
From: Rick Hart
Sent: Thursday, August 12, 2021 11:02 AM
To: Jonathan Frieden
Subject: RE: Hubbard County Attorney Line 3 Reimbursement

Mr. Frieden,

Thank you for your inquiry about the use of the Line 3 Public Safety Escrow Account to reimburse prosecution expenses. As I noted in my voicemail to you, prosecution expenses are not an allowable reimbursable expense for the Line 3 Public Safety Escrow Account.

Specifically, the Permit provides for the following:

The Escrow Account Manager shall coordinate reimbursements for public safety and security expenses. To receive reimbursement from the Public Safety Escrow Account, local government units, tribal governments, and state agencies with expertise in specific functions directly related to combating drug and human trafficking and public safety, shall submit in writing an itemized request to the Escrow Account Manager. The itemized request must be sufficient to determine whether services rendered were additional services uniquely provided as a result of construction of the pipeline or removal of the existing pipeline during the term of this permit in addition to being reasonable and appropriate. State agencies must also demonstrate that the activities for reimbursement are incremental additional activities beyond their present funding and that they are specifically related to the Project. Anyone seeking payment from the Public Safety Escrow Account must first seek reimbursement from any existing state or federal funding programs that may exist for reimbursement of such expenses and restitution when appropriate. Any amounts not distributed within 180 days of the completion of construction shall be returned to the Permittee. Covered additional services include those incrementally additional services provided for public safety, public health regulation, planning and other services uniquely provided as a direct result of the pipeline construction and removal during the term of this permit for activities in and around the construction site.

Additional services include at a minimum the following:

- Coordination of public safety and emergency responders;*
- Public safety related costs for maintaining the peace in and around the construction site;*
- Review and oversight of any private security services;*
- Public emergency management services;*
- Transportation, parking, and traffic control services; and*
- Any other emergency first responder, public safety, public works, and public health-related services provided in and about the construction site as a direct result of the construction and removal of the pipeline.*

The Public Safety Escrow account may not be used to reimburse expenses for equipment, except for personal protective gear for public safety personnel.

Based on your subsequent inquiry, PUC staff reviewed the record and affirmed that the intent of the existing permit language does not include prosecution expenses as allowable expenses. This is not an appealable determination. The permit establishes the conditions, as created by the Public Utilities

Commission. The Executive Secretary, as delegated by the Commission, authorizes reimbursements as they are evaluated and approved by the Escrow Account Manager.

Some additional context responding to your inquiry is below:

-Public safety related costs for maintaining the peace in and around the construction site.

This language is direct and should be interpreted accordingly-Public Safety related costs for maintaining the peace in and around the construction site. No secondary expenses or locations as a result of the project are allowable for reimbursements. This would address any public endangerment concerns with immediate responses by Public Safety Agencies to stop unlawful acts in and around the construction site areas.

-Any other emergency first responder, public safety, public works, and public health-related services provided in and about the construction site as a direct result of the construction and removal of the pipeline.

A direct result of the construction and removal of the pipeline are immediate Public Safety responses and expenses to keep the peace. Secondary results would be the Court system and prosecution of accused offenders, which has been determined to be unallowable.

The creation and implementation of the Line 3 Public Safety Escrow Account was intended for the initial responding agencies and not for the prosecution of accused offenders as a secondary or indirect result of the project.

The PUC staff has diligently worked with Public Safety Agencies to provide a means to recover expenses related to initial and immediate responses by the Public Safety Agencies as compensation to unpredictable and spontaneous situations directly resulting from the project.

Thank you for your inquiry.

Rick Hart
Line 3 Escrow Account Manager
Phone: [612-834-4442](tel:612-834-4442)
Email: rickhart180@gmail.com

From: [Jonathan Frieden](#)
Sent: Tuesday, August 10, 2021 9:00 PM
To: [Richard Hart](#)
Subject: RE: Hubbard County Attorney Line 3 Reimbursement

Mr. Hart,

I will give you call, which I'm sure you expect.

I disagree with the PUC staff that prosecution costs don't qualify under the exact language you provided and I submitted my request under. I look forward to hearing why the multiple late nights and overtime hours by my staff to charge the individuals endangering the public don't qualify under public safety. I assume the cost to arrest them is covered, just not to prosecute them? How does that make sense under the language you provide below?

As I said, I look forward to learning the reasoning the PCU is using.

Sincerely,

Jonathan D. Frieden
Hubbard County Attorney
301 Court Ave.
Park Rapids, MN 56470
(218)732-4133
www.co.hubbard.mn.us

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From: Richard Hart <rickhart180@gmail.com>
Sent: Tuesday, August 10, 2021 4:00 PM
To: Jonathan Frieden <jfrieden@co.hubbard.mn.us>
Subject: Hubbard County Attorney Line 3 Reimbursement

Mr. Frieden,

I have received your reimbursement request. After conferring with PUC staff, it has been determined that prosecution expenses are not an allowable reimbursement under the Line 3 Public Safety Escrow Account permit language. Please contact me with any questions.

Please see the below permit language:

The Escrow Account Manager shall coordinate reimbursements for public safety and security expenses. To receive reimbursement from the Public Safety Escrow Account, local government units, tribal governments, and state agencies with expertise in specific functions directly related to combating drug and human trafficking and public safety, shall submit in writing an itemized request to the Escrow Account Manager. The itemized request must be sufficient to determine whether services rendered were additional services uniquely provided as a result of construction of the pipeline or removal of the existing pipeline during the term of this permit in addition to being reasonable and appropriate. State agencies must also demonstrate that the activities for reimbursement are incremental additional activities beyond their present funding and that they are specifically related to the Project. Anyone seeking payment from the Public Safety Escrow Account must first seek reimbursement from any existing state or federal funding programs that may exist for reimbursement of such expenses and restitution when appropriate. Any amounts not distributed within 180 days of the completion of construction shall be returned to the

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https://link.zixcentral.com/u/c3e8460f/ltdplI_86xG5uZcMh3soMg?u=https%3A%2F%2Fwww.e-dockets.state.mn.us%2FEFiling%2FShowFile.do%3FDocNumber%3D202010-167659-01

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, biological, radiological, physical, electrical, mechanical, or other workplace hazards. Impact weapons, chemical munitions/irritants, projectiles, or other designed weaponry items are not considered PPE.

On Mon, Aug 9, 2021 at 8:24 PM Jonathan Frieden <jfrieden@co.hubbard.mn.us> wrote:

Mr. Hart,

I previously emailed you with the attached invoice #202101 and supporting documents from the Hubbard County Attorney's Office.

I'm hopeful you received it but wanted to make sure you did. If you could respond you have received it I'd very much appreciate it.

Sincerely,

Jonathan D. Frieden

Hubbard County Attorney

[301 Court Ave.](#)

[Park Rapids, MN 56470](#)

(218)732-4133

www.co.hubbard.mn.us

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