

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: DAKOTA ACCESS, LLC	DOCKET NO. HLP-2014-0001
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**ORDER ESTABLISHING BRIEFING SCHEDULE AND PROVIDING
OUTLINE FOR BRIEF**

(Issued December 18, 2015)

On January 20, 2015, Dakota Access, LLC (Dakota Access), filed with the Utilities Board (Board) a petition for a hazardous liquid pipeline permit, pursuant to Iowa Code chapter 479B. On November 16, 17, 18, 19, 23, 24, 30, and December 1, 2, 3, and 7, 2015, the Board conducted an evidentiary hearing in Boone, Iowa, addressing the issues raised by the parties regarding the petition for the hazardous liquid pipeline permit. At the conclusion of the hearing, the Board stated that an order would be issued establishing a briefing schedule. This order establishes dates for filing initial simultaneous briefs and simultaneous reply briefs.

In consideration of the length of the hearing, it is anticipated that the transcript will require additional time from the normal two weeks to be prepared. Therefore, initial briefs will be scheduled for January 19, 2016, and reply briefs will be scheduled for February 2, 2016.

Because of the number of parties who have either not appeared before the Board in other proceedings, including several that appeared pro se, the Board has

made arrangements to purchase two additional copies of the transcript for use by the parties. These two copies are in addition to the copy of the transcript that is available in the Board's Records and Information Center. The two additional copies may be checked out by a party and taken out of the Records and Information Center; however, a party who has checked out one of the additional copies will be expected to share that copy of the transcript with other parties. The length of time the transcript copy may be checked out will depend on the number of parties sharing the transcript copy.

Attached to this order is an outline for the parties to follow in preparing their briefs. If a party is not addressing an issue on the outline, the party should indicate that the issue has not been addressed. The parties are required to provide a legal analysis of the scope of the statutory requirement "promote the public convenience and necessity," unless the party is not represented by counsel and decides not to address this legal issue. Parties should also brief any other issue a party believes the Board needs to address to make its decision.

Several motions and responses regarding the briefing schedule have been filed by the parties since the end of the hearing. The Board will not address those motions or responses. This order establishes the briefing schedule.

IT IS THEREFORE ORDERED:

1. Simultaneous initial briefs shall be filed on or before January 19, 2016.

2. Simultaneous reply briefs shall be filed on or before February 2, 2016.
3. The briefs shall follow the attached outline and indicate "not addressed"

where an issue is not addressed in the brief.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 18th day of December 2015.

Docket No. HLP-2014-0001
Outline of Issues for Briefing

I. WHETHER THE PETITION FOR A HAZARDOUS LIQUID PIPELINE PERMIT MEETS THE REQUIREMENTS OF IOWA CODE CHAPTER 479B

A. Legal analysis of the requirement in Iowa Code § 479B.9 that the Board determine that the proposed pipeline will "promote the public convenience and necessity." Provide citations to court cases or other legal references.

B. Global Issues

1. Climate Change
2. World Petroleum Market
3. Other issues

C. National Issues

1. Energy Independence
2. Energy Security
3. Rail Transportation versus Pipelines
4. Sale of crude oil to foreign markets
5. Depletion of Bakken/Three Forks oil reserves
6. National alternatives to crude oil pipelines
7. Permits and authorizations
8. Other issues

D. State Issues

1. Economic Issues (jobs, taxes, purchases, etc.)
2. Environmental issues
3. Safety issues
4. Oil spill remediation
5. Cultural issues
6. Permits and authorizations
7. Other issues

II. ISSUES, IF THE PERMIT IS GRANTED

A. Route Issues

1. Compliance with Iowa Code § 479B.5
2. Overall route
3. Easements (permanent, temporary, valves, and other considerations)
4. Permits and Authorizations
5. Other Issues

B. Eminent Domain Issues

1. Eminent Domain-legal analysis of Board's authority
2. Individual eminent domain parcels
3. Conditions (width, modifications, relocations, and other considerations)
4. Other issues