

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Enbridge Pipelines (North Dakota) LLC
Crude Oil Pumping Stations-McKenzie-Williams Ctys
Siting Application**

Case No. PU-05-274

ORDER

July 28, 2005

Enbridge Pipelines (North Dakota) LLC (Enbridge) owns and operates an existing 8-inch outside diameter crude petroleum pipeline extending from the Alexander Station, near Alexander in McKenzie County, to the Beaver Lodge Station, near Tioga, in Williams County. The Commission's October 11, 1983 order in Case No. 10,472 granted authority to Portal Pipeline Company for construction of this pipeline. On the same date the Commission issued Certificate of Site Compatibility for Transmission Facility Corridor No. 40 and Permit for the Construction of a Transmission Facility Permit No 49 for this project. In 1998 Portal Pipeline Company changed its name to Enbridge Pipelines (North Dakota) Inc. and the Commission reissued Certificate of Site Compatibility for Transmission Facility Corridor No. 40 and Permit for the Construction of a Transmission Facility Permit No 49 effective December 16, 1998. Effective May 9, 2001 the Commission again reissued Certificate of Site Compatibility for Transmission Facility Corridor No. 40 and Permit for the Construction of a Transmission Facility Permit No 49 to Enbridge Pipelines (North Dakota) LLC due to company reorganization.

On May 2, 2005, Enbridge filed a consolidated letter of intent and request for waiver of procedures and time schedules, and a request to amend its existing Corridor Certificate No. 40 and Route Permit No. 49. Enbridge proposes to construct a new 1500 horsepower pumping station called the East Fork Station in the SE 1/4 1/4 of Section 36, Township 156 North, Range 100 West of Williams County. Enbridge also proposes to upgrade the existing Alexander Station and Trenton Station (pumping stations) of that pipeline. Siting for the locations of the Alexander Station and Trenton Station was granted in October 1983 in Case No. 10,472.

Enbridge asserts that these proposed pipeline facilities will produce minimal adverse effects and requests that the Commission (1) waive the separate filing of a Letter of Intent and the one-year time period for filing an application; (2) waive provisions of law and rule that require filing of separate applications, separate hearings and certain time schedules; (3) not hold a public hearing, but instead publish a notice of opportunity for hearing; (4) find that the proposed facility is of such length, design, location and purpose that it will produce minimal adverse effects; (5) provide in the notice of opportunity for hearing that requests for hearing be made in not more than ten days under N.D.C.C. section 49-22-13(4); and (6) designate and approve the amended corridor certificate or issue the appropriate amended route permit.

The issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the proposed pipeline facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed pipeline facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed pipeline facilities locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?
4. Are the proposed pipeline facilities of such length, design, location, or purpose that they will produce minimal adverse effects so that procedures and time schedules may be waived?
5. Does a demonstrable emergency exist, which requires immediate construction so that adherence to procedures and time schedules would jeopardize the utility's system?
6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

On May 16, 2005 Enbridge filed additional information in support of its application including an environmental and biological review of the location of the proposed East Fork booster pump station. The Commission finds the application is complete.

On May 24, 2005 the Commission acknowledged the Enbridge letter of intent, assessed a filing fee of \$16,000, waived the one-year waiting period between filing a letter of intent and an application, and issued a Notice of Filing and Notice of Opportunity for Hearing. The notice provided until June 24, 2005 for comments or requests for hearing. No comments or requests for hearing were received. The Commission stated that it could determine the matter without a hearing.

On June 1, 2005 the U.S. Fish and Wildlife Service responded that the project will have no significant impact on fish and wildlife resources and that no endangered or threatened species are known to occupy the project area.

On June 1, 2005 the North Dakota Parks and Recreation Department responded that the project does not affect state park lands that it manages or Land and Water

Conservation Fund recreation projects. The North Dakota Parks and Recreation Department could not give an accurate assessment as to potential impacts to rare species and associated habitats for the project area.

On June 8, 2005 Enbridge filed a copy of a letter from the North Dakota State Historic Preservation Officer affirming a "No Historic Properties" determination regarding the East Fork Station.

On July 13, 2005 Enbridge filed an affidavit of Joel W. Kanvik, Assistant Secretary of Enbridge Pipelines (North Dakota) LLC, in support of the application.

The proposed East Fork Station would be located on five acres of agricultural cropland owned by Enbridge. Because of its location on agricultural land, it is believed that no endangered species or their habitats will be disturbed by the project. Disturbance of topsoil and vegetation will be the only environmental effects. No long-term effects are anticipated. Construction will take approximately two months after delivery of the pump tentatively scheduled for August 2005.

The upgrade at the Alexander Station includes removal of two 60 horsepower pumps and installation of two 350 horsepower pumps with associated piping and electrical equipment changes. The upgrade at the Trenton Station includes the removal of two 350 horsepower pumps and the installation of a 1500 horsepower pump with associated piping and electrical equipment changes. These upgrades will take place within the existing stations; no new lands will be impacted. Environmental assessments were previously performed for the existing pipeline under Case No. 10,472.

Enbridge reviewed the environmental studies in Case No. 10,472 and found there would be no adverse human or environmental impact due to the upgrades at the Alexander Station and Trenton Station.

The Commission finds the location, construction, and operation of the proposed pump stations will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

The Commission finds the proposed project compatible with the environmental preservation and the efficient use of resources.

The Commission finds the proposed project minimizes adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

The Commission finds the proposed project is of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived.

The Commission finds it appropriate to waive procedures and time schedules as requested in the application.

The Commission Orders:

1. Enbridge is issued First Amended Certificate of Site Compatibility for Transmission Facility Corridor No. 40 and First Amended Permit for the Construction of a Transmission Facility No. 49 granting authority to upgrade the Alexander Station and the Trenton Station and granting authority to construct the East Fork Station.
2. A preconstruction conference shall be held prior to the commencement of any construction. The conference shall include an Enbridge representative, Enbridge's construction supervisor, and Commission staff, to ensure that Enbridge fully understands the conditions set forth in this order.
3. Enbridge shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed project, and shall obtain all other necessary licenses and permits, and shall provide copies to the Commission prior to any construction.
4. If any cultural resource, paleontological, archeological, historical or grave site is discovered, it shall be marked, preserved, and protected from further disturbances until a professional examination can be made by the State Historical Society, a report filed with the Commission, and clearance to proceed is given.
5. Construction must be suspended during periods when weather conditions are such that construction activities would cause irreparable harm to the environment, unless adequate measures approved by the Commission are taken.
6. Any reclamation required shall be performed by a reclamation crew and coordinated with ongoing construction.
7. If any reclamation, reseeding, or fertilization is required, it is to be done in accordance with the National Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
8. Enbridge's obligation for reclamation and maintenance of the right-of-way shall continue throughout the life of the pipeline.
9. Enbridge shall construct and operate the pipeline in the manner described in its application, and in accordance with all applicable safety requirements.
10. Enbridge shall provide the Commission with a copy of the design specifications for the construction of the East Fork Station, the Alexander Station, and the Trenton Station showing the location of the project facilities as built.

11. The authorization granted by the route permit is subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

PUBLIC SERVICE COMMISSION

		
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Susan E. Wefald Commissioner	Tony Clark President	Kevin Cramer Commissioner