



Gretchen Whitmer, Governor

Sally A. Talberg, Chairman

Daniel C. Scripps, Commissioner

Tremaine L. Phillips, Commissioner

NEWS RELEASE

Twitter: [@MichiganPSC](https://twitter.com/MichiganPSC)
www.michigan.gov/mpsc

FOR IMMEDIATE RELEASE June 30, 2020

Media contact: [Matt Helms](#) 517-284-8300

Customer Assistance: 800-292-9555

MPSC denies Enbridge Energy's request for relief on Line 5 pipeline project, sets full hearing process for proposal

The Michigan Public Service Commission today denied the relief Enbridge Energy LP sought in its request for a declaratory ruling and also rejected the company's request for ex parte approval of plans to relocate the Line 5 pipeline to a tunnel beneath the Straits of Mackinac. The Commission established a full hearing process for the proposal.

Enbridge in April filed an application ([Case No. U-20763](#)) requesting siting approval under Act 16 of 1929 to replace and relocate the Line 5 section in the Straits of Mackinac into a new tunnel it would build beneath the lakebed. In the alternative, Enbridge sought a declaratory ruling from the MPSC that the company already has authority from the Commission to build the replacement segment based on the MPSC's 1953 order that first granted permission for Line 5. The 645-mile interstate pipeline spans both Michigan peninsulas to transport light crude oil and natural gas liquids, including propane used for home heating in Michigan.

In today's order, the Commission found that, based on Enbridge's application and comments received from stakeholders, the Line 5 project differs substantially from the pipeline approved in 1953, and therefore the company does not have authority for the project under the 1953 order. Whereas the Commission approved in 1953 dual 20-inch pipelines constructed on the lakebed, Enbridge proposes replacing them with a single 30-inch pipeline housed in a concrete-lined tunnel 60-250 feet beneath the lakebed, involving a new easement and a 99-year lease of public trust property.

The order states that Enbridge is required to file an Act 16 application, pursuant to Rule 447(1)(c) and Commission precedent, to obtain Commission approval to construct the Line 5 project through a contested case. The Commission found that the Line 5 project involves important factual, policy and legal issues best resolved through a proceeding that includes discovery, comprehensive testimony and evidence to provide a robust record. The Commission observed that this proposal is a matter of significant public interest best addressed through a contested case.

The Commission in April [put Enbridge's application on hold](#) while it considered the issue of a declaratory ruling and established a public comment period during which it sought public input specifically on any legal analysis of issues pertaining to Enbridge's request for a declaratory ruling. A number of stakeholders filed comments opposing Enbridge's

request, including the Office of Attorney General Dana Nessel, more than a dozen Indian Tribes, a number of Michigan-based and national environmental organizations, and State Sen. Jeff Irwin. The Commission also received thousands of comments from Michigan residents, both in support of and in opposition to the tunnel project, many discussing the merits of Line 5 rather than focusing on the legal issues surrounding Enbridge's request for a declaratory ruling.

Following today's order, a notice of hearing will be issued with information on the scheduling of a prehearing conference and deadline for parties seeking to intervene in the formal contested case proceeding.

Opportunities to monitor and participate in MPSC's Line 5 proceedings

The MPSC is scheduling a public hearing on Aug. 24 to provide an overview of the MPSC process and Enbridge's application and for commissioners to hear directly from the public. The hearing will be held remotely with telephone and web access options. Additional details will be provided in the coming weeks.

The MPSC launched a dedicated webpage, 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, public meetings, 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.

MPSC ISSUES SHOW CAUSE ORDER TO CYNERGYCOMM.NET IN DISCONTINUANCE OF SERVICE CASE

The MPSC today ordered CynergyComm.net, Inc., to show cause why it should not be held in violation of the Michigan Telecommunications Act's requirements for proper notification of its intent to discontinue service. The MPSC has received several complaints from CynergyComm customers about notifications they received saying the company intended to terminate service, despite warnings issued to the company that it must follow state and federal laws governing discontinuance of service. MPSC Staff on June 22 notified CynergyComm that it must provide the Commission with evidence that federal and state notice requirements have been filed by June 29; as of this order, no such paperwork has been received. The Commission today ordered CynergyComm to file a response in this docket by 5 p.m. July 9, 2020, and to appear with counsel at a prehearing conference scheduled for 11 a.m. July 16.

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

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

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

DISCLAIMER: *This document was prepared to aid the public's understanding of certain matters before the Commission and is not intended to modify, supplement, or be a substitute for the Commission's orders. The Commission's orders are the official action of the Commission.*

#