



# Public Service Commission State of North Dakota

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December 31, 2008

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The Honorable Wayne Stenehjem  
North Dakota Attorney General  
600 East Boulevard Avenue Dept. 125  
Bismarck, North Dakota 58505

Dear Attorney General Stenehjem:

We are requesting an Attorney General's Opinion on the following question:

Is the 75 mile, 12 inch intrastate natural gas pipeline (Prairie Rose Pipeline ) from the Stanley processing plant near Palermo, in Mountrail County, to an interconnection with Alliance Pipeline, LP near Towner, in McHenry County a transmission line or a gathering line under NDCC section 49-22-03 (12)(b)? What are the legal definitions or engineering definitions that apply?

Within this question are other important questions:

Is the existing Stanley Plant a gas processing plant? Is the reconfigured Stanley Plant a gas processing plant? (See attached chart provided by the Oil and Gas Division.) Should the existing and or the reconfigured Stanley Plant also be sited under NDCC 49-22? What criteria should the Commission use when determining what constitutes a gas processing plant?

Enclosed find legal and staff memos which date from the early 1980s to the present, which share thoughts on these issues.

Assistant Attorney General Ilona Jeffcoat-Sacco has recused herself from this case, and therefore cannot be of assistance in this matter. Please feel free to contact staff members Annette Bendish and Pat Fahn for additional information.

Sincerely,

Susan E. Wefald  
President

Enclosures

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**Letter Requesting Attorney General Opinion**