

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Enbridge Pipelines (North Dakota) LLC  
Beaver Lodge Loop Project- Williams, Mountrail & Ward  
Counties  
Siting Application

Case No. PU-10-613

**AFFIDAVIT OF SERVICE BY REGULAR OR INSIDE, OR ELECTRONIC MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Cara DeSaye** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 8<sup>th</sup> day of **September, 2011**, she deposited in the United States Mail, Bismarck, North Dakota, 17 envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy and 7 envelopes via inside mail, securely sealed and each containing a photocopy, and 13 addressees electronically mailed a copy of:

**Findings of Fact, Conclusions of Law and Order**

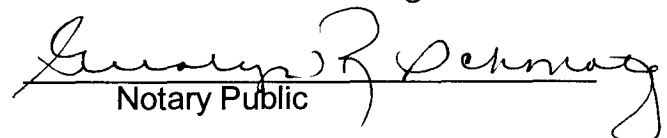
The envelopes were addressed as follows:

See attached list.

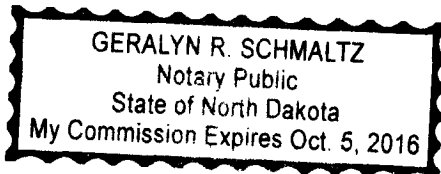
Each post office address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 8<sup>th</sup> day of **September, 2011**.



  
Notary Public

SEAL



ndaero@nd.gov  
Melinda Weninger  
Aeronautics Commission  
PO Box 5020  
Bismarck ND 58502-5020

jmittleider@nd.gov  
John Mittleider  
Department of Commerce  
600 East Blvd  
Bismarck ND 58505

jengleso@nd.gov  
Jeff Engleson  
Energy Development Impact Office  
1707 N 9th St  
Bismarck ND 58501

ckulas@nd.gov  
Cheryl Kulas  
Indian Affairs Commission  
State Capitol - 1st Floor J Wing INSIDE  
Bismarck ND 58505

fziegler@nd.gov  
Francis Ziegler, P.E.  
ND Department of Transportation  
State Highway Building  
Bismarck ND 58505

mdaley@nd.gov  
Maren Daley  
ND Job Service  
P.O. Box 5507 INSIDE MAIL  
Bismarck ND 58506-5507

markzimmerman@nd.gov  
Mark Zimmerman  
North Dakota Parks & Rec  
1600 E Century Ave, Ste. 3 INSIDE MAIL  
Bismarck ND 58503-0649

goehring@nd.gov  
Doug Goehring  
Agriculture Department  
State Capitol  
Bismarck ND 58505

colson@nd.gov  
Carol Olson  
Department of Human Services  
State Capitol  
Bismarck ND 58505

ndquarter@nd.gov  
Jack Dalrymple  
Governor's Office  
State Capitol  
Bismarck ND 58505

jpaczkowski@nd.gov  
John Paczkowski  
N D Water Commission  
900 E Boulevard  
Bismarck ND 58505

tsteinwa@nd.gov  
Terry Steinwand  
ND GAME & FISH DEPT  
INSIDE MAIL

labor@nd.gov  
Tony Weiler  
ND Labor Dept  
600 E Blvd Ave  
Bismarck ND 58505

Attorney General's Office  
Inside Mail

County Commissioner  
Burke County  
PO Box 310  
Bowbells ND 58721

County Auditor  
Burke County  
PO Box 310  
Bowbells ND 58721

Dept of Career and Technical Education  
State Capitol  
Bismarck ND 58505

Merlan Paaverud, Jr.  
Historical Society  
North Dakota Heritage Center  
Bismarck ND 58505

City of Berthold  
Mayor  
223 Main St N  
Berthold ND 58718

County Auditor  
Mountrail County  
PO Box 69  
Stanley ND 58784-0069

County Commission  
Mountrail County  
PO Box 69  
Stanley ND 58784-0069

Thomas Hanson  
ND Assoc of Soil Conservation Dist  
3310 University Drive  
Bismarck ND 58504-7564

MR LARRY KOTCHMAN  
ND FOREST SERVICE  
MOLBERG CENTER 307 1ST STREET EAST  
BOTTINEAU ND 58318

MR ED MURPHY  
ND GEOLOGICAL SURVEY  
INSIDE MAIL

Mike Haupt  
ND Land Department  
1707 N 9th St  
Bismarck ND 58501

Dale Frink  
State Engineer  
ND Water Commission 900 East Boulevard  
Bismarck ND 58505

State Health Department  
State Capitol  
Bismarck ND 58505

Larry Bellew  
State Representative  
812 Bel Air Place  
Minot ND 58703

Dan Ruby  
State Representative  
4620 46th Avenue NW  
Minot ND 58703

David S. Rust  
State Representative  
PO Box 1198  
Tioga ND 58852-1198

Bob Skarphol  
State Representative  
PO Box 725  
Tioga ND 58852-0725

John Andrist  
State Senator  
PO Box E  
Crosby ND 58730-0660

David Hogue  
State Senator  
6811 27th Avenue NW  
Minot ND 58703

Devra Smestad  
Ward County Auditor  
PO Box 5005  
Minot ND 58702-5005

Chairman  
Ward County Commission  
PO Box 5005  
Minot ND 58702-5005

County Auditor  
Williams County  
PO Box 2047  
Williston ND 58802-2047

County Commissioner  
Williams County Commission  
PO Box 2047  
Williston ND 58802-2047

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Enbridge Pipelines (North Dakota) LLC  
Beaver Lodge Loop Project – Williams, Mountrail & Ward  
Counties  
Siting Application**

**Case No. PU-10-613**

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

**September 6, 2011**

**Preliminary Statement**

On May 18, 2011, the Commission adopted Findings of Fact, Conclusions of Law and Order issuing Corridor Compatibility Certificate No. 119 and Route Permit No. 129 to Enbridge to authorize construction of the Beaver Lodge Loop Project (Project). The Project includes construction of approximately 56 miles of 16-inch diameter pipeline in Ward, Williams and Mountrail Counties, North Dakota, and also the construction of additional pump station facilities and tankage at Enbridge's existing Beaver Lodge and Stanley Stations, as well as additional tankage at its Berthold Station.

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 near Enbridge's Berthold Station in Ward 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, Enbridge requires additional temporary work space to safely complete pipe installation at a newly required increased depth under the Burlington Northern Santa Fe (BNSF) Railroad right-of-way. The newly required depth places the boring equipment and boring pit outside the approved corridor. Second, at the request of landowners, Enbridge needs to slightly alter the approved route to the south and west to abut BNSF Railroad right-of-way. This route adjustment has the added benefit of preventing the pipeline route from entering a restricted area, or buffer zone, surrounding an adjacent United States Air Force missile site.

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 3:00 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.

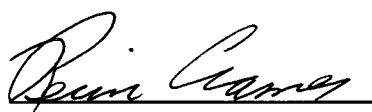
From the foregoing Findings of Fact, and Conclusions of Law, the Commission now issues its:

### 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. 119 and First Amended Route Permit No. 129.
3. The authorizations granted by the First Amended Certificate of Corridor Compatibility No. 119 and the First Amended Route Permit No. 129 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 18, 2011, and are subject to the conditions and limitations stated in this Order.

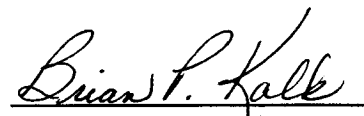
### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Tony Clark**  
Chairman



**Brian P. Kalk**  
Commissioner

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**First Amended  
Certificate of Corridor Compatibility Number 119**

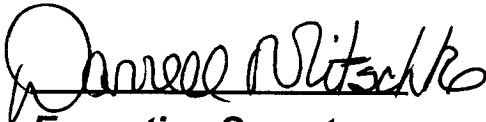
*This is to certify that the Commission has designated a transmission facility corridor for Enbridge Pipelines (North Dakota) LLC for the construction of a 16-inch pipeline and new facilities and tankage at its Beaver Lodge and Stanley Pump Stations, all in Williams, Mountrail, and Ward Counties, North Dakota for the transmission of crude oil.*

*The transmission facility corridor is designated in accordance with the Commission's May 18, 2011 Order and is amended by the Commission's September 6, 2011 Order for an amended corridor, all in Case No. PU-10-613; 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 129

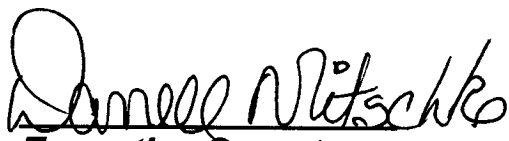
*This is to certify that the Commission has designated a transmission facility route for Enbridge Pipelines (North Dakota) LLC for the construction of a 16-inch pipeline and new facilities and tankage at its Beaver Lodge and Stanley Pump Stations, all in Williams, Mountrail, and Ward Counties, North Dakota for the transmission of crude oil.*

*The transmission facility route is designated in accordance with the Commission's May 18, 2011 Order and is amended by the Commission's September 6, 2011 Order for an amended route, all in Case No. PU-10-613; 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**