, and the Cheboygan Daily Tribune in the Lower Peninsula of Michigan; and 4) in the Michigan Oil and Gas News. Publishing requirements and a copy of the publishing format are enclosed. Affidavits of publication shall be filed by the prehearing conference on August 12, 2020.

Sincerely,

Lisa Felice  
Executive Secretary  
Enclosures

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7109 W. SAGINAW HIGHWAY • P.O. BOX 30221 • LANSING, MICHIGAN 48909 • www.michigan.gov/mpsc • 517-284-8100

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
ENBRIDGE ENERGY, LIMITED PARTNERSHIP  
CASE NO. U-20763**

- Enbridge Energy, Limited Partnership, requests Michigan Public Service Commission’s approval for authority for its project known as the Straits Line 5 Replacement Segment. The application for Authority to Replace and Relocate the Segment of Line 5 Crossing the Straits of Mackinac into a Tunnel Beneath the Straits of Mackinac, seeks a ruling confirmation if approval is required pursuant to 1929 PA 16; MCL 483.1 et seq. and Rule 447 of the Michigan Public Service Commission’s Rules of Practice and Procedure, R 792.10447, or the grant of other appropriate relief. The municipalities affected are: Wawatam Township in Emmet County and Moran Township in Mackinac County, Michigan.
- The information below describes how a person may participate in this case.
- You may call or write Enbridge Energy, Limited Partnership, 5400 Westheimer Court, Houston, TX 77056-5310, (713) 627-5400, for a free copy of its application. Any person may review the documents at the offices of Enbridge Energy, Limited Partnership’s attorney, Michael S. Ashton, Fraser Trebilcock Davis & Dunlap PC, 124 W. Allegan Street, #1000, Lansing, MI 48933.
- A prehearing will be held:

**DATE/TIME:**      **Wednesday, August 12, 2020 at 1:00 P.M.**

**BEFORE:**            Administrative Law Judge Dennis W. Mack

**LOCATION:**         Video/Teleconferencing

**PARTICIPATION:**    Any interested person may participate. Persons needing any assistance to participate should contact the Commission’s Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing. Instructions regarding participation will be filed in the docket.

The Michigan Public Service Commission (Commission) will hold a prehearing to consider Enbridge Energy, Limited Partnership’s (Enbridge) April 17, 2020 application requesting Commission approval for “The Project”, which involves relocating underground the portion of Line 5 that crosses the Straits, within a tunnel to be located at a depth of approximately 60 feet to 250 feet beneath the lakebed of the Straits. The Project will replace the current crossing - consisting of two, 20-inch diameter pipes referred to as the Dual Pipelines - with a single, 30-inch diameter pipe (the “replacement pipe segment”) located within a concrete-lined tunnel below the lakebed of the Straits. In addition to locating the replacement pipe segment within the tunnel, Enbridge seeks approval to operate and maintain the replacement pipe segment as part of Line 5. Enbridge also proposes to tie-in, operate, and maintain approximately 0.4 to 0.8 miles of pipe to connect the replacement pipe segment to Enbridge’s existing Line 5 on both sides of the Straits. The Project will also include all the associated fixtures, structures, systems, coating,

cathodic protection and other protective measures, equipment and appurtenances relating to the replacement pipe segment and connection to the existing Line 5 pipeline on both sides of the Straits. Enbridge requests Commission approval of: 1) Enbridge's Application for the Project and that the Project is just, reasonable and in the public interest; 2) the replacement of the Line 5 Dual Pipelines crossing the Straits with the replacement pipe segment to be located within the tunnel; 3) the authority to replace, design, construct, install, tie-in, test, operate, maintain, repair and own the replacement pipe segment including all associated fixtures, structures, systems, coating, cathodic protection and other protective measures, equipment and appurtenances; 4) the determination that the location of the replacement pipe segment within the tunnel below the lakebed of the Straits reduces and minimizes potential adverse environmental impacts compared to the existing location of the Dual Pipelines, and therefore is consistent with the promotion of the public health, safety, and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment, or destruction; and 5) such further relief as the Commission deems necessary and appropriate; or, in the alternative issue a declaratory ruling pursuant to Section 63 of the Administrative Procedures act of 1969 (being MCL 24.263), and Rule 448, (being R 792.10448) or other finding, that Enbridge already has obtained the authority it needs from the Commission for the Project. The Commission issued an order on June 30, 2020, which denied the request for a declaratory ruling and directed a contested case proceeding.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](https://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 5, 2020. The proof of service shall indicate service upon Enbridge's attorney, Michael S. Ashton, 124 W. Allegan St., #1000, Lansing, MI 48933.

The prehearing is currently scheduled to be held remotely by video conference or teleconference. Enbridge and those persons filing a petition to intervene will be advised of the process to participate in the hearing. However, the Commission will continue to evaluate whether the prehearing can be safely converted to an in-person hearing. Thus, all interested persons should monitor this docket prior to the prehearing for any potential changes to the format of the prehearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. U-20763. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

In addition, the Commission is planning to hold a public hearing on August 24, 2020 regarding Enbridge's application and details of the meeting will be forthcoming. The meeting will be held remotely with web and call-in options available for participants. Public comments will be on the agenda for this meeting. For updated case information, to learn about ways to participate, or to sign up for email updates on Enbridge's application, please visit [www.michigan.gov/MPSCLine5](http://www.michigan.gov/MPSCLine5)

Requests for adjournment must be made pursuant to Mich Admin Code, R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Enbridge's application may be reviewed on the Commission's website at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets) and at the office of Enbridge's attorney, Michael S. Ashton, Fraser Trebilcock Davis & Dunlap, P.C., 124 West Allegan, Suite 1000, Lansing, Michigan 48933.

Jurisdiction is pursuant to 1929 PA 16, as amended, MCL 483.1 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1994 PA 451, MCL 324.101 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

U-20763

**MICHIGAN PUBLIC SERVICE COMMISSION**  
**PUBLISHING REQUIREMENTS FOR NOTICE**

- Attached notice shall be published as described in letter to Mr. Ashton dated July 1, 2020.
- Published title of notice shall be printed in at least 12-point boldface type
- Body of notice shall be in 9-point type surrounded by a black border 1/8 inch from the body of the notice
- Company logo shall be displayed at the end of the published notice
- Affidavits of publication with annexed notice shall be filed by the date of the prehearing conference

STATE OF MICHIGAN  
BEFORE THE  
MICHIGAN PUBLIC  
SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE CUSTOMERS  
OF  
(COMPANY)  
CASE NO. U-

- (COMPANY) will implement a **(proposed action)** if the Michigan Public Service Commission (Commission) approves its request.
- The information below describes how a person may participate in this case.
- You may call or write **(Company, Address, Telephone Number)** for a free copy of its application. Any person may review the application at **(Company's)** offices.
- The first public hearing in this matter will be held:

DATE/TIME: Month, day, year (e.g. April 5, 2018), at Time (e.g. 9:00 a.m.)

BEFORE: Administrative Law Judge (Name)

LOCATION: Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan 48917

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission will hold a public hearing to consider (Company's) (Date) request for (brief summary of application).  
Implementation method(s)/schedule(s).

Any person wishing to intervene and become a party to the case shall file a petition to intervene with this Commission by **(Date)**. The proof of service shall indicate service upon **(Company's) Attorney, (Name), (Address)**.

Any person wishing to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter will become public information, available on the Michigan Public Service Commission's Web site, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of (Company's) request may also be reviewed on the Commission's web site: <https://mi-psc.force.com/s/> or at the office of the Commission's Executive Secretary, 7109 W. Saginaw Highway, Lansing, MI 48917 or at the office of (Company, Address). For more information on participating in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Commission has jurisdiction pursuant to **(cite appropriate jurisdiction)**.

**(Company Logo)**

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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U-20763

Application for the Authority to Replace and )  
Relocate the Segment of Line 5 Crossing the Straits )  
of Mackinac into a Tunnel Beneath the Straits of )  
Mackinac, if Approval is Required Pursuant to 1929 )  
PA 16; MCL 483.1 et seq. and Rule 447 of the )  
Michigan Public Service Commission's Rules of )  
Practice and Procedure, R 792.10447, or the Grant of )  
other Appropriate Relief )

**PROOF OF SERVICE**

STATE OF MICHIGAN )  
 )  
County of Eaton )

Angela Pearl Sanderson being duly sworn, deposes and says that on **July 1, 2020**, she served a copy of the attached **Notice of Hearing** by e-mail to those persons as shown on the below service list.

Angela P. Sanderson  
Angela P. Sanderson

Subscribed and sworn to before me  
this 1st day of July, 2020.

\_\_\_\_\_  
Lisa Felice  
Notary Public, Eaton County, Michigan  
My Commission Expires: April 15, 2021

## Service List - Case No. U-20763

<b>Name</b>	<b>Email Address</b>
Abigail Hawley	<a href="mailto:abbie@envlaw.com">abbie@envlaw.com</a>
Benjamin J. Holwerda	<a href="mailto:holwerdab@michigan.gov">holwerdab@michigan.gov</a>
Christopher Clark	<a href="mailto:cclark@earthjustice.org">cclark@earthjustice.org</a>
Christopher M. Bzdok	<a href="mailto:chris@envlaw.com">chris@envlaw.com</a>
David L. Gover	<a href="mailto:dgover@narf.org">dgover@narf.org</a>
Deborah Musiker	<a href="mailto:dchizewer@earthjustice.org">dchizewer@earthjustice.org</a>
Enbridge Energy, Limited Partnership	<a href="mailto:gregg.johnson@enbridge.com">gregg.johnson@enbridge.com</a>
James M. Olson	<a href="mailto:jim@flowforwater.org">jim@flowforwater.org</a>
Kathryn L. Tierney	<a href="mailto:candyt@bmic.net">candyt@bmic.net</a>
Lydia Barbash-Riley	<a href="mailto:lydia@envlaw.com">lydia@envlaw.com</a>
Margrethe Kearney	<a href="mailto:mkearney@elpc.org">mkearney@elpc.org</a>
Matthew L. Campbell	<a href="mailto:mcampbell@narf.org">mcampbell@narf.org</a>
Michael S. Ashton	<a href="mailto:mashton@fraserlawfirm.com">mashton@fraserlawfirm.com</a>
Nicholas Q. Taylor	<a href="mailto:taylor10@michigan.gov">taylor10@michigan.gov</a>
Shaina Reed	<a href="mailto:sreed@fraserlawfirm.com">sreed@fraserlawfirm.com</a>
Spencer A. Sattler	<a href="mailto:sattlers@michigan.gov">sattlers@michigan.gov</a>
Whitney B. Gravelle	<a href="mailto:wgravelle@baymills.org">wgravelle@baymills.org</a>
William Rastetter	<a href="mailto:bill@envlaw.com">bill@envlaw.com</a>