

EXHIBIT 4



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

February 17, 2009

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Sara Burt
Earthjustice
426 17th Street, 6th Floor
Oakland, CA 94612

Re: PHMSA FOIA Case # 2009-0063

Dear Ms. Burt:

This letter is in response to your May 29, 2009 request to the Pipeline and Hazardous Materials Safety Administration (PHMSA) for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested copies of records relating to the Alberta Clipper Pipeline and Southern Lights Diluent Project being constructed by Enbridge Energy, LLP (Enbridge).

Among the records that you requested, you requested applications and other documents submitted by Enbridge to PHMSA for approval in relation to the Alberta Clipper Pipeline and Southern Lights Diluent Project. To provide clarification, while pipeline construction projects such as these generally involve numerous permits, they do not necessarily require the operator to submit any applications to PHMSA for prior approval. Therefore, there are no applications or associated documents submitted to PHMSA for approval.

Because these are cross-border pipeline projects, an application for a Presidential Permit is required. However, it is submitted to the U.S. Department of State, not PHMSA. With regard to your request for documents evaluating environmental impacts, you may wish to contact the Department of State because it also has the lead role in preparing the Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act and would maintain a public docket of the EIS proceeding on cross-border pipeline construction projects.

PHMSA is committed to making its records accessible to the public to the greatest extent possible. Enclosed with this response, we are providing about 306 pages of PHMSA-generated records and photos responsive to your request. These records include inspection reports generated by PHMSA's pipeline inspectors as they performed oversight over Enbridge's construction and hydrostatic testing of the Alberta Clipper Pipeline.

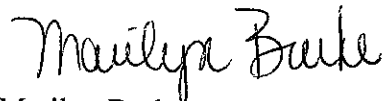
In addition, our search identified design specification materials and other records provided by Enbridge for PHMSA's review that may contain confidential commercial information. As such, PHMSA is required to consult with Enbridge regarding these records. Per Departmental

regulations in 49 CFR § 7.17, if the agency has reason to believe the records may contain confidential commercial information, it is required to notify the submitter and provide an opportunity to submit any written objections to release. Once the consultation process has been completed, PHMSA will make a determination on the releasability of these remaining records.

Finally, be advised that records of additional actions such as the preparation of oil spill response plans by Enbridge under 49 C.F.R. Part 194 may not yet be available from PHMSA because they are not required until after operation of the pipeline commences.

Thank you for your patience in this process. I can be reached at (202) 366-6119.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Burke". The signature is written in a cursive, flowing style.

Marilyn Burke
PHMSA FOIA Program Manager

Enclosures