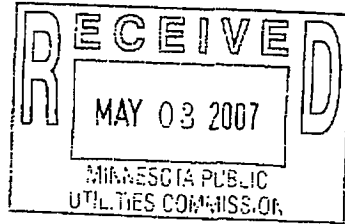




**Paula Goodman Maccabee, Esq.**

*Just Change Consulting – Public Interest Advocacy*  
1961 Selby Ave., St. Paul, Minnesota 55104. pmaccabee@visi.com  
Ph: 651-646-8890, Fax: 651-646-5754. Cell 651-775-7128  
<http://www.justchangeconsulting.com>



May 2, 2007

Dr. Burl Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
127-7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

RE In the Matter of the Application of Minnesota Pipe Line Company for a Routing Permit for a Crude Oil Pipeline  
MPUC Docket No. PL-5/PPL-05-2003

Dear Dr. Haar:

This letter is submitted in response to the Petition for Reconsideration filed in this matter by the Minnesota Pipe Line Company (MPL). On behalf of Atina and Martin Duffley, who intervened in this proceeding as the Gardens of Eagan organic farm, and individual landowners S. Allen Friedman and Daly Edmunds we respectfully request that the Petition for Reconsideration be denied.

We believe that there is no merit to the positions taken by the Minnesota Pipe Line Company (MPL). The arguments presented by MPL are not new, and we've provided more detailed analysis of these issues in our letter of January 9, 2007.

The assertion that applying permit conditions equally to all landowners implicates constitutional provisions is specious. Minnesota Rules clearly state, "Any new easements or right-of-way agreements obtained from potentially affected landowners before issuance of a pipeline routing permit are obtained *at the sole risk of the applicant*." Minn. R. 4415.0100, subp. 1 (emphasis added). If MPL's reasoning were to prevail, the Company would determine, in its sole discretion, whether or not to apply permit conditions such as the Organic Appendix to the Agricultural Impact Mitigation Plan to individual farms included in agreements signed before the Commission's Order was issued. The result advocated by MPL would be both inequitable and ineffective in minimizing human and environmental impact of a crude oil pipeline.

The Company's objections to requirements to negotiate or work with landowners (Conclusion 24, 26, Permit V.J. 2, V.J. 5) is misplaced. The Commission's language does not dictate any particular result, but only that the Company act in good faith in exercising the authority which would be granted under the pipeline routing permit. Given the record of one-sided and controversial negotiation practices in this matter, MPL's objection to negotiation with landowners is troubling. We would suggest that this adversarial response

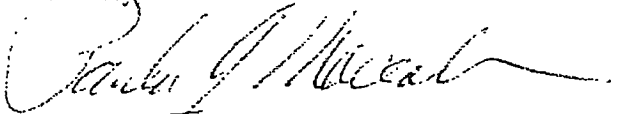
by the Company underscores the need for an additional permit condition, as requested in our letter of January 9, 2007, that would require the Company to fund an ombudsperson to assist individual landowners in understanding their rights under the Commission's final Order and applicable Minnesota law.

MPL's objections to the scope of the Commission's jurisdiction present no new or meritorious issues. The Commission, not the Company, is the arbiter of what in addition to conditions for right-of-way preparation, construction, clean-up and restorations are "other appropriate conditions relevant to minimizing environmental and human impact" pursuant to Minn. R. 4415.0175. MPL's request that the Commission elide its own findings 318-331, which were recommended by the Administrative Law Judge based on testimony in the record, similarly attempts to substitute its judgment for that of the agency empowered by law to make decisions. A trier of fact in a contested case is entitled to make findings based on testimony and the credibility of witnesses.

Reviewing the Petition for Reconsideration in its most favorable light, it appears that the Company may not understand the balancing of interests inherent in Minnesota law. Our State's statutes and rules take seriously the notion of protection of landowners. When a for-profit corporation seeks the power to condemn private property without the consent of its owners, Minnesota law requires that the taking be in the public interest and that conditions be set to minimize human and environmental harm. Minnesota regulators expect that the conditions they set will be honored and that negotiations with landowners will be undertaken in good faith. We believe that this is not too much to expect.

We respectfully request that MPL's Petition for Reconsideration be rejected in its entirety and suggest that the Commission may wish to consider requiring the Company to fund the hiring of an ombudsman to ensure that individual landowners receive the protection of Minnesota laws and the Commission's Orders in this matter.

Sincerely,



Paula Goodman Maccabee

cc: Attached Service List