

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hess Corporation
Tioga Gas Plant Addition- Williams Cty
Siting Application

Case No. PU-10-120

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Cara DeSaye deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th** day of **September, 2010**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Findings of Fact, Conclusions of Law, and Order

an original of:

**Certificate of Site Compatibility for Energy Conversion Facility
Certificate Number 18**

The envelope was addressed as follows:

John Morrison
Crowley Fleck, Ltd.
PO Box 2798
Bismarck ND 58502

Cert. No. 7010 1060 0001 0644 4116

Cara DeSaye further deposes and says that on the **9th** day of **September, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, two envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same:

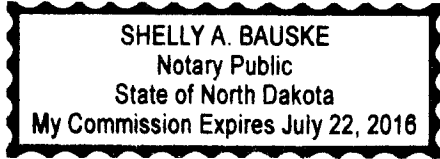
Scott Wright
Hess Corporation
500 Dallas Street
Houston, TX 77002

Bill Regan
Merjent, Inc.
615 First Ave NE
Suite 425
Minneapolis, MN 55413

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 9th day of **September, 2010**.

SEAL



Cana D. Daye

Shelly A. Bauske

Notary Public

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Hess Corporation
Tioga Gas Plant Addition – Williams Cty
Siting Application**

Case No. PU-10-120

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

September 8, 2010

Appearances

Commissioners Kevin Cramer, Tony Clark and Brian P. Kalk.

John W. Morrison, Attorney at Law, Crowley Fleck, PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicants, Hess Corporation and Tioga Gas Plant, Inc.

Mitchell D. Armstrong, Attorney at Law, Special Assistant Attorney General, 122 E. Broadway Ave, Bismarck, ND 58501, on behalf of the Public Service Commission.

Patrick Fahn, Director-Compliance and Competitive Markets Division, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Allen C. Hoberg, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Administrative Law Judge.

Preliminary Statement

On April 13, 2010, Hess Corporation (Hess) filed with the Public Service Commission (Commission) a Letter of Intent to submit an application for a Certificate of Site Compatibility to construct an addition to the existing Tioga Gas Plant (Plant) in Williams County, North Dakota.

On June 25, 2010, Hess filed an application for a certificate of site compatibility to authorize construction of a 250 MMCFD addition to the Tioga Gas Plant consisting of various processing facilities, including a flare stack that will be located on an adjacent tract comprised of 21 acres in Williams County, North Dakota.

On July 14, 2010, the Commission issued a Notice of Filing and Notice of Hearing scheduling a public hearing for August 30, 2010, at 10:00 a.m. CDT, in the Tioga City Hall, 12 1st St. NE, Tioga, ND 58852. The Notice identified the following issues to be considered:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations 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?

On August 27, 2010, Hess filed its Certification Relating to Order Provisions binding Hess to requirements to be set forth by the Commission in its Order.

On August 30, 2010, the public hearing was held as scheduled.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

Findings of Fact

1. Hess is a Delaware corporation headquartered in New York, New York.
2. Hess has been authorized to do business in the State of North Dakota since March 16, 1942, as evidenced by a Certificate of Good Standing issued by the North Dakota Secretary of State on August 27, 2010. Tioga Gas Plant, Inc. (TGP), a wholly-owned subsidiary of Hess, has been authorized to do business in the State of North Dakota since July 5, 1988, as evidenced by a Certificate of Good Standing issued by the North Dakota Secretary of State on August 27, 2010. At the hearing, Hess stated that TGP would be constructing the additions and changes to the Plant and would be the operator of the Plant in the future. Hess requested that any certificate of site compatibility issued by the Commission in this proceeding be issued to TGP. The Commission acknowledges that, while Hess may utilize TGP to construct and operate the Plant, it was Hess that filed the application in this proceeding and Hess, not TGP, that provided the Certification Relating to Order Provisions. Any certificate of site compatibility issued by the Commission in this proceeding will be issued to Hess.
3. The Tioga Gas Plant, located 1 mile east of Tioga, North Dakota, was constructed in the early 1950's and put in service in 1954 with a nameplate inlet capacity of 120 million standard cubic feet of gas per day (MMSCFD). The plant processes gas produced in the Tioga area by separating out natural gas liquids (NGLs") as well as impurities such as water, carbon dioxide and hydrogen sulfide from the natural gas stream. The current plant facilities use a processing technique known as refrigerated lean oil fractionation.

4. In order to accommodate increased volumes of natural gas produced in association with oil in the area, principally as a result of development of the Bakken and Three Forks formations, Hess proposes to increase the nameplate inlet capacity to 250 million cubic feet per day and also to change the process to a cryogenic turboexpander process that will allow it to recover ethane. The expansion work will occur principally within the existing Plant footprint (the Existing Plant Site), but will also occur on 21 acres of land to the east of the existing Plant (the Expansion Area; the Existing Plant Site and the Expansion Area together are the Site).

5. The application in this matter was filed by Hess. However, the Plant is owned and operated by TGP and TGP will construct and operate the expansion project.

6. North Dakota's Energy Conversion and Transmission Facility Siting Act (Siting Act), Chapter 49-22 of the North Dakota Century Code, was initially enacted on April 9, 1975. Section 49-22-03(5) defines energy conversion facility as including any plant, addition or combination of plant and addition designed or capable of manufacture or refinement of one hundred million cubic feet of gas or more per day. The Plant has not previously been sited because it was constructed before the effective date of the Siting Act.

7. Section 49-22-03(3) defines construction, for which a siting permit is required, as excluding activities occurring wholly within the geographic location on which a conversion facility was constructed prior to April 9, 1975. Although a substantial portion of TGP' activities will occur within the Existing Plant Site, on which the Plant was constructed prior to April 9, 1975, construction will also occur on the Expansion Area which is outside the Existing Plant Site.

Project Design

8. The project will convert the Plant from a 120MMSCFD lean oil plant to a nameplate 250 MMSCFD cryogenic turbo-expander plant designed for ethane recovery, but capable of ethane rejection. The expanded plant will be designed to receive 190 MMSCFD of high pressure gas at 750 pounds per square inch gauge (psig) and 60 MMSCFD of low pressure gas at 6 to 10 psig.

9. The process systems to be incorporated in the project include the following:

- Inlet gas slug catchers.
- Inlet condensate pumping, filtration and stabilization.
- Inlet gas compression (existing).
- Amine Treating.
- Mole Sieve Dehydration.
- NGL Extraction (including refrigeration).
- MP Residue Gas Compression.

- HP Residue Gas Compression (existing).
- Product Fractionation.
- Product Treating.
- Product Storage, loading, and pipeline transfer systems.
- Flare systems.
- Drain systems.
- Plant Distributed Control System (including control room relocation).
- Utility Systems (electrical, steam, instrument, air, and heat).
- Fire Protection System.

Siting Criteria

10. North Dakota Administrative Code Chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for the certificate of site compatibility. The criteria set forth in North Dakota Administrative Code § 69-06-08-01 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria. With the exception of prime and unique farm land, an energy conversion facility must not be sited within an Exclusion Area. The exception for prime and unique farm land under North Dakota Administrative Code section 69-06-08-01 (d) is if the Commission finds that the prime farm and unique farm land that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural production, then such exclusion shall not apply. An energy conversion facility must not be sited within an Avoidance Area unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternate sites. In accordance with the Commission's Selection Criteria, an energy conversion facility shall be approved only if it is demonstrated that no significant adverse impacts will result from the location, construction, and operation of the facility. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the energy conversion facility.

11. Hess used a study area consisting of a 1-mile wide circular area centered on the Plant (the Study Area). There is no prime farmland within the Site. There is one small area of prime farmland within the Study Area. The prime farmland is located about ¼ of a mile south of the Existing Plant Site, is on the opposite side of existing Burlington Northern Santa Fe railroad tracks from the Existing Plant Site, and will not be affected by the Project.

12. There is no other irrigated land within the Study Area or that will be affected by the Project.

13. No exclusion areas are located within either the Site or the Study Area.

14. The Study Area includes several avoidance areas including historical resources, areas within the city limits of Tioga, areas within the one hundred-year floodplain, and woodlands or wetlands, as discussed below. However, no avoidance areas are included within the Site or will be affected by the Project.

15. The Project will not have any significant impact on the selection criteria set forth in North Dakota Administrative Code § 69-06-08-01(3).

16. Hess submitted evidence to demonstrate commitment to maximize the benefits of the proposed energy conversion facility as far as is possible so as to meet the Policy Criteria set forth in North Dakota Administrative Code § 69-06-08-01(4).

17. Although there may be some temporary impacts on infrastructure resulting from construction of the Project, those impacts will be minimized by Hess providing work camp facilities to house construction workers, and those temporary impacts will be offset by the benefits of the construction activities on the local economy. No significant adverse impact is anticipated on the ability of the affected area to provide community services, such as housing, health care, schools, police and fire protection, water and sewer, solid waste management, transportation or public safety.

Cultural Resources

18. A Class I and Class III cultural resource inventory was conducted. An abandoned farmstead location is located within the Study Area, but it was recommended as not eligible for listing on the National Register of Historic Places in 2002 and is not located within the Site and will not be affected by the project. A small cemetery was also identified within the Study Area, but it is 3/10 of a mile from the Site and will not be affected by the Project.

19. The State Historic Preservation Officer has concurred with the determination that no historic properties will be affected by the Project.

City Limits

20. The Study Area is adjacent to the eastern boundary of the City of Tioga and a small portion of the Study Area is within the city limits. However, no portion of the Site is within the city limits.

Wetlands and Wildlife

21. The United States Fish and Wildlife Service ("USFWS") has determined that the Project is not likely to result in the taking of any federally listed species and that no

further consultation is needed. The North Dakota Game and Fish Department has indicated that it foresees no identifiable conflict with wildlife or wildlife habitat as a result of the Project.

22. A wetlands delineation in accordance with guidelines provided by the U.S. Army Corps of Engineers was conducted. Although there are several scattered wetlands throughout the Study Area but none are located within the Site or will be affected by the Project.

23. Hess will not start construction until after July 15 to minimize impacts to migratory birds and thereafter carry on continuous construction activities to deter birds from nesting at the Site. The USFWS has agreed that these practices provide adequate protection to migratory birds, eggs and active nests.

24. A small area in the southwestern portion of the Study Area is included within a Federal Emergency Management Agency (FEMA)-designated floodplain. The mapped floodplain ends at the Burlington Northern Railroad grade south of the Site. There is no evidence that the project will be impacted by, or will impact, any other floodplains.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over Hess Corporation and over the subject matter of this application under North Dakota Century Code Chapter 49-22.

2. Hess Corporation is a utility as defined in North Dakota Century Code Section 49-22-03(13).

3. The energy conversion facility proposed by Hess Corporation is an energy conversion facility as defined in North Dakota Century Code § 49-22-03(5).

4. The location, construction, and operation of the proposed energy conversion facility will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. The location, construction and operation of the proposed energy conversion facility is compatible with environmental preservation and the efficient use of resources.

6. The proposed energy conversion facility will 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.

7. The proposed project is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code Section 49-22-07.2.

8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the Application and provided under North Dakota Century Code Section 49-22-07.2.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now issues its:

Order

The Commission orders:

1. Hess Corporation's application for a waiver of procedures and time schedules is granted.
2. Certificate of Site Compatibility for Energy Conversion Facility No. 18 is issued to Hess Corporation for the construction, operation and maintenance of an expanded Tioga Gas Plant.
3. The August 27, 2010 Certification Relating to Order Provisions – Facility Siting is incorporated by reference and attached to this order.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman

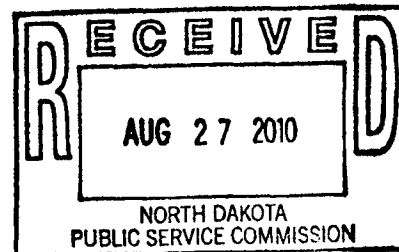


Brian P. Kalk
Commissioner

Via E-mail

August 27, 2010

Mr. Mitchell D. Armstrong
Attorney at Law
Smith, Bakke, Porsborg, Schweigert & Armstrong
P.O. Box 460
Bismarck, ND 58502-0460



Dear Mitch,

Thank you for your e-mail of August 25th with the proposed certification in the captioned matter.

We are enclosing the signed certification which has been executed on behalf of Hess Corporation subject to the following understandings:

Item 15 – Topsoil Segregation. As we understand Item 15, it requires Hess to strip any topsoil in place and dispose of that topsoil offsite onto an area with preexisting topsoil. Although there is very little, if any, topsoil on either the existing plant site or the expansion area, Hess will strip what topsoil there is and dispose of it accordingly.

Item 16 – Reclamation and Reseeding. For the most part, the plant site will not be reclaimed or reseeded until after operations are abandoned on the facility. If there are any fringe areas disturbed by construction which will not be used in the actual plant site, such as small areas outside the fenced area, Hess will reclaim, fertilize and reseed in accordance with the referenced recommendations.

Item 18 -Tree and Shrub Mitigation Specifications. Although to our knowledge there are no trees and shrubs within either the existing plant site or the expansion area, we understand that these specifications will apply to any trees or shrubs that may be cleared.

Item 24 – Design Drawings. Prior to commencing construction activities, Hess will provide the Commission staff with a survey plat showing the plant site, including the expansion area, and a

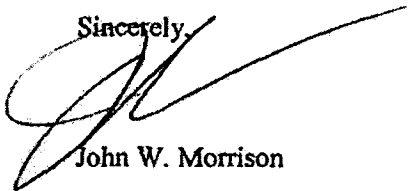
Mr. Mitchell Armstrong
Case PU-09-120
August 27, 2010
Page 2 of 2

design drawing showing the location of the facility within that plant site, but the pre-construction location of the facility will not be surveyed.

Item 27 - Modifications. Our understanding is that the modifications referred to in Item 27 are physical modifications to the location of facilities as shown on the design drawings submitted pursuant to Item 24.

I will deliver the original certification to you Monday in Tioga. Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'John W. Morrison', written over the word 'Sincerely,'.

John W. Morrison

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hess Corporation
Tioga Gas Plant Expansion Project—Williams County
Siting Application

Case No. PU-09-120

CERTIFICATION RELATING TO ORDER PROVISIONS - FACILITY SITING

I am Bary D. Nelson, a representative of Hess Corporation (Hess) with authority to bind Hess to requirements to be set forth by the Commission in its Order and I certify the following:

1. Hess understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Hess will be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Hess agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Hess representative, its construction supervisor, and a representative of Commission Staff, to ensure that Hess fully understands the conditions set forth in the Commission's order.
3. Hess agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility/expansion including all city, township, and county zoning regulations.
4. Hess agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility/expansion that requires said license or permit.
5. Hess understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
6. Hess agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.

7. Hess agrees to inform the Commission of its intent to start construction on the energy conversion facility/expansion prior to the commencement of construction. Once construction has started, Hess shall keep the Commission updated of construction activities on a weekly basis.
8. Hess agrees to construct and operate the energy conversion facility/expansion in the manner described in Hess's application, in any late filed exhibits and supplemental materials, and in accordance with all applicable safety requirements.
9. Hess agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles that Hess becomes aware of and which were not previously reported to the Commission.
10. Hess understands that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
11. Hess understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.
12. Hess understands and agrees that any underground piping or electric line crossings of graded roads shall be bored unless the responsible governing agency specifically permits Hess to open cut the road.
13. Hess understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility/expansion and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
14. Hess understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.
15. During construction, at least 12 inches of topsoil, where available (or topsoil to the depth of cultivation, whichever is greater), over and along areas where facilities will be placed must be stripped and segregated from subsoil. Any area on which

excavated subsoil will be placed must first be stripped of topsoil. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must not be placed within the footprint of the facilities, and must be placed over areas containing topsoil.

16. Hess understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise approved by the Commission.
17. Hess understands and agrees that its obligation for reclamation and maintenance of the energy conversion facility site, associated facilities, and roadways will continue throughout the life of the energy conversion facility.
18. Attached is a document titled Tree and Mitigation Specifications. Hess agrees to comply with these specifications if the Commission chooses to include all or a portion of the requirements and conditions contained in this attachment in its Order.
19. Hess agrees that staging areas or equipment shall not be located on land owned by somebody other than Hess unless otherwise negotiated with landowners.
20. Hess agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
21. Hess agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility/expansion.
22. Hess agrees that it shall advise the Commission of any extraordinary events which take place at the site of the energy conversion facility/expansion, including but not limited to injured workers or private individuals, the death of any threatened or endangered species, or the discovery of a large number of dead birds or bats on the site within five business days of such event.
23. Hess agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility/expansion will be handled by Hess.
24. Hess agrees to provide the Commission with engineering design drawings showing surveyed structure prior to construction, and understands and agrees that it must obtain approval from the Commission or from Commission Staff prior to any changes in the energy conversion facility/expansion.
25. Hess agrees to provide the Commission with a copy (hardcopy and electronic versions) of the design specifications for the construction of the energy conversion

facility showing the location of the energy conversion facility as built, and will provide this information within three months of the completion of the construction. Hess also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

26. Hess understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
27. Hess agrees to inform the Commission in writing of any modifications to the energy conversion facility or of any plans to modify the site plan for the energy conversion facility. Any additions or modifications to the site plan for the energy conversion facility must be approved in writing by the Commission or Commission staff. Approval may be granted after notice and opportunity for hearing.

Dated this 27th day of August, 2010.

HESS CORPORATION

By Ray D. Nelson
Its Manager, Targa Gas Plant

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

HESS CORPORATION
Tioga Gas Plant Expansion Project—Williams County
Siting Application

Case No. PU-10-120

Tree and Shrub Mitigation Specifications

Inventory

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), shall be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts, and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1-inch diameter at breast height (dbh) or greater shall be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs shall be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil shall be preserved and replaced after construction. Shrubs shall be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission), and approved prior to the start of construction shall define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots shall be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

Clearing for Construction

7. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 50 feet or less unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced shall be noted on the inventory.

Replacement

10. Prior to replacement, documentation identifying the number and variety of trees removed as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings shall be filed with the Commission for approval.
11. Tree replacement shall be on a 2 to 1 basis with 2-year-old saplings. Shrub replacement shall be on a 2 to 1 basis with stem cuttings.
12. Trees and shrubs shall be replaced by the same species or similar species, except in the case of invasive species or noxious weeds, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.
13. Landowners shall be given the option of having replacement trees or shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacement trees or shrubs to be planted at alternative locations.
14. At the conclusion of the project, documentation identifying the actual number, variety, type, location, and date of the replacement plantings shall be filed with the Commission.
15. Tree and shrub replacements shall be inspected once a year for three years, on about the anniversary of the plantings, and, on or shortly before October 1 of each year, a report shall be submitted to the Commission documenting the condition of replacement planting and any woodlands work completed. If after three years from the anniversary of the plantings the survival rate is less than 75%, the Commission may order additional planting(s).

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Site Compatibility for Energy Conversion Facility

Certificate Number 18

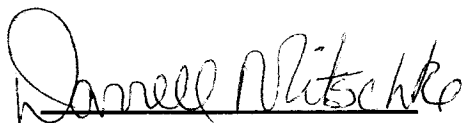
This is to certify that the Commission has designated an energy conversion facility site for Tioga Gas Plant, Inc.'s existing Tioga Gas Plant and for the proposed addition to the plant in Williams County, North Dakota

The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-10-120 dated September 8, 2010 and is subject to the conditions and limitations noted in that order.

Bismarck, North Dakota, September 8, 2010.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner