

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Enbridge Pipelines (North Dakota) Inc.  
Transfer Corridor Cert 40, 57, 68, and Rte Prmt 49,  
64, 83  
Application**

**Case No. PU-1984-01-122**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**May 9, 2001**

**Preliminary Statement**

On March 16, 2001, Enbridge Pipelines (North Dakota) Inc. (Enbridge) filed an application requesting approval for the transfer of certain crude oil pipeline facilities located in Burke, McKenzie and Williams Counties of North Dakota from Enbridge to Enbridge Pipelines (North Dakota) LLC (Enbridge LLC). Enbridge further requests transfer of the associated corridor certificates and route permits for these facilities.

Enbridge, is a corporation incorporated in the state of Delaware, with headquarters at Duluth, Minnesota, and its main operations center located in Minot, North Dakota. Enbridge is changing its organizational status from that of a corporation to that of a limited liability company. This is a change in organizational status only, with operations to be continued to be located in Minot. The pipeline facilities and related assets are located in Burke, McKenzie and Williams Counties, North Dakota.

On May 2, 2001, the affidavit of Mr. Joel W. Kanvik was filed on behalf of Enbridge Pipelines (North Dakota), LLC and in support of the application.

The issues to be considered in this matter are whether Enbridge LLC agrees and is able to comply with the terms and conditions of the siting certificates and permits currently issued to Enbridge, and whether the requested certificate/permit transfers and transfer of utility property are compatible with the public interest.

On March 28, 2001, the Commission issued a Notice of Opportunity for Hearing inviting written comments and requests for hearing on these applications by April 25, 2001. No comments or requests for hearing were received. The Notice of Opportunity for Hearing also stated that, if deemed appropriate, the Commission could determine the matter without a hearing.

On May 2, 2001, an affidavit of Mr. Joel W. Kanvik, Assistant Secretary of Enbridge (U.S.) Inc. which is the sole member of Enbridge Pipelines (North Dakota), LLC, was filed with the Commission.

On May 7, 2001, Enbridge LLC filed a copy of its corporate papers with the Commission.

### **Findings of Fact**

1. Enbridge holds Corridor Certificate Nos. 40, 57, and 68 as well as Route Permit Nos. 49, 64, and 83 for the construction and operation of crude oil pipeline facilities in Burke, McKenzie, and Williams Counties, North Dakota. These certificates were originally issued to Portal Pipe Line Company, but in 1998 the Commission approved re-issuance by virtue of the name change to Enbridge.
2. Enbridge is currently in the process of changing its organizational status from that of a corporation to that of a limited liability company, pursuant to Delaware law. This is a change in organizational status only, with operations to be continued to be located in Minot.
3. The May 2, 2001 affidavit of Mr. Joel W. Kanvik sets forth Enbridge LLC's agreement to comply with the terms, conditions and modifications contained in Corridor Certificate Nos. 40, 57, and 68 and Route Permit Nos. 49, 64, and 83 currently issued to Enbridge.
4. Granting the application will have no adverse effect on other public utilities providing similar service.
5. The service provided by the applicant adequately serves the needs of its customers.
6. The applicant has the technical, financial and managerial ability to provide the pipeline service its customers require.

From the foregoing Findings of Fact the Commission now makes the following:

### **Conclusions of Law**

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
2. The applicant has the technical, financial and managerial ability required to operate the pipeline.
3. The application should be granted.

From the foregoing Findings of Fact and Conclusions of Law the Commission now makes the following:

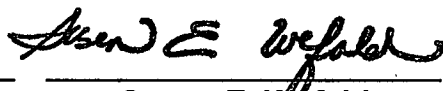
### Order

The Commission orders:

1. The application of Enbridge Pipelines (North Dakota) Inc. to transfer certain crude oil pipeline facilities in Burke, McKenzie, and Williams Counties, North Dakota to Enbridge Pipelines (North Dakota) LLC is GRANTED.
2. The application of Enbridge Pipelines (North Dakota) Inc. to transfer Corridor Certificate Nos. 40, 57, and 68 and Route Permit Nos. 49, 64, and 83 for the construction and operation of crude oil pipeline facilities in Burke, McKenzie, and Williams Counties, North Dakota to Enbridge Pipelines (North Dakota) LLC is GRANTED.

### PUBLIC SERVICE COMMISSION

  
Anthony T. Clark  
Commissioner

  
Susan E. Wefald  
President

  
Leo M. Reinbold  
Commissioner