

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

BakkenLink Pipeline, LLC  
Crude Oil Pipeline- Williams to Billings Counties  
Siting Application

Case No. PU-10-218

AFFIDAVIT OF SERVICE REGULAR MAIL OR EMAIL

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 11<sup>th</sup> day of April, 2013, she deposited in the United States Mail, Bismarck, North Dakota, 3 envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy and 23 electronic mail messages, each with an attached electronic copy of:

Order

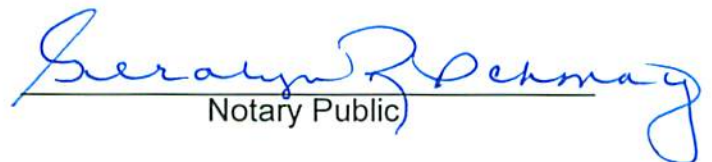
The envelopes and electronic mails respectively were addressed as follows:

See attached list.

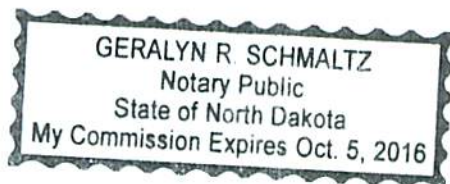
Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 11<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
Notary Public

SEAL



ndaero@nd.gov  
Melinda Weninger  
Aeronautics Commission  
PO Box 5020  
Bismarck ND 58502-5020

ndag@nd.gov  
Attorney General's Office

cte@nd.gov  
Dept of Career and Technical Education  
State Capitol  
Bismarck ND 58505

mpaaverud@nd.gov  
Merlan Paaverud, Jr.  
Historical Society

jpaczkowski@nd.gov  
John Paczkowski  
N D Water Commission  
900 E Boulevard  
Bismarck ND 58505

mdockter@nd.gov  
Monte Dockter  
ND Department of Transportation  
State Highway Building  
Bismarck ND 58505

tsteinwa@nd.gov  
Terry Steinwand  
ND GAME & FISH DEPT  
INSIDE MAIL

mdaley@nd.gov  
Maren Daley  
ND Job Service  
P.O. Box 5507 INSIDE MAIL  
Bismarck ND 58506-5507

mhaupt@nd.gov  
Mike Haupt  
ND Land Department

tsando@nd.gov  
Todd Sando  
State Engineer  
ND Water Commission

goehring@nd.gov  
Doug Goehring  
Agriculture Department  
State Capitol  
Bismarck ND 58505

jmittleider@nd.gov  
John Mittleider  
Department of Commerce  
600 East Blvd  
Bismarck ND 58505

ndquarter@nd.gov  
Jack Dalrymple  
Governor's Office  
State Capitol  
Bismarck ND 58505

ckulas@nd.gov  
Cheryl Kulas  
Indian Affairs Commission  
State Capitol - 1st Floor J Wing INSIDE  
Bismarck ND 58505

ndascd@lincolnoakes.com  
ND Assoc of Soil Conservation Dist  
3310 University Drive  
Bismarck ND 58504-7564

Larry.kotchman@ndsu.edu  
MR LARRY KOTCHMAN  
ND FOREST SERVICE  
MOLBERG CENTER 307 1ST STREET EAST  
BOTTINEAU ND 58318

emurphy@nd.gov  
MR ED MURPHY  
ND GEOLOGICAL SURVEY

labor@nd.gov  
Tony Weiler  
ND Labor Dept  
600 E Blvd Ave  
Bismarck ND 58505

markzimmerman@nd.gov  
Mark Zimmerman  
North Dakota Parks & Rec  
1600 E Century Ave, Ste. 3 INSIDE MAIL  
Bismarck ND 58503-0649

health@nd.gov  
State Health Department  
1

kkempenich@nd.gov  
Keith Kempenich  
State Representative  
9005 151st Ave. SW  
Bowman ND 58623-8857

ddrovdal@nd.gov  
David Drovdal  
State Representative  
2802 131st Ave. NW  
Arnegard ND 58835-9127

bbowman@nd.gov  
Bill Bowman  
State Senator  
408 First St. SW  
Bowman ND 58623-9753

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

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

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

**ORDER**

**April 10, 2013**

**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.

The Commission's September 5, 2012 Order issued First Amended Certificate of Corridor Compatibility No. 128 and First Amended Route Permit No. 137 to allow several modifications to the proposed pipeline placement in order to accommodate landowner requests and to allow a change to the original alignment near Watford City due to the large amount of rapid development taking place in the area.

On January 18, 2013 BakkenLink filed a request for modification to the approved corridor and route to accommodate three reroutes at landowner requests, known as the Knapp, the Lillibridge, and the Hoffmann reroutes; and one reroute due to the relocation of the Arrow Receipt Point, known as the Levang Reroute; all in McKenzie County, North Dakota.

At its February 1, 2013 Special Meeting, the Commission determined that it would delegate authority to staff to approve the BakkenLink route deviations outside the designated corridor. Before Staff approval was given, BakkenLink was required to file verification that BakkenLink obtained landowner approval for the Levang Reroute, file a certification that the reroutes would not impact any new exclusion or avoidance areas, file copies of environmental and cultural studies, file a copy of the State Historic Preservation Office's concurrence with a finding of No Historical Properties Affected, and file confirmation from the local road authority that the Hoffmann Reroute would not affect plans for potential road improvements. The Commission also determined that Staff approval would be subject to the subsequent issuance of a Notice of Opportunity

for Hearing providing opportunity for comments or requests for hearing on the four reroutes.

On February 7, 2013, Bakkenlink filed an 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.

BakkenLink's February 7, 2013 filing also included a Certification of Darren Snow in Support of the Application of BakkenLink Pipeline LLC for an Amended Corridor Certificate and Route Permit, who is the Vice President with regard to BakkeLink's crude oil pipeline project (Certification).

On February 8, 2013, Commission Staff approved the four reroutes conditioned on expiration of a Notice of Opportunity for Hearing, to be issued by the Commission, and without receipt of any comments or requests for hearing.

On February 13, 2013, the Commission issued a Notice of Filings, Notice of Informal Hearing, and Notice of Opportunity for Hearing, scheduling an Informal Hearing for March 27, 2013, 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 March 18, 2013.

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 February 27, 2013, the North Dakota Department of Health (DOH) 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. These February 27, 2013 comments are substantially the same as comments filed by the DOH on August 20, 2012 in this proceeding.

On March 27, 2013, the Informal Hearing was held as scheduled.

The February 7, 2013 Certification of Darren Snow states that the requested reroutes do not impact any new exclusion or avoidance areas; that the requested reroutes do not affect any of the Commission's exclusion, avoidance, or selection criteria; that the requested reroutes do not involve any water crossings or section line crossings; that the requested reroutes do not affect existing or future county roads; that all necessary environmental and archaeological reviews have been completed; and that no new landowners are affected.

BakkenLink conducted a cultural resource inventory on a 200-foot-wide to 500-foot-wide survey corridor for the proposed reroutes.

As the materials filed by Bakkenlink in its February 7, 2013 filing 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.

As the materials filed by Bakkenlink in its February 7, 2013 filing 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.

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.

The location, construction and operation of the Project are compatible with environmental preservation and the efficient use of resources.

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.

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.

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.

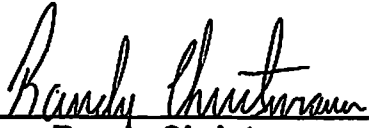
Having allowed all interested persons an opportunity to be heard and having reviewed and considered all evidence presented, the Commission makes the following:

### Order

The Commission orders:

1. BakkenLink Pipeline LLC's application for a waiver of procedures and time schedules is granted.
2. Second 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 purposes of the reroutes that are subject of this Order, the reroute corridors consist of a 200-foot-wide area, centered on the pipeline reroutes for the length of the reroutes.
3. Second 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.

### PUBLIC SERVICE COMMISSION

  
Randy Christmann  
Commissioner

  
Brian P. Kalk  
Chairman

  
Julie Fedorchak  
Commissioner

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Second Amended  
Certificate of Corridor Compatibility Number 128**

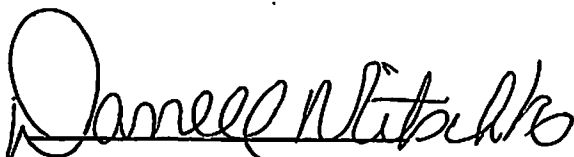
*This is to certify that the Commission has designated a transmission facility corridor for BakkenLink Pipeline LLC for the construction of a 12-inch pipeline; and three 8-inch lateral pipelines for a total of 132 miles of pipe and associated facilities in Billings, McKenzie, Stark and Williams Counties, North Dakota, for the transmission of crude oil.*

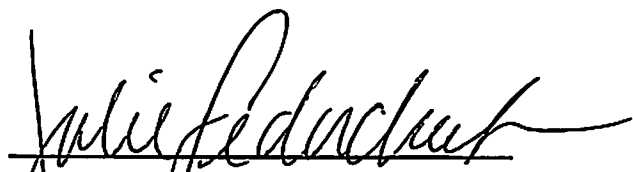
*This certificate is issued in accordance with the Order of this Commission dated February 29, 2012; amended in accordance with the Commission's Order dated September 5, 2012; and amended in accordance with the Commission's Order dated April 10, 2013 in Case No. PU-10-218 and is subject to the conditions and limitations noted in those Orders.*

*Bismarck, North Dakota, April 10, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## Second Amended Route Permit Number 137

*This is to certify that the Commission has designated a transmission facility route for BakkenLink Pipeline LLC for the construction of a 12-inch pipeline; and three 8-inch lateral pipelines for a total of 132 miles of pipe and associated facilities in Billings, McKenzie, Stark and Williams Counties, North Dakota, for the transmission of crude oil.*

*This permit is issued in accordance with the Order of this Commission dated February 29, 2012; amended in accordance with the Commission's Order dated September 5, 2012; and amended in accordance with the Commission's Order dated April 10, 2013 in Case No. PU-10-218 and is subject to the conditions and limitations noted in those Orders.*

*Bismarck, North Dakota, April 10, 2013.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**