

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

**FILED WITH
Executive Secretary
January 20, 2015
IOWA UTILITIES BOARD**

IN RE:

Dakota Access, LLC

DOCKET NO. HLP- 2014-0001

PETITION FOR HAZARDOUS LIQUID PIPELINE PERMIT

COMES NOW Dakota Access, LLC, Petitioner, and pursuant to Iowa Code chapter 479B (2013) states:

I

Petitioner is a corporation existing under the laws of the State of Delaware. It is authorized to transact business in the State of Iowa. Its principal office is at 1300 Main Street , Houston, Texas 77002.

II

Petitioner proposes to construct approximately 346 miles of 30 inch diameter pipeline for the transportation of crude oil in Lyon, Sioux, O'Brien, Cherokee, Buena Vista, Sac, Calhoun, Webster, Boone, Story, Polk, Jasper, Mahaska, Keokuk, Wapello, Jefferson, Van Buren, and Lee County(ies) , Iowa. Attached as Exhibit "A" and incorporated by reference is a legal description, by county, of the route over which the pipeline will be constructed.

III

Attached as Exhibit "B" and incorporated by reference is a map showing the starting point, route and terminus of the pipeline, the location of all public roads, railroad right-of-way, buildings and streams along the route of the pipeline and other pertinent features of the route. For underground storage of hazardous liquids the map shall include the location of the machinery, appliances, fixtures, wells, and stations necessary for the maintenance and operation of the storage facilities.

IV

Attached as Exhibit "C" and incorporated by reference is an explanation of the purpose of the proposed project and a general description of the proposed pipeline, including its approximate length, size, products carried, and other information as may be pertinent to describe the project.

V

Petitioner owns property in the State of Iowa (exclusive of pipelines) subject to execution, of a value of at least \$250,000, or posts a surety bond or other security to be approved by the Utilities Board in like amount, to cover damages which may be legally recovered against it and which result from the operation of its pipelines within the State of Iowa, as shown by Exhibit "D", attached to and incorporated by reference. Exhibit D is a copy of the surety bond which has been obtained. Dakota Access will also acquire land for one pump station, the cost of which will exceed the \$250,000 requirement.

VI

Unless otherwise indicated, no part of the proposed facilities will be constructed longitudinally on, over or under any public highway or railroad right-of-way or at other than an approximate right angle.

Where such construction is contemplated, attached as Exhibit "E" and incorporated by reference are consents or other showings of right from the appropriate public highway authorities or railroad companies. If the exact and specific route is uncertain at the time of petition, a statement that all consents or other showing of right will be obtained prior to construction and copies filed with the Utilities Board.

If, during construction, it is found that longitudinal occupancy or an other than approximate right angle crossing not contemplated is necessary, and written consent or other showing of right is required, evidence of the granting of the consent will be filed with the Utilities Board.

VII

Attached as Exhibit "F" and incorporated by reference is (1) a general statement of the nature of the lands, waters and public or private facilities to be crossed by the proposed pipeline; (2) a general statement concerning the possible use of alternative routes for the proposed pipeline; (3) a statement concerning the relationship of the proposed pipeline to the present and future land use and zoning ordinances; and (4) a statement concerning the inconvenience or undue injury which may result to property owners as a result of the proposed pipeline.

VIII

* Attached as Exhibit "G" and incorporated by reference is an affidavit that informational meetings, where required by Iowa Code § 479B.4, were held in each county affected by the proposed pipeline and stating the time and place of each meeting. Exhibit "G" includes copies of the mailed notice letter and published notice(s) for each meeting.

IX

Petitioner will advise the Utilities Board at least one week prior to the commencement of the construction contemplated. If the construction requires one week or more, Petitioner will furnish to the Utilities Board a progress report at the end of each week showing the progress of the various phases of construction.

X

Unless otherwise indicated, all design, construction, testing, operation and maintenance will be in accordance with the appropriate federal and state regulations and standards.

XI

* Petitioner is requesting the use of the right of eminent domain for securing right of way for the proposed pipeline project. Specific description of the lands sought to be condemned is shown on Exhibit "H", attached and incorporated by reference. It is uncertain at this time whether and to what extent the right of eminent domain will be required. Dakota Access will update Exhibit "H" prior to the hearing being scheduled.

XII

Petitioner has previously filed or will file with the Utilities Board a statement as to how damage claims will be determined and paid, and copies have been or will be provided to affected parties in accordance with the rules of the Utilities Board. Specifically, the statement regarding damage claims is attached to this filing as an attachment to Exhibit F (Attachment F-1).

XIII

Petitioner will comply with the provisions of Iowa Code § 479B.20 and the rules and regulations promulgated by the Utilities Board for the restoration of agricultural lands during and after pipeline construction. Attached as Exhibit "I" and incorporated by reference is a Land Restoration Plan which shall include but not be limited to (1) a brief description of the purpose and nature of the pipeline construction project; (2) a description of the sequence of events that will occur during pipeline construction; (3) a description of how compliance with 199 Iowa Administrative Code 9.4(1) to 9.4(10) will be accomplished; and (4) the plan should include the point of contact for landowner inquiries or claims as provided for in 199 Iowa Administrative Code 9.5. Note that Dakota Access is exploring with agricultural experts certain revisions to its Plan and will amend this Exhibit as necessary prior to a hearing being scheduled.

WHEREFORE, Petitioner requests that:

1. The Utilities Board set a time and place for hearing on the Petition for Permit, and that proper notice be prepared for publication once a week for two consecutive weeks in a newspaper of general circulation in Lyon, Sioux, O'Brien, Cherokee, Buena Vista, Sac Calhoun, Webster, Boone, Story, Polk, Jasper, Mahaska, Keokuk, Wapello, Jefferson, Van Buren, and Lee County(ies), Iowa. Petitioner will make available to the public a map of the proposed route, a copy of which is attached to this petition, and requests the notice for publication state: (Indicate which)

A map showing the proposed route is published with the notice; or,

A map of the proposed route may be obtained free of charge by calling

_____ - _____ - _____,

or by writing to:

2. Petitioner be granted a Permit pursuant to Iowa Code chapter 479B to construct, operate and maintain a pipeline for the transportation of crude oil, and for such purpose to lay pipes, place pumps, pressure apparatus or other stations, devices or equipment used in or upon such pipeline which are necessary, under, along, over or across any public and private highways, grounds, waters or streams of any kind in the State of Iowa, or the lands of any person, company or corporation in the State of Iowa.

* 3. Petitioner be granted the use of the right of eminent domain to acquire necessary interests in land.

Dated this 16th day of January, 2015.

Dakota Access LLC

(Company)

By _____

VP Engineering
(Title)

Bret A. Dublinske
FREDRIKSON & BYRON, P.A.
309 East 5th Street
Suite 202A
Des Moines, IA 50309
Telephone: 515.242.8900
Facsimile: 515.242.8950
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and

Keegan Pieper
Associate General Counsel
Energy Transfer Partners, LP
1300 Main Street
Houston, Texas 77002

ATTORNEYS FOR ENERGY TRANSFER
PARTNERS, LP and DAKOTA ACCESS,
LLC

AFFIDAVIT

STATE OF TEXAS
COUNTY OF HARRIS } ss:

I, Joey Mahmoud, state under oath that I am

VP of Engineering of Petitioner named above and that I have
(Official Title)

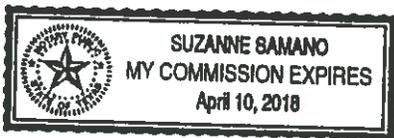
authority to execute this instrument and that I have read the Petition, know the contents, and that the statements are true and correct.


(Signature of Affiant)

Subscribed and sworn to before me by JOEY MAHMOUD,

this 16th day of JANUARY, 2015.


Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of January, 2015, he had the foregoing document electronically filed with the Iowa Utilities Board using the EFS system which will send notification of such filing (electronically) to the appropriate persons.

/s/ Bret A. Dublinske
BRET A. DUBLINSKE