



Minnesota Center for Environmental Advocacy

The legal and scientific voice protecting and defending Minnesota's environment

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The Honorable Eric L. Lipman
Office of Administrative Hearings
P.O. Box 64620
Minneapolis, MN 55164-0620

**Re: In the Matter of the Application of Enbridge Energy, Limited Partnership
and Enbridge Pipelines (Southern Lights) LLC for a Crude Oil Pipeline
MPUC Docket No. PL9/CN-07-465 (Certificate of Need)**

And

**In the Matter of Application of Enbridge Energy, Limited Partnership
and Enbridge Pipelines (Southern Lights) LLC for a Crude Oil Pipeline.
MPUC Docket No. PL9/PPL-07-361 (Route)**

Dear Judge Lipman:

MCEA objects to Enbridge's request that the list of landowners served with its July 16, 2008 filing, "Enbridge Energy, Limited Partnership and Enbridge Pipelines (Southern Lights) L.L.C.'s Compliance with Notice Requirements," be treated as trade secret and/or proprietary information. Enbridge has provided no basis for the request.

Enbridge can only designate information as "trade secret" if it is not "generally known or readily ascertainable," the first of a multi-factor test required for designating a trade secret. *See SL Montevideo Tech., Inc. v. Eaton Aerospace, LLC*, 292 F.Supp.2d 1173, 1178 (D.Minn.2003) (three-factor test); *Electro-Craft v. Controlled Motion, Inc.*, 332 N.W.2d 890, 898-99 (Minn.1983) (four-factor test). The landowner information redacted from Enbridge's filing is both generally known and ascertainable. Land ownership records are public. MCEA finds nothing in the Minnesota Statutes Section 13 that provides otherwise.

MCEA respectfully requests that Enbridge's request to treat the landowner information as trade secret be rejected, and that Enbridge be required to re-submit its filing with landownership information included.

MCEA appreciates your consideration.

Sincerely,

Kevin S. Reuther
Legal Director

KSR/ejs

cc: Attached Service List