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March 26, 2014

Mr. Larry Hartman, Environmental Review Manager  
Energy Environmental Review and Analysis (EERA)  
Minnesota Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul MN 55101

**Re: In the Matter of the Application of North Dakota Pipeline Company, LLC for a Pipeline Routing Permit for the Sandpiper Pipeline Project and; Public Utilities Commission (PUC) Docket Number: PL-6668/PPL-13-474**

Dear Mr. Hartman,

I have been retained to represent Friends of the Headwaters with respect to the above entitled subject matter. This letter specifically concerns the decision by Public Utilities Commission and Department of Commerce staff not to post certain public letters and comments requesting extensions of a public comment deadline to Public Utilities Commission (PUC) Docket Number: PL-6668/PPL-13-474.

On January 31, 2014, the Minnesota Public Utilities Commission and the Minnesota Department of Commerce issued a public notice regarding certain Pipeline Routing Permit and Certificates of Need applications from North Dakota Pipeline Company, LLC pertaining to the subject Sandpiper Pipeline project undergoing review by these respective state government agencies. The notice included a schedule for a series of public meetings and provisions for public posting of the full case record of all documents filed with these agencies for both the required Certificate of Need and Route Permits on a state internet website or "docket".

This docket was assigned a Public Utilities Commission (PUC) Docket Number: PL-6668/PPL-13-474 at [www.puc.state.mn.us](http://www.puc.state.mn.us). In the Public Notice the public was provided instructions on how to access this docket and the public was directed to this docket as the designated location for examining the "full case record" of these matters. It is my client's understanding that this docket is maintained by you and staff of the two respective agencies involved, the Department of Commerce and the Public Utilities Commission.

Recently, it has come to the attention of my clients that you and Department of Commerce and/or Public Utilities Commission staff have decided not to post certain items of correspondence from the public on this docket. Specifically, certain public letters and comments

requesting extensions of a public comment deadline have been withheld from this posting. It is our understanding that this decision not to post this select group of documents stemmed from you and your respective department staff's decision not to grant any of the requested time extensions. In our client's opinion, this failure on you and your agency's part to post any additional request you received for extension limits or any other documents relevant to the Sandpiper project constitutes a breach of commitment on your part to maintain a "full case record" on this website as stated in the Public Notice for this project.

In creating this Docket, my clients assert that you, the Public Utilities Commission and Department of Commerce staff have created a *limited public forum* as defined in case law in matters associated with citizen's First Amendment Rights under the Constitution of the United States of America. Having established a place of limited public forum, neither you nor other state agency staff are at liberty to discriminate between documents you might deem appropriate for posting based on criterion not disclosed prior to creation of the forum.

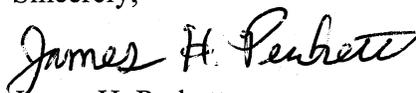
My clients are hereby requesting immediate relief from this infringement of their First Amendment Constitutional rights by having any and all documents and correspondence regarding the Sandpiper project on file with your office, the Department of Commerce and the Public Utilities Commission, immediately posted to this docket in accordance with the conditions in the Public Notice. In addition, my clients request that you post this letter to the docket.

Whether or not you or any other responsible state agency staff grant the relief requested above, please be informed that my clients have not released and do not intend to release you or your departments from any or all culpability assumed by you and your department's staff for the violations of their constitutional rights by withholding any information from this or any other public forum in the period leading up to your having granted the requested relief by posting all required material.

Thank you for your prompt attention to this matter. My clients request immediate written notice of when you or any other responsible state agency representatives either plan to or have accomplished the requested relief. Please respond directly to the address shown here with courtesy copy to me at my office:

Richard Smith, Executive Director  
Friends of the Headwaters  
PO Box 583  
Park Rapids, MN 56470

Sincerely,



James H. Perkett  
Attorney at Law

cc: Burl W. Haar, Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, MN 55101-2147

Beverly Jones Heydinger, Chair  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
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