

**STATE OF MINNESOTA  
IN COURT OF APPEALS**

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*In the Matter of the Application of North  
Dakota Pipeline Company LLC for a  
Certificate of Need and Route Permit for  
the Sandpiper Pipeline Project in  
Minnesota*

**PETITION FOR WRIT OF  
CERTIORARI**

Court of Appeals File No: \_\_\_\_\_

Minnesota Public Utilities Commission  
Docket Nos.: PL-6668/CN-13-473 and  
PL-6668/PPL-13-474

Date of Decision: December 5, 2014

Date and Description of Event Triggering  
Appeal Time: December 5, 2014 Order  
Denying Reconsideration And Clarifying  
Procedural Posture

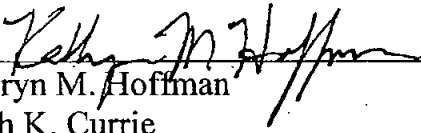
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**TO: The Court of Appeals of the State of Minnesota:**

Friends of the Headwaters hereby petitions the Court of Appeals for a Writ of Certiorari to review the December 5, 2014 final decision of the Minnesota Public Utilities Commission to deny reconsideration of its October 7, 2014 Order (attached as Exhibit A), which failed to require the completion of an Environmental Impact Statement for the construction and operation of a large oil pipeline proposed to cross northern Minnesota. Respondent's final decision authorizes proceedings that will result in the granting or denial of a Certificate of Need for the pipeline prior to satisfying the requirements of the Minnesota Environmental Policy Act, Minn. Stat. § 116D. Appeals of a final decision on the need for an Environmental Impact Statement may be reviewed by the Court of Appeals pursuant to Minnesota Statute 116D.04, subdivision 10. Appeals from final

Public Utilities Commission decisions are taken pursuant to the Minnesota Administrative Procedures Act. Minn. Stat. § 216B.52. The Administrative Procedures Act authorizes review in the Court of Appeals by writ of certiorari. Minn. Stat. § 14.63.

Dated: January 5, 2014

  
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THE HEADWATERS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
David C. Boyd  
Nancy Lange  
Dan Lipschultz  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of  
North Dakota Pipeline Company LLC for a  
Certificate of Need for the Sandpiper Pipeline  
Project in Minnesota

ISSUE DATE: December 5, 2014

DOCKET NO. PL-6668/CN-13-473

DOCKET NO. PL-6668/PPL-13-474

In the Matter of the Application of  
North Dakota Pipeline Company LLC for a  
Pipeline Routing Permit for the Sandpiper  
Pipeline Project in Minnesota

ORDER DENYING RECONSIDERATION

**PROCEDURAL HISTORY**

On October 7, 2014, the Commission issued its Order Separating Certificate of Need and Route Permit Proceedings and Requiring Environmental Review of System Alternatives in these dockets.

On October 27, 2014, petitions for reconsideration or rehearing in this matter were filed by the following parties:

- North Dakota Pipeline Company LLC
- United Association of Journeymen and Apprentices of the Pipe Fitting Industry of the United States and Canada
- North Dakota Chamber of Commerce
- Friends of the Headwaters

On November 6 and 7, 2014, the following entities filed responses to the petitions for reconsideration:

- North Dakota Pipeline Company LLC
- Friends of the Headwaters
- Honor the Earth
- Carlton County Land Stewards
- Marathon Petroleum Company
- Minnesota Chamber of Commerce
- Clearwater County Board of Commissioners
- Laborers District Council of Minnesota and North Dakota
- Red Lake County Board of Commissioners
- White Earth Band of Ojibwe

On December 4, 2014, the Commission met to consider the petitions for reconsideration.

**FINDINGS AND CONCLUSIONS**

The Commission has reviewed the record and the arguments of the parties.

Based on this review, the Commission finds that the petitions do not raise new issues, do not point to new and relevant evidence, do not expose errors or ambiguities in the October 7, 2014 order, and do not otherwise persuade the Commission that it should rethink the decisions set forth in that order. The Commission concludes that those decisions are consistent with the facts, the law, and the public interest, and will therefore deny the requests for reconsideration.

**ORDER**

1. The parties' petitions for reconsideration or rehearing of the October 7, 2014 Order Separating Certificate of Need and Route Permit Proceedings and Requiring Environmental Review of System Alternatives are denied.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar  
Executive Secretary



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