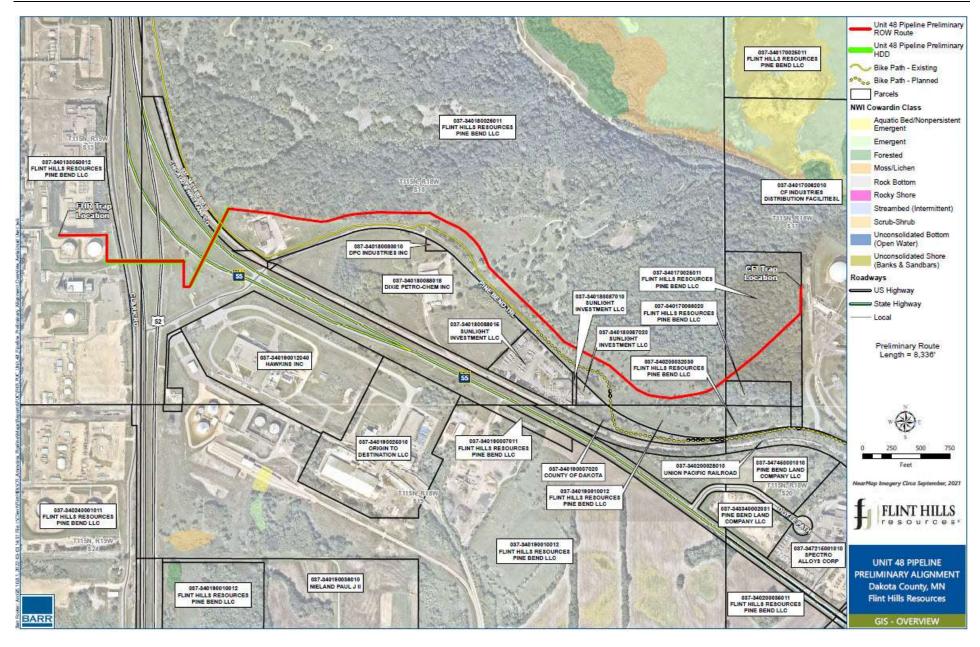
Information Book PUC Docket No.: IP2/PPL-21-747



July 20, 2022

NOTICE

Notice to the Public Utilities Commission and Dakota County Board of

Flint Hills Resources' Unit 48 Pipeline Project

Flint Hills Resources' (FHR) proposed Unit 48 Pipeline Project is approximately 1.6-mile long, 4.5-inch outside diameter, 475 pounds per square inch operating pressure liquid anhydrous ammonia pipeline (the "Project"). The newly proposed pipeline would distribute anhydrous ammonia between CF Industries Terminal and FHR's Pine Bend Refinery. The proposed route of the pipeline would follow the course shown in the attached map, with a variance in location of up to 150 feet. The new pipeline will require a 40-foot permanent right-of-way. The vast majority of the project would occur on property currently owned by FHR.

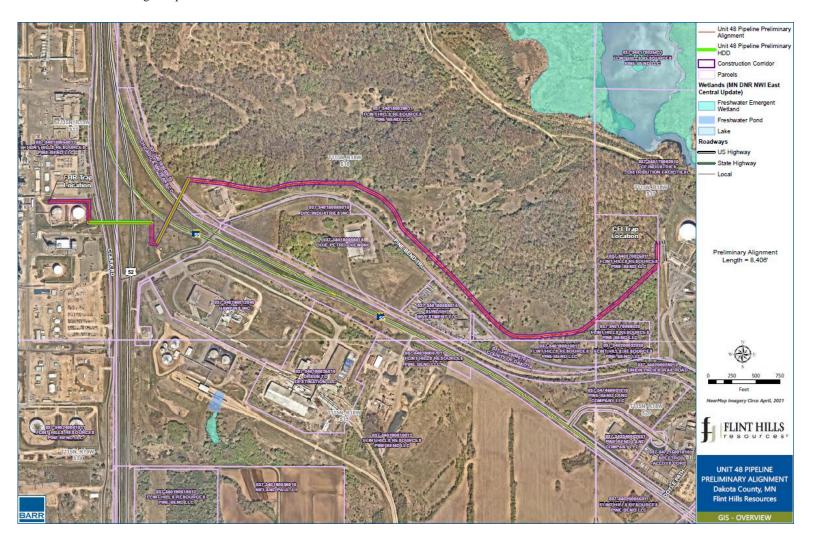
The Project will allow FHR to transition the current shipments of anhydrous ammonia it receives from truck to pipeline, a safer and more efficient mode of transportation.

Anhydrous Ammonia is used by Pine Bend Refinery for the production of Ammonium Thiosulfate (ATS), a water-based fertilizer. ATS converts a traditional source of air pollution from motor fuels (sulfur) into a fertilizer product used by area farmers.

This notice is intended to identify the route of the proposed pipeline and provide information on the size and type of pipeline to be constructed, the type of commodities to be carried, and the construction and operational characteristics of the pipeline. (per definition in 216G.01, subdivision 3)

Within 45 days after the Public Utilities Commission (PUC) receives this notification and fee required by section 216G.03, FHR and the Public Utilities Commission shall prepare and make sufficient copies of an information book for owners and lessees of property along the pipeline route. The information book will contain the requirements detailed within 216G.04 Information Book.

Within 60 days of receiving notification as provided in section 216G.03, FHR, the PUC, and Dakota County shall hold a public meeting as provided in 216G.05 Public Meetings Required.



Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

Information Book

PUC Docket No.: IP2/PPL-21-747

Public Utilities Commission Docket No.: IP2/PPL-21-747

An online version is available at: eDockets/Public Utilities (mn.gov)

Unit 48 Pipeline for Flint Hills Resources Pine Bend, LLC Information Book for Owners and Tenants of Property

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Unit 48 Pipeline for Flint Hills Resources Pine Bend, LLC

Information Book

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DEFINITIONS

Anhydrous – Term applied to a chemical substance free of water

Barrel - 42 gallons

BPH – Barrels per hour

CFR - Code of Federal Regulations

• 49 CFR 195 – Transportation of Hazardous Liquids by Pipeline

Flint Hills - Flint Hills Resources Pine Bend, LLC

HCA - High Consequence Area

HDD - Horizontal Directional Drill

Internal Devices - A variety of tools that are inserted into a trap and launched into the pipeline for cleaning, batch separation, or internal inspection, such as scrapers, pigs, spheres, poly pigs, caliper tools, and smart pigs/tools.

PSIG – Pounds per square inch gauge (unit of pressure)

Trap - A fabricated assembly having a pipe or fitting inlet and outlet connections, body and closure used for launching and receiving internal devices into an operational line.

INTRODUCTION

This Information Book was prepared by Flint Hills Resources Pine Bend, LLC ("Flint Hills") and approved by the Public Utilities Commission (Commission) for landowners who may be affected by the proposed Unit 48 Liquified Anhydrous Ammonia¹ Pipeline Project to be constructed in Dakota County, Minnesota. This Information Book was developed pursuant to the requirements of Minnesota Statues (Minn. Stat.), Chapter 216G et seq., to provide property owners and tenants with a clear understanding of the proposed Unit 48 Pipeline (Project). Information presented in this book includes a description of the Project and associated facilities including Project location, an explanation of right-of-way easement requirements and acquisition process, a description of construction activities, legal and procedural requirements associated with construction of a pipeline, and contact information for Flint Hills.

A public meeting will be scheduled to provide interested persons with Project information and to provide the public with an opportunity to comment on the proposed Project. Notice, including the date, time, and location of the meeting, will be published in a legal newspaper of Dakota County and a newspaper of general circulation in the Rosemount, Minnesota area. Landowners who will be affected by the Project will also receive notice of the public meeting by certified U.S. Mail. A Flint Hills right-of-way agent will contact individual landowners to discuss the Project and right-of-way easement requirements. Flint Hills will not execute easement agreements with landowners

¹ Anhydrous Ammonia – The compound formed by the chemical combination of the element's nitrogen and hydrogen in the concentration proportion of one part nitrogen to three parts of hydrogen. This relationship is shown by the chemical formula, NH3.

until 30 days after the public meeting is held, pursuant to statutory requirements.

PROJECT-OVERVIEW

Preface

In July 2020, Flint Hills constructed a permanent anhydrous ammonia system to eliminate a temporary system. This system included the installation of a 45,000-gallon tank, currently supplied by ~12 truck deliveries per week (3 trucks per day, approximately four days a week). Anhydrous ammonia is a necessary component to producing ammonium thiosulfate (ATS). Flint Hills Resources Pine Bend's distribution terminal, coupled with new technology allows the refinery to convert a traditional source of air pollution from motor fuels (sulfur) into a valuable fertilizer product that benefits farmers and the environment. Currently, one of the largest applications of ATS technology in the world, this system also helps the refinery produce ultra-low sulfur gasoline, which lowers vehicle emissions and is better for the environment.

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Delivering and storing anhydrous ammonia on-site introduces the risk of an ammonia gas release that presents a hazard to employees and society. In line with industry practice and MN Dept. of Agriculture requirements, Flint Hills installed excess flow valves and emergency isolation valves to reduce the likelihood and mitigate the consequence of a release. Other risk mitigations include leak detection, ammonia detectors, tank vapor suppression deluge and remote level monitoring.

Project Need

This project will provide Flint Hills' Pine Bend refinery with a continuous supply of anhydrous ammonia while reducing truck traffic and reducing the potential of safety events driven by accidental releases of ammonia. This reduces the probability of an anhydrous ammonia gas release from truck loading operations and operator involvement/oversight.

The pipeline will start at the CF Industries Anhydrous Ammonia Terminal located at 13040 Pine Bend Trail, Rosemount, MN and terminates at the Flint Hills' Pine Bend refinery.

Project Location

Flint Hills proposes to install an anhydrous ammonia pipeline approximately 1.6-miles in length in Rosemount, Minnesota. The pipeline originates at the CF Industries anhydrous ammonia Terminal. The pipeline crosses through Sections 17, 18, and 19 in Township (T) 115 North (N), Range (R) 18 West (W) and Section 13 in Township (T) 115 North (N), Range (R) 19 West (W) in the city of Rosemount, Dakota County, Minnesota. The pipeline terminates at Flint Hills' Pine Bend refinery. Project maps are provided in Appendix A.

Project Description

This project includes installation of a four and a half-inch (4 ½") outside diameter, welded steel, fusion bond epoxy coated pipe with a wall thickness of 0.237 inches. The pipeline will have a maximum operating pressure² of 720 psig, with typical operating pressures ranging between 250 to 355 psig. The pipeline will flow in one direction, with an anticipated flowrate range of 15 to 245 bph when transporting anhydrous ammonia from the CF Industries Anhydrous Ammonia Terminal to Flint Hills Resources' Pine Bend refinery.

² Maximum Operating Pressure (MOP) – as defined within 49 CFR 195.2, the maximum pressure at which a pipeline or segment of a pipeline may be normally operated.

A permanent 40' easement/right-of way will be required and maintained for the pipeline, 20' on each side of the pipeline centerline. A temporary 60' wide workspace will be required during construction, 30' on each side on the outside edge of the 40-foot permanent pipeline right-of-way. Exceptions are the road and railroad crossings which are HDD bores, see Appendix D for explanation of that process.

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Pipeline markers will be installed as required by regulation along the entire route of the pipeline.

The pipeline will be installed with a typical depth of cover of 4-1/2 feet (or 54 inches), including where the pipeline will cross a county, town or municipal street or highway, or where the pipeline will cross a drainage ditch.

A new liquid anhydrous ammonia transfer pump will be installed at the CF Industries Anhydrous Ammonia Terminal. The pipeline will begin at a point of demarcation at the CF Industries Anhydrous Ammonia Terminal at their property line. The pipeline will have traps at both ends of the pipeline, one at the east end downstream of the demarcation line at the CF Industries Anhydrous Ammonia Terminal and one at the west end inside the property line at the Flint Hills Resources Pine Bend refinery. Automated shut off valves will be located at each trap.

High Consequence Areas

The pipeline route crosses through an Other Populated Area³, defined as a high consequence area (HCA) in 49 CFR 195.450. Additional HCAs the pipeline will be in proximity to include: an Unusually Sensitive Area⁴ and a Commercially Navigable Waterway⁵. 49 CFR 195 requires a pipeline integrity management program. This pipeline will be a part of the established Flint Hills Resources Integrity Management Program. Project maps depicting the pipeline route and showing the HCAs is provided in Appendix B.

Route Features and Impacts

The Project will cross lands consisting primarily of industrial lands owned by Flint Hills' Pine Bend refinery and CF Industries Anhydrous Ammonia Terminal. The pipeline will cross three roads: US Highway 52/Clayton Ave E, MN State Highway 55/Courthouse Boulevard, and Clark Road. The pipeline will run parallel to and cross a bike path on Flint Hills' property within Dakota County's existing right-of-way. No agricultural lands will be crossed.

For the Project, Flint Hills retained Commonwealth Heritage Group (Commonwealth) to perform an archeological review of the Project area. For this study, Commonwealth reviewed site files maintained by the Minnesota Office of the State Archaeologist and Minnesota state Historic Preservation Office to locate any previously identified archeological sites. A field survey and shovel test survey were also performed along the route. Commonwealth's report summarized the findings as follows:

"The work effort resulted in the identification of no new archaeological sites and the revisit of one previously identified archaeological alpha site (21DKak) intersecting the construction limits during the survey. As is standard practice in Minnesota, the

³ Other Populated Area – as defined within 49 CFR 195.450; a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area.

⁴ Unusually Sensitive Area – as defined within 49 CFR 195.6; a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release.

⁵ Commercially Navigable Waterway – as defined within 49 CFR 195.450; a waterway where a substantial likelihood of commercial navigation exists

boundary of this site is shown to be the entire section it is in but in actuality the site itself, when formally documented, would likely be much smaller than what is currently represented. The alpha site has no site form but is instead described in a Pioneer Press newspaper article. The article describes the site as being located down along the shoreline adjacent to the river. Commonwealth preformed an intensive survey for the alpha site within the construction limits of the Project and found no evidence of the prehistoric site. Commonwealth is left to conclude that if 21DKak does exist in this section, it is likely located down along the river shoreline and does not intersect this Project area. Commonwealth believes that the survey is adequate and complete, and recommends the Project proceed as designed and proposed. Commonwealth suggests this investigation results in a determination of "No Historic Properties Affected" and receive no further archaeological survey work."

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Right of Way	Length (miles)	% Ownership
CF Industries	0.01	1%
Flint Hills	1.31	82%
Chicago & North Western Transportation Company	0.01	1%
Minnesota Department of Transportation	0.26	16%
	1.59	

Crossing	Description	GPS Location
#1	Chicago & Norther Western Transportation Company (railroad)	44.76492, -93.03177
#2	MN State Highway 55/Courthouse Blvd	44. 76435°, -93. 03204°
#3	US Highway 52/Clayton Ave E	44.76407°, -93.03396°
#4	Clark Road	44. 76407°, -93. 03472°

Pipeline Construction Schedule and Sequence

Construction Schedule

Flint Hills anticipates pipeline construction will commence during the Fall of 2022; likely during the months of September/October and continue through the Spring/Summer of 2023. Construction activities under the highways and Clark Road are expected to take several weeks but will have minimal to no impact on the traffic flow. Flint Hills will contact landowners prior to the start of construction activities. Once construction begins, the contractor will proceed in a timely, professional manner to complete construction across each landowner's property and reduce inconvenience to the landowner. Restoration and clean-up activities will occur on a continuing basis for the duration of the Project.

Construction Sequence

Standard pipeline construction includes surveying and staking of the right-of-way; clearing and grading; installation of erosion and sediment control measures; trenching; pipe stringing, bending, and welding; lowering the pipeline into the trench; backfilling the trench and final grade of the construction area; hydrostatic testing; final tie-ins; commissioning; and removal of temporary erosion and sediment controls and right-of-way cleanup. A typical pipeline construction sequence drawing is illustrated in Appendix C.

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Installation of the pipeline at road and drainage ditch crossings will be conducted utilizing either a bore or horizontal directional drill (HDD) method. An HDD process illustration is provided in Appendix D. Damage, if any, to drainage tiles will be repaired. During construction, temporary gates and fences may be installed at specific locations. After the pipeline is installed, temporary gates and fences will be removed, and the affected area cleaned up and restored to its prior condition. Any existing fences or gates that are removed or damaged during Project activities will be repaired or replaced, if necessary, after completion of construction.

All reasonable efforts will be made to reduce soil compaction and mixing of topsoil and subsoil. Flint Hills will utilize standardized erosion control and restoration measures to minimize and mitigate potentially adverse environmental effects resulting from right-of-way preparation, construction, operation, and maintenance of the proposed pipeline. Typical erosion control measures will be properly maintained throughout construction and reinstalled as necessary until construction is complete.

Some noise pollution will occur during construction. The noise will be the typical sounds resulting from the use of heavy construction equipment that approximates the decibel level of heavy farm machinery. The construction contractor is anticipated to work a 10 hours per day, 7 a.m. to 5 p.m., 5 to 7 days a week normally. Some activities require longer hours, but this should be limited.

Operation of Pipeline Facilities

Operational activity associated with the pipeline and aboveground facilities typically includes maintenance of the right-of-way. Periodic aerial and ground inspections by company personnel or 3rd party contract labor will identify any soil erosion that may expose the pipe; changes in vegetation that may indicate line compromises; conditions of the vegetative cover and erosion control measures; unauthorized encroachment on the right-of-way, such as buildings or other substantial structures; and other conditions that could present a safety hazard or require preventative maintenance or repairs. Appropriate responses to conditions observed during inspection will be taken.

EXPLANATION OF RIGHT-OF-WAY REQUIREMENTS, ACQUISITION PROCESS, AND RIGHTS AND ALTERNATIVES OF LANDOWNERS

Right-of-Way Requirements

Flint Hills will require one easement along the pipeline route. This easement will be between Flint Hills and CF Industries for a control valve that will be placed on CF Industries' property.

Flint Hills owns all other land in which the pipeline will run, aside from the road and railroad crossings. For these crossings, Flint Hills will seek a permit or a license as required, (see page 6).

Flint Hills personnel will mow the pipeline right-of-way and keep it clear of shrubs and trees. Within the CF Industries' Anhydrous Ammonia Terminal, the easement area will be covered with

rock, and vegetation will be prevented. Marker posts will be placed along the pipeline route for identification of the buried pipeline consistent with regulatory requirements

Information Book

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Acquisition Process

A Flint Hills right-of-way agent will contact individual landowners to negotiate a right-of-way easement not sooner than 30 days after the public meeting regarding the Project pursuant to Minn. Stat. 216.G05. A right-of-way agent may contact landowners prior to that time to discuss the Project and obtain permission for a survey crew to enter the property to conduct civil and environmental surveys.

Damages

Flint Hills will compensate landowners and tenants for property damages (e.g. crops, timber, fences, and drainage tiles) directly caused by construction of the pipeline.

Eminent Domain

This is a private pipeline project and therefore Flint Hills will not be using eminent domain.

PIPELINE CONSTRUCTION LEGAL REQUIREMENTS

The United States Department of Transportation, Pipeline Hazardous Materials Administration (PHMSA) and the Minnesota Department of Public Safety acting through the Minnesota Office of Pipeline Safety (MNOPS) have jurisdiction over transportation of liquified petroleum gas by pipeline. Federal safety regulations (Title 49 of the Code of Federal Regulations Part 195) have been adopted by the State of Minnesota as minimum safety standards for design requirements, construction, hydrostatic testing, and operation and maintenance. Flint Hills' construction specifications will meet or exceed these standards. The Minnesota Office of Pipeline Safety may monitor construction of the pipeline and has an ongoing responsibility for monitoring the pipeline for compliance with applicable safety regulations.

Depth of Burial Requirements

The pipeline will be installed according to Minn. Stat. 216.G07 with a typical depth of cover of 4-1/2 feet (or 54 inches) including where the pipeline will cross a state, county, or municipal street or highway; where the pipeline will cross cultivated agricultural land; or where the pipeline will cross a drainage ditch right-of-way.

Limited Liability of Landowners or Lessees

Any owner or lessee of any real property or any person acting with the authority of that owner or lessee who, in the ordinary conduct of agricultural operations upon that property, causes any injury to any underground pipeline, will not be liable for any of the direct or incidental costs of repairing, restoring or replacing the pipeline in the absence of a showing of gross negligence or willful or wanton misconduct. The term "ordinary conduct of agricultural operations" does not include well drilling or other types of extraction. "Ordinary conduct of agricultural operations" does include installation or repair of agricultural drainage tile only if that person gives verbal or written notice to the One-Call excavation notice system.

Permit Requirements

Flint Hills will obtain all required permits or consultations from the appropriate state, county or local authorities. The proposed pipeline is less than 6" in diameter and will carry anhydrous ammonia as a liquid product; therefore, a pipeline routing permit from the Minnesota Public Utilities Commission is not required. Pursuant to Minn. Stat. 216.G03, notice of the proposed pipeline construction has been provided to the Commission and the Dakota County Board of Commissioners. The following table identifies the permits and approvals Flint Hills has obtained or may obtain to complete the pipeline Project, as appropriate.

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Agency	Permit or Approval
U.S. Fish and Wildlife Services	Endangered Species Act Compliance
U.S. Fish and Wildlife Services	Migratory Bird Act Compliance
U.S. Fish and Wildlife Services	Bald and Golden Eagle Protection Act
State Historic Preservation Office	National Historic Preservation Act Compliance
Department of Natural Resources – National Heritage Information System	MN Endangered Species Law
Department of Natural Resources - Water	Water Appropriation Permit
Minnesota Pollution Control Agency	Construction Stormwater Permit Notice of Intent (NOI) & Storm Water Pollution Prevention Plan (SWPPP)
Union Pacific Railroad	Crossing License
State of Minnesota Department of Transportation	Utility Crossing Permit
City of Rosemount	Transmission and Utility, Grading, and Tree Clearing

COUNTY PROCEDURES

Inspection Fee

Minn. Stat 216.G07, subdivision 6, provides that before beginning construction Flint Hills must pay the county inspection fee to the County Treasurer of Dakota County of \$500 for each mile or fraction of a mile that will be constructed in Dakota County. The sum to be paid to Dakota County under this formula will be \$1,000.

County Inspector and Contacting the Inspector in the Event of Noncompliance with Legal Requirements

The Dakota County Board will designate an inspector to conduct on-site inspections as needed during Project construction. The county inspector will determine whether the pipeline is constructed in compliance with the provisions of Minnesota Statutes section 216.G07 and ordinances or resolutions adopted by the County. If Flint Hills or its contractors fail or refuse to comply with the Minn. Stat. 216.G07 or ordinances or resolutions, the inspector will report to the County Board that specific failure or refusal and the inspector will issue a written notice to Flint Hills and/or its contractors specifying the violation and the action to be taken. The inspector shall maintain a written log including all comments and complaints concerning the pipeline construction. The log will also note any complaints concerning failure to settle claims filed by the landowners.

FLINT HILLS CONTACT INFORMATION

A Flint Hills right-of-way agent will be available throughout the duration of the pipeline Project to answer questions or discuss any concerns landowners and tenants may have. The agent's contact information will be provided to each landowner and tenant affected by the Project. Additionally, to obtain information or discuss concerns regarding property and right-of-way easement acquisition, landowners and tenants are encouraged to contact Holli VanOverbeke of Flint Hills at:

Information Book

PUC Docket No.: IP2/PPL-21-747

Flint Hills Resources 3120 117th St. E., Inver Grove Heights, MN 55077 Direct Line: 651-438-5669

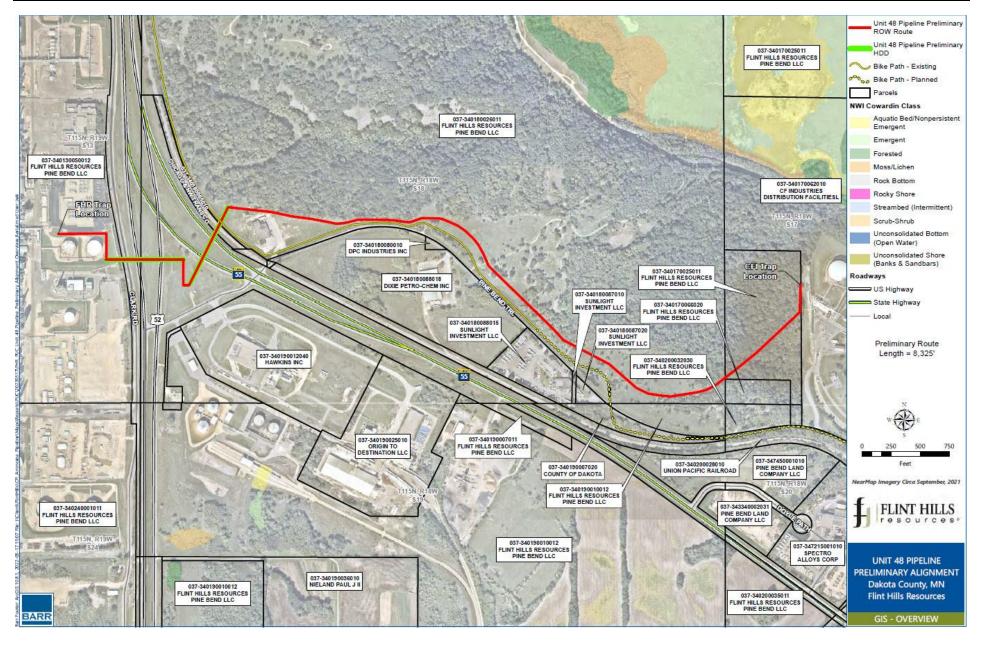
Email: Holli.VanOverbeke1@fhr.com

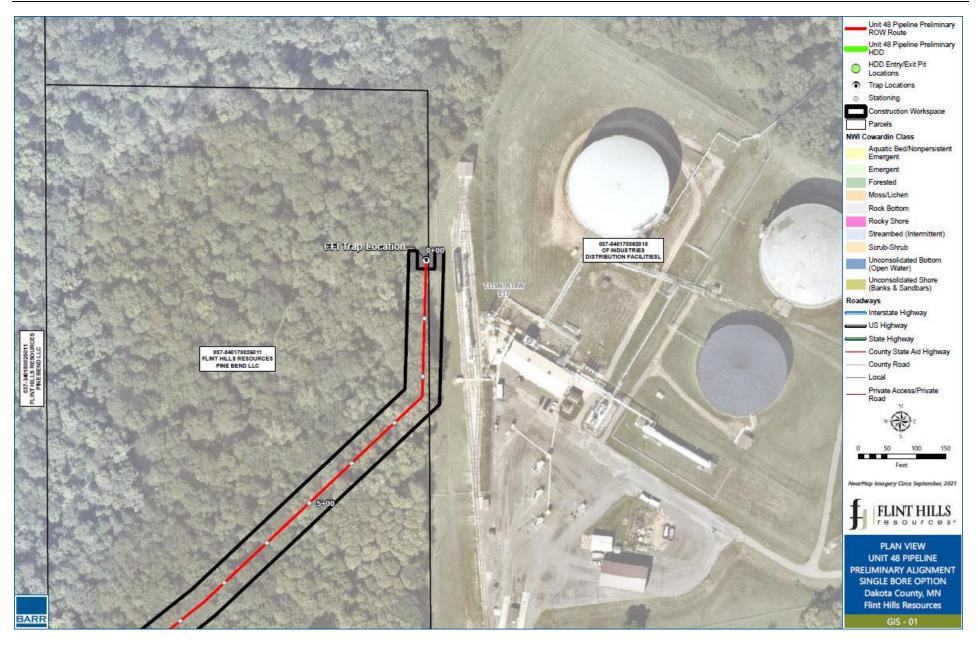
Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

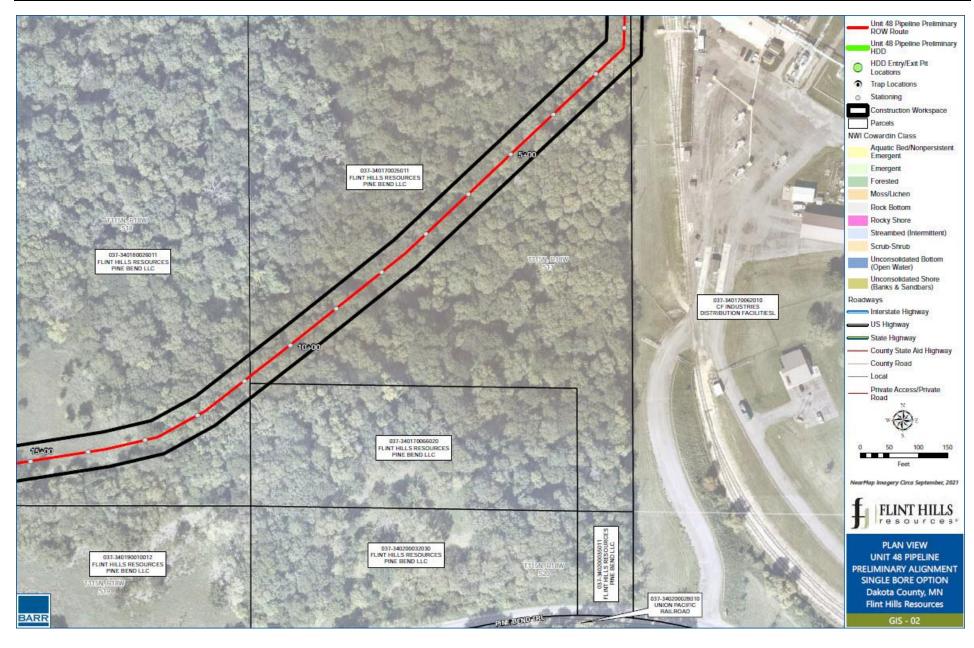
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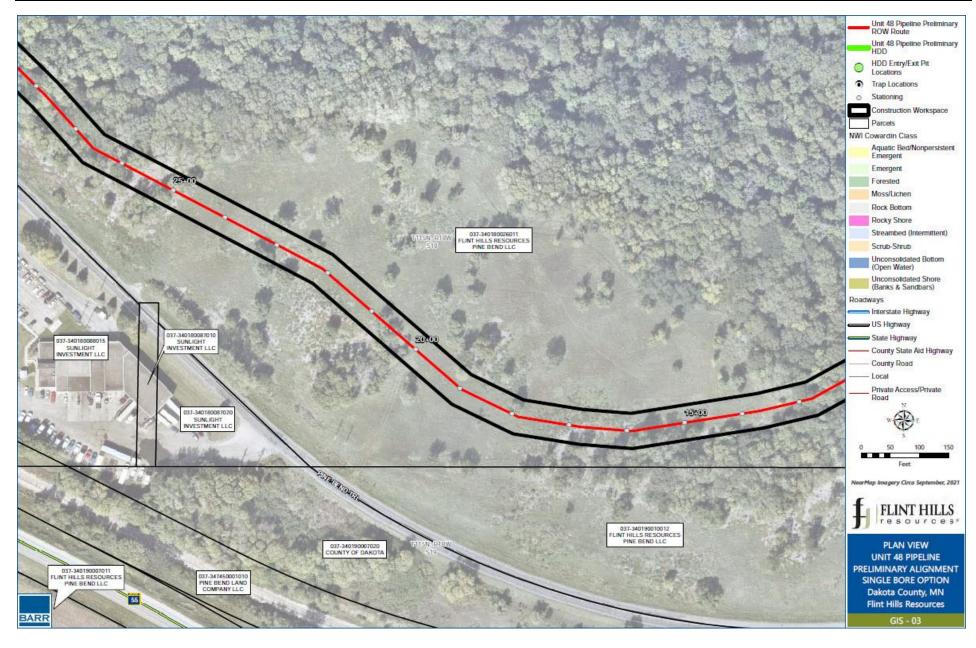
PUC Docket No.: IP2/PPL-21-747

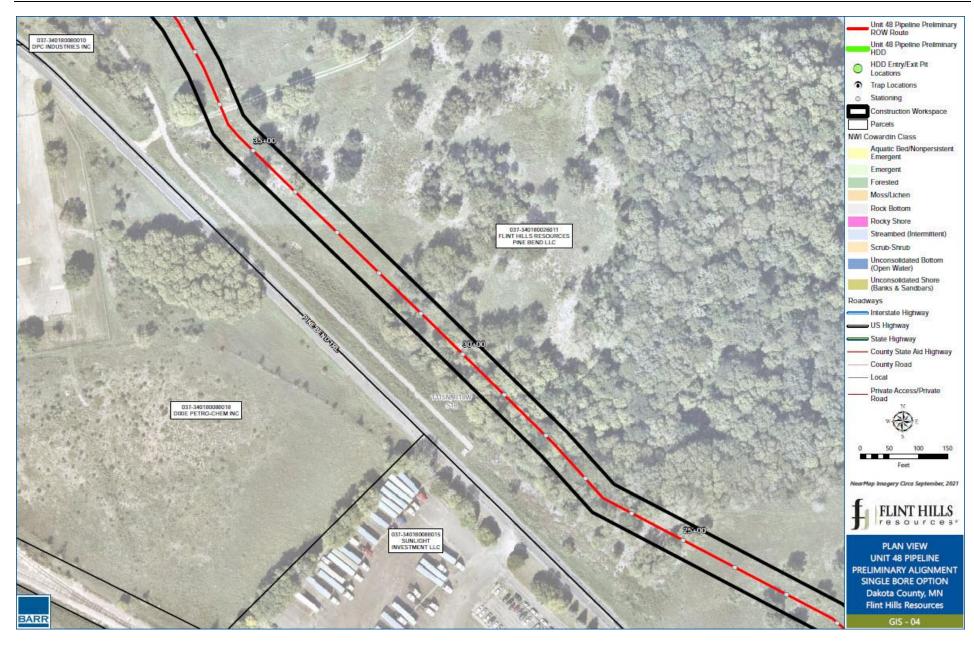
APPENDIX A: Project Location Maps

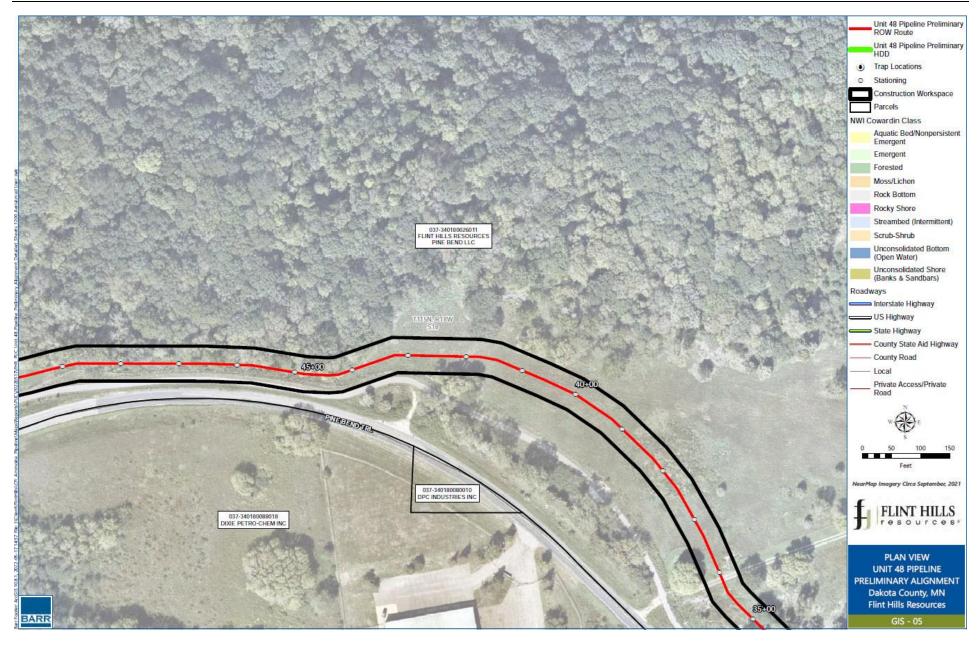


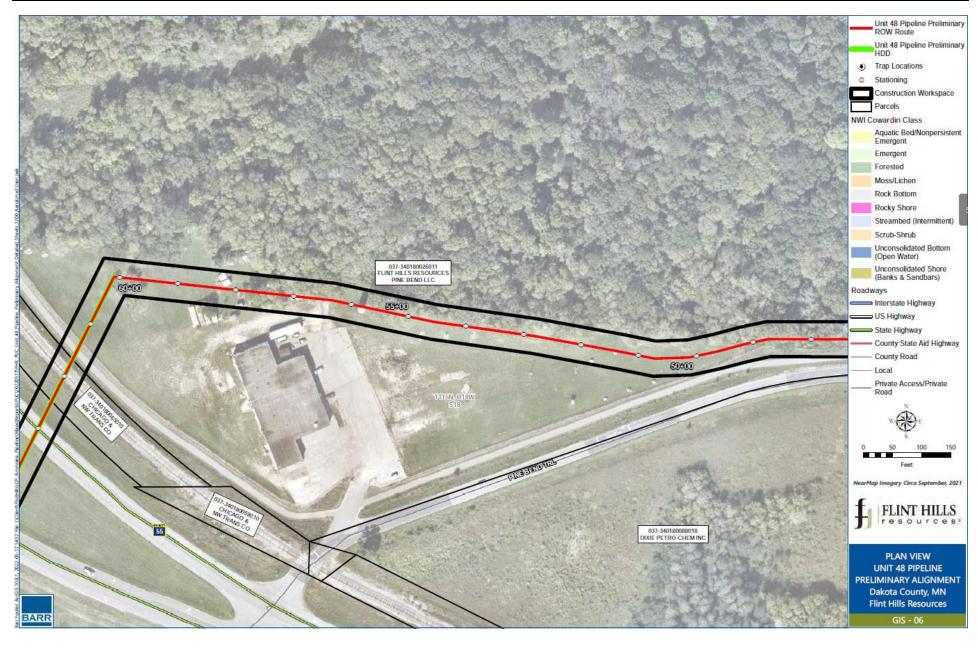


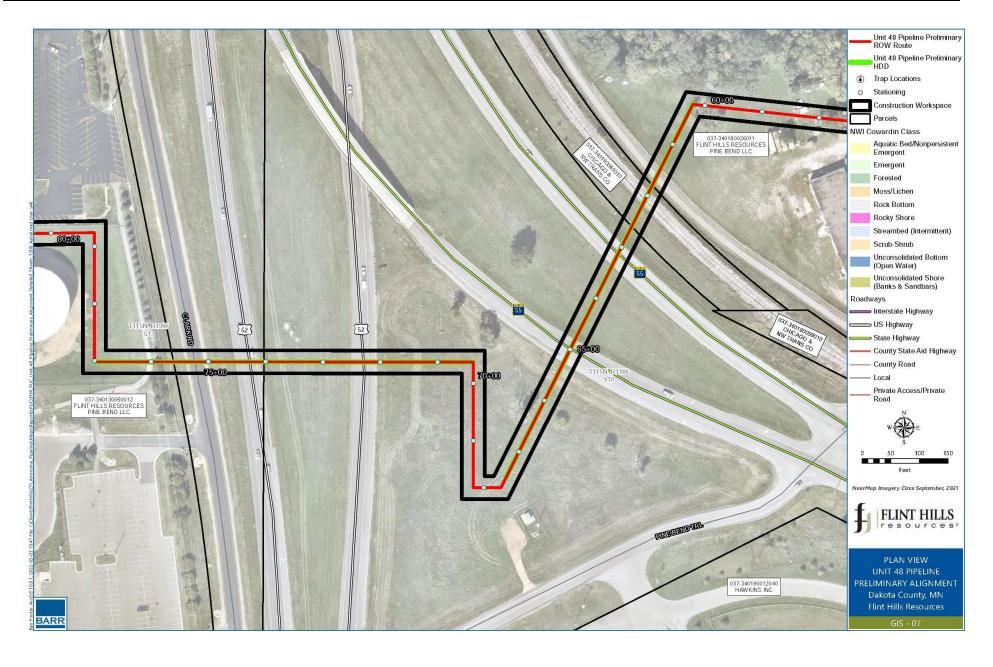


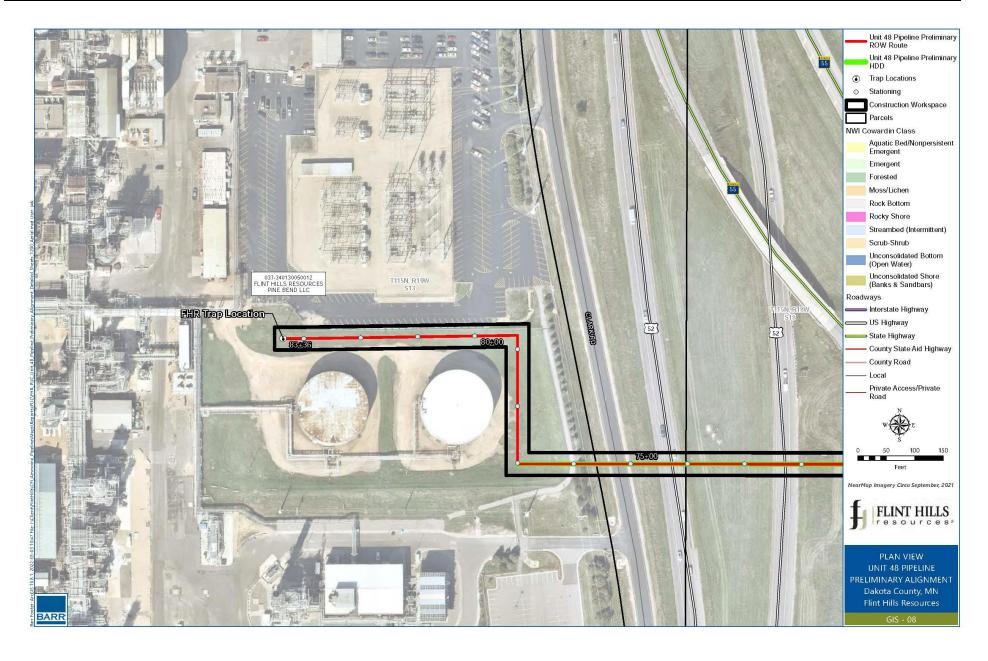










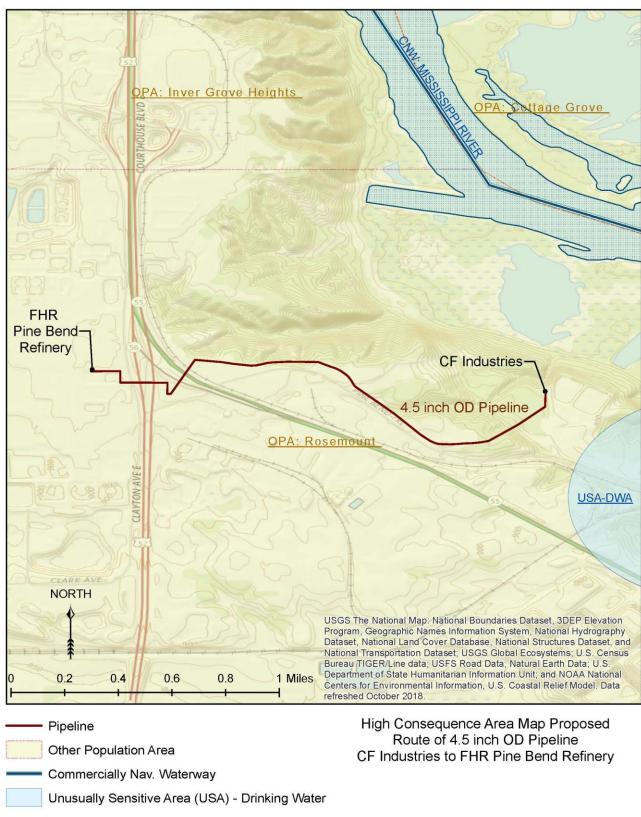


Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

Information Book

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APPENDIX B: High Consequence Area Map



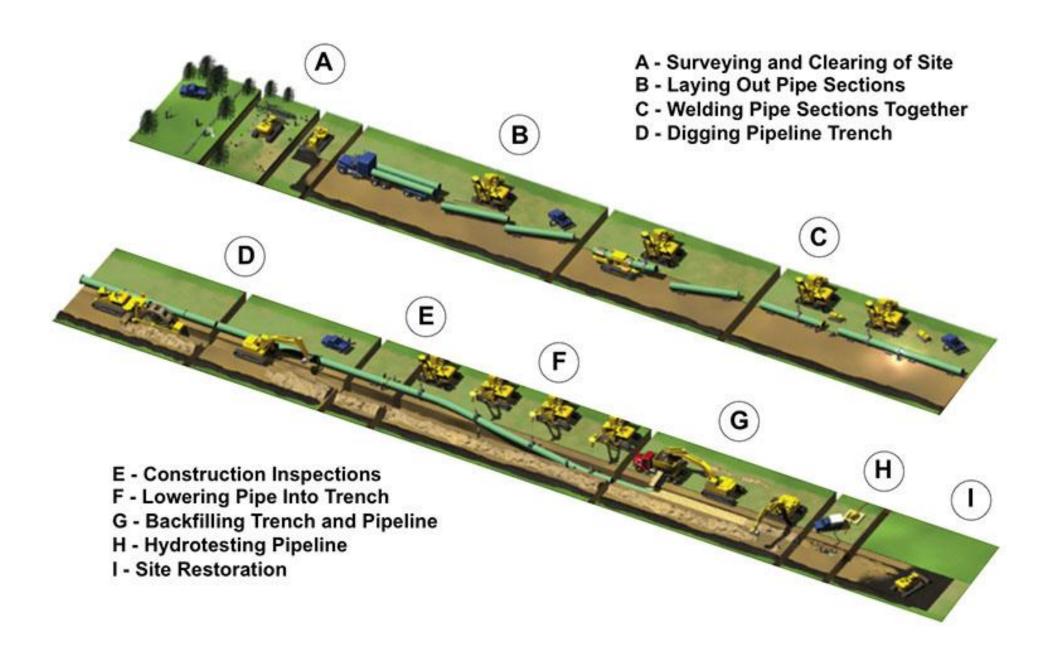
Note: Unusually Sensitive Area (USA) Ecological features in the vicinity of the proposed pipeline route are not displayed due to contractual obligations. The proposed pipeline route does not traverse through any USA.

Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

Information Book

PUC Docket No.: IP2/PPL-21-747

APPENDIX C: Typical Pipeline Construction Sequence



^{• &}quot;Pipeline Construction Steps." AOPL, https://aopl.org/page/pipeline-construction

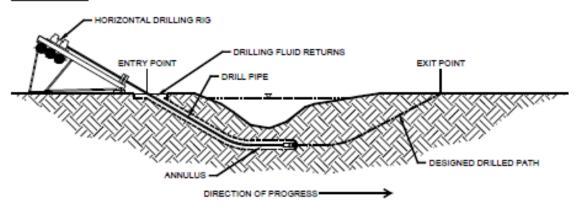
Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

Information Book

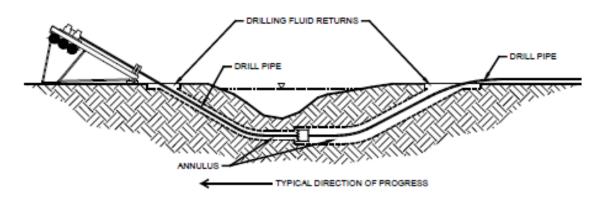
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APPENDIX D: The Horizontal Directional Drilling (HDD) Process

PILOT HOLE



PREREAMING



PULLBACK

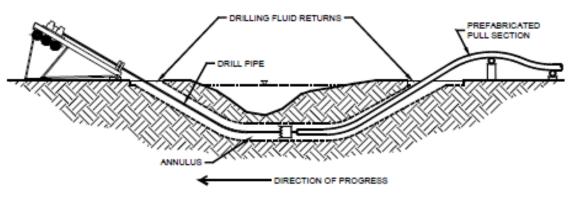


Figure 1 The HDD Process

[&]quot;The Horizontal Directional Drilling Process." *The Horizontal Directional Drilling Process*, 1 Jan. 1970, penelitipipe.blogspot.com/2014/01/the-horizontal-directional-drilling.html.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben Chair
Valerie Means Commissioner
Matthew Schuerger Commissioner
Joseph K. Sullivan Commissioner
John A. Tuma Commissioner

Holli VanOverbeke Flint Hills Resources P.O. Box 64596 Saint Paul, Minnesota

SERVICE DATE: August 5, 2022

DOCKET NO. IP2/PPL-21-747

In the Matter of the Information Book for Owners and Tenants of Property along the Unit 48 Pipeline Route in Dakota County, Minnesota

The above-entitled matter was considered by the Commission on July 21, 2022 and the following disposition made:

- 1. Approved the Information Book with the spelling correction as proposed by staff.
- 2. Required the applicant to file an affidavit1 showing:
 - a. the distribution of the Information Book has occurred, and
 - b. Dakota County held a public meeting as required in Minn. Stat. § 216G.05.

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

STHEST STATES

Will Seuffert Executive Secretary

William Lefte

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

¹ The Commission required Flint Hills Resources to file an affidavit demonstrating compliance with statutory requirements that will occur after the Commission's approval of the Information Book. Flint Hills Resources did not object to filing an affidavit of compliance, and this requirement is consistent with the Department's recommendations.



June 17, 2022

Mr. Will Seuffert Executive Secretary Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St. Paul, MN 55101-2147

RE: In the Matter of the Information Book for Owners and Tenants of Property along the Unit 48 Liquified Anhydrous Ammonia Pipeline Route in Dakota County, Minnesota Docket No. IP-2/PPL-21-747

Dear Mr. Seuffert:

Attached are the comments and recommendations of the Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the above referenced matter.

Flint Hills Resources Pine Bend, LLC has filed an "Information Book" for Commission approval pursuant to the requirements of Minnesota Statutes Chapter 216G for distribution to property owners and tenants, so they have a clear understanding of the proposed Unit 48 Liquified Anhydrous Ammonia Pipeline Route (Project)t in the city of Rosemount in Dakota County, Minnesota.

The Information Book was efiled on May 24, 2022 by:

Holli VanOverbeke Flint Hills Resources P.O. Box 64596 Saint Paul, Minnesota

Tel: 651-438-5669

Email: Holli.VanOverbeke@fhr.com

EERA staff recommends Commission approval of the information book in the above matter. Staff is available to answer any questions the Commission may have.

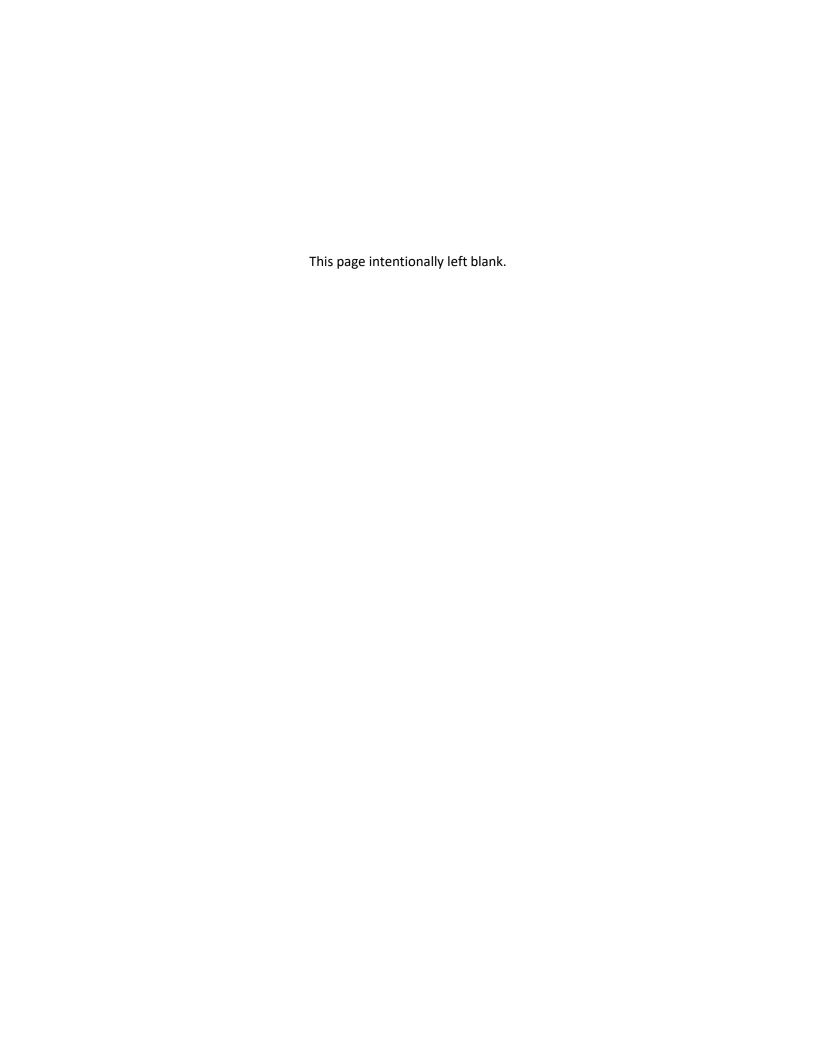
Sincerely,

/s/ Larry B. Hartman

DOC EERA staff Tel: 651-539-1839

Email: larry.hartman@state.mn.us

c: Louise Miltich, EERA Bret Eknes, Commission EFP Supervisor Charlie Bruce, Commission staff





BEFORE THE PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS Comments and Recommendations

Unit 48 Liquified Anhydrous Ammonia Pipeline Project **Docket No. IP-2/PPL-21-747**

Date: June 17, 2022 Staff: Larry Hartman (651) 539-1839 | larry.hartman@state.mn.us

In the Matter of the Information Book for Owners and Tenants of Property along the Unit 48 Liquified Anhydrous Ammonia Pipeline Route in Dakota County, Minnesota

Issues Addressed: These comments and recommendations address the following questions:

- Does the Information Book contain the information required under Minnesota Statutes,
 Chapter 216G?
- Should the Commission approve of the Information Book that authorizes Flint Hills Resources Pine Bend, LLC to proceed with the requirements of Minn. Stat. 216G for an Information Book?
- Are there other issues or concerns related to this matter?

Additional documents and information, including the Information Book is available on eDockets by searching "21" for year and "747" for number: https://www.edockets.state.mn.us/EFiling/search.jsp.

This document can be made available in alternative formats, that is, large print or audio, by calling (651) 539-1530 (voice).

Introduction and Background

On November 15, 2021, Flint Hills Resources provided notice to the Minnesota Public Utilities Commission (Commission) and Dakota County Board of Commissioners of its proposed Unit 48 Pipeline Project pursuant to Minn. Stat. 216G.03 Subd 2, which requires preparation of an Information Book.¹

Flint Hills Resources' proposed pipeline is a hazardous liquid pipeline with a nominal diameter of less than six inches. Therefore, it meets the definition of a "pipeline" pursuant to Minn. Stat.

¹ Notice provided by Flint Hills Resources', See eDockets at: <u>20223-183958-01</u>. This notice was provided, as required by statute, but not posted until an eDocket was created for the project. Notice posted on March 18, 2022.

216G.01 and therefore requires Commission approval of an "Information Book" for distribution to owners and tenants of property along the Unit 48 Liquified Anhydrous Ammonia Pipeline Route in the city of Rosemount in Dakota County, Minnesota.

Flint Hills Resources Pine Bend, LLC (FH) is requesting Commission approval of an Information Book pursuant to the requirements of Minnesota Statutes 216G.03-216G.04 to construct the proposed Unit 48 Anhydrous Ammonia Pipeline Project in Dakota County, an approximately 1.6-mile-long 4.5-inch outside diameter, welded steel, fusion bond epoxy coated pipe with a wall thickness of 0.237 inches and a maximum allowable operating pressure (MAOP) of 740 pounds per square inch gauge (psig) with typical operating pressures ranging between 250 to 355 psig.²

FH representatives and EERA staff have worked together in development of and revisions to the "Information Book" prior to Flint Hills' filing on May 24, 2022.³

EERA staff has also held discussions with a representative of Dakota County on April 21, 2022 to explain the Information Book requirements and procedures of Minn. Stat. 216G. EERA staff will continue to advise Dakota County and other units of government if there are any additional questions regarding their role in complying with the requirements of Minn. Stat. 216G.

Project Purpose

In July 2020, FH constructed a permanent anhydrous ammonia system to eliminate a temporary system. This system included the installation of a 45,000-gallon tank, currently supplied by ~12 truck deliveries per week (3 trucks per day, approximately four days a week). Anhydrous ammonia is a necessary component to producing ammonium thiosulfate (ATS). FH has indicated that Flint Hills Resources Pine Bend's distribution terminal, coupled with new technology allows the refinery to convert a traditional source of air pollution from motor fuels (sulfur) into a valuable fertilizer product that benefits farmers and the environment. FH has indicated that this is currently, one of the largest applications of ATS technology in the world, and that this system also helps the refinery produce ultra-low sulfur gasoline, which lowers vehicle emissions and is better for the environment.⁴

Delivering and storing anhydrous ammonia on-site introduces the risk of an ammonia gas release that presents a hazard to employees and society. In line with industry practice and MN Dept. of Agriculture requirements, Flint Hills installed excess flow valves and emergency isolation valves to reduce the likelihood and mitigate the consequence of a release. Other risk mitigations include ammonia detectors, tank vapor suppression deluge and remote level monitoring.⁵

²Liquefied Petroleum Gas (LPG) - a liquid mixture of light gaseous hydrocarbons (ethane, propane, butane, etc.) used as fuel in heating appliances, cooking equipment, and vehicles.

³ Information Book, see eDockets at: 20225-186029-01.

⁴ Ibid. p. 4

⁵ Ibid. p. 4.

This project will provide Flint Hills' Pine Bend refinery with a continuous supply of anhydrous ammonia while reducing truck traffic and reducing the potential of safety events driven by accidental releases of ammonia. This reduces the probability of an anhydrous ammonia gas release by ~50% and operator involvement/oversight of unloading operation, currently at ~14 manhours/wk.⁶

Project Location

The pipeline will start at the CF Industries Anhydrous Ammonia Terminal located at 13040 Pine Bend Trail, Rosemount, MN and terminate at the Flint Hills' Pine Bend refinery.⁷

Flint Hills proposes to install an anhydrous ammonia pipeline approximately 1.6-miles in length in Rosemount, Minnesota. The pipeline originates at the CF Industries anhydrous ammonia Terminal. The pipeline crosses through Sections 17, 18, and 19 in Township (T) 115 North (N), Range (R) 18 West (W) and Section 13 in Township (T) 115 North (N), Range (R) 19 West (W) in the city of Rosemount, Dakota County, Minnesota. The pipeline terminates at Flint Hills' Pine Bend refinery. Project maps are provided in Appendix A.8

Project Description

This project includes installation of a four and a half-inch (4 ½ inches) outside diameter, welded steel, fusion bond epoxy coated pipe with a wall thickness of 0.237 inches. The pipeline will have a maximum operating pressure⁹ of 720 psig, with typical operating pressures ranging between 250 to 355 psig. The pipeline will flow in one direction, with an anticipated flowrate range of 15 to 245 bph when transporting anhydrous ammonia from the CF Industries Anhydrous Ammonia Terminal to Flint Hills Resources' Pine Bend refinery. ¹⁰

FHR is proposing to acquire a permanent 40-foot easement (right-of-way) that will be maintained for the pipeline, 20-feet on each side of the pipeline centerline. A temporary 60-foot-wide temporary workspace will be required during construction, 30-feet on each side on the outside edge of permanent 40-foot permanent pipeline right-of-way. The permanent 40-foot easement will be limited to installation, operation, and maintenance of a single pipeline within the easement. Additional temporary workspace may be required to facilitate the boring or horizontal directional drilling (HDD) activities at roadway and rail bed crossings.

⁶ Ibid. p. 4

⁷ Ibid. p. 4

⁸ Ibid. p. 4

⁹ Maximum Operating Pressure (MOP) – as defined within 49 CFR 195.2, the maximum pressure at which a pipeline or segment of a pipeline may be normally operated.

¹⁰ Information Book, see eDockets at: 20225-186029-01, p. 4-5.

¹¹ Ibid. p. 5

These additional temporary workspace areas will be approximately 50 feet wide by 200 feet long (see Appendix D for illustration of that process. 12

Pipeline markers will be installed as required by federal regulations (49 Code of Federal Regulation Part 195.41) along the entire route of the pipeline.

The pipeline will be installed with a typical depth of cover of 4-1/2 feet (or 54-inches) including where the pipeline will cross a county, town, or municipal street or highway; where the pipeline will cross cultivated agricultural land; or where the pipeline will cross a drainage ditch. A landowner may waive depth of cover requirements (See Minn. Stat. 216G.07).¹³

A new liquid anhydrous ammonia transfer pump will be installed at the CF Industries Anhydrous Ammonia Terminal. The pipeline will begin at a point of demarcation at the CF Industries Anhydrous Ammonia Terminal at their property line. The pipeline will have traps at both ends of the pipeline, one at the east end downstream of the demarcation line at the CF Industries Anhydrous Ammonia Terminal and one at the west end inside the property line at the Flint Hills Resources Pine Bend refinery. Automated shut off valves will be located at each trap.¹⁴

In addition to the pipeline, associated facilities, will include installation of valves and a cathodic protection system. The valves will be located in accordance with applicable federal and state pipeline regulations. Cathodic protection systems needs are being evaluated and will be installed as necessary to provide anti-corrosion protection. Any other component placements will be determined upon final configuration of the pipeline and operation needs.

Route Features Traversed

Land Use

As illustrated in Table 1, the Project will traverse lands consisting primarily of industrial lands owned by Flint Hills' Pine Bend refinery and CF Industries Anhydrous Ammonia Terminal. The pipeline will cross three roads: US Highway 52/Clayton Ave E, MN State Highway 55/Courthouse Boulevard, and Clark Road, as identified in Table 2. The pipeline will run parallel to and cross a bike path on Flint Hills' property within Dakota County's existing right-of-way. No agricultural lands will be crossed.¹⁵

Table 1					
Land Use, Features Traversed and Ownership					
Right of Way Length (miles) % Ownership					
CF Industries	0.01	1%			
Flint Hills	1.31	82%			

¹² Ibid. p. 26.

¹³ Ibid. p. 5.

¹⁴ Ibid. p. 5.

¹⁵ Ibid. p. 5.

Minnesota Department of Transportation	0.26	16%
	1.59	

Table 2 Crossing Locations					
Crossing Description GPS Location					
#1	Chicago & Norther Western Transportation Company (railroad)	44.76492, -93.03177			
#2	MN State Highway 55/Courthouse Blvd	44. 76435°, -93. 03204°			
#3	US Highway 52/Clayton Ave E	44.76407°, -93.03396°			
#4	Clark Road	44. 76407°, -93. 03472°			

Lands disturbed_by construction activities will be restored.

Archaeological and Historic Resources

For the Project, FH retained Commonwealth Heritage Group (Commonwealth) to perform an archeological review of the Project area. For this study, Commonwealth reviewed site files maintained by the Minnesota Office of the State Archaeologist and Minnesota state Historic Preservation Office to locate any previously identified archeological sites. A field survey and shovel test survey were also performed along the route. Commonwealth's report summarized the findings as follows:

"The work effort resulted in the identification of no new archaeological sites and the revisit of one previously identified archaeological alpha site (21DKak) intersecting the construction limits during the survey. As is standard practice in Minnesota, the boundary of this site is shown to be the entire section it is in but the site itself, when formally documented, would likely be much smaller than what is currently represented. The alpha site has no site form but is instead described in a Pioneer Press newspaper article. The article describes the site as being located down along the shoreline adjacent to the river. Commonwealth preformed an intensive survey for the alpha site within the construction limits of the Project and found no evidence of the prehistoric site. Commonwealth is left to conclude that if 21DKak does exist in this section, it is likely located down along the river shoreline and does not intersect this Project area. Commonwealth believes that the survey is adequate and complete, and recommends the Project proceed as designed and proposed. Commonwealth suggests this investigation results in a determination of "No Historic Properties Affected" and receive no further archaeological survey work."

Based on Flint Hills' review of site files maintained by the Minnesota State Historic Preservation Office and files maintained by the National Register of Historic Places, no previously recorded archaeological features or historic properties are located within the proposed pipeline route and temporary workspace.¹⁶

High Consequences Areas

Pipeline safety regulations use the concept of "High Consequence Areas" (HCAs), to identify specific locales and areas where a release could have the most significant adverse consequences. Once identified, operators are required to devote additional focus, efforts, and analysis in HCAs to ensure the integrity of pipelines.

Releases from pipelines can adversely affect human health and safety, cause environmental degradation, and damage personal or commercial property. Consequences of inadvertent releases from pipelines can vary greatly, depending on where the release occurs, and the commodity involved in the release.

Identification of HCAs for hazardous liquid pipelines focuses on pipelines that pass close to populated areas, drinking water sources and unusually sensitive ecological resources. Drinking water sources include those supplied by surface water or wells and where a secondary source of water supply is not available. The land area in which spilled hazardous liquid could affect the water supply is also treated as an HCA.

The pipeline route crosses through an Other Populated Area,¹⁷ defined as a high consequence area (HCA) in 49 CFR 195.450. Additional HCAs the pipeline will be in proximity to include: an Unusually Sensitive Area (Drinking Water)¹⁸ and a Commercially Navigable Waterway¹⁹. 49 CFR 195 requires a pipeline integrity management program. This pipeline will be a part of the established Flint Hills Resources Integrity Management Program. Project maps depicting the pipeline route and showing the HCAs is provided in Appendix B.²⁰

¹⁶ Ibid. p. 5-6.

¹⁷ Other Populated Area – as defined within 49 CFR 195.450; a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area.

¹⁸ Unusually Sensitive Area – as defined within 49 CFR 195.6; a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release.

¹⁹ Commercially Navigable Waterway – as defined within 49 CFR 195.450; a waterway where a substantial likelihood of commercial navigation exists

²⁰ Ibid. p. 5.

Regulatory Process and Procedures

Minnesota Statutes 216G.01 through 216G.12 [Pipelines] provides for Commission review and regulation of pipelines as defined in this chapter. Commission review of a proposed pipeline project is determined by several factors. These factors include pipeline diameter, pressure threshold, liquid or natural gas, interstate or intrastate, franchise utility or not, public land or private land. In this instance the proposed project is subject to the Information Book requirements of Minn. Stat., Chapter 216G.

Information Book Requirements

The Information Book requirements of Minn. Stat 216G date back to 1979 and are in statute only, not rules. The statutory requirement for a pipeline route permit (see 216G.02) did not exist until 1987. The information book and route permit requirements do not have any procedural overlap; therefore, Commission review of pipelines is tiered, but dependent on the factors described above. However, other requirements for pipelines, such as depth of burial, the county inspector and other requirements are common to all pipelines, irrespective of the applicable Commission review process.

For an information book approved by the Commission, EERA staff provides an overview of the statutory requirements for: a) notice, procedure, fees, and restrictions; b) preparation, content, and distribution; and c) public meeting(s).

Minn. Stat. 216G.03, Subd. 2. [Notice, Procedure, Fees, Route Modifications and Right-of-Way Acquisition Restrictions]

Requires that any person proposing to construct or operate a pipeline for which a pipeline routing permit is not required to notify the Public Utilities Commission and the county board of each county through which the pipeline will be constructed.

The notice is to include: "a description of the route on which the pipeline is proposed to be located, the size and type of pipeline to be constructed, the types of commodities to be carried and the construction and operational characteristics of the pipeline. The proposed route shall be described in sufficient detail so that the owners or lessees of property on which the route is located can be identified."

The notice provided by FH meets the requirements of Min. Stat. 216G.03, Subd. 2.

As noted above, this subdivision also addresses two other provisions: one is fees and the other a route modification, and the requirements are as follows:

Notice to the Public Utilities Commission shall be accompanied by a fee of \$25,000 for preparation of an information book as provided

in section <u>216G.04</u> and for expenses incurred by state agencies to participate in public meetings as provided in section <u>216G.05</u>. All fees received are appropriated to the Public Utilities Commission for its own use and for distribution to state agencies for these purposes. The Public Utilities Commission shall refund any amount that exceeds the actual cost to the commission of preparing the information book, including necessary revisions, and to state agencies for participating in the public meetings.

If the pipeline route described in the notice is changed to the extent that, in any county, 20 percent or more of the owners or lessees of property on which the new route is located were not owners or lessees of property on which the other route was located, the person proposing to construct and operate the pipeline shall notify the Public Utilities Commission and the county board of that county of the change in the proposed route. No additional fee shall be required for a notice of change of a proposed route.

When an information book is required, the requirements of Minn. Stat. 216G.03 Subd. 3., limit a pipeline proposer from acquiring or negotiating for rights-of-way until:

- (a) a person may not negotiate or acquire an easement or right-of-way agreement for the purpose of constructing and operating a pipeline until 30 days after:
 - a public meeting has been held as provided in section 216G.05 in the county in which the right-of-way in question is located; and
 - (2) that person has provided to the owner or lessee from whom the easement or agreement is acquired a copy of the information book prepared pursuant to section 216G.04.
- (b) If the original information book is revised pursuant to section 216G.04, each owner or lessee of property which the original route did not affect shall be provided with a copy of the revised book.

FH has provided the required application fee for the Information Book.

Information Book [Minn. Stat. 216G.04]

The preparation of and the content requirements of an Information Book are covered in Minn. Stat. 216G.04 [Information Book] and are as follows:

- (a) Within 45 days after receiving notification, the Commission shall prepare and make available to the person proposing to construct the pipeline sufficient copies of an information book for owners and lessees of property along the pipeline. The other provision of this requirement may be satisfied the person proposing the pipeline to prepare the book at that person's expense subject to approval of the book by the Commission.
- (b) The information book shall contain at least the following information:
 - A description of the pipeline proposed for construction, including the proposed route, types of commodities to be carried, size of the line and construction and operation characteristics;
 - (2) explanation of the steps which must be taken to acquire right-of-way for the pipeline and of the rights and alternatives of the owner;
 - (3) explanation of the legal requirements that must be met in constructing the pipeline
 - (4) explanation of the county inspection procedures and instructions for contacting the inspector in the event of noncompliance with legal requirements.
- (c) Within 45 days after receiving notification of a change in a proposed route, the commission shall prepare and make available or shall approve a revision of the original information book so that a description of the new route and any other required information relevant to the new route is incorporated in the book.

Public Meetings Required [Minn. Stat. 216G.05]

(a) Within 60 days of receiving notification as provided in section 216G.03, the county board of each county in which the pipeline route is proposed to be located shall hold a public meeting as provided in this section. If a county board receives a required notification of a change in the proposed pipeline route in that county, the board shall hold an additional public meeting as provided in this section within 30 days after receiving notification. The purpose of a public meeting held pursuant to this section shall be to provide information to the public concerning:

- the pipeline proposed for construction, including the proposed route, the size of the pipeline, types of commodities to be carried and construction and operating characteristics; and
- (2) the legal requirements which must be met in acquiring easements and in construction and operating the pipeline.
- (b) Notice and agenda of the public meeting shall be given by the county board at least ten days, but no earlier than 45 days before the meeting. Notice shall be by publication in a legal newspaper of the county and a newspaper of general circulation in the area in which the public meeting is to be held and written notice to the clerk of each town and incorporated municipality in the county.
- (c) State agencies authorized to issue permits required for construction or operation of the pipeline shall participate in the public meetings in each county. The agencies shall explain the procedures for issuing the permits and the way the public may participate in those procedures.

Other Applicable Provisions of Minn. Stat. 216G

Besides the procedural statutory requirements reviewed above, the proposed Unit 48 Anhydrous Ammonia Pipeline Project is subject to the requirements of Minn. Stat. 216G.07, Subd 1. Depth of Cover, Subd. 2 Waiver of depth requirements, Subd. 3 Waiver of rules of political subdivisions, Subd. 5 Agricultural protection standards, Subd. 6 Inspection Fee, Subd. 7 County Inspector, Subd. 8 Equitable relief, Subd. 9 Criminal Penalty and Subd. 10 Civil Penalty.

EERA Staff Analysis and Comments

FH has complied with the requirements of Minn. Stat. 216G.03 by providing notice to the Minnesota Public Utilities Commission and Dakota County Board of Commissioners. ²¹ The notice provided the information required by Minn. Stat 216G.03 Subd 2. ²² Flint Hill Resources' also provided payment as required by Minn. Stat. 216G.03 Subd. 2.

DOC EERA staff has reviewed the information book for compliance with the requirements of Minnesota Statute 216G.04 (b) that include:

- (1) a description of the pipeline proposed for construction, including the proposed route, types of commodities to be carried, size of the line and construction and operation characteristics (See Information Book (IB), pages 3-7);
- (2) explanation of the steps which must be taken to acquire right-of-way for the pipeline and of the rights and alternatives of the owners (See IB, p. 7-8);
- (3) explanation of the legal requirements that must be met in constructing the pipeline (See IB, p. 8); and
- (4) explanation of the county inspections procedure and instructions for contacting the inspector in the event of noncompliance with legal requirements (See IB, p. 8).

DOC EERA staff finds that the revised Information Book submitted by Flint Hills Resources Pine Bend, LLC on May 24, 2022, for the Unit 48 Liquified Anhydrous Ammonia Pipeline Project meets the requirements of Minnesota Statute 216G.04 for Commission approval.

Dakota County is prepared to implement the requirements of Minn. Stat. 216G.05 [Public Meetings Required] upon Commission approval of the Information Book filed by Flint Hills Resources. EERA staff has confirmed this with a representative of Dakota County.

ERRA staff is not aware of any other issues or concerns related to this matter.

EERA Staff Recommendations

Approve the Flint Hills Resources Pine Bend, LLC "Information Book for Owners and Tenants of Property along the Unit 48 Liquified Anhydrous Ammonia Pipeline Project in Dakota County, Minnesota" prepared in compliance with Minnesota Statute 216GF.04 [Information Book] and authorize Flint Hills Pine Bend, LLC to proceed with the requirements of Minn. Stat. 216G for an Information Book.

²¹ See eDockets at: <u>20223-183958-01</u>. The Information Book was not filed until May 24, 2022, until project design and location modifications were finalized by FH.

CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Numbers: IP2/PPL-21-747

Dated this 5th day of August, 2022

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Sue	Anderson	sue.anderson@kochind.co m	Flint Hills Resources Pine Bend, LLC	3120 117th St E Inver Grove Heights, MN 55077	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.st ate.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-747_PPL-21-747
Sharon	Ferguson	sharon.ferguson@state.mn .us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Geoff	Glasrud	Geoff.glasrud@fhr.com	Flint Hills Resources	3120 117th St E Inver Grove Heights, MN 55077	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Matthew	Lemke	Matthew.lemke@kochps.co	Flint Hills Resources	3120 117th St E Inver Grove Heights, MN 55077	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Keith	Lightfoot	Keith.Lightfoot@fhr.com	Flint Hills Resources	4111 E 37th St N Wichita, KS 67220	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Jake	Reint	Jake.reint@kochps.com	Flint Hills Resources	3120 117th St E Inver Grove Heights, MN 55077	Electronic Service	No	OFF_SL_21-747_PPL-21-747
Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-747_PPL-21-747
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-747_PPL-21-747
Holli	VanOverbeke	holli.vanoverbeke@fhr.com	Flint Hills Resources	3120 117th St E Inver Grove Heights, MN 55077	Electronic Service	No	OFF_SL_21-747_PPL-21-747