

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE:

Dakota Access, LLC

(company name)

DOCKET NO. HLP- 2014-0001

PETITION FOR AMENDMENT TO HAZARDOUS LIQUID PIPELINE PERMIT

COMES NOW Dakota Access, LLC, Petitioner, and pursuant to Iowa Code chapter 479B (2019) states:

Petitioner submits this Petition pursuant to the Board's Denial of Petitioner's Motion to Reconsider; in doing so Petitioner reiterates its position, does not waive and reserves its right to argue that the requirement for the Amendment is contrary to Iowa law and is preempted by federal law.

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 _____ miles of _____ inch diameter pipeline for the transportation of _____ in _____ 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.

Petitioner has constructed approximately 346 miles of 30 inch diameter pipeline (the "Dakota Access 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 Counties, Iowa pursuant to Permit No. N0042 issued in Docket No. HLP-2014-0001 (the "Original Permit Proceeding"). The legal description, by county, of the route over which the Dakota Access Pipeline was constructed is attached to and incorporated by reference in Permit No. N0042 previously issued by the Utilities Board. The improvements to be made to the existing pumping station in Cambridge, Iowa ("Cambridge Pump Station") in connection with this Petition for Amendment to Hazardous Liquid Pipeline Permit ("Petition for Amendment") do not alter or have any effect on the legal description of the route of the Dakota Access Pipeline which was approved by the Utilities Board in the Original Permit Proceeding.

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.

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 Dakota Access Pipeline and other pertinent features of the route was filed as Exhibit B to the Application in the Original Permit Proceeding. In addition, as-built maps 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 were previously filed with the Board on February 7, 2018 pursuant to the requirements of the Utilities Board's March 10, 2016 Final Decision and Order ("Final Order") in Docket No. HLP-2014-0001. The improvements to be made to the Cambridge Pump Station in connection with this Petition for Amendment do not alter or have any effect on the route of the Dakota Access Pipeline reflected on the as-built maps which were previously filed with the Utilities Board.

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.

Attached as Exhibit C is an explanation of the purpose of the proposed improvements to be made to the Cambridge Pump Station which are the subject of this Petition for Amendment ("Cambridge Pump Station Improvements"). The Cambridge Pump Station Improvements do not alter or have any effect on the purpose or general description of the pipeline project, including its length, size, or products carried.

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.

As the Utilities Board determined in the Final Order, Petitioner owns property in the State of Iowa (exclusive of pipelines) subject to execution, of a value of at least \$250,000 and has posted a surety bond in the amount of at least \$250,000. A copy of the surety bond was attached as Exhibit "D" to the Application in the Original Permit Proceeding and approved by the Utilities Board in the Original Permit Proceeding. In addition, Petitioner maintains general liability insurance policies in an amount of at least \$25 million as required by Ordering Clause 3(b) of the Final Order, which policies the Utilities Board has previously reviewed and approved.

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.

The pipeline has already been constructed in compliance with these provisions. No part of the Cambridge Pump Station Improvements will be constructed on, over or under any public highway or railroad right-of-way.

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.

An Exhibit F, providing the information listed above, was filed as Exhibit F to the Application in the Original Permit Proceeding. The Cambridge Pump Station Improvements do not alter or have any effect on the items listed in this form, to wit: (1) the nature of the lands, waters and public or private facilities that are crossed by the pipeline; (2) the possible use of alternative routes for the proposed pipeline; (3) the relationship of the proposed pipeline to the present and future land use and zoning ordinances; or (4) the inconvenience or undue injury which may result to property owners as a result of the Dakota Access pipeline. Nonetheless, attached hereto as Exhibit F is a document providing a description of the nature of the Cambridge Pump Station Improvements and certain information requested in the Utilities Board's September 6, 2019 "Order Requiring Filing of Petition for Amendment of Pipeline Permit and noting, as allowed by the Reconsideration Order, those items which Petitioner believes are preempted.

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.

Attached as Exhibit "G" to the Petitioner's Application in the Original Permit Proceeding was an affidavit that informational meetings were held in each county affected by the proposed pipeline stating the time and place of each meeting, as well as copies of the mailed notice letter and published notices for each meeting. The present Petition for Amendment does not require the Petitioner to hold informational meetings. The Cambridge Pump Station Improvements do not involve or require the acquisition of any real property rights by Dakota Access. The Cambridge Pump Station Improvements will take place on property already owned by Dakota Access in fee.

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.

The Dakota Access Pipeline has already been constructed. Notice of commencement of construction was provided to the Utilities Board prior to its commencement and throughout the construction process pursuant to various Board orders. Petitioner will advise the Utilities Board prior to commencing construction of the Cambridge Pump Station Improvements.

X

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

All design, construction, testing, operation and maintenance of the Dakota Access Pipeline was, is, and will continue to be in accordance with appropriate federal and state regulations and standards following the completion of the Cambridge Pump Station Improvements.

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.~~

Petitioner does not request the use of the right of eminent domain. The Cambridge Pump Station Improvements do not involve or require the acquisition of any real property rights by Dakota Access. The Cambridge Pump Station Improvements will take place on a property already owned by Dakota Access in fee.

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.

Petitioner filed with the Utilities Board a statement as to how damage claims will be determined and paid, an provided copies to affected parties in accordance with the rules of the Utilities Board in HLP-2014-0001. The Cambridge Pump Station Improvements do not alter or have any effect on the statement as to how damage claims will be determined and paid previously filed with and approved by the Utilities Board in the Original Permit Proceeding. The Cambridge Pump Station Improvements will take place on property already owned by Dakota Access in fee.

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.

Petitioner complied 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. An Agricultural Impact Mitigation Plan ("AIMP") was attached as Exhibit I to Petitioner's Application in the Original Permit Proceeding and revised and approved by the Utilities Board in HLP-2014-0001. The Cambridge Pump Station Improvements do not alter or have any effect on the AIMP. In addition, the Cambridge Pump Station Improvements will take place on property already owned by Dakota Access in fee.

WHEREFORE, Petitioner requests that:

1. The Utilities Board grant Dakota Access's Petition for Amendment to Hazardous Liquid Pipeline Permit allowing Dakota Access to transport 1.1 million barrels/day **or more** of crude oil through the existing Dakota Access Pipeline and permitting Dakota Access to complete the Cambridge Pump Station Improvements in order to do so.

Dated this 27th day of November, 2019 .

Dakota Access, LLC
(Company)

By /s/ Bret A. Dublinske
(Signature)**

Bret A. Dublinske
(Name - printed)

Attorney for Dakota Access, LLC
(Title)

* Strike if not applicable.

** Please redact any actual signature or use typed signature (example /s/ John Doe) before filing.

AFFIDAVIT

STATE OF TEXAS
COUNTY OF HARRIS

} ss:

I, Keegan Pieper, state under oath that I am Associate General Counsel of Petitioner's parent company and that I have authority to execute this instrument and that I have read the Petition, know the contents, and that the statements are true and correct.

[Redacted Signature]

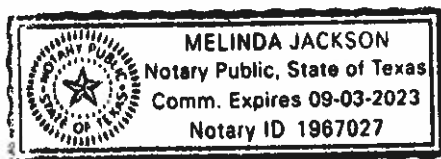
110 (Signature of Affiant)

Subscribed and sworn to before me by Keegan Pieper,

this 27th day of November, 2019.

[Redacted Notary Signature]

Notary Public



Filed with the Iowa Utilities Board on November 27, 2019, HLP-2014-0001