

LATHROP GAGE

RECEIVED

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JUL 14 2008

REPUBLIC PLAZA
370 17TH STREET, SUITE 4650
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(720) 931-3200, FAX (720) 931-3201

PUBLIC SERVICE COMMISSION

July 14, 2008

VIA OVERNIGHT MAIL, FACSIMILE AND E-MAIL

Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Re: Commission Filings for Saddle Butte Pipeline LLC Regarding Common Carrier Pipeline Status

Dear Ms. Jeffcoat-Sacco:

Enclosed please find one (1) original and seven (7) copies of the filings, made as of the date first set forth above, for Saddle Butte Pipeline LLC ("Saddle Butte") to the North Dakota Public Service Commission ("Commission"), which filings made herein include the following:

1. The Affidavit of Jack E. Vaughn, Chairman of the Board of Saddle Butte Pipeline LLC, wherein Mr. Vaughn accepts, acknowledges and agrees, on behalf of Saddle Butte Pipeline, to abide by and be subject to the duties, obligations and rights conferred, imposed and otherwise set forth in N.D.C.C. §49-19-01, et. seq. This Affidavit expressly provides that Saddle Butte shall without discrimination accept, carry or purchase the oil, gas or carbon dioxide of the state or of any person not the owner of any pipeline operating a lease or purchasing oil, gas or carbon dioxide at prices and under regulations prescribed by the Commission, as required. This Affidavit is submitted to the Commission by Saddle Butte to satisfy all requirements for qualification by Saddle Butte as a common pipeline carrier in North Dakota.

2. The Certificate of Authority for Saddle Butte Pipeline LLC as a foreign limited liability company authorized to do business in the State of North Dakota.

2 **PU-08-413** Filed: 7/14/2008 Pages: 9
Request for Confirmation - Affidavit of Jack E. Vaughn

Saddle Butte Pipeline, LLC

Lathrop&Gage,LC - Lindsay Blevins

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Public Service Commission
July 14, 2008
Page 2

3. A letter from Saddle Butte Pipeline LLC requesting a formal statement or other form of formal documentation from the Commission which designates Saddle Butte as a common pipeline carrier, pursuant to N.D.C.C. §49-19-01, et. seq. with the right to construct pipelines and such incidental lines along, across or over any public road or highway in the state of North Dakota. This letter constitutes the formal written request by Saddle Butte for such formal documentation from the Commission.

If you have any questions or require any further information concerning the information enclosed, please contact the undersigned by telephone at 720-931-3219 or by electronic mail at lblevins@lathropgage.com.

Sincerely,

LATHROP & GAGE L.C.



By:

Lindsay A. Blevins

LAB/lkr

Enclosures

cc: Patrick Fahn (via e-mail)
Bill Binek (via e-mail)
Annette Bendish (via e-mail)

State of North Dakota

SECRETARY OF STATE



CERTIFICATE OF AUTHORITY OF

SADDLE BUTTE PIPELINE LLC
Secretary of State ID#: 6,937,300

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that an application of

SADDLE BUTTE PIPELINE LLC

for a Certificate of Authority to transact business in this State, duly signed and executed as required by North Dakota statutes governing a FOREIGN LIMITED LIABILITY COMPANY, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Authority to

SADDLE BUTTE PIPELINE LLC

to transact business in this State under the name of

SADDLE BUTTE PIPELINE LLC

Issued: July 7, 2008

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

AFFIDAVIT OF JACK E. VAUGHN

I, JACK E. VAUGHN, Chairman of the Board for and a duly authorized member of Saddle Butte Pipeline LLC whose primary office address is 1910 Main Avenue, Durango, CO 81301, do hereby duly swear and sayeth that:

1. Saddle Butte Pipeline LLC is a duly formed and validly existing Delaware limited liability company.

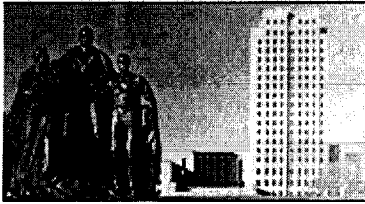
2. Saddle Butte Pipeline LLC intends to permit, develop and operate a pipeline transportation system in the state of North Dakota.

3. I, on behalf of Saddle Butte Pipeline LLC, do hereby accept, acknowledge and agree, in consideration of the rights acquired by Saddle Butte as a common pipeline carrier, to abide by and be subject to the duties, obligations and rights conferred, imposed and otherwise set forth in N.D.C.C. § 49-19-01, et. seq., which provides “any limited liability company may acquire the right to construct pipelines and such incidental telecommunications lines along, across, or over any public road or highway in this state by filing with the commission an acceptance of the provisions of this chapter wherein it expressly agrees in writing that...the applicant shall be and become a common pipeline carrier subject to the duties and obligations conferred or imposed in this chapter.” N.D.C.C. § 49-19-09.

4. I hereby acknowledge and accept that Saddle Butte’s right to run along, across, or over any public road or highway as a common pipeline carrier can be exercised only upon condition that the traffic thereon shall not be interfered with and that such road or highway shall be restored promptly to its former condition of usefulness.

5. I, on behalf of Saddle Butte, hereby expressly agree that Saddle Butte shall without discrimination accept, carry or purchase the oil, gas or carbon dioxide of the state or of

North Dakota

nd.gov Official Portal for
North Dakota State Government

SECRETARY OF STATE NORTH DAKOTA

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SADDLE BUTTE PIPELINE LLC

Corporation Details

System ID: 6937300**Phone:** (970) 375-3136**Type:** FOREIGN LIMITED LIABILITY COMPANY**Status:** Active & Good Standing**Original File Date:** 07/07/2008**Effective Date:** 07/07/2008**State of Origin:** Delaware

Nature of Business

PERMIT & DEVELOP PIPELINE TRANSPORTATION SYSTEM

Principal Office

1910 MAIN AVE DURANGO, CO 81301-5038

Registered Agent

C T CORPORATION SYSTEM

314 E THAYER AVE

PO BOX 400

BISMARCK, ND 58502-0400

Established Date: Jul 07, 2008

Generate an Annual Report To File

To Generate a Annual Report form to be filed with the Secretary of State, select the appropriate year of the report you intend to file. This report does not contain details of a report previously filed with the Secretary of State. The annual report years reflected are an indication of the various report forms available in this site and is not an indication that an entity needs to file reports for all years. Missing years indicate that the forms for the missing year have not yet been deployed to the website, or have already been removed, and can be obtained by contacting the Secretary of State.

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July 14, 2008

VIA OVERNIGHT MAIL, FACSIMILE AND E-MAIL

Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Re: Commission Filings for Saddle Butte Pipeline LLC Regarding Common Carrier Pipeline Status

Dear Ms. Jeffcoat-Sacco:

This letter is written as of this 14th day of July, 2008 on behalf of Saddle Butte Pipeline LLC ("Saddle Butte") to request from the North Dakota Public Service Commission ("Commission") a formal writing or other formal documentation designating Saddle Butte as a common pipeline carrier pursuant to N.D.C.C. §49-19-01, et. seq. Saddle Butte requests this formal documentation for use in its dealings with counties and the Department of Transportation concerning the construction of its pipeline on certain public roads or highways within the state of North Dakota.

As you are aware, as a common carrier pipeline, Saddle Butte has the automatic right to construct pipelines and such incidental telecommunication lines along, across or over any public road or highway in the state of North Dakota upon its filing of acceptance of the provisions of N.D.C.C. §49-19-01, et. seq. Saddle Butte filed such acceptance by way of Affidavit of Jack E. Vaughn, Chairman of the Board of Saddle Butte Pipeline. This Affidavit was submitted to the Commission on July 11, 2008.

The Commission's expedient response to this request would be greatly appreciated. If you require any further information or documentation from Saddle Butte

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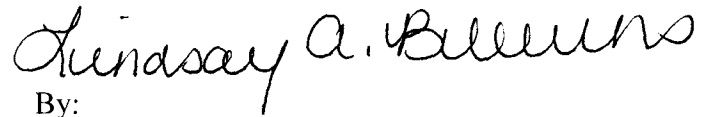
*LATHROP & GAGE DC PLLC-AFFILIATE

Public Service Commission
July 14, 2008
Page 2

Pipeline LLC in order to fulfill this request, please contact the undersigned at 720-931-3219.

Sincerely,

LATHROP & GAGE L.C.



By:

Lindsay A. Blevins

LAB/lkr