

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: DAKOTA ACCESS, LLC	DOCKET NO. HLP-2014-0001
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ORDER DENYING MOTION TO EXPEDITE AND ESTABLISHING SCHEDULE

(Issued March 18, 2016)

On March 16, 2016, Dakota Access, LLC, filed with the Utilities Board (Board) pre-permit compliance filings required by the Board in its March 10, 2016, "Final Decision and Order" (Order) granting Dakota Access's petition for a hazardous liquid pipeline permit, subject to conditions. According to Dakota Access, its March 16 filing includes the six items the Board required to be filed before the permit would be issued: (a) a revised Agricultural Impact Mitigation Plan; (b) a general liability insurance policy in the amount of at least \$25,000,000; (c) the unconditional and irrevocable guarantees of Dakota Access's parent companies for remediation of damages from a leak or spill; (d) a timeline explaining when construction notices will be given, the information to be included with such notifications, and the time when consultation would occur; (e) modified condemnation easement forms; and (f) a statement accepting the terms and conditions included in the Order. Dakota Access asks the Board to find that the filing satisfies the conditions identified by the Board as necessary to issue the permit.

Dakota Access urges the Board to promptly issue the permit, suggesting that time is of the essence and that the issues have been fully discussed. If the Board

allows comment on the March 16 filing, however, Dakota Access asks the Board to shorten the comment period to five days, with comments due on Monday, March 21, 2016.

On March 17, 2016, Sierra Club Iowa Chapter (Sierra Club) filed a resistance to Dakota Access's request for expedited treatment. Sierra Club says that it will take time to review and analyze the extensive and complex documents Dakota Access has filed. Sierra Club notes that in the Board's "Final Decision and Order" the Board said that if the terms and conditions adopted by the Board were not in place, the evidence in the record would be insufficient to establish that the proposed pipeline will promote the public convenience and necessity, so a thorough review of the compliance filing is required. Sierra Club suggests that a filing deadline of March 25, 2016, would allow sufficient time for that review.

The Board will deny the request for expedited treatment and allow the parties a reasonable opportunity to comment on Dakota Access's pre-permit compliance filing. These compliance filings are not perfunctory. The parties, and the Board, must have time to review the filings to determine whether they are in compliance with the terms and conditions of the Board's order. The Board will allow parties wishing to respond to Dakota Access's March 16, 2016, pre-permit compliance filing to file comments on or before March 25, 2016. Dakota Access may file a reply to those comments on or before March 29, 2016.

Further, the Board notes that a permit cannot be issued until revised Exhibit H documents are filed and approved for the parcels where the Board ordered parcel-specific changes to the company's condemnation request.

IT IS THEREFORE ORDERED:

1. The request for expedited treatment filed by Dakota Access, LLC, on March 16, 2016, is denied.
2. Comments responding to the “Pre-Permit Compliance Filings Required in March 10, 2016, Order” filed in this proceeding on March 16, 2016, by Dakota Access, LLC, shall be filed on or before March 25, 2016.
3. Dakota Access may file reply comments on or before March 29, 2016.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Lynn R. Zook-Slagg
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 18th day of March 2016.