

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: DAKOTA ACCESS, LLC	DOCKET NO. HLP-2014-0001
------------------------------	--------------------------

ORDER REQUIRING ADDITIONAL INFORMATION

(Issued September 11, 2018)

On March 10, 2016, the Utilities Board (Board) issued its “Final Decision and Order” in this docket, granting a hazardous liquid pipeline permit to Dakota Access, LLC (Dakota Access), pursuant to Iowa Code chapter 479B. Among other conditions, the order required Dakota Access to maintain at least \$25,000,000 in general liability insurance at all times while the pipeline is operational.

On August 16, 2018, Dakota Access filed a letter and certificate of insurance regarding its policies effective August 15, 2018, through August 15, 2019. Dakota Access states these new policies are consistent with the Board’s March 10, 2016, Final Decision and Order in this docket and provide an aggregate coverage of \$50,100,000 in liability insurance. Dakota Access further states that it has requested copies of the new policies and will file them with the Board upon receipt.

As of the date of this order, these new policies have not been filed with the Board. The Board will therefore require Dakota Access to provide a status update within one week of the date of this order.

DOCKET NO. HLP-2014-0001
PAGE 2

The Board has reviewed the prior insurance policies and the information provided concerning the current policies and considers it unclear how much of the aggregate insurance coverage is applicable to Iowa only, and whether the insurance policies provide at least \$25,000,000 in coverage to Iowans in the event of a spill or series of spills. The Board requires assurance that at least \$25,000,000 in insurance coverage will be available to cover the claims of affected parties in Iowa regardless of the amount of any claims made by parties in other states. The Board will therefore require Dakota Access to provide an explanation of the insurance coverage and how it complies with the Board's requirement to maintain \$25,000,000 in liability coverage in Iowa. The Board also requires information regarding other jurisdictions that may be covered by this insurance policy, the coverage requirements of those other jurisdictions, and how any claims against the insurance policy in other jurisdictions would impact the ability of Iowans to make claims of at least \$25,000,000 against the policy.

It is also unclear how an Iowa resident, business, municipality, or any other public or private entity may make a claim or obtain information in the event an incident with the pipeline occurs. Therefore, the Board will require Dakota Access to provide the claims process and contact information so that potentially affected parties may know how to make a claim with Dakota Access or its insurance providers in the event of a spill or other incident involving the pipeline.

DOCKET NO. HLP-2014-0001
PAGE 3

IT IS THEREFORE ORDERED:

1. Within ten days of the date of this order, Dakota Access, LLC, shall file either its new insurance policies or a status update regarding its new insurance policies if they are not yet available.

2. Within ten days of the date of this order, Dakota Access, LLC, shall file additional information sufficient to show that it is complying with the Utilities Board's March 10, 2016, order that it is maintaining \$25,000,000 in liability insurance coverage applicable to claims made in Iowa exclusive of any claims made in other states.

3. Within ten days of the date of this order, Dakota Access, LLC, shall file information regarding the claims process and how potentially affected parties may contact Dakota Access, LLC, or its insurance companies to make claims.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Trisha M. Quijano

Dated at Des Moines, Iowa, this 11th day of September, 2018.