

June 27, 2018

Nancy Lange, Chair  
Commissioner Dan Lipschultz  
Commissioner Matt Schuerger  
Commissioner John Tuma  
Commissioner Katie Sieben

Dear Commissioners:

Over the course of the Line 3 proceedings, the Commission has been generally forthright in hearing the concerns of intervening parties and members of the public about open access to Commission hearings. Unfortunately, over the last few days, it has become apparent that some members of the Commission's staff do not share in this commitment to preserving public access and intervenor participation. We are deeply concerned about the intimidation and eviction of intervening parties and restrictions that have been arbitrarily placed on their participation in this process, some of which we detail below. We write to alert you of these concerns over the express and repeated admonishment of Commission staff that we not attempt to bring these concerns directly to Commissioners, which is in and of itself a demonstration of the problematic staff conduct of which we speak. We ask you for corrective action.

The following is an account of some of the events that have taken place at the direction of Commission staff:

- On Tuesday morning, Sierra Club staff member Natalie Cook was removed from the Metro Square building by three police officers at the direction of Ms. Anne Thom. The police told Ms. Cook that she was being removed for "breaking the rules" by facilitating ticket exchanges between volunteers coming and going from the hearing. The police also told Ms. Cook that she would be barred from the Metro Square building for one year. After speaking with Ms. Thom, the police then informed Ms. Cook that she could return today. Sierra Club's attorney Leili Fatehi spoke with Ms. Thom shortly after Ms. Cook was removed in an attempt to understand the reason for Ms. Cook's removal. She was told that Ms. Cook "knew what she did" and that the rules are clear. When Ms. Fatehi asked Ms. Thom to show her in writing the rule that was violated, Ms. Thom was unable to do so. In response to Ms. Fatehi's assertion that the rules have changed daily if not multiple times during the day, Ms. Thom responded "it's our right to change the rules." Ms. Cook has still not been provided with an explanation in writing of the rule she violated that resulted in her ejection.
- On Tuesday afternoon, Northern Water Alliance representative Andy Pearson was removed by police officers. The grounds for Mr. Pearson's removal are equally unclear. In the morning, Mr. Pearson stood in line and obtained an entrance ticket. He later learned that NWA had reserved a party badge for him. Mr. Pearson turned in his entrance ticket and got his party badge. He explained this switch to Ms. Thom who expressly stated it was "all good." After lunch, however, police removed Mr. Pearson. Ms. Thom's explanation for the removal was that Mr. Pearson had

stood in line for a ticket in the morning and “knew what he did.” He has been instructed that he is not permitted anywhere on the first floor of the Metro Square building moving forward.

- Following Mr. Pearson’s removal, Ms. Thom informed Mr. Reents of Northern Water Alliance that Mr. Pearson would not be allowed back in the building. In response to Mr. Reents assertion that Mr. Pearson is a key party representative of NWA, Ms. Thom said that NWA’s interests were already adequately represented in the room by other parties.

These are just a subset of the problems that parties have encountered. The crux of the problems are three-fold: (1) the rules have been consistently inconsistent and changing, (2) these “rules” are being enforced arbitrarily and without any proper notice or explanation of how and when alleged violations have taken place, and (3) the manner of enforcement has been police intimidation. The result is that intervening parties are left confused, frightened, and paralyzed about where they are allowed to be and what they are allowed to do.

We want clear rules in writing, direction to PUC staff that violation of rules be put in writing, and that police be used as a last line of enforcement.

These parties, organizations, and individuals have been involved with PUC deliberations for multiple years; we hope that these experiences are an aberration rather than a new norm.

Thank you for your consideration,

James Reents

Northern Water Alliance

Margaret Levin

Chapter Director Sierra Club North Star Chapter