

September 4, 2012

**RECEIVED**

SEP 04 2012

**PUBLIC SERVICE COMMISSION**

**VIA HAND DELIVERY**

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

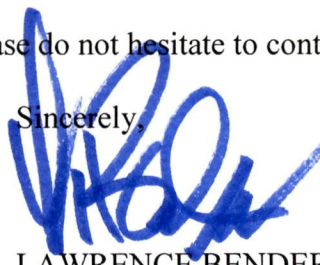
**RE: BAKKENLINK PIPELINE, LLC  
CRUDE OIL PIPELINE — WILLIAMS TO  
BILLINGS COUNTIES  
CASE NUMBER PU-10-218**

Dear Mr. Nitschke:

Enclosed for filing are an original and ten (10) copies of the proposed Findings of Fact, Conclusions of Law and Order Granting Corridor Certificate and Route Permit. Also enclosed is a CD containing the enclosed document noted above and this letter in PDF format.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



LAWRENCE BENDER

LB/jrr  
Enclosures

cc: Mr. Patrick Fahn (*w/ encl. - via e-mail*)  
Mr. Mark Gruman (*w/ encl. - via e-mail*)  
Mr. Steve Griesser (*via email w/enclosure*)  
Mr. Rich Voss (*via email w/enclosure*)  
Mr. Darren Snow (*via email w/enclosure*)  
Mr. Jame Todd (*via email w/enclosure*)

5220650\_1.DOC

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

Fredrikson & Byron, P.A.  
200 North  
Bismarck,  
58501-387

**91**

**PU-10-218** Filed: 9/4/2012 Pages: 8  
**Proposed Findings of Fact, Conclusions of Law and Order**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BakkenLink Pipeline LLC**  
**Crude Oil Pipeline – Williams to Billings County**  
**Siting Application**

**Case No. PU-10-218**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING  
AMENDED CORRIDOR CERTIFICATE AND AMENDED ROUTE PERMIT**

**September \_\_, 2012**

**Appearances**

Commissioners: Brian P. Kalk, Kevin Cramer, and Bonnie Fetch.

Lawrence Bender, Attorney-at-Law, Fredrikson & Byron, P.A., 200 North Third Street, Suite 150, Bismarck, North Dakota 58501, on behalf of BakkenLink Pipeline LLC.

Mark Gruman, Assistant Attorney General, North Dakota Office of Attorney General, 600 East Boulevard, Dept. 125, Bismarck, North Dakota 58505, on behalf of the North Dakota Public Service Commission.

Patrick Fahn, Director – Compliance and Competitive Markets Division, Public Service Commission, 600 East Boulevard, Bismarck, North Dakota 58505, on behalf of the North Dakota Public Service Commission.

**Preliminary Statement**

On February 29, 2012, the North Dakota Public Service Commission (“Commission”) issued its Findings of Fact, Conclusions of Law, and Order, granting BakkenLink Pipeline LLC (“BakkenLink”) Certificate of Corridor Compatibility No. 128 and Route Permit No. 137 to authorize construction of a crude oil pipeline project in Billings, Dunn, McKenzie, Stark, and Williams Counties, North Dakota (“Project”). The Certificate of Corridor Compatibility and Route Permit were conditioned upon Bakkenlink receiving the North Dakota State Historic Preservation Office’s (“SHPO”) final concurrence.

On July 24, 2012, Bakkenlink filed an application seeking approval of modifications to the Project route and corridor. The application included the Affidavit of Jame Todd, Addendum 1 to Class II and Class III Cultural Resources Inventory, Updated Wetland and Waterbody Crossings data, and Application for Waiver or Reduction of Procedures and Time Schedules, in support of the application. In its waiver request, Bakkenlink requests waiver of the following:

1. Procedures that may require separate filings of applications for an amended certificate of corridor compatibility, an amended route permit, and waiver of procedures and time schedules;

2. Procedures that may require separate notices of such applications;
3. Procedures that may require public hearings on such applications; and
4. Procedures that may require separate hearings on such applications, if either a formal or informal hearing is required.

The corridor and route modifications are located in Billings, Dunn, McKenzie, Stark, and Williams Counties, North Dakota. As modified, the Project would consist of approximately 132 miles of 12-inch and 8-inch diameter underground pipeline.

BakkenLink is requesting the proposed route and corridor modifications for two primary reasons. First, in finalizing easement negotiations with landowners, BakkenLink made several modifications to the proposed pipeline placement in order to accommodate landowner requests. Second, the original alignment near Watford City became impractical due to the large amount of rapid development that is taking place in the area. This required BakkenLink to identify an alternative route around Watford City to place the pipeline further from development activities.

On August 1, 2012, the Commission found the application of BakkenLink to be complete and issued a Notice of Filings, Notice of Informal Hearing, and Notice of Opportunity for Hearing, scheduling an informal hearing for August 29, 2012, at 1:30 p.m. in the Commission Hearing Room on the 12<sup>th</sup> Floor of the State Capitol. The Notice further provided that comments and requests for a hearing must be received by August 31, 2012.

The Notice identified the following issues to be considered with respect to Bakkenlink's application for waiver of procedures and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the following issues to be considered with respect to Bakkenlink's application for an amended Certificate of Corridor Compatibility and an amended Route Permit.

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 20, 2012, the North Dakota Department of Health filed comments stating that it believes environmental impacts from the proposed construction will be minor and recommended certain construction methods to minimize fugitive dust emissions, minimize adverse effects on water bodies, and minimize construction activity noise.

On August 21, 2012, the SHPO filed a letter concurring that no historical properties will be affected by the Project.

On August 27, 2012, Bakkenlink filed with the Commission an Addendum 2 to Class II and Class III Cultural Resources Inventory.

On August 29, 2012, the informal hearing was held as scheduled. No requests for public hearing were received.

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. BakkenLink conducted a cultural resource inventory on a 200-foot-wide to 500-foot-wide survey corridor. A map depicting the corridor width is incorporated by reference and attached hereto.
2. As the materials filed by Bakkenlink in its July 24, 2012 application state, and as was further discussed at the informal hearing, no exclusion or avoidance areas will be impacted by the requested corridor and route amendments.
3. As the materials filed by Bakkenlink in its July 24, 2012 application state, and as was further discussed at the informal hearing, the State Historical Society of North Dakota, State Historical Preservation Office, has concurred that no historic properties are affected by the requested corridor and route amendments.

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

#### **Conclusions of Law**

1. The Commission has jurisdiction over the applicant, BakkenLink Pipeline LLC, and over the subject matter of this application under North Dakota Century Code Chapter 49-22.
2. BakkenLink is a utility as defined in North Dakota Century Code Section 49-22-03(13).
3. The proposed pipeline is a transmission facility as defined in North Dakota Century Code Section 49-22-03(12).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. The location, construction and operation of the Project are compatible with environmental preservation and the efficient use of resources.
6. The Project 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 Project is of such design and location that it will produce minimal adverse effects, in accordance with 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. BakkenLink Pipeline LLC's application for a waiver of procedures and time schedules is granted.
2. First Amended Certificate of Corridor Compatibility Number 128 is issued to BakkenLink Pipeline LLC designating a corridor for the construction, operation, and maintenance of a 12-inch and 8-inch crude oil pipeline system with receipt points and associated facilities in Billings, McKenzie, Stark and Williams Counties. For the purposes of the Certificate, the corridor consists of a 200-foot-wide to 500-foot-wide area, centered on the pipeline route for the length of the route, as depicted on the map incorporated by reference and attached to this Order. Where the route parallels the existing DGC carbon dioxide pipeline, the corridor consists of a 200-foot-wide area centered on the DGC pipeline route.
3. First Amended Route Permit Number 137 is issued to BakkenLink Pipeline LLC granting authority to construct and operate a 12-inch and 8-inch crude oil pipeline system with receipt points and associated facilities in Billings, McKenzie, Stark, and Williams Counties.
4. The October 24, 2011 Certification Relating to Order Provisions – Transmission Facility Siting is incorporated by reference and attached to this Order.
5. To the extent there are any conflicts or inconsistencies between the Application and the certification provisions, the certification provisions control.

**PUBLIC SERVICE COMMISSION**

---

**Kevin Cramer**  
**Commissioner**

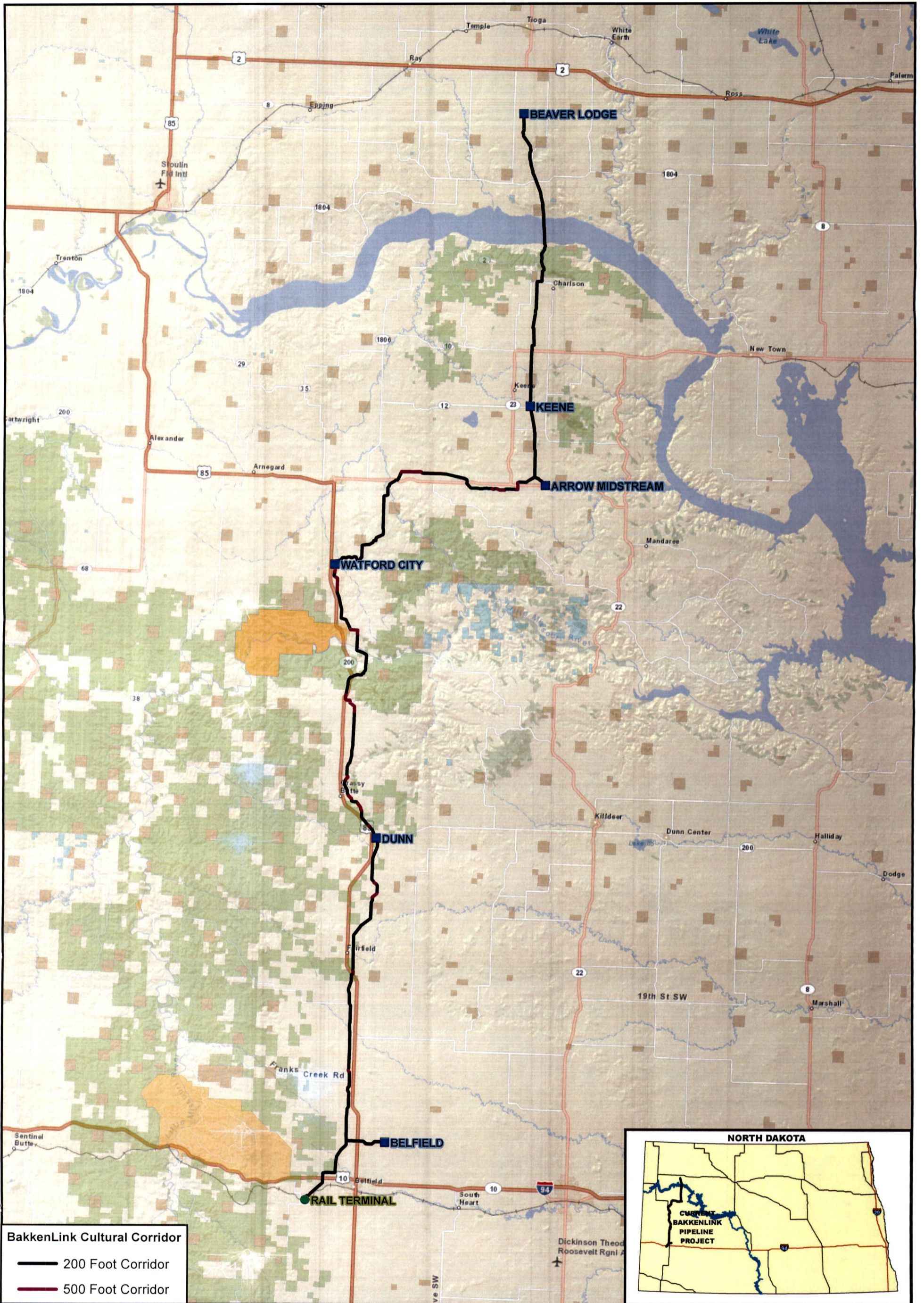
---

**Brian P. Kalk**  
**Chairman**

---

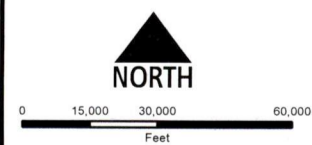
**Bonny M. Fetch**  
**Commissioner**

5218507\_2.DOC



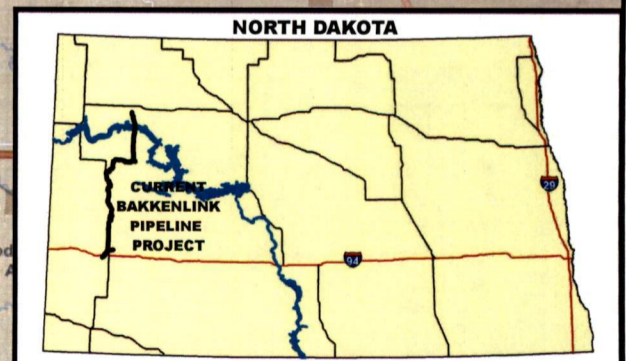
**BakkenLink Cultural Corridor**

- 200 Foot Corridor
- 500 Foot Corridor



# BAKKENLINK PIPELINE PROJECT WESTERN NORTH DAKOTA

ROUTE IS NOT FINAL AND IS SUBJECT TO CHANGE



**BakkenLink  
Pipeline LLC**  
**BARTLETT & WEST**