

MEMORANDUM

July 17, 2008

**Whiting Oil and Gas Corporation
Request for Jurisdictional Determination
PSC Comments/Letters**

Case No. PU-08-517

On June 30, 2008 Al Moch received a letter from Whiting Oil and Gas Corporation requesting a jurisdictional determination concerning pipeline safety for a natural gas pipeline from Whiting's Robinson Lake Plant to a tie-in with Williston Basin Interstate Pipeline near Stanley, North Dakota, Case No. GS-08-518. The 17-mile, 6-inch line will operate at 750 psig and will deliver gas from the Robinson gas processing plant to an interconnection with Williston Basin Interstate Pipeline, all in Mountrail County. Construction of the line is complete except for hydro-testing and final tie-in at the ends.

Whiting argues that under pipeline safety standards, 49 C.F.R. § 192.8 and API RP 80 § 2.2.1.2.6, the pipeline should be classified as incidental gathering. An incidental gathering line is not a transmission line and therefore non-jurisdictional. Al Moch has prepared a memo for Illona that references applicable pipeline safety standards and concluding that the line should be classified as transmission for gas safety purposes.

On July 10, 2008 Illona and I contacted Whiting concerning the siting of intrastate natural gas transmission lines under N.D.C.C. Chapter 49-22. On July 11, 2008 Whiting filed a request for a jurisdictional determination concerning siting.

Under N.D.C.C. § 49-22-03 (12)(b) "Transmission facility" means:

A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide. This subdivision does not apply to an oil or gas pipeline gathering system. For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility

Since the Robinson line is downstream of a gas processing facility, and therefore is not collecting gas from the well to the gas processing facility, staff believes the line is a transmission line for siting purposes.

Staff recommends that Commission General Council send a letter to Whiting Oil and Gas Corporation stating that the pipeline is jurisdictional under North Dakota siting law.

BY: Illona Jeffcoat-Sacco and Patrick Fahn