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July 28, 2011

*Hand Delivery*

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

**RECEIVED**

JUL 28 2011

**PUBLIC SERVICE COMMISSION**

Dear Mr. Nitschke:

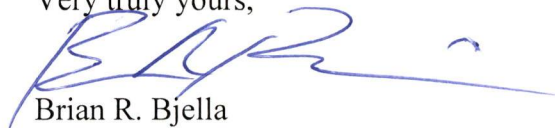
RE: Enbridge Pipelines (North Dakota) LLC  
Bakken Pipeline Project US  
Burke County  
Deviations of the Designated Route  
Docket No. PU-10-612  
Our File No. 31-411-004

Enbridge Pipelines (North Dakota) LLC is enclosing herewith for filing an original and ten copies of the following:

1. Application of Enbridge Pipelines (North Dakota) LLC for Deviations of the Designated Route and for an Amended Corridor Certificate and Route Permit in Burke County, North Dakota.
2. Notice of Enbridge Pipelines (North Dakota) LLC for Deviations of the Designated Route and for an Amended Corridor Certificate and Route Permit in Burke County, North Dakota.
3. Map for publication.

Please feel free to call should you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'B. Bjella', with a long horizontal flourish extending to the right.

Brian R. Bjella

bw

Enc.

cc: Burke County Auditor (Application and map only)

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Enbridge  
Pipelines (North Dakota) LLC for  
Deviations of the Designated Route and for  
an Amended Corridor Certificate and Route  
Permit in Burke County, North Dakota

**RECEIVED** CASE NO. PU-10-612

JUL 28 2011

**PUBLIC SERVICE COMMISSION**

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**APPLICATION OF ENBRIDGE PIPELINES  
(NORTH DAKOTA) LLC FOR A WAIVER  
OR REDUCTION OF PROCEDURES AND  
TIME SCHEDULES AND FOR AN AMENDED  
CORRIDOR CERTIFICATE AND ROUTE PERMIT**

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Enbridge Pipelines (North Dakota) LLC (“Enbridge”) whose address for purposes of this Application is 2505 16<sup>th</sup> Street SW, Minot, North Dakota, 58701, pursuant to the Energy Conversion and Transmission Facility Siting Act, codified at North Dakota Century Code Chapter 49-22 (“Act”), hereby submits this Application For a Waiver or Reduction of Procedures and Time Schedules For Deviations of the Designated Route and for Amended Corridor Certificate and Route Permit (“Application”).

On May 5, 2011, the North Dakota Public Service Commission (“Commission”) entered its Findings of Fact, Conclusions of Law and Order in the captioned matter approving construction of a pipeline project, and further issued to Enbridge Certificate of Corridor Compatibility Certificate No. 118 and Route Permit Certificate No. 128.

On June 29, 2011, Enbridge filed with the Commission its request for route deviations in this matter in Section 3-T162N-R92W and Section 34-T162N-R92W, in order to avoid impacts to three wetlands and due to denial of access by one landowner and the granting of access by a

neighboring landowner. Enbridge's route deviations filing of June 29, 2011, is incorporated herein by reference.

Enbridge requests that the Commission waive and/or reduce procedures and time schedules required by the Act or in the Commission's regulations set forth in Title 69-06 of the North Dakota Administrative Code to accomplish the purposes requested herein. These include, but are not limited to:

- (1) Waive, pursuant to North Dakota Century Code §§ 49-22-07.2, 49-22-13, and North Dakota Administrative Code § 69-06-01-02 and Chapter 69-06-06; provisions of North Dakota Century Code §§ 49-22-08, 49-22-08.1, 49-22-13, and North Dakota Administrative Code § 69-06-01-02 which may require a public hearing on this application, and certain time schedules and procedures as set forth in said statutes and rules pertaining thereto;
- (2) Issue a notice of opportunity for hearing in the official newspaper of Burke County;
- (3) Waive any provision of law or regulation which may require two publications and only publish said notice of opportunity for hearing once in the official newspaper of Burke County;
- (4) Provide that in the notice of opportunity for hearing that any request for a hearing be made in not more than ten days pursuant to North Dakota Century Code § 49-22-13(4);
- (5) Approve the deviation request which will result in deviations of the designated route and an adjustment to the designated corridor;
- (6) Find that the proposed facilities are of such design, length, location and purpose that they will produce minimal adverse affects;

- (7) Designate and approve the requested facilities as identified in this Application and issue the appropriate amended corridor certificate and route permit.

The Commission's application guidelines for waiver of procedures and time schedules require the description of the facility, the need for the facility, the cost of the facility and separate justification for each provision of the Act for which Enbridge is requesting a waiver, together with evidence that the project will produce minimal adverse effects or that a demonstrable emergency exists.

As demonstrated in this Application, and as filed with the Commission on June 29, 2011, Enbridge's request for waivers and/or reductions of procedures and time schedules and the issuance of an amended corridor certificate and route permit are justified as the proposed facilities are of such design, length, location and purpose that they will produce minimal adverse effects, and that the urgent need for Enbridge to commence construction on this pipeline project as soon as possible so as to provide additional pipeline capacity to deliver crude oil produced in the Williston Basin of North Dakota to markets and refineries in the United States requires construction at the earliest possible date.

#### **DESCRIPTION**

These deviation requests are the result of a need to adjust the pipeline route to avoid three wetlands and also due to denial of access by one landowner and the granting of access by a neighboring landowner, all as located in Burke County, North Dakota.

#### **NEED**

The purpose of the Bakken Pipeline Project US is to transport crude oil produced primarily from the Bakken Formation in the Williston Basin of North Dakota, by creating

additional pipeline transportation capability to markets and refineries. The greatly increased production of oil from the Bakken Formation and other oil producing formations within the Williston Basin of North Dakota has created an urgent need for additional pipeline capacity to get the oil to eastern and southern markets and refineries. Without increased transportation capacity out of the Williston Basin, oil drilling projects could be curtailed by shippers on Enbridge's system due to lack of adequate transportation facilities.

In addition, Enbridge anticipates commencement of construction in early August 2011, and thus it is imperative that this request for deviations of the designated route and for an amended corridor certificate and route permit be approved as soon as possible in order that construction will not be delayed.

#### **COST**

The cost of the route deviations to avoid three wetlands and move the pipeline to the property of the landowner granting access is estimated at \$3,000.00.

#### **JUSTIFICATION**

The environmental and cultural resource studies and reports which were filed with the Commission on June 29, 2011, which are incorporated herein by reference, demonstrate that there will be minimal adverse effects by construction, and that pursuant to North Dakota Administrative Code § 69-06-05-02(2) the requested deviations do not violate any of the exclusion and avoidance area of criteria of Article 69-06 of the North Dakota Administrative Code.



BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Enbridge  
Pipelines (North Dakota) LLC for  
Deviations of Designated Route and for an  
Amended Corridor Certificate and Route  
Permit in Burke County, North Dakota

CASE NO. PU-10-612

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**NOTICE OF FILING AND NOTICE OF OPPORTUNITY FOR HEARING**  
**JULY \_\_, 2011**

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On May 5, 2011, the North Dakota Public Service Commission (“Commission”) issued its Findings of Fact, Conclusions of Law and Order with respect to Enbridge Pipelines (North Dakota), LLC Bakken Pipeline Project US located in Burke and Ward Counties, North Dakota. The Commission also issued to Enbridge Certificate of Corridor Compatibility Certificate No. 118, dated May 5, 2011; and Route Permit Certificate No. 128, dated May 5, 2011.

On June 29, 2011, Enbridge filed a request for route deviations in Section 3-T162N-R92W and Section 34-T162N-R92W, Burke County, North Dakota. On July \_\_, 2011, Enbridge filed its Application for a Waiver or Reduction of Procedures and Time Schedules requesting an Amended Corridor Certificate and Amended Route Permit.

Enbridge submits that its request for the deviation of the designated route will produce minimal adverse effects and requests that the Commission (1) waive provisions of law and regulation with respect to certain time schedules and procedures; (2) not hold a public hearing, but instead publish a notice of opportunity for hearing; (3) find that the proposed facilities are of such length, design, location and purpose that they will produce minimal adverse effects; (4) provide in the notice of opportunity for hearing that any request for hearing must be made in not

more than ten days under North Dakota Century Code § 49-22-13(4); and (5) designate and approve the amended corridor and route and issue the appropriate amended corridor certificate and route permit.

The issues to be considered in this proceeding are:

1. Will the location, construction and operation of the proposed facilities produce minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed pipeline facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed pipeline facilities 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?
4. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects; or, does a demonstrable emergency exist which requires immediate construction and that adherence to procedures and time schedules will jeopardize the applicant's system; so that procedures and time schedules may be waived?
5. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the Application?

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for a hearing must be received by August 15, 2011. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials, notify Darrell Nitschke, Executive Secretary, at least 24 hours in advance.

#### PUBLIC SERVICE COMMISSION

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Kevin Cramer  
Commissioner

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Tony Clark  
President

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Brian Kalk  
Commissioner

Enbridge Pipelines (North Dakota) LLC  
Bakken Pipeline Project US

CANADA

UNITED STATES

**Proposed  
Lignite Station**

**PROPOSED JOHNSON DEVIATION**

In Section 3, T-162-N, R-92-W  
and Section 34, T-163N, R-92-W

Lignite

Burke County

Proposed 12"



Pump Station Site



Proposed 12" Line Replacement (11 Miles)



Existing Enbridge Pipelines