

Hamre, John G.

From: Brian R. Bjella [bbjella@crowleyfleck.com]
Sent: Thursday, July 29, 2010 8:08 AM
To: -Info-Public Service Commission
Cc: Bendish, Annette M.; Fahn, Patrick J.; Hamre, John G.; Nitschke, Darrell D.; Wade C. Mann
Subject: Case # PU-10-130: Enbridge Berthold Station
Attachments: O'Connell Letter 7-28-2010.pdf

Attached for filing in the captioned case is a letter from Senator David O'Connell.
Brian Bjella

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Email attaching letter from Senator David O'Connell



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Minority Leader

July 28, 2010

Commissioner Kevin Cramer
Commissioner Tony Clark
Commissioner Brian P. Kalk
Illona Jeffcoat-Sacco
Annette Bendish
Patrick J. Fahn
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: Case No. PU-10-130, Enbridge Pipelines (North Dakota) LLC
Berthold Station Upgrade Project, Ward County Siting Application
Letter in Support of Approval of Siting Application and
Issuance of Corridor Certificate and Route Permit

Dear Sirs and Madams:

I am writing this letter to you in my capacity as the State Senator for District 6 and Chairman of the Transportation Committee. Thank you for your careful consideration of the City of Berthold's (City), local public officials', North Dakota Department of Transportation's, and Enbridge Pipelines (North Dakota) LLC's (Enbridge) (collectively, the Affected Parties) traffic safety concerns as they relate to the above-referenced matter. I attended the PSC's Public Hearing of July 16, 2010 in Berthold, North Dakota, and have been involved with the above-referenced matter prior to and following that proceeding. I've earnestly worked with the Affected Parties to address their collective traffic safety concerns in and around Enbridge's Berthold Station and proposed LACT Facilities. The Affected Parties regard safety as the number one priority. As such, I am certain the Affected Parties will share in a mutually beneficial result in this matter that addresses their traffic safety concerns and allows for the orderly development of interstate commerce.

Based on my discussions with the Affected Parties, I understand that Enbridge intends to purchase an 80 acre parcel of land at the southeast corner of the intersection of U.S. Highway 2 and 296th Street in Berthold. As discussed in its Siting Application, Enbridge intends to perform certain upgrades to its existing Berthold Station, while also preparing the 80 acre parcel for construction of shipper-owned LACT Facilities. It's my understanding that the LACT Facilities will be a truck unloading site for shippers which will result in additional truck traffic in and



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around Enbridge's Berthold Station. This increase in truck traffic, given the unique man-made features surrounding Enbridge's Berthold Station, gave rise to the Affected Parties' traffic safety concerns.

The Affected Parties sought guidance from ND-DOT as to what measures may be implemented at and around Enbridge's Berthold Station to alleviate their traffic safety concerns. ND-DOT, as the appropriate state agency having jurisdiction over such concerns, analyzed the circumstances at and around Enbridge's Berthold Station and has recommended the following safety measures:

1. Installing a combined right-turn and placarded-truck pullout lane for eastbound traffic at the BNSF Railroad Crossing and 296th Street;
2. Installing a combined acceleration and placarded-truck pullout lane for westbound traffic at the BNSF Railroad Crossing and 296th Street; and
3. Reducing the speed limit on U.S. Highway 2, once Enbridge's facility expansion is operational.

The implementation of these safety measures is further supported by the following:

- A. Enbridge is committed to cooperating in the implementation of ND-DOT suggested and recommended traffic safety measures;
- B. Enbridge has agreed to pay for the construction of the combined right-turn and placarded-truck pullout lane for eastbound traffic at the BNSF Railroad Crossing and 296th Street; and
- C. Enbridge will contribute additional funds to implement traffic safety measures 2 and 3 above, as well as those additional traffic safety measures reasonably suggested by ND-DOT and as directly related to Enbridge's expansion of its Berthold Station as proposed in its Siting Application.

I am confident in Enbridge's commitment to implementing the recommendations of the ND-DOT and am eager to see this project move forward. Approving Enbridge's Siting Application and implementing the traffic safety measures achieves two of North Dakota's chief goals: 1) providing safe roadways and communities for its citizens; and 2) capitalizing on and promoting a natural resource opportunity unique to the State of North Dakota and its citizens.


I fully support Enbridge's Siting Application. I also support the immediate issuance of a Corridor Certificate and Route Permit for construction of Enbridge's proposed upgrades.

Separately, BNSF was contacted regarding the exemption of its Railroad Crossing on U.S. Highway 2. While promoted as an alternative solution to the traffic safety concerns, ND-DOT

and BNSF have explained that: 1) by implementing the proposed traffic safety measures, an exempted Railroad Crossing is unnecessary; 2) exempting the Railroad Crossing for the sole benefit of trucks hauling hazardous material may cause confusion for other regulated vehicles; and 3) BNSF may face increased liability with a deregulated Railroad Crossing.

Again, thank you for your attention to this issue. It is evident to me that each of the parties availing itself of this process share the same desire to build strong North Dakota communities that live in harmony with and benefit from the oil and gas industry. If you have any questions, please feel free to contact me directly.

Sincerely,



Senator David O'Connell
District 6