

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

AUG 24 2011

PUBLIC SERVICE COMMISSION

**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**

Enbridge Pipelines (North Dakota) LLC (“Enbridge”) whose address for purposes of this Application is 2505 16th 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.

Enbridge Pipelines (North Dakota) LLC
Bakken Pipeline Project US

CANADA
UNITED STATES

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

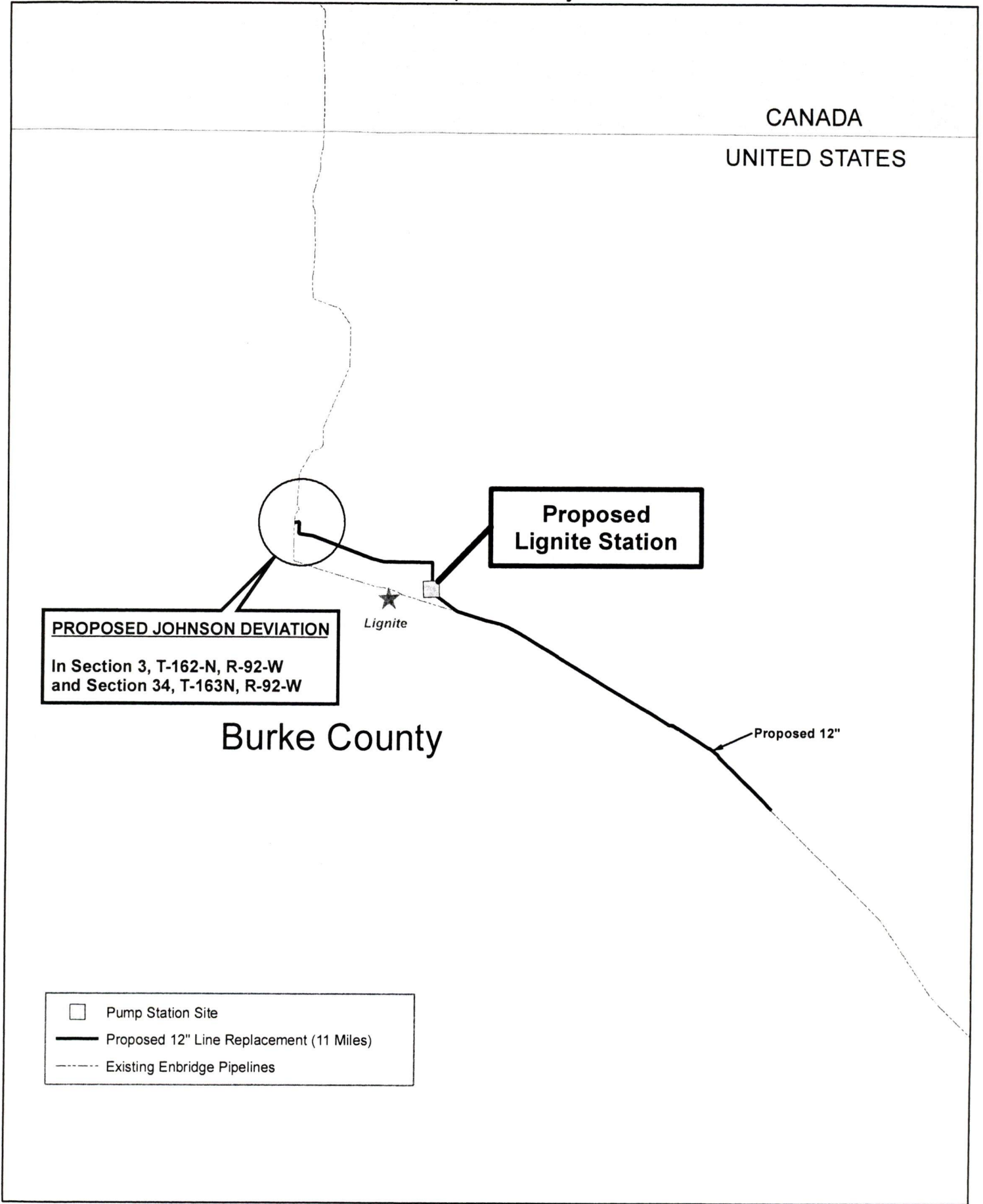
**Proposed
Lignite Station**

Lignite

Burke County

Proposed 12"

- Pump Station Site
- Proposed 12" Line Replacement (11 Miles)
- - - Existing Enbridge Pipelines



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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NORTH DAKOTA)
)§
COUNTY OF BURLEIGH)

Beth Wald, being first duly sworn on oath, deposes and says: That she is a citizen of the United States over the age of eighteen years and not a party to, nor interested in, the above entitled action.

That on the 28th day of July, 2011, this affiant did send via first class mail at Bismarck, North Dakota, a true and correct copy of the following documents:

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MAP FOR PUBLICATION

That the documents with postage prepaid were mailed, directed to the person to be served at their last known post office address as follows:

Jeanine S. Jensen
Burke County Auditor
PO Box 310
Bowbells, ND 58721

To the best of affiant's knowledge, the address above given is the actual post office addresses of the party intended to be served.

Beth Wald

Beth Wald

Subscribed and sworn to before me this 28th day of July, 2011.

Joann Kleinknecht

Joann Kleinknecht, Notary Public

Burleigh County, North Dakota

My Commission Expires:

(S E A L)

