

DATE: 05/03/2007

TO: PUC

FROM: Jason Giesen  
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SUBJECT: *In the matter regarding Minnesota Pipe Line Company application for routing permit for MINNCAN project.  
PUC Docket Number: PL5/PPL-05-2003*

RE: **REQUEST FOR REHEARING**

I submit the following information to the Public Utilities Commission (PUC) in regard to requesting a rehearing of the order granting Minnesota Pipe Line (MPL) a routing permit.

According to documents authored by the DOC, the PUC grants "the only site approval required" for the construction of the pipeline, as governed by Minnesota Statute 216G.02 Subd. 4.

**Subd. 4. Primary responsibility and regulation of route designation.** The issuance of a pipeline routing permit under this section and subsequent purchase and use of the route locations is the only site approval required to be obtained by the person owning or constructing the pipeline. The pipeline routing permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local, and special purpose governments.

As such, the PUC is responsible for ensuring compliance with Minn Rule 7030.0030. No attempt has been made to ensure compliance with this rule.

**7030.0030 NOISE CONTROL REQUIREMENT.**

No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

The location of pump stations has not been identified as required by 4415.0140. These facilities never appear on the route maps as required.

**4415.0140 LOCATION OF PREFERRED ROUTE AND DESCRIPTION OF ENVIRONMENT.**

Subpart 1. **Preferred route location.** The applicant must identify the preferred route for the proposed pipeline and associated facilities, on any of the following documents which must be submitted with the application:


A. United States Geological Survey topographical maps to the scale of 1:24,000, if available;

B. Minnesota Department of Transportation county highway maps; or

C. aerial photos or other appropriate maps of equal or greater detail in items A and B. The maps or photos may be reduced for inclusion in the application. One full-sized set shall be provided to the board.

As I have addressed in a prior submission to the PUC, the impact of pumping station noise has not been assessed. Also, it has not been made clear whether or not MPL will be required to seek any approval before increasing the capacity of their pipeline by adding pump stations. The future locations of these additional pump stations is also unclear.

I ask for a rehearing of this matter as the aforementioned issues have not been addressed and thus a routing permit should not have been granted.

 5/3/2007

Jason Giesen