

STATE OF MICHIGAN
IN THE COURT OF APPEALS

MATTHEW SHAWN BORKE,

Appellants,

Court of Appeals No. 369231

v

MICHIGAN PUBLIC SERVICE COMMISSION,

Appellee.

In the matter of the Application of Enbridge Energy, Limited Partnership for the Authority to Replace and Relocate the Segment of Line 5 Crossing the Straits of Mackinac into a Tunnel Beneath the Straits of Mackinac, if Approval is Required Pursuant to 1929 PA 16; MCL 483.1 et seq. and Rule 447 of the Michigan Public Service Commission's Rules of Practice and Procedure, R 792.10447, or the Grant of other Appropriate Relief.

Lower Court
MPSC Case No. U-20763

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Docketing Statement

There are pending or prior appeals in the Court of Appeals or Supreme Court which arose out of the same transaction, lower court case, or between the same parties.

- IN RE APPLICATION OF ENBRIDGE ENERGY TO REPLACE & RELOCATE LINE 5
Michigan Court of Appeals
Consolidated - Nos. 369156, 369157, 369159, 369161, 369162, 369163, and 36916
- Dana Nessel v Enbridge Energy, LP, et al
6th Circuit Court of Appeals No. 23-1671
Western District of Michigan No. 1:21-cv-01057
State of Michigan 30th Judicial Circuit Ingham County
No. 19-474-CE
- Enbridge Energy, LP, et al v Gretchen Whitmer, et al
Western District of Michigan Southern District
No. 1:20-cv-1141
State of Michigan, et al v Enbridge Energy, LP, et al
No. 1:20-cv-1142
State of Michigan 30th Judicial Circuit Ingham County
No. 20-646-CE

- Enbridge Energy, LP, et al v State of Michigan et al
Michigan Court of Appeals No. 351366
Michigan Court of Claims No. 19-000090-MZ
- Bad River Band of the Lake Superior Tribe of Chipp v Enbridge
Energy Company, Inc et al
7th Circuit Court of Appeals No. 23-2309
Western District of Wisconsin No. 3:19-cv-00602-wmc
- United States of America v Enbridge Energy, LP, et al
Western District of Michigan Southern Division No. 1:16-cv-914
- People v Snyder et al
Seventh Circuit Court and 67th District Court
People v Gerald Ambrose, 18-042559-FH
People v Patrick Cook, 16TC1685
People v Howard Croft, 16TC2850
People v Darnell Earley, 16TB2850
People v Nicolas Lyon, 18-043836-FH
People v Nancy Peeler, 16TD1685
People v Robert Scott, 16TE1685
People v Eden Wells, 18-044241-FH
People v Baird, 2020-113791-PZ
People v Snyder, 2020-113791-PZ
- Mays v Snyder
Court of Claims Nos. 157335 through 157337 and 157340 through
157342
- In re Flint Water Cases
Southern Division Michigan District Court
No. 5:16-cv-10444-JEL-EAS
- State of Minnesota v Enbridge Energy LP
9th Judicial District Court
No. 15-CR-22-532
- State of Minnesota v Matthew TY Hall
9th Judicial District Court
No. 31-CR-21-414

- State of Minnesota v Michael Kelly West
9th Judicial District Court
No. 31-CR-21-418
- Cole, et al v Marathon Oil Corporation, et al
6th Circuit Court of Appeals No. 16-2660
Eastern District of Michigan at Detroit
No. 2:16-cv-10642
- United States v Marathon Petroleum
Eastern District of Michigan at Detroit
1:12-cv-11544

Lower Court Hearings: MPSC U-20763

- April 22, 2020 – Public Hearing – MPSC
- June 30, 2020 – Public Hearing MPSC
- August 12, 2020 – Prehearing Conference – Judge Dennis W. Mack
- August 24, 2020 – Public Hearing – MPSC
- September 30, 2020 – Motion Hearing - Judge Dennis W. Mack
- December 8, 2020 - Motion Hearing – Judge Dennis W. Mack
- December 9, 2020 – Public Hearing – MPSC
- February 5, 2021 – Motion Hearing – Judge Dennis W. Mack
- April 21, 2021 – Public Hearing – MPSC
- January 14, 18-21, and 24, 2022 – Direct and Cross-Examination
- July 7, 2022 – Public Hearing – MPSC
- September 8, 2022 – Public Hearing – MPSC
- January 11, 2023 – Motion Hearing – Judge Christopher S. Saunders
- December 1, 2023 – Public Hearing - MPSC

Nature of Case: Administrative Proceeding – Michigan Public Service Commission

Nature of Action: MPSC approved a permit for Enbridge Energy Line 5 and Tunnel

Issues to be Raised in this Appeal:

- MPSC, Judge Dennis W. Mack, and Judge Christopher S. Saunders erroneously treated the tunnel and Line 5 pipeline as a modification to an existing pipeline, instead of as a new pipeline. If MPSC had properly treated the project as a new pipeline, MPSC could not have lawfully approved it on this record.
- MPSC made their decision under duress.

The Amount and terms of the of the Judgement Appealed are: Permitting a New Pipeline

Postjudgement settlement negotiations: Settlement Unlikely

MATTHEW SHAWN BORKE

Date: February 29, 2024

By: /s/ Matthew S. Borke

Matthew S. Borke

Appellant *pro se*

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CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2024, I served via M-File which auto-serves attorneys on record and through direct electronic mail a Docketing Statement to ALL attorneys of record.

MATTHEW SHAWN BORKE

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February 29, 2024

By: /s/ Matthew S. Borke

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