

December 11, 2009

& BYRON, P.A.

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

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PUBLIC SERVICE COMMISSION

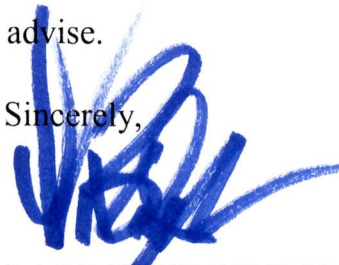
**RE: Hawthorn Oil Transportation
(North Dakota), Inc.
Case No. PU-09-153**

Dear Mr. Nitschke:

In a follow-up to my correspondence dated December 10, 2009, please find enclosed herewith the original AFFIDAVIT OF GUST BENNINGER.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kf

Enclosure

cc: Mr. Pat Fahn – (w/enc.)
Ms. Illona Jeffcoat-Sacco – (w/enc.)
Mr. Cary Loughman – (w/enc.) *Via Email*
Mr. Greg Jacobsen – (w/enc.) *Via Email*
Mr. Jodie Davis – (w/enc.) *Via Email*

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39 PU-09-153 Filed: 12/14/2009 Pages: 4
Original Affidavit of Gust Benninger

Hawthorn Oil Transportation (North Dakota), Inc.

Lawrence Bender, Atty, Fredrikson&Byron

Attorneys & Advisors
main 701.221.4020
fax 701.221.4040
www.fredlaw.com

Fredrikson & Byron, P.A.
200 North Third Street, Suite 150
Bismarck, North Dakota
58501-3879

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Hawthorn Oil Transportation
(North Dakota), Inc.
8-inch Crude Oil Pipeline – Mountrail County
Siting Application**

Case No. PU-09-153

AFFIDAVIT OF GUST BENNINGER

STATE OF DENVER)
) ss
COUNTY OF DENVER)

Gust Benninger, being first duly sworn, deposes and states as follows:

1.

That I am the Construction Superintendent for EOG Resources, Inc. (“EOG”) and its subsidiaries, Pecan Pipeline (North Dakota), Inc. (“Pecan”) and Hawthorn Oil Transportation (North Dakota), Inc. (“Hawthorn”), the applicant in the above-referenced proceeding. My business address is 6201 81st Avenue NW, Stanley, North Dakota 58784.

2.

That in the course of my employment, I was involved in the construction and installation of Pecan’s Prairie Rose Pipeline, a 76 mile pipeline from the discharge of Pecan’s plant near the town of Stanley, in Mountrail County, North Dakota to a receipt point on Alliance Pipeline L.P.’s interstate pipeline system at the Bantry meter station near the city of Towner, in McHenry County, North Dakota. During construction of the Prairie Rose Pipeline, Pecan used the double ditch method for approximately 85% of the line, other than segments that were bored or in areas where the topography did not allow for such method.

3.

I will also supervise the construction and installation of the Hawthorn oil pipeline if approval is obtained from the North Dakota Public Service Commission.

4.

I am familiar with the traditional “double ditch method” of trenching used in laying pipeline. That the double ditch method is the practice of traversing the area where the pipeline will be installed with two trenchers. The first trencher excavates the topsoil and places it to the side of the trench. The second trencher excavates the subsoil to total depth and places the subsoil closer and adjacent to the trench itself. This method allows the topsoil to be stored separately from the subsoil. After the trench is completed and the pipeline is installed, the trench is backfilled with the subsoil, and is then covered with topsoil. The double ditch method of trenching results in approximately a 3 foot wide surface area disturbance along the pipeline Route.

5.

That I am also familiar with the traditional “blade method” of trenching used in laying pipeline. Utilizing the blade method, a 20 foot wide area of topsoil is separated from the surface. After the topsoil is bladed, a trencher is used to dig the ditch to total depth with the subsoil placed in the area that has no topsoil. After the pipeline is placed in the ditch, the topsoil is redistributed over the disturbed area. Utilizing the blade method results in approximately a 20 foot wide surface area disturbance along the pipeline Route.

6.

That based on my experience, knowledge, and belief, the double ditch method results in less surface destruction than the traditional blade method and is more environmentally friendly,


particularly for agricultural uses of the land, such as the majority of the land to be disturbed during the Hawthorn project.

DATED this 10 day of December, 2009.

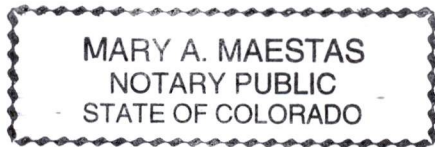

Gust Benninger

STATE OF DENVER)
) ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 10th day of December, 2009 by Gust Benninger, Construction Superintendant for EOG Resources, Inc. and its subsidiaries, Pecan Pipeline (North Dakota), Inc. and Hawthorn Oil Transportation (North Dakota), Inc., the applicant in this proceeding.


Notary Public

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My Commission Expires 01/11/2010