

Brian R. Bjella
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

April 27, 2012

RECEIVED

APR 30 2012

PUBLIC SERVICE COMMISSION

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

Dear Mr. Nitschke:

In re: Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Case No. PU-10-613
Our File No. 31-411-003

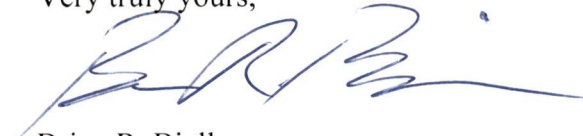
In the Public Service Commission's Findings of Fact, Conclusions of Law and Order, dated May 18, 2011, in the captioned case, the Commission granted Certificate of Corridor Compatibility No. 119 and Route Permit No. 129, providing in part: Construction along 61st Street NW between State Highway 8 and 82nd Avenue NW will not begin until Enbridge has submitted an Application for a route deviation in this area with sufficient materials showing that any modification of the corridor/route meets the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act and has received approval from the Commission to proceed.

In this regard, enclosed please find the original and 11 copies of Enbridge Pipeline (North Dakota) LLC's Route Deviation Application. As demonstrated in the Application, the route deviation does not violate any exclusions or avoidance areas, and thus may be permitted pursuant to NDAC § 69-06-05-02(2).

Enbridge respectfully requests that the Application be reviewed and approved in an expedited manner, in order that construction may commence as soon as possible.

Thank you for your attention to this matter.

Very truly yours,



Brian R. Bjella

bw

Enc.

cc: Auditor of Mountrail County
Patrick Fahn, PSC

Enbridge Pipelines (North Dakota) LLC

**North Dakota PSC
Docket No. PU-10-613**

Beaver Lodge Loop Project

Route Deviation

Stanley Route Deviation

Mile Post 52.0 – Mile Post 51.1

April 26, 2012

Mile Post 52.0 to Mile Post 51.1 – Stanley Route Deviation

In accordance with Ordering Paragraphs 2 and 3 of the Findings of Fact, Conclusion of Law and Order dated May 18, 2011, in Case No. PU-10-613¹, Enbridge Pipelines (North Dakota) LLC (“EPND”) hereby files its application for a route deviation from the route as previously proposed in the area along 61st Street NW between State Highway 8 (also known as 81st Avenue NW) and 82nd Avenue NW of its Beaver Lodge Loop Project. This route deviation, referenced as the Stanley Route Deviation, was so ordered by this Commission to accommodate the development plans of Mountrail County, the City of Stanley and Idaho Township in locating its new facilities along 61st Street NW and the widening of a township road. EPND hereby submits that such route deviation has been developed in compliance with the rules and regulations of this Commission for any modification of the corridor and route under the North Dakota Energy Conversion and Transmission Facility Siting Act.

A. Description of Opposition to Proposed Route and Resolution

Representatives of Mountrail County, Idaho Township and Farmers Union Oil appeared at the public hearing for the Beaver Lodge Loop Project. Their collective public comment raised concerns with the proposed pipeline route as it passes to the south of the City of Stanley near a parcel of land on which Mountrail County is developing new facilities and along a township road scheduled for widening. EPND met and conferred with representatives of Idaho Township, the City of Stanley, Mountrail County and Farmers Union Oil subsequent to the public hearing.

Following the public hearing, Mountrail County has agreed that EPND may construct the pipeline in the route proposed in its Application and at the hearing with certain conditions outlined in a letter dated April 26, 2011 from Wade G. Enget, Mountrail County State’s Attorney to the North Dakota Public Service Commission. The letter is included as Attachment A. Mountrail County has since signed a waiver giving EPND permission to construct the proposed pipeline within 500 feet of the Mountrail County Fair Building which was recently built south of 61st Street SW. (See Section D.2 of this application) Farmers Union Oil, who expressed concerns about the route, is no longer affected since the new route has been moved south of 61 Street SW. On May 6, 2011, Derald Hoover, Idaho Township Chairman, sent a letter to the North Dakota Public Service Commission stating that Idaho Township no longer opposes EPND’s new pipeline route since it has been moved to the south side of 61st Street NW. Idaho Township’s formal retraction of its previous objection is attached as Attachment B. Finally, the City of Stanley has granted such easements to accommodate EPND’s new pipeline route.

B. Description of Route Deviation

The Stanley Route Deviation is located within the one-mile environmental study area which the ND-PSC evaluated during the approval process of Case No. PU-10-613. (See Attachment C) The Stanley Route Deviation consists of approximately 5,208 feet of 12-inch pipeline, beginning just west of State Highway 8 (Mile Post 51.1), and extending to the west where it will end at 82nd Avenue NW (Mile Post 52), all being located in Section 33, Township 156 North, Range 91 West, in Mountrail County. In full collaboration and consultation with Idaho Township, the City of Stanley and Mountrail County, EPND plans to locate the majority of its route deviation on the south side of 61st Street NW. This results in

¹ Ultimately, the Commission issued Corridor Certificate No. 119 and Route Permit No. 129.

EPND's pipeline being installed parallel to an existing Hess pipeline. The pipeline centerline must be adjusted slightly to the north for approximately 528 feet between Mile Post 51.1 and Mile Post 51, where it will cross State Highway 8 to connect to pipeline within the ND-PSC approved route corridor.

C. Purpose & Justification of Preferred Route

As stated above, the Stanley Route Deviation is needed in order to accommodate development plans by the Idaho Township, the City of Stanley and Mountrail County. EPND believes that the Stanley Route Deviation is in the public interest and respectfully requests that the Commission grant EPND approval to proceed with the minor centerline adjustment of its 12-inch diameter pipeline.

D. Analysis of the Potential Impacts on the Human and Natural Environment

EPND has analyzed the impacts of the centerline adjustment in accordance with the Commission's Transmission Facility Corridor and Route Criteria². The Stanley Route Deviation has similar impacts as the pipeline route that was proposed to the Commission in accordance with North Dakota Century Code Section 49-22-09 and North Dakota Administrative Code ("NDAC") 69-06-08-02³. Thus, EPND submits the following information to demonstrate that no significant adverse impact will result from the location, construction or operation of the Stanley Route Deviation.

D.1 Exclusion Areas

- o No exclusion areas were identified in accordance with the criteria set out in NDAC Section 69-06-07-02.1

D.2 Avoidance Areas

- o The route deviation will be located within 500-feet of 4 businesses that have been built since the Project was approved by the Commission's Order dated May 18, 2011. (See Table 1) EPND has obtained waivers from the affected landowners (see Attachment D). No other avoidance areas were identified

Waiver No	Tract Number	Owner
1	BB-82-60-3A	Bro Brothers
2	BB-82-60-3	CAH LLP
3	BB-82-60-4	Stanley Property Partners
4	BB-82-54	City of Stanley/County of Mountrail

² North Dakota Administrative Code Section 69-06-08-02.

³ See Findings of Fact, Conclusion of Law Order dated May 18, 2011 in Case No. PU-10-613, which the Commission authorized the transmission facility corridor and route for the Beaver Lodge Loop Project US in Williams, Mountrail and Ward Counties in Corridor Certificate No. 119 and Route Permit No. 129.

in accordance with the criteria set out in NDAC Section 69-06-07-02.2.

D.3 Selection Criteria

As shown on Table 2 below, EPND has analyzed the impacts of the route deviation in relation to all of the relevant Selection Criteria. EPND concluded that the route deviation will have no significant adverse impact on the location or operation of the Project as approved by the Commission's Order dated May 18, 2011.

Table 2		
Selection Criteria Considered		
SELECTION CRITERIA CONSIDERED	CROSSED BY ORIGINAL PROPOSED CORRIDOR AND ROUTE	CROSSED BY REQUESTED DEVIATION
Agricultural Production	Minimal	Substantially Similar
Family Farms and Ranches	Minimal	Substantially Similar
Land Suitable for Irrigation	Minimal	Substantially Similar
Surface and Groundwater Flow Patterns	Minimal	Substantially Similar
Noise Sensitive Areas	Minimal	Substantially Similar
Visual Effects	Minimal	Substantially Similar
Extractive and Storage Resources	Minimal	Substantially Similar
Wetlands	Minimal	Substantially Similar
Woodlands	Minimal	Less Impact
Communication or Electric Control Facilities	NA	NA
Human Health and Safety	Minimal	Substantially Similar
Animal Health and Safety	Minimal	Substantially Similar
Plant Life	Minimal	Substantially Similar

D.4 Policy Criteria

EPND has analyzed the relevant Policy Criteria as it relates to the Stanley Route Deviation. EPND has concluded that the Stanley Route Deviation will not alter any of its commitments as stated in Policy Criteria⁴ Section B.4.c of its Application for a Route Permit, as approved by the Commission's Order dated May 18, 2011.

EPND hereby submits its commitment to maximize the benefits of its route deviation so as to meet the Commission's Policy Criteria. Thus, EPND remains committed to the following:

- conducting its business in compliance with all applicable environmental laws and regulations;
- using energy conservation through the location, process, and design of its transmission facility as approved and the same for the route deviation;
- providing training and utilize available labor in the state;
- constructing its approved Project and the route deviation as to take advantage of economies of scale;
- achieving transmission capacity in the most minimally intrusive and most efficient way possible; and
- coordinating with state and local officials.

⁴ North Dakota Administrative Code Section 69-06-08-02.4

ATTACHMENT A

Correspondence from Mountrail County

OFFICE OF THE
MOUNTRAIL COUNTY STATE'S ATTORNEY

P.O. Box 369
Stanley, ND 58784

Wade G. Enget, State's Atty.
William E. Woods, Jr., Asst. State's Atty.
Amber J. Fiesel, Asst. State's Atty.

RECEIVED

Telephone (701) 628-2965
Fax No. (701) 628-3706

APR 26 2011

TO: Tony Clark, Chairman
North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480
PUBLIC SERVICE COMMISSION

FROM: Wade G. Enget, Mountrail County State's Attorney

DATE: April 26, 2011

RE: Case No. PU-10-613
Enbridge Pipeline (North Dakota) LLC
Beaver Lodge Project
Williams, Mountrail & Ward Counties

This letter supplements my letter of March 24, 2011. I write this letter on behalf of Mountrail County. I do not have any authority to make further response on behalf the City of Stanley or Idaho Township.

Since the time of my last letter, the Mountrail County Commissioners have met and instructed me to inform the Public Service Commission that the Mountrail County Commissioners agree to the following:

- 1) That for three (3) miles commencing at the intersection of 84th Ave. NW and 61st St. NW, thence in an easterly direction along 61st St. NW ending at the intersection of 61st St. NW and North Dakota Highway 8, Enbridge shall:
 - A) Place all pipeline at a minimum depth of six (6) feet below ground level;
 - B) All pipe placed into the ground shall have an increased (thicker) wall; and,
 - C) Pay the incremental costs that the County may incur during the installation of future sewer and water lines that are directly caused by the installation of Enbridge's pipeline along this corridor.

OFFICE OF THE
MOUNTRAIL COUNTY STATE'S ATTORNEY

P.O. Box 369
Stanley, ND 58784

Wade G. Enget, State's Atty.
William E. Woods, Jr., Asst. State's Atty.
Amber J. Fiesel, Asst. State's Atty.

Telephone (701) 628-2965
Fax No. (701) 628-3706

Tony Clark, Chairman
North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

Page 2

The County Commissioners also request that in the future Enbridge do a better job of notifying the governmental entities that are impacted by the expansion of Enbridge's facilities in the State of North Dakota. In this case, Mountrail County was first notified of Enbridge's pipeline expansion project three (3) days before the Public Service Commission's hearing in this matter. Better and more timely communication by Enbridge to Mountrail County in regards to this project would have allowed the Mountrail County Commissioners sufficient time to respond to Enbridge's plans prior to the Public Service Commission's meeting.

The Mountrail County Commissioners hope that in the future Enbridge would meet earlier in this process with the Mountrail County Board of Commissioners. The Mountrail County Board of County Commissioners believe that timely communication would go along way in achieving a friendly and professional relationship between Enbridge and Mountrail County.

ATTACHMENT B

Correspondence from Idaho Township

CROWLEY FLECK PL.L.P.

Brian R. Bjella
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

May 9, 2011

RECEIVED

MAY 09 2011

PUBLIC SERVICE COMMISSION

via hand delivery

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

Dear Mr. Nitschke:

RE: Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Case No. PU-10-613
Our File No. 31-411-003

On Friday, May 6, we filed electronically with the Public Service Commission a copy of the attached letter from Derald Hoover, Idaho Township Chairman, to the Public Service Commissioners with respect to the Beaver Lodge Loop Project.

The purpose of this letter is to file the original and ten copies of said letter as a Supplement to Exhibit BL-8 regarding Report of Discussion with Idaho Township Board regarding location of pipeline in the S½ of Sections 32 and 33.

In the letter dated May 6, 2010, the Idaho Township Chairman indicates that the Township no longer opposes the Enbridge proposed pipeline route due to the pending move of the pipeline to the south side of 61st Street NW. The letter goes on to state that Idaho Township formally retracts its previous objection as filed with the Public Service Commission on March 25, and requests that the Public Service Commission proceed with consideration of Enbridge's Beaver Lodge Loop Project.

45 PU-10-613 Filed: 5/9/2011 Pages: 3
Supplement to Exhibit BL-8

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL

Enbridge Pipelines (North Dakota) LLC

Brian Bjella, Crowley Fleck

Please call should you have any questions.

Very truly yours,

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

Brian R. Bjella

bw

Enc.

cc: Patrick Fahn (w/enc.)

DATE: May 6, 2011

TO: Commissioner Tony Clark, Chairman
Commissioner Kevin Cramer
Commissioner Brian P. Kalk
600 East Boulevard, Department 408
Bismarck, North Dakota 58505-0480

FROM: Derald Hoover
Idaho Township Chairman


RE: Case PU-10-613
Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Williams, Mountrail & Ward Counties

Dear Commissioners:

Idaho Township no longer opposes Enbridge's proposed pipeline route because we understand the corridor between 82nd Avenue NW and 81st Avenue NW is being moved to the south side of 61st Street NW. We understand the city of Stanley and Mountrail County have agreed to this proposed change. This letter serves as Idaho Township's formal retraction of its previous objection filed with North Dakota Public Service Commission on March 25, 2011. Please proceed with your consideration of Enbridge's Beaver Lodge Loop Project.

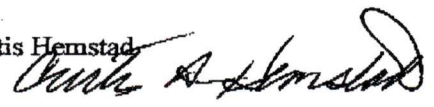
Sincerely,

Derald Hoover


Derald Hoover, Chairman

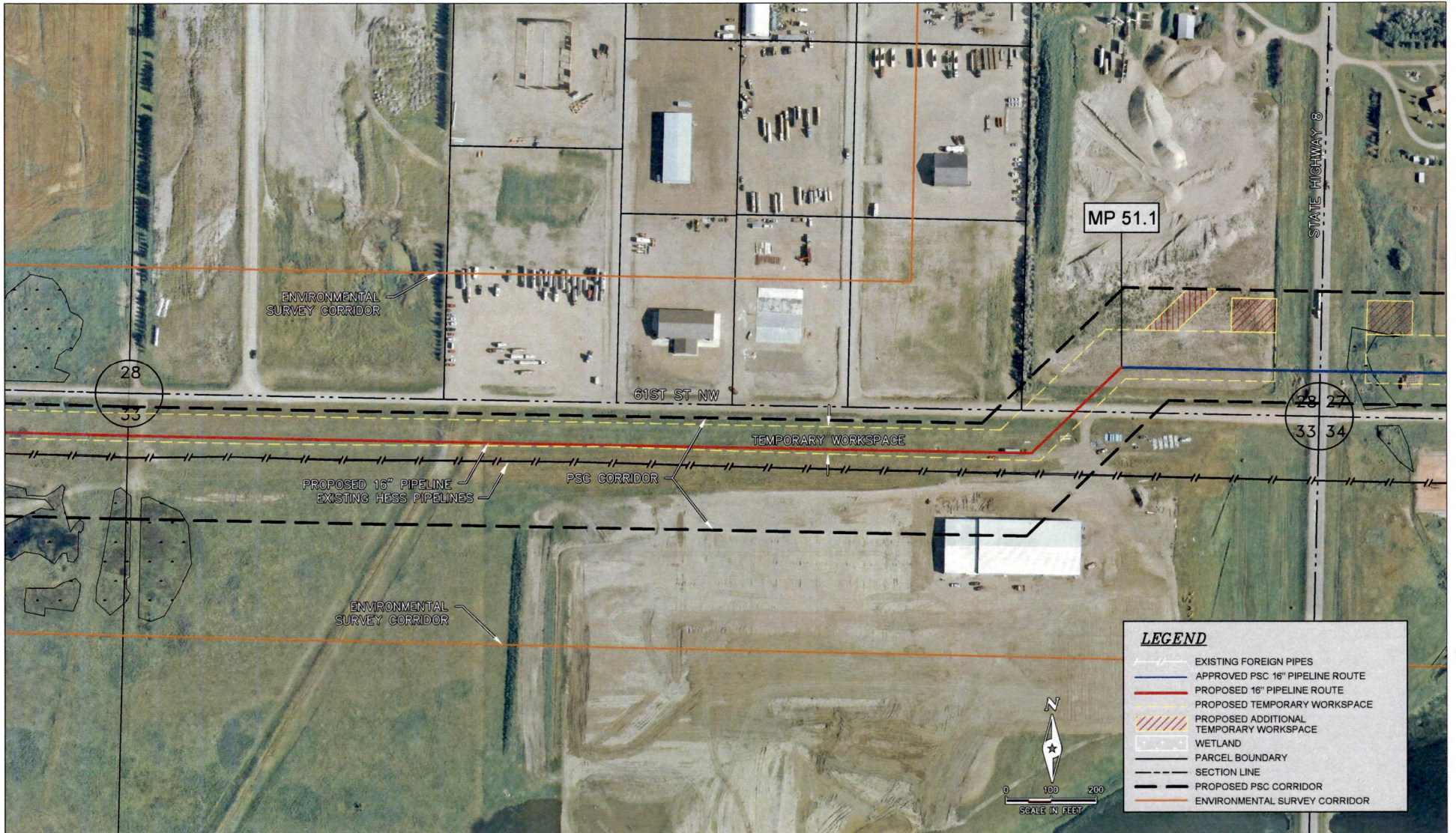
Print:

Curtis Hemstad












CURTIS A HEMSTAD *CH/TREAS*

Print:

Attachment C
Route Maps



LEGEND

-  EXISTING FOREIGN PIPES
-  APPROVED PSC 16" PIPELINE ROUTE
-  PROPOSED 16" PIPELINE ROUTE
-  PROPOSED TEMPORARY WORKSPACE
-  PROPOSED ADDITIONAL TEMPORARY WORKSPACE
-  WETLAND
-  PARCEL BOUNDARY
-  SECTION LINE
-  PROPOSED PSC CORRIDOR
-  ENVIRONMENTAL SURVEY CORRIDOR



CITY OF STANLEY DEVIATION
SECTION 33 T-156-N R-91-W

BLLP-WEST

DATE: 3/26/12
 DRAWN BY: NKD
 PAGE: 2 OF 2



LEGEND

	EXISTING FOREIGN PIPES
	APPROVED PSC 16" PIPELINE ROUTE
	PROPOSED 16" PIPELINE ROUTE
	PROPOSED TEMPORARY WORKSPACE
	PROPOSED ADDITIONAL TEMPORARY WORKSPACE
	WETLAND
	PARCEL BOUNDARY
	SECTION LINE
	PROPOSED PSC CORRIDOR
	ENVIRONMENTAL SURVEY CORRIDOR



CITY OF STANLEY DEVIATION
SECTION 33 T-156-N R-91-W

BLLP-WEST

DATE:	3/26/12
DRAWN BY:	NKD
PAGE:	1 OF 2

Attachment D

Waivers



BUILDINGS WITHIN 500' OF PROPOSED PIPELINE
SECTION 33 T-156-N R-91-W

BLLP-WEST
PRELIMINARY DRAFT

DATE: 3/13/12
DRAWN BY: NKD
PAGE: 1 OF 1

Enbridge Pipelines (North Dakota) L.L.C.
1409 Hammond Avenue
Superior, WI 54880
Tel 701 398-4728
Fax 832 325 5570
www.enbridgepartners.com

Douglas B. Aller
Lands & Right-of-Way
Manager, US
doug.aller@enbridge.com



February 9, 2012

BRO BROTHERS LLC
14644 N 74th Street
Scottsdale, AZ 85260-2437

RE: Parcel ID # 18-0017299

Dear Sirs:

Please review the attached site map noting the proposed location of a pipeline (hereinafter referred to as "Facilities") associated with the Bakken Pipeline Expansion Project Application Enbridge intends to file with the North Dakota Public Service Commission. The map indicates that the Facilities will be located within 500 feet of your residence or business.

By signing below you are confirming that you have no objection to the installation of Enbridge's proposed Facilities at this location, or the future operation and maintenance of the Facilities. Your cordial cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that appears to read 'Douglas B. Aller'.

Douglas B. Aller

Attachment

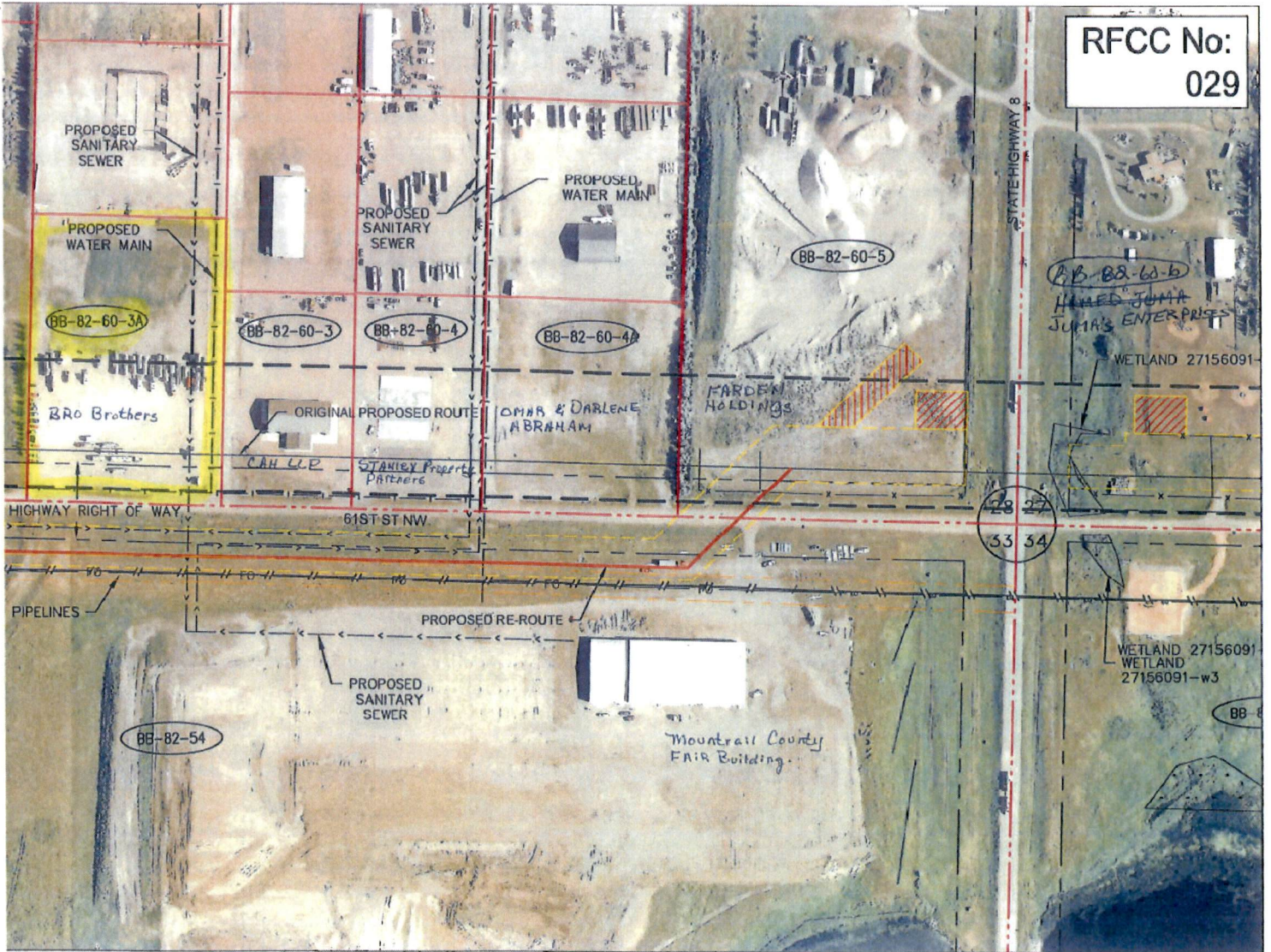
A handwritten signature in black ink, likely belonging to the recipient, written over a horizontal line.

Signature

Wayne Cotton
Print Name and Title

2-10-12
Date

BB-82-60-3A



RFCC No:
029

<p>TRACT BB-82-54 SECTION 33 T-156-N R-91-W</p>	<p>BLLP-WEST PRELIMINARY DRAFT</p>	<p>APPROVAL ENGINEERING: _____ RIGHT OF WAY: _____ ENVIRONMENTAL: _____ SAFETY: _____ REGULATORY: _____</p>	<p>RFCC no. 029</p>	<p>DATE: 10/11/11 DRAWN BY: NKD</p>
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Enbridge Pipelines (North Dakota) L.L.C.
1409 Hammond Avenue
Superior, WI 54880
Tel 701 398-4728
Fax 832 325 5570
www.enbridgepartners.com

Douglas B. Aller
Lands & Right-of-Way
Manager, US
doug.aller@enbridge.com



February 9, 2012

CAH LLP
P.O. Box 307
Stanley, ND 58784-0307

RE: Parcel ID # 18-0017293

Dear Sirs:

Please review the attached site map noting the proposed location of a pipeline (hereinafter referred to as "Facilities") associated with the Bakken Pipeline Expansion Project Application Enbridge intends to file with the North Dakota Public Service Commission. The map indicates that the Facilities will be located within 500 feet of your residence or business.

By signing below you are confirming that you have no objection to the installation of Enbridge's proposed Facilities at this location, or the future operation and maintenance of the Facilities. Your cordial cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads 'Douglas B. Aller'.

Douglas B. Aller

Attachment

A handwritten signature in black ink that reads 'Cary Schmitt'.

Signature

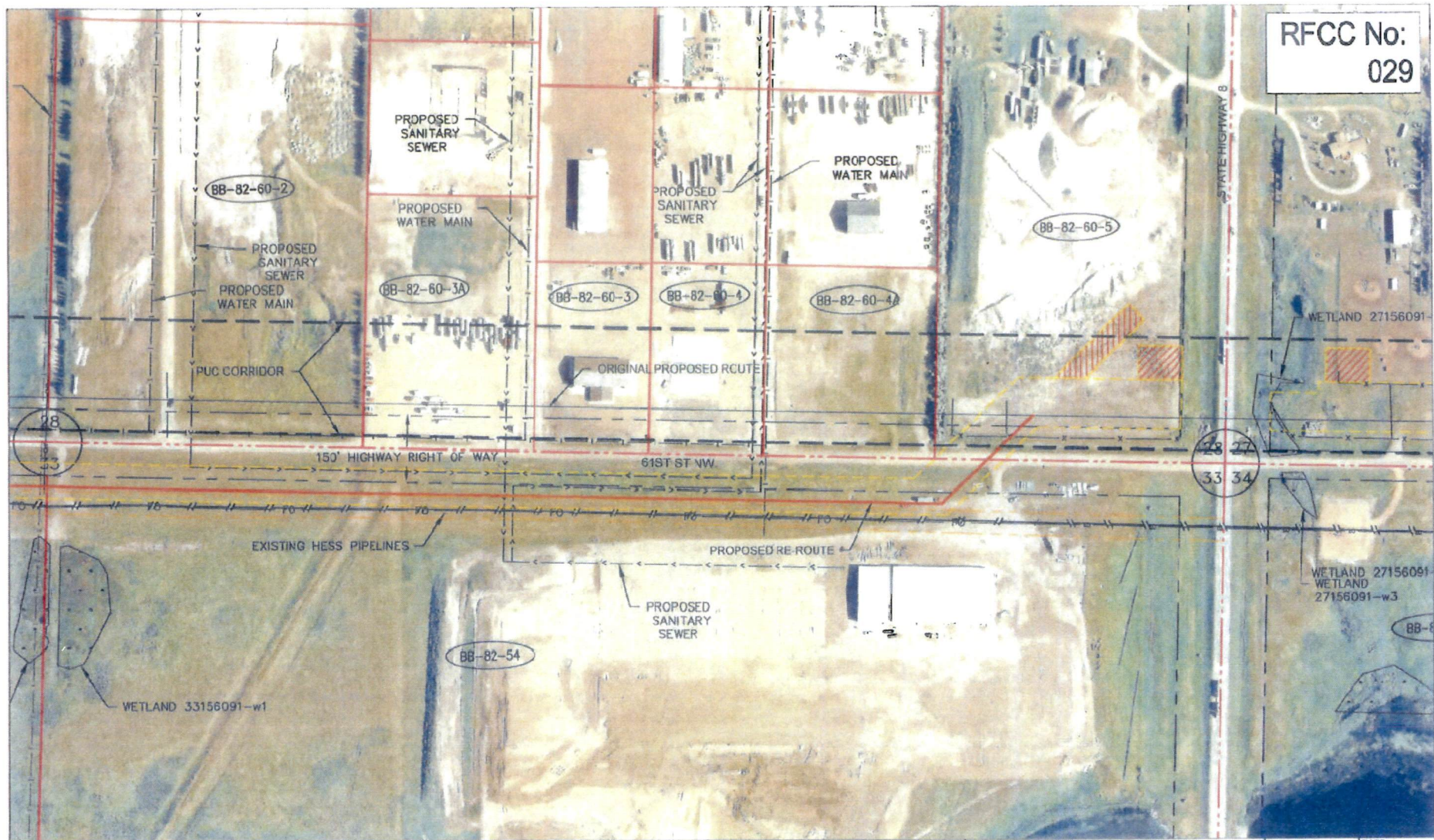
Cary Schmitt Pres.

Print Name and Title

3/15/12

Date

88-82-60-3



RFCC No:
029



TRACT BB-82-54
SECTION 33 T-156-N R-91-W

BLLP-WEST
PRELIMINARY DRAFT

APPROVAL	ENVIRONMENTAL:
ENGINEERING:	SAFETY:
RIGHT OF WAY:	REGULATORY:

RFCC no. 029	DATE 10/11/11
	DRAWN BY: NKD

Enbridge Pipelines (North Dakota) L.L.C.
1409 Hammond Avenue
Superior, WI 54880
Tel: 701 398-4728
Fax: 832 325 5570
www.enbridgepartners.com

Douglas B. Aller
Lands & Right-of-Way
Manager, US
doug.aller@enbridge.com



February 9, 2012

STANLEY PROPERTY PARTNERS
P.O. BOX 1277
Stanley, ND 58784-1277

RE: Parcel ID # 61-0053570

Dear Sirs:

Please review the attached site map noting the proposed location of a pipeline (hereinafter referred to as "Facilities") associated with the Bakken Pipeline Expansion Project Application Enbridge intends to file with the North Dakota Public Service Commission. The map indicates that the Facilities will be located within 500 feet of your residence or business.

By signing below you are confirming that you have no objection to the installation of Enbridge's proposed Facilities at this location, or the future operation and maintenance of the Facilities. Your cordial cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Douglas B. Aller".

Douglas B. Aller

Attachment

A handwritten signature in black ink, appearing to be "MFA".

Signature

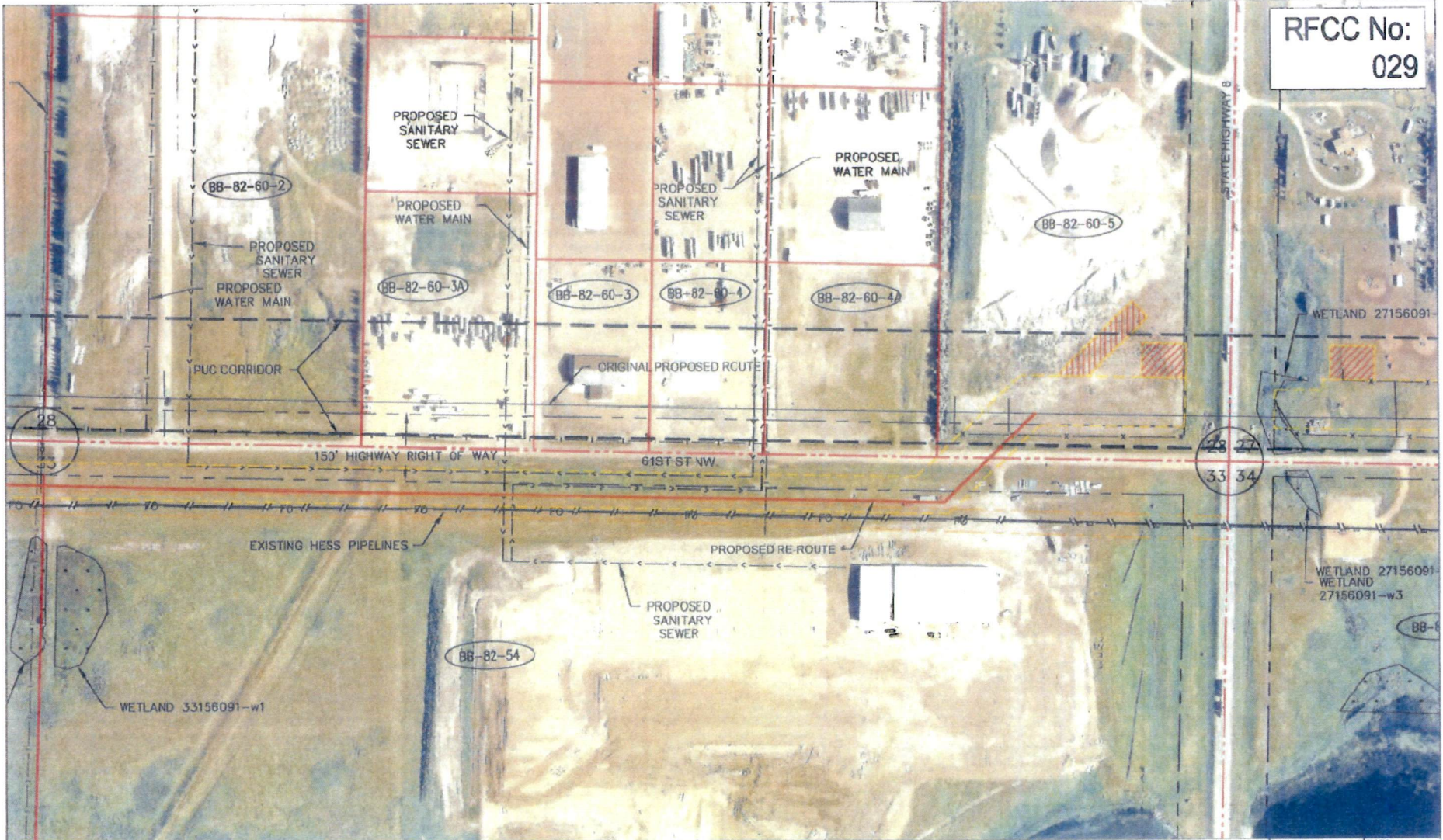
General Partner

Print Name and Title

2-27-12

Date

BB-82.60-4



RFCC No:
029



TRACT BB-82-54
SECTION 33 T-156-N R-91-W

BLLP-WEST
PRELIMINARY DRAFT

APPROVAL _____
ENGINEERING: _____
RIGHT OF WAY: _____
ENVIRONMENTAL: _____
SAFETY: _____
REGULATORY: _____

RFCC no. **029**
DATE: 10/11/11
DRAWN BY: NKD

Enbridge Pipelines (North Dakota) L.L.C.
1409 Hammond Avenue
Superior, WI 54880
Tel 715- 398-4728
Fax 832 325 5570
www.enbridgepartners.com

Douglas B. Aller
Lands & Right-of-Way
Manager, US
doug.aller@enbridge.com



March 16, 2012

County of Mountrail
County Courthouse
c/o David Hynek, Commissioner
P.O. BOX 69
Stanley, North Dakota 58784-0069

RE: "County Fair building" - located on City of Stanley property

Ladies and Gentlemen:

Please review the attached site map noting the proposed location of a pipeline (hereinafter referred to as "Facilities") associated with the Bakken Pipeline Expansion Project Application Enbridge intends to file with the North Dakota Public Service Commission. The map indicates that the Facilities will be located within 500 feet of the building.

As you will recall, Mountrail County and the City of Stanley requested Enbridge to relocate the alignment of the proposed pipeline from the north side of 61st Street NW to the south side of the street through this area. Enbridge has successfully acquired all of the easements required to relocate the proposed pipeline route to the south side of the street as requested, including an easement from the City of Stanley.

By signing below you are confirming that you have no objection to the installation of Enbridge's proposed Facilities at this location, or the future operation and maintenance of the Facilities. Your cordial cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Douglas B. Aller".

Douglas B. Aller

Attachment

A handwritten signature in blue ink that reads "Arlo Borud".

Signature

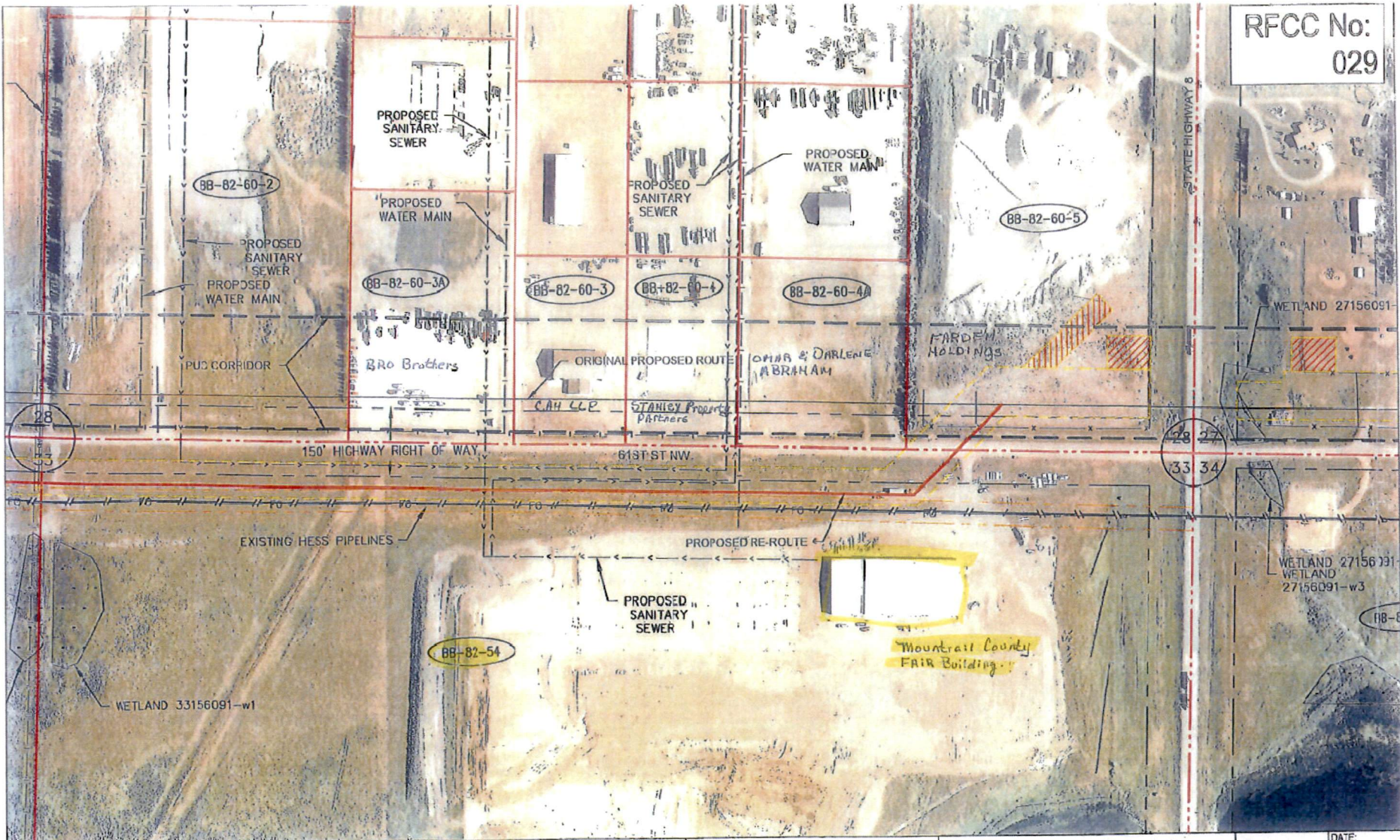
Arlo Borud,
Chairman, Mountrail County Commissioners

Print Name and Title

Date

April 3, 2012

RFCC No:
029



TRACT BB-82-54
SECTION 33 T-156-N R-91-W

BLLP-WEST
PRELIMINARY DRAFT

APPROVAL _____ ENVIRONMENTAL: _____
ENGINEERING: _____ SAFETY: _____
RIGHT OF WAY: _____ REGULATORY: _____

RFCC no. **029** DATE: 10/11/11
DRAWN BY: NKD