

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 the Vicinity of Berthold Station,
Ward County, North Dakota

CASE NO. PU-10-613

RECEIVED

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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 18, 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. 119 and Route Permit Certificate No. 129.

On July 6, 2011, Enbridge filed with the Commission its request for route deviations in this matter with respect to a need for additional work space near the BNSF railroad right-of-way

and as a result of a restricted area adjacent to a United States Air Force missile site. Enbridge's route deviations filing of July 6, 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 Ward 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 Ward 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 July 6, 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

This deviation request consists of a need for additional boring space under the BNSF railroad right-of-way, and also the need to slightly alter the approved route due to a restricted area adjacent to a United States Air Force missile site, all located near Enbridge's Berthold Station located in Ward County, North Dakota.

NEED

The purpose of the Beaver Lodge Loop Project is to transport crude oil produced primarily from the Bakken Formation in the Williston Basin of North Dakota, by creating additional pipeline transportation capacity 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 on August 8, 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 costs of the additional boring under the BNSF right-of-way and the need to move the pipeline due to the restricted area near the United States missile site is estimated at \$36,000.00.

JUSTIFICATION

The environmental and cultural resource studies and reports which were filed with the Commission on July 6, 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.

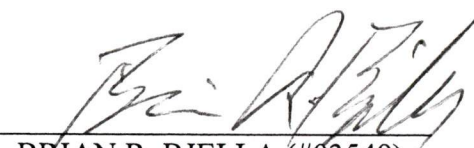
Enbridge respectfully requests that the Commission render an expeditious decision granting its requested waivers and/or reductions of procedures and time schedules, approve the requested deviations and issue an amended corridor certificate and amended route permit.

Dated this 28th day of July, 2011.

Respectfully submitted,

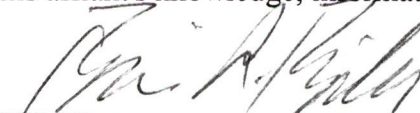
ENBRIDGE PIPELINES (NORTH DAKOTA)
LLC

CROWLEY FLECK PLLP
Attorneys for Applicant
400 North Broadway, Suite 600
P.O. Box 2798
Bismarck, North Dakota 58502

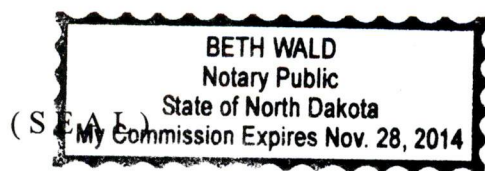
By 
BRIAN R. BJELLA (#03549)

STATE OF NORTH DAKOTA))
COUNTY OF BURLEIGH))

Brian R. Bjella, being first duly sworn on oath, deposes and says that he is the attorney for the applicant herein named, that he has read the above and foregoing application, knows the contents thereof, and that the same is true to the best of this affiant's knowledge, information, and belief.

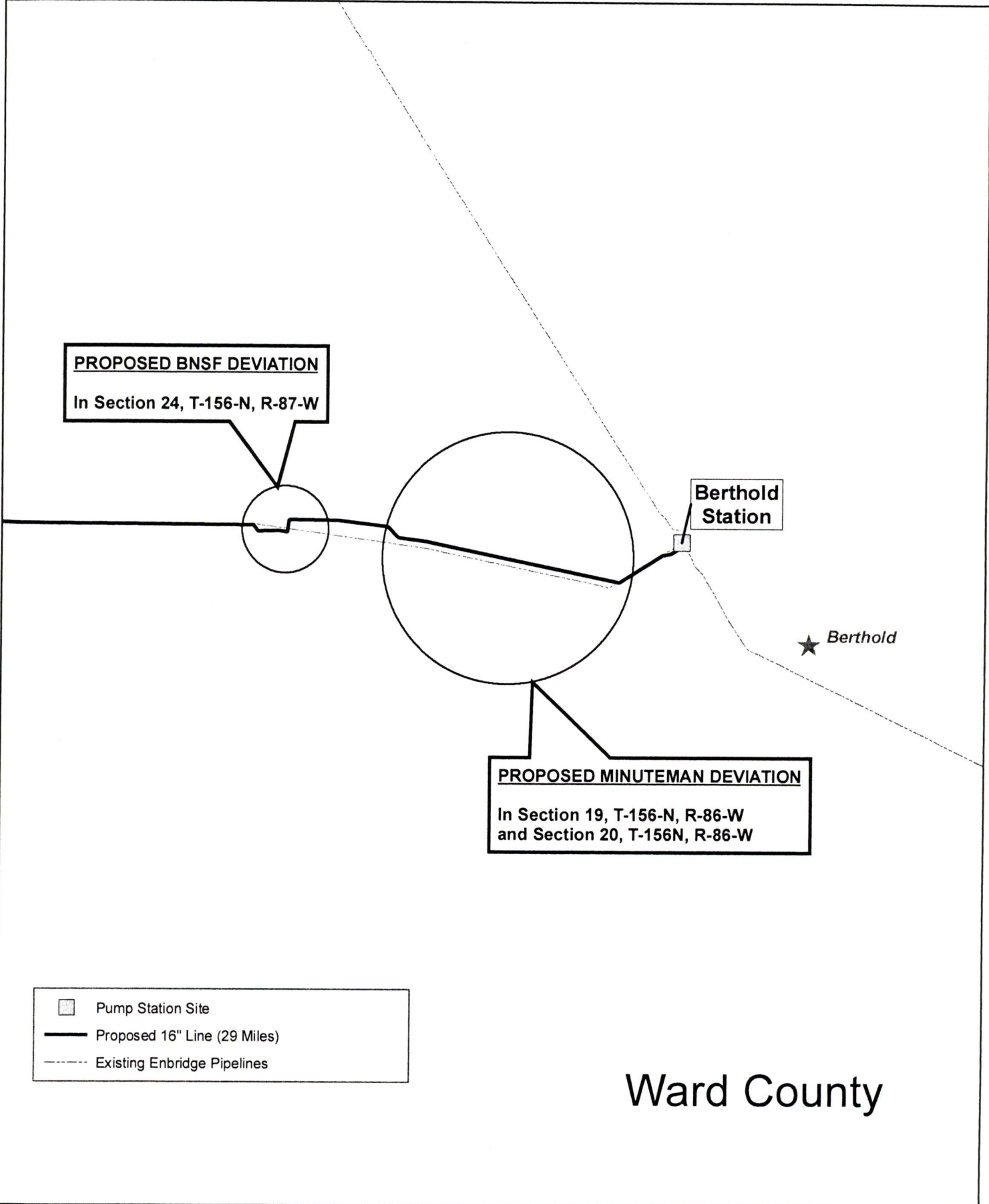

BRIAN R. BJELLA

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



Beth Wald
Beth Wald, Notary Public
Burleigh County, North Dakota
My Commission Expires: 11/28/14

Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project



PROPOSED BNSF DEVIATION
In Section 24, T-156-N, R-87-W

Berthold Station

★ *Berthold*

PROPOSED MINUTEMAN DEVIATION
In Section 19, T-156-N, R-86-W
and Section 20, T-156N, R-86-W

- Pump Station Site
- Proposed 16" Line (29 Miles)
- - - Existing Enbridge Pipelines

Ward County

To the best of affiant's knowledge, the address above given is the actual post office address 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)

