

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

PBF Holding Company LLC and Toledo)	
Refining Company LLC,)	
)	
Complainants,)	
)	Docket No. OR12-14-000
v.)	
)	
Enbridge Energy, Limited Partnership,)	
)	
Respondent)	

MOTION TO INTERVENE OF SUNCOR ENERGY MARKETING INC.

Pursuant to Section 343.2(a) of the Commission’s Rules Applicable to Oil Pipeline Proceedings and Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R.. §§343.2 (a) and 385.214 (2012), Suncor Energy Marketing Inc. (“SEMI”) hereby moves to intervene in this proceeding.

BACKGROUND

1. On May 11, 2012, PBF Holding Company LLC and Toledo Refining Company LLC (together “PBF”) filed a complaint against Enbridge Energy, Limited Partnership (“EELP”), alleging that certain procedures and practices utilized by EELP to apportion capacity on its Mainline crude oil pipeline system constitute an unjust and unreasonable classification and practice that results in an undue and unjust preference for shippers and users of heavy oil and an undue and unjust discrimination against shippers and users of light crude oil in violation of the Interstate Commerce Act (“ICA”). Complaint ¶1. PBF alleges that these procedures and practices have caused it to experience substantial ongoing injury.

2. The Complaint focuses on EELP's apportionment of capacity on two oil pipelines on the downstream portion of its Mainline system. According to PBF, EELP's Line 5 and Line 6 supply crude oil to petroleum refineries located in the Midwestern United States and Eastern Canada. Complaint ¶7. PBF states that generally, Line 5 transports light crude oil and Line 6 transports heavy crude oil. *Id.*

3. According to PBF, from January 2011 through November 2011, EELP apportioned capacity on both Line 5 and Line 6. Complaint ¶15. PBF alleges that beginning in December 2011 and continuing through May 2012, however, EELP apportioned capacity on Line 5, but not Line 6. *Id.* PBF further alleges that the apportionment of Line 5 was caused primarily by EELP's practice of transporting all Light Sour Blend ("LSB") crude oil on Line 5 and transporting only heavy crude oil on Line 6. Complaint ¶¶16, 18. According to PBF, monthly apportionments ranged from 27% in March 2012 to 16 % in May 2012. Complaint ¶15. PBF states that both Line 5 and Line 6 are physically capable of transporting LSB oil. Complaint ¶16.

4. PBF alleges that EELP's practice of assigning all nominations of LSB crude oil exclusively to Line 5 imposes the full impact of apportionment on light crude oil refineries (like PBF) that receive light crude oil via Line 5 and spares from apportionment the heavy crude oil refineries that receive heavy crude oil via Line 6. Complaint ¶20. According to PBF, this practice amounts to a preferential reservation of capacity for refineries that use heavy crude oil and a discriminatory burden on refineries that use LSB crude oil, which are required to absorb the full impact of the apportionment on Line 5 to accommodate nominations of LSB crude oil. *Id.*

5. On May 15, 2012, the Commission issued a notice of PBF's filing of its complaint in this proceeding and established June 11, 2012 as the deadline for interventions.

STANDING TO INTERVENE

SEMI meets the criteria for intervention in this proceeding under Rule 214. SEMI is a wholly owned, indirect subsidiary of Suncor Energy Inc. ("SEI"). SEMI markets all of SEI's and its affiliates' crude oil production and purchases third-party crude oil for SEI's affiliated refineries. SEMI has been, and continues to be, a shipper on the downstream portion of EELP's Mainline system. SEMI ships light, medium, and heavy crude oils on both Line 5 and Line 6 for delivery to its affiliated, 85,000 barrel-per-day refinery in Sarnia, Ontario. Consequently, SEMI is a shipper that has a direct and substantial economic interest in the outcome of this proceeding that cannot be represented adequately by any other party. Rule 214(b)(2)(ii)(B).

COMMUNICATIONS AND CORRESPONDENCE

Communications regarding this proceeding should be directed to the following persons:

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CONCLUSION

For the reasons set forth above, SEMI respectfully requests that it be granted leave to intervene in this proceeding and that it be allowed to participate in this proceeding as a party for all purposes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 11th day of June, 2012.

/s/ Russell A. DeVilbiss
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