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STATE OF MICHIGAN

**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter of the application of WOLVERINE  
PIPE LINE COMPANY for authority under 129 PA 16  
to construct, operate and maintain a pipe line for the  
transportation of liquid petroleum products.

Case No. U-13225

**REPLY BRIEF OF**  
**INGHAM COUNTY COMMISSIONER LISA DEDDEN**

I, Ingham County Commissioner Lisa Dedden, respectfully submit this Reply Brief pursuant to the schedule established in this proceeding. I offer responses to specific issues raised in the Initial Briefs of the other parties as follows:

1. **The applicant's and Staff's continued assertions that "few" residents live along the proposed pipe line route are misleading and should be rejected.**

Michigan Public Service Commission Staff states at pages 12 and 33 of his Initial Brief, and the applicant repeats at page 32 of its Initial Brief, that the route proposed in this case has

no residences within 50 feet of the pipe line and few residences within 150 feet of the pipe line. As noted in detail at pages 4 through 6 of my Initial Brief, such assertions were rebutted by the specific testimony provided in this case by James Ruff, manager of the City of Lansing Planning Office, as well as by MPSC Staff's own more specific and candid admissions during cross examination. Both these sets of testimony describe the great many residences located directly adjacent to the proposed pipe line route.

Further, references to distances of 50 and 150 feet in this case are arbitrary and misleading and should not be given undue weight. No data was presented to indicate that only those persons who reside within 50 or 150 feet from a pipe line would be expected to be affected by an accident involving the pipe line. To the contrary, all the data presented by the applicant and relied upon by Michigan Public Service Commission Staff in this case and its predecessor, Case No. U-12334, indicates that persons located much further away from a pipe line may be vulnerable to risks associated with a potential spill. As was quoted by the Administrative Law Judge in Case No. U-12334, Michigan Public Service Commission Staff testified as follows in that case regarding the June 7, 2000 spill by one of Wolverine's pipe lines near Jackson:

“It is my understanding 1300 people were evacuated from roughly 580 homes, for three to five days, from a *four square mile area* containing two subdivisions. . . .’ Tr. 609.”

Indeed, even the “Muhlbauer model,” on which the applicant and its experts attested they relied in performing their risk assessment of this proposed route, itself utilizes a standard of *660 feet*: it calls for an assessment of one-eighth of a mile on either side of a proposed pipe line,

or a one-quarter mile wide corridor along the proposed route. 2 Tr. 201.

2. **The applicant's continued assertions that it has chosen "a route that avoided placing the pipeline in a densely populated area" are misleading and should be rejected.**

For similar reasons as set forth above, the applicant's claim at page 8 of its Initial Brief that the route proposed in this application is "a route that avoided placing the pipeline in a densely populated area" is misleading and should be rejected. As explained in detail at pages 4 through 6 of my Initial Brief, this statement is thoroughly rebutted by the specific testimony provided in this case by James Ruff and by MPSC Staff's admissions during cross examination. Additionally, the applicant's claim in this regard contradicts official 2000 United States Census data, of which it is appropriate for the Commission to take official notice pursuant to PSC Rules 327 and 325, being R 460.17327 and R 460.17325. The present application would clearly place this pipe line in a densely populated area.

3. **The applicant's statement that "most problems encountered by underground pipelines are caused by activities of third parties" is incorrect, and further, the route proposed in the present application will not eliminate the risk of third party damage to the pipe line.**

The applicant states at page 8 of its Initial Brief that "most problems encountered by underground pipelines are caused by activities of third parties." This statement is incorrect and

contradicted by the data set forth by Staff in this case. Staff Exhibit S-32 shows the causes of petroleum product pipe line accidents for the years 1994-2000 using data from the Office of Pipeline Safety. As shown in that exhibit, approximately 24% of petroleum product pipe line accidents were caused by third party (“outside force”) damage. Three times that many -- nearly 76% of petroleum product pipe line accidents -- were caused by other factors, including corrosion, failed pipe, failed weld, incorrect operation and malfunctioning equipment. Third party damage is a significant cause of pipe line accidents, but most petroleum pipe line accidents are caused by other factors.

Furthermore, locating a pipe line on an expressway easement may decrease the pipe line’s likely exposure to certain types of third party activity (namely excavation by residential or commercial developers), but it will increase the pipe line’s likely exposure to *other types* of third party activity. On average, approximately 40,500 vehicles travel on this section of I-96 each day. Construction activities making use of heavy equipment will inevitably take place on and along I-96, as roads must be periodically repaired and replaced; the drainage ditches along the expressway undergo regular maintenance; and vehicle accidents inevitably occur on the pavement and right-of-way of the expressway. 2 Tr. 561-562.

**4. Suggestions by the applicant that the proposed route has the support of local officials are inaccurate and should be rejected.**

In Wolverine’s application and more recently at page 30 of its Initial Brief, the applicant tries to suggest that local officials support the route proposed in this application. Such assertions are inaccurate, as evidenced most immediately by the strong opposition expressed by

myself, Mayor David Hollister and the City of Lansing through our involvement in the present case as Intervenors. Additionally, both the Lansing City Council on May 21, 2001, and the Ingham County Board of Commissioners on May 22, 2001, passed resolutions in opposition to Wolverine's proposal to construct the route proposed in this case. Further, both State Senator Dianne Byrum and State Representative Virg Bernero, through whose districts the proposed route would pass, have expressed their strong opposition to the proposed route in Rule 207 statements.

5. **Staff's conclusions that the proposed route is "about as good as it gets" and "runs through nobody's back yard" are misleading, fail to address the constitutional implications of the present case, and must be rejected.**

Michigan Public Service Commission Staff's conclusion at page 34 of his Initial Brief that the proposed route "runs through nobody's back yard" is misleading in its semantics and should not be given undue weight. In many cases, the people living in Lansing along the I-96 expressway don't even have back yards, but that does *not* mean that they do not live close to the proposed route. As I described in my Initial Brief, many of the structures in which these residents live are directly adjacent, and built very close, to the I-96 easement. The land these residents see when they look out their windows is the land of the easement on which I-96 runs. The fact that they do not own the land on which the pipe line would be built does not mean that their safety and interests are not at risk.

Similarly, Staff's conclusion at page 34 that the proposed route is "about as good as it


gets” fails to address the constitutional implications of the present case. The present application proposes to route this pipe line through a densely populated urban area in which a large percentage of the residents are racial minorities and low income persons. Immediately prior to the present case, MPSC Staff and the Administrative Law Judge in Case No. U-12334 recommended denial of Wolverine’s proposal to run this same pipe line through a similarly populated area in which the number of racial minorities is low and the income is high.

As I described in my Initial Brief including at page 8, the density of residential and commercial development located along the proposed I-96 route in the present case is at least as great, if not greater, than that which exists along the Meridian route proposed in Case No. U-12334. The construction and engineering specifications proposed in this case are the same as proposed in that case. A decision by the Michigan Public Service Commission to allow this pipe line to be constructed in the City of Lansing, following the actions of the Michigan Public Service Commission Staff and Administrative Law Judge who recommended denial of an application to construct this same pipe line in Meridian Township, would constitute a violation of Article I, Section 2 of the Michigan Constitution as well as the Fourteenth Amendment of the United States Constitution. If this pipe line was not sufficiently safe and in the public interest for Meridian residents, then it is not sufficiently safe and in the public interest for similarly situated Lansing residents.

**WHEREFORE**, for the reasons set forth in my Initial Brief, and as continued per the additional information provided in this Reply Brief, I respectfully request that the Michigan

Public Service Commission deny Wolverine Pipe Line Company's application to construct a pipe line through south Lansing along the I-96 easement.

Respectfully submitted,



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**LISA DEDDEN (P-46631)**

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