



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

---

In the Matter of the Request for an Adjudicatory  
Hearing Regarding: Decision to Grant Confidential  
Status to Information Submitted to the Department  
of Natural Resources by Enbridge Energy, Limited  
Partnership – Superior Terminal

Case No. DNR-15-060

---

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals (DHA) will hold a public hearing on the above matter in the Hearing Room at the offices of DHA, 5005 University Avenue, Suite 201, Madison, Wisconsin on March 23, 2016 at 9:00 a.m.

The hearing is a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. These procedures closely resemble those normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans with Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call DHA at (608) 266-3865 with specific information on your request prior to the date of the scheduled hearing.

The issue for this hearing is:

Whether the Department of Natural Resources (Department) acted within its authority in granting confidential status to Enbridge Energy, Limited Partnership (Enbridge) in accordance with Wis. Admin. Code § NR 2.19(5)(b).

In August 2015 the Department informed Enbridge that the air permit application for its Superior Terminal at 2800 East 21st Street, Superior, Wisconsin was incomplete and additional information was needed. Enbridge responded to the Department's request but asked that certain supplemental information submitted to the Department on October 14, 2015 be treated as confidential.

On October 27, 2015 the Department issued a Notice of Preliminary Decision to Grant Request for Confidential Status (Notice). The Notice stated that "any interested person may obtain an



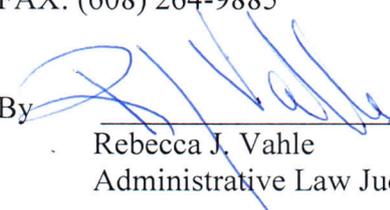
adjudicatory hearing on this preliminary decision by sending a request for a hearing ... within 10 days of the date of publication of this Notice.”

Within the 10 days required, Peter Bormuth requested an adjudicatory hearing pursuant to Wis. Stat. § 227.42 and ch. 285. The Department granted his request in a letter dated November 16, 2015 and an amended letter dated December 22, 2015, limited to the issue above. On December 7, 2015 DHA received a Request for Hearing from the Department and this hearing was scheduled.

Dated this 30<sup>th</sup> day of December in 2015 at Madison, Wisconsin.

STATE OF WISCONSIN DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 264-9885

By



---

Rebecca J. Vahle  
Administrative Law Judge

