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### **MPSC establishes comment period on Enbridge Energy's application for Line 5 tunnel project in Straits of Mackinac**

LANSING, Mich. — The Michigan Public Service Commission today put on hold Enbridge Energy LP's application seeking siting approval to replace and relocate the portion of the Line 5 pipeline under the Straits of Mackinac while the MPSC takes public comment and considers the company's request for a declaratory ruling on whether new siting authority from the MPSC is needed for Enbridge to construct this segment.

Enbridge filed its application April 17 ([Case No. U-20763](#)) requesting siting approval under Act 16 of 1929 to replace and relocate the Line 5 section into a tunnel to be constructed beneath the Straits. In the alternative, Enbridge asked the MPSC for a declaratory ruling that it already has the authority from the Commission to construct the replacement segment based on the Commission's original 1953 order granting authority for the Line 5 pipeline.

The Commission today said it would hold the Act 16 siting application in abeyance while it considers the request for a declaratory ruling. Should the Commission issue such a declaratory ruling that Enbridge already has the authority for its Line 5 project, no further proceedings will be necessary, saving time and resources of the Commission and interested persons. Conversely, should the Commission issue a declaratory ruling that Enbridge does not already have the authority for its Line 5 project, the application would be reviewed as part of a contested case, starting with public notice and a prehearing conference.

In addition, given significant public interest in the Line 5 matter, the Commission also established a public comment period on the request for a declaratory ruling. Comments should address only the declaratory ruling issue, and not the merits of Enbridge's Act 16 application.

Any interested parties may submit comments, written or electronic, no later than May 13, 2020. The Commission explicitly invited commenters to provide legal analysis of the issues presented in the request for a declaratory ruling, which could include references to statutes, rules and prior Commission orders relevant to the matter and analysis of their applicability to the Line 5 project. Replies to comments on the declaratory ruling request must be filed no later than May 27, 2020.

Electronic comments are preferred and may be e-mailed to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). All comments should reference Case No. U-20763. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. Written comments may be addressed to: Executive Secretary, Michigan Public Service Commission, 7109 W. Saginaw Hwy., Lansing, MI 48917.

A declaratory ruling is a legal determination that resolves uncertainty for the parties and is often made to clarify or determine certain rights or obligations. Under Michigan law and the Commission's rules, the decision on whether to issue a declaratory ruling is at the discretion of the Commission and relates to the applicability of an actual state of facts to a statute administered by the Commission, or a rule or order of the Commission. A declaratory ruling is binding on the Commission and the party requesting it. However, a declaratory ruling is subject to judicial review in the same manner as a final decision or order in a contested case.

### **Opportunities to monitor MPSC's Line 5 proceedings**

The MPSC launched a dedicated webpage, [www.michigan.gov/MPSCLine5](http://www.michigan.gov/MPSCLine5), to enable the public to monitor Enbridge's siting application and related requests. [Background](#) resources on the MPSC's siting authority under Act 16 and opportunities for the public to participate are available. Individuals can sign up for e-mail updates on MPSC meeting notices, orders, press releases, or other developments specifically related to the Line 5 proceeding before the Commission. Instructions are also available for individuals seeking to sign up to be notified of all formal case filings through the MPSC's e-dockets system. Additional information will be posted on the website as it becomes available.

*To look up cases from today's meeting, access the E-Dockets filing system [here](#).*

*To watch a livestream of the MPSC's meetings, click [here](#).*

*For information about the MPSC, visit [www.Michigan.gov/MPSC](http://www.Michigan.gov/MPSC), sign up for one of its [listservs](#), or follow the Commission on [Twitter](#).*

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