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September 28, 2015

*via hand delivery*

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480



RE: Enbridge Pipelines (North Dakota) LLC  
Trenton to Beaver Lodge – Crude Oil Pipeline  
Williams County, North Dakota  
Docket PU-06-330  
Our File No. 120-27894

Dear Mr. Nitschke:

By letter dated August 19, 2015, Mr. Patrick Fahn requested responses to certain items raised in an inspection report in the above case. Most of the requested responses do not deal with critical energy infrastructure information and had been filed under separate cover.

However, a drawing pertaining to the location of a cultural resource site is considered Confidential Information and is provided in a separate sealed enveloped labeled “CRITICAL ENERGY INFRASTRUCTURE INFORMATION – CONFIDENTIAL.”

Also enclosed is the Application of North Dakota Pipeline Company, LLC to protect this document as critical energy infrastructure information.

Please call should you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'B. Bjella', with a long horizontal flourish extending to the right.

Brian R. Bjella

bw  
Enc.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

ENBRIDGE PIPELINES (NORTH DAKOTA), LLC  
TRENTON TO BEAVER LODGE PIPELINE –  
WILLIAMS COUNTY SITING APPLICATION

Case No. PU-06-330

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**APPLICATION OF NORTH DAKOTA  
PIPE LINE COMPANY, LLC  
TO PROTECT CONFIDENTIAL CRITICAL ENERGY  
INFRASTRUCTURE INFORMATION**

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Applicant North Dakota Pipe Line Company, LLC (“NDPL”) submits this application to protect from disclosure certain confidential information concerning critical energy infrastructure being filed with the North Dakota Public Service Commission (“Commission”) as part of its response to request for information from the Commission by letter dated August 19, 2015, pertaining to an inspection report of the existing pipeline from the Trenton Station to its Beaver Lodge Station, all in Williams County, North Dakota (“Project”). Specifically, NDPL seeks to protect the detailed design information required by the Commission in accordance with N.D.A.C. § 69-06-05-01(2)(q). The limited information for which protection is sought is exempt from N.D.C.C. Section 44-04-18 and, therefore, is entitled to protection from disclosure.

Consistent with the Commission’s guidelines for an application to protect information, NDPL has filed in a sealed envelope labeled “CRITICAL ENERGY INFRASTRUCTURE INFORMATION – CONFIDENTIAL” which contains the as-built drawing of the site, setting forth the detailed GIS data required by the Commission for its proposed Project, as described in the Siting Application. *See* N.D.A.C. § 69-02-09-02.

The information contained on the drawing to be protected includes detailed design information which shows the exact location of this Project and other existing energy infrastructure. NDPL operates an interstate common carrier pipeline which is considered critical energy infrastructure, as it plays an important role in the distribution of vital energy supplies to the refinery markets in the Midwest and beyond. The specific and detailed information contained on the drawing would be of great benefit to anyone with a desire to disrupt the economy through an attack on this infrastructure, and thus, constitutes the treatment of Critical Energy Infrastructure Information under the USA Patriot Act of 2001 and other federal guidelines. Accordingly, distribution of detailed plats must be controlled and not released within the public domain without good cause shown.

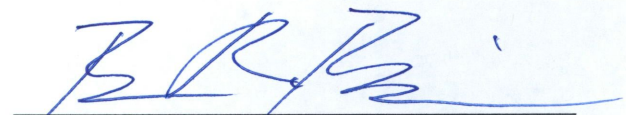
The enclosed information also qualifies as being exempt from public disclosure pursuant to N.D.C.C. § 44-04-24. Section 44-04-24 provides exemption from public disclosure for, “all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations or portions of any such plan relating directly to the physical or electronic security of a public facility, **or any critical infrastructure**, whether owned by or leased to the state or any of its political subdivisions, **or any privately owned or leased critical infrastructure** if the plan or a portion of the plan is in the possession of a public entity; ...” N.D.C.C. § 44-04-24(2)(b). Critical infrastructure is defined to include: Public buildings, systems, including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, whether physical or virtual, so vital to the state that the incapacity or destruction of these systems would have a debilitating impact

on security, state economic security, state public health or safety, or any combination of those matters. N.D.C.C. § 44-04-24(2)(a)

All of the information sought to be protected is detailed design information and imagery pertaining to what would be classified as critical infrastructure under both state and federal law. If publicly disclosed, it would provide detailed information on the precise location and design of the critical infrastructure potentially putting it at risk. Any persons seeking to disrupt the operation of the critical infrastructure would then have easily accessible information critical to implementing any such plan of disruption. Intentional damage to NDPL's project could impact both economic security as well as threatening public health and safety if significant amounts of crude oil were released from the pipeline due to an intentional act. Requiring NDPL to publicly disclose the GIS data and detailed design plans and aerial imagery would be contrary to state law and federal policy for the protection of such assets as set forth in the Critical Infrastructure Protection Act of 2001 (codified at 42 USC 5195c).

Accordingly, NDPL respectfully requests that the Commission grant its application to protect the information contained on the enclosed drawing, and enter an appropriate protective order limiting disclosure of the protected information.

Dated this 25<sup>th</sup> day of September, 2015.



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