

IOWA UTILITIES BOARD

IN RE: DAKOTA ACCESS, LLC - Proposed Hazardous Liquid Pipeline Docket No. HLP-2014-0001

PUBLIC INFORMATION SHEET

HEARING CONDUCT

1. Persons attending the hearing should behave in a respectful manner that allows all comments to be heard.
2. Attendees are free to come and go as they wish, provided the hearing is not disrupted.
3. Mobile phones and other electronic devices must be turned off or set to silent notification. Persons answering phone calls must do so outside of the hearing room.
4. Food and drinks (other than water, coffee, and soft drinks in covered containers) are not permitted in the hearing room.
5. The following statement is from the Boone County Fair Visitor Information web page: "Weapons are prohibited on the Boone County Fairgrounds; with or without a valid Iowa permit to carry unless authorized by the Fair Board as per Iowa Code. Failure to comply with this rule shall be cause for expulsion from the fairgrounds and/or being charged under the Iowa Code."
6. During the evidentiary hearing beginning on November 16, no signs or placards will be permitted in the hearing room and the audience is expected to remain quiet and refrain from interrupting the proceedings.

THE PROPOSED PIPELINE AND THE HEARING

On January 20, 2015, Dakota Access, LLC (Dakota Access), filed a petition with the Iowa Utilities Board (Utilities Board) requesting a permit to construct, maintain, and operate approximately 346 miles of 30-inch diameter crude oil pipeline across 18 counties in Iowa. The hearing on this petition is being held in Boone, Iowa because Iowa Code § 479B.6 requires the hearing to be held in the county seat of the county located at the midpoint of the proposed pipeline route when the proposed line is over 5 miles in length.

The petition is identified as Docket No. HLP-2014-0001. Dakota Access states the pipeline is being proposed to transport crude oil from the Bakken oil fields in North Dakota to Patoka, Illinois, where it can be transported to refineries using other pipelines.

If granted, the permit would give Dakota Access the right to construct, maintain, and operate the pipeline. According to Iowa law, the Utilities Board is the state agency with the authority to grant or deny the petition. Dakota Access may not build its proposed pipeline unless the Utilities Board grants its request for a permit.

A contested case hearing is a formal process governed by Iowa laws and rules. It is very much like a trial held by a judge in district court, although there is no jury. All testimony must be taken under oath, so the Board will swear in each witness before he or she testifies. A court reporter will record everything that happens during the hearing. The audience should listen quietly to avoid disrupting the hearing.

The Utilities Board has the authority to grant or deny permits that allow a pipeline company to construct, maintain, and operate pipelines in Iowa. Iowa Code § 479B.3. The Utilities Board may grant permits in whole or in part upon such terms, conditions, and restrictions as to location and route as the Board determines to be just and proper. Dakota Access must present evidence that demonstrates that the proposed pipeline will promote the public convenience and necessity. Iowa Code § 479B.9.

AFTER THE HEARING

After the hearing, the Board and its staff will review all of the evidence (testimony and exhibits) that has been received in this case. This includes the evidence provided by Dakota Access and the evidence provided by the other parties. The Board will consider the evidence based on Iowa statutes, Utilities Board rules, and previous court cases. Parties may file briefs after the hearing and, if they do, the Utilities Board will review the arguments in those briefs as part of the deliberations.

The Board may then schedule a public meeting to discuss its decision, or it may simply issue a written decision. If a public meeting is scheduled, at the conclusion of that meeting the Board will make a tentative decision and direct its staff to prepare an appropriate written order. The Board's decision will not be final until that written order is issued.

The written decision will be served on each of the parties. This is done by e-mail if the parties provided their e-mail addresses to the Board. The e-mail message will come from the Board's Electronic Filing System at <https://efs.iowa.gov/efs/>, and will contain the above docket number in the subject line of the e-mail. The decision will also be posted on the Utilities Board's Web site at <https://iub.iowa.gov/>.

Hazardous Liquids Pipeline permit cases are governed by Iowa Code Chapter 479B and Utilities Board rules at 199 IAC Chapters 13. There are additional procedural laws that govern this contested case at Iowa Code Chapter 17A and additional procedural rules at 199 IAC Chapters 1, 7, and 14. There are links to the Iowa Code and the Board's rules on the Board's Web site.