

## ***Pre-Construction Conference Minutes***

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Scheduled: October 4, 2012 10:00 am Central Time (duration from 10:06 to 10:32 am) All participants attended via teleconference and included:

Patrick Fahn  
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All attendees acknowledged having copies of the four ND Public Service Commission (PSC) documents provided previously via email which included (1) PSC Order Dated November 2, 2011; (2) PSC Findings of Fact, Conclusions of Law and Order Dated June 27, 2012; (3) Findings of Fact Conclusions of Law and Order Dated September 5, 2012 (4) Penalties associated with Energy Conversion and Transmission Facility Siting Act. Mr. Fahn confirmed all participants had received copies of the four documents.

Mr. Fahn lead the review, covering the Certification Relating to Order Provisions signed on October 16, 2011 by Michael Higgins item by item, all items listed except #2 which references the requirement for the preconstruction conference, which was being satisfied by the teleconference in progress.

The following items prompted project-specific discussions:

- #4 Ms. Spilman indicated that she did not believe a copy of the US Bureau of Reclamation irrigation crossing permit had been submitted. Mr. Fahn indicated a copy should be provided to the commission through the attorneys of record. Ms. Spilman indicated she would make suitable arrangements for submission of a copy of the permit to the PSC.
- #5 A "start of construction" notice must be provided to the PSC. Typically the notice is provided via email. The day of the week the notice becomes the submission date for the weekly status report. Copies of the notice and weekly report should be submitted via email to the PSC general address at ndpsc@nd.gov with copies to Pat Fahn at pfahn@nd.gov and construction contractor Bill McCarthy at wmccarthy@go2e3.com Enhancements to the content of the status report should be expected by the Commission's contract inspector could occur after one or two reports filed. Parties were reminded to provide a 1.3 inch clear margin at the bottom of the report pages for the docketing sticker. Mike Higgins confirmed he was okay with the process. NOTE: PSC Case number PU 10-554 should be included in the subject line.
- #12 Hiland will be using its standard Unanticipated Find Procedure, which was previously approved by the SHPO office in it PU-10-555 natural gas pipeline project.
- #13 Michael Higgins confirmed all improved road crossings would be directionally bored.
- #20 Mr. Fahn asked if the tree and shrub count had been submitted to the Commission. Ms. Spilman confirmed that the raw tree and shrub count had been completed but had not been submitted. Once the construction zone has been established, the area will be resurveyed and final count adjusted for untaken trees. Mr. Fahn asked that the raw tree count be submitted to the Commission through their attorney of record, and include an explanation of the count basis.
- #26 Mr. Fahn asked for a formal process for handling complaints from landowners and other parties during the project. Mr. Higgins responded that Jason Pottridge is to be the single point of contact for such reports. Mr. Pottridge will work with Hiland's land department and contract land agents to investigate the basis of the complaint and resolved issues identified. Mr. Fahn asked that in lieu of a formal submission to the Commission, that the minutes of the meeting detail the process including contact information for Mr. Pottridge.
- #30 Mr. Fahn indicated that the Commission is not requiring submission of these design documents at this time.
- #32 Mr. Fahn asked if the shapefiles of the final route had been submitted to the Commission. Ms. Spilman indicated that the latest final route had been submitted with the April 2012 route change request. There was some concern that the Commission did not have these files available. Ms. Spilman indicated new copies of the final route would be provided. Mr. Fahn asked that they be filed through the attorney of record. He also asked that both the route and the corridor be included in the submission, and that the files be provided within 3 months of construction start.

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#33 Mr. Fahn asked that at the conclusion of the project, the as-built shapefiles include both the route and the project corridor. Mr. Higgins indicated both will be provided.

Also specifically discussed was item #15 of page 4 of the project order, last sentence which identifies two archeological sites and one area of Federally-protected plant species was identified in the construction zone which were to be marked. Ms. Spilman indicated she would make arrangements for all three areas to be marked/fenced before start of construction.

Mr. Fahn called to the participant's attention the penalties of the Energy Conversion and Transmission Facility Siting Act which had been previously provided in the email meeting notice. He also referenced the pipeline route change order dated June 27, 2012 and the pipeline diameter change approval in the September 25, 2012 order.

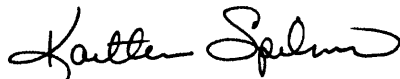
The discussion was opened for any additional discussion. Ms. Spilman listed the participants who had identified themselves at the start of the teleconference and asked if anyone who had joined late would identify themselves. No additional participants identified themselves. Mr. McCarthy reiterated that they may request modifications to the weekly status reports to aid them in their inspections duties. He also asked who their point of contact was to gain access to the project site, and what personal protection equipment would be required to enter the site. Mr. Higgins referred both to Mr. Pottridge.

Mr. McCarthy asked about the location of the mitigation plan. Ms. Spilman reported the plan was the last two appendices filed with the original permit application document. He asked if she was the contact for any questions regarding the plan. Ms. Spilman indicated that someone from the Keitu staff would be available to help as directed by their client Hiland.

Mr. Higgins indicated field construction was expected to begin at the middle of the following week. In response to Mr. McCarthy's question, Mr. Higgins estimated a total of 2 1/2 months to start of pipeline operations after construction start.

Mr. Fahn asked for the minutes of the meeting to be provided before construction start.

Respectfully submitted



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