

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Enbridge Pipelines (North Dakota) LLC
8-Inch Crude Petroleum Pipeline Reroute-
Williams County
Siting Application**

Case No. PU-07-600

ORDER

September 19, 2007

On August 9, 2007 Enbridge Pipelines (North Dakota) LLC (Enbridge) filed a consolidated letter of intent, an application for waiver of procedures and time schedules, and an application to amend an existing route permit. Enbridge proposes to replace approximately 1600 feet of existing 8-inch crude petroleum products pipeline with approximately 2100 feet of new pipeline rerouted to go outside the schoolyard of the Garden Valley Elementary School in the S1/2 of Section 36, Township 156 North, Range 101 West, Williams County, North Dakota.

The existing line was constructed by Portal Pipe Line Company under Corridor Certificate No. 40 and Route Permit No. 49 granted by the Commission's October 11, 1983 order in Case No. 10,472. Enbridge has succeeded to the interest of Portal Pipe Line Company.

On August 13, 2007 the Commission issued a Notice of Filing and Notice of Opportunity for Hearing inviting interested persons to comment on the application or request a hearing by September 11, 2007. The notice stated that the Commission can determine the matter without a hearing. No comments or requests for hearing were received.

On September 17, 2007 Enbridge filed the affidavit of Brent Horton in support of the application.

The issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed transmission line route 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. Is the proposed transmission line of such length, design, location, or purpose that it 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?

Order

The Commission orders:

1. Enbridge Pipelines (North Dakota) LLC's application for a waiver of procedures and time schedules is granted.
2. Enbridge Pipelines (North Dakota) LLC is issued Second Amended Certificate of Corridor Compatibility Number 40 and Second Amended Route Permit Number 49 to construct a pipeline to go outside of the schoolyard of the Garden Valley Elementary School in the S1/2 of Section 36, Township 156 North, Range 101 West, Williams County, North Dakota.
3. Enbridge shall obtain approval from the Commission or Commission Staff prior to any changes or deviations to the pipeline reroute.
4. Second Amended Certificate of Corridor Compatibility Number 40 and Second Amended Route Permit Number 49 are effective for the life of the pipeline but are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.
5. 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.
6. Enbridge shall obtain written waivers from affected landowners for location of the pipeline within 500 feet of a residence, school, or place of business prior to any construction in those areas.
7. Enbridge shall conduct a preconstruction conference to be held prior to the commencement of any construction. The conference must include an Enbridge representative, Enbridge's construction supervisor, and Commission staff, to ensure that Enbridge fully understands the conditions set forth in this order.

8. Enbridge shall inform the Commission of the date construction will start just prior to the commencement of construction; report to the Commission on the date construction is started; and, once construction has started, shall keep the Commission updated on construction activities on a weekly basis.

9. The pipeline must be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in rangeland, 48 inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.

10. All crossings of graded roads must be bored unless the responsible governing agency specifically permits Enbridge to open cut the road.

11. The width of the clear cuts through any wooded areas and shelterbelts must be kept at a maximum of 50 feet unless otherwise approved by the Commission.

12. Enbridge shall promptly report to the Commission the presence in the reroute of any critical habitat of threatened or endangered species, or of bald or golden eagles that Enbridge becomes aware of and that were not previously reported to the Commission.

13. Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.

14. All cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office (SHPO) and approved by the SHPO prior to the start of any fieldwork or construction activity. If any cultural resource, paleontological resource, archeological resource, historical resource, or gravesite is discovered during construction of the facility, earth disturbing activities in the immediate vicinity of the discovery must be halted. The resource must be marked, preserved and protected from any further disturbance until a professional examination can be made in consultation with the SHPO. A report of such examination must be filed with the SHPO and the Commission. Clearance to proceed must be given by the SHPO and the Commission.

15. During construction, at least 12 inches of topsoil, where available (or topsoil to the depth of cultivation, whichever is greater), over and along trench areas where cuts will be made, must be stripped and segregated from subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must then be replaced over areas from which it was stripped only after the subsoil is replaced.

16. Reclamation and clean-up along the right-of-way must be continuous and coordinated with ongoing construction.

17. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads during construction must be restored to their original condition.

18. Reclamation, fertilization and reseeding must be done by Enbridge according to the Natural Resource Conservation Service unless otherwise specified by the landowner and approved by the Commission.

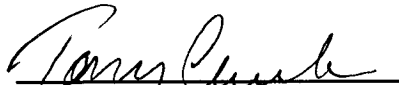


19. Trees or other woody vegetation must be replaced with saplings that are two or more years old at a rate of two for every one removed. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing Enbridge to plant the replacement trees/shrubs elsewhere. All effected trees and shrubs must be quantified before construction activity. Enbridge shall record, and file with the Commission, the number and variety of replacement tree and shrub plantings, the specific planting area(s) and the dates of the plantings. Enbridge shall inspect tree replacements once a year for three years, on the anniversary of the plantings, and send a report on or shortly before October 1 of each year to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75%.

20. Enbridge shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed transmission facility.

21. Enbridge shall provide the Commission with a copy of the design specifications for construction of the pipeline showing the location of the pipeline as built, and shall provide this information within 3 months of the completion of the construction.

22. Enbridge's obligation for reclamation and maintenance of the right-of-way shall continue throughout the life of the pipeline.

PUBLIC SERVICE COMMISSION

		
Tony Clark Commissioner	Susan E. Wefald President	Kevin Cramer Commissioner