

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Enbridge Pipelines (North Dakota) LLC  
Bakken Pipeline Project US – Ward & Burke Counties  
Siting Application**

**Case No. PU-10-612**

**FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER**

**September 6, 2011**

**Preliminary Statement**

On May 5, 2011, the Commission adopted Findings of Fact, Conclusions of Law and Order issuing Corridor Compatibility Certificate No. 118 and Route Permit No. 128 to Enbridge to authorize construction of the Bakken Pipeline Project US (Project). The Project consists of replacing approximately 11 miles of 12-inch diameter pipeline in Burke County, North Dakota, and also the construction of new pump stations near Kenaston in Ward County, North Dakota, and located near Lignite, in Burke County, North Dakota. In addition, an originating terminal will be constructed at Enbridge's existing Berthold Station in Ward County.

On July 28, 2011, Enbridge filed with the Commission an application for an amended corridor and an application for an amended route for the Project. The corridor and route amendments are located in Burke County. In addition, Enbridge filed an application to waive and reduce procedures and time schedules required under North Dakota Century Code chapter 49-22. Enbridge requests waiver for the following:

- Procedures that require separate filings of applications for a certificate of corridor compatibility and a route permit,
- Procedures that require separate notices of such applications,
- Procedures that require separate hearings on such applications,
- Procedures that require a public hearing on an application for a certificate of corridor compatibility,
- Procedures that require a public hearing on an application for a route permit.

Enbridge requests the corridor and route amendments for two reasons. First, the amendments allow Enbridge to avoid engaging unwilling landowners in the condemnation process where adjacent landowners have granted easement options. Second, the amendments allow Enbridge to avoid impacting three wetlands.

On August 3, 2011, the Commission issued a Notice of Filings, Notice of Informal Hearing and Notice of Opportunity for Hearing (Notice) scheduling an informal hearing for August 24, 2011, at 2:30 p.m. CDT in the Commission Hearing Room on the 12th Floor of the State Capitol. The Notice further provided that comments and requests for a hearing must be received by September 6, 2011.

The Notice identified the following issues to be considered in Enbridge'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 in Enbridge's applications for amended certificate of corridor compatibility and 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 24, 2011, the Commission held the informal hearing as scheduled. No comments or requests for 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. The materials filed by Enbridge in its July 28, 2011 applications state, and as was further discussed at the informal hearing, that no exclusion or avoidance areas will be impacted by the requested corridor and route amendments.
2. The materials filed by Enbridge in its July 28, 2011 applications state, and as was further discussed at the informal hearing, that the State Historical Society of North Dakota has concurred that no historic properties are affected by the corridor and route amendments.
3. The corridor and route amendments are compatible with the environmental preservation and the efficient use of resources, and will produce minimal adverse impacts on the environment, natural resources, and upon the welfare of the citizens of North Dakota, while ensuring continuing system reliability, integrity and ensuring that energy needs are met and fulfilled in an orderly fashion.

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

### **Conclusions of Law**

1. The Commission has jurisdiction over Enbridge and over the subject matter of the Application under North Dakota Century Code Chapter 49-22.

2. The requested corridor and route amendments will produce minimal adverse effects as defined under NDCC § 49-22-07.2.

3. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the application for waiver of procedures and time schedules and as provided under North Dakota Century Code § 49-22-07.2.

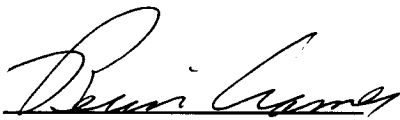
From the foregoing Findings of Fact, and Conclusions of Law, the Commission now issues its:

### ORDER

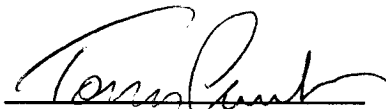
The Commission orders:

1. Enbridge's application for a waiver of procedures and time schedules is granted.
2. Enbridge's requests for amendments from the permitted corridor and pipeline route are granted, and Enbridge is issued First Amended Certificate of Corridor Compatibility No. 118 and First Amended Route Permit No. 128.
3. The authorizations granted by the First Amended Certificate of Corridor Compatibility No. 118 and the First Amended Route Permit No. 128 are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.
4. The amended corridor and amended route are subject to the conditions and limitations stated in the Findings of Fact, Conclusions of Law and Order dated May 5, 2011, and are subject to the conditions and limitations stated in this Order.

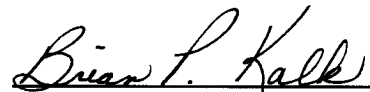
### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Tony Clark**  
Chairman



**Brian P. Kalk**  
Commissioner

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

**First Amended**  
**Certificate of Corridor Compatibility Number 118**

*This is to certify that the Commission has designated a transmission facility corridor for Enbridge Pipelines (North Dakota) LLC for the construction of a 12-inch pipeline and associated facilities in Ward and Burke Counties, North Dakota for the transmission of crude oil.*

*This transmission facility corridor is designated in accordance with the Commission's May 5, 2011 Order and is amended by the Commission's September 6, 2011 Order for an amended route, all in Case No. PU-10-612; and is subject to the conditions and limitations noted in those Orders.*

*Bismarck, North Dakota, September 6, 2011.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

# STATE OF NORTH DAKOTA

## First Amended Route Permit Number 128

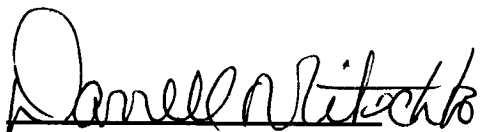
*This is to certify that the Commission has designated a transmission facility route for Enbridge Pipelines (North Dakota) LLC for the construction of a 12-inch pipeline and associated facilities in Ward and Burke Counties, North Dakota for the transmission of crude oil.*

*This transmission facility route is designated in accordance with the Commission's May 5, 2011 Order and is amended by the Commission's September 6, 2011 Order for an amended route, all in Case No. PU-10-612; and is subject to the conditions and limitations noted in those Orders.*

*Bismarck, North Dakota, September 6, 2011.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**