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May 11, 2012

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:

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

Enclosed please find the original and 10 copies of Enbridge Pipeline (North Dakota) LLC's Route Deviation Application.

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,



Wade C. Mann

bw
Enc.
cc: Auditor of Mountrail County
Patrick Fahn, PSC

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Enbridge Pipelines (North Dakota) LLC
Beaver Lodge Loop Project
Williams, Mountrail and Ward Counties

CASE NO. PU-10-613

**APPLICATION OF ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
FOR A WAIVER
OR REDUCTION OF PROCEDURES AND
TIME SCHEDULES 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 Deviation 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 (“Order”) in the captioned matter approving approving construction of the Beaver Lodge Loop Project, and further issued to Enbridge Certificate of Corridor Compatibility No. 119 and Route Permit Certificate No. 129.

However, paragraphs 1 and 2 of the order section of the Order provide as follows:

Certificate of Corridor Compatibility No. 119 is issued to Enbridge designated a corridor for the construction, operation and maintenance of the proposed transmission facilities. For purposes of the Certificate of Corridor Compatibility, the Corridor consists of a 250 foot wide area centered on the pipeline route for the length of the route, and the land included within the Beaver Lodge, Stanley, and Berthold Stations. 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 material showing that any modification of the corridor meets the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act and has receive approval from the Commission to proceed.

Route Permit No. 129 is issued to Enbridge granting authority to construct and operate the transmission facilities in Williams, Mountrail, and Ward Counties as further described in this Application, at the public hearing on January 20, 2011, and in its Exhibits. 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 material showing that any modification of the route meets the requirements of the North Dakota Energy Conversion and Transmission Facility Siting Act, and Enbridge has received approval from the Commission to proceed.

As a result of the aforementioned provisions of the Order, Enbridge hereby submits a request for a route deviation as demonstrated in attached Exhibit A which is incorporated herewith. 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, those 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 Mountrail 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 Mountrail 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 modification of the designated route and an adjustment to the designated corridor;
- (6) Find that the proposed modified facilities are of such design, length, location and purpose that they will produce minimal adverse affects;
- (7) Designate and approve the requested modified 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 the Application filed herewith, 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 modified 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 portion of the Beaver Lodge Loop Project as soon as

possible so as to enable the pipeline facilities to become fully operational at the earliest possible date.

DESCRIPTION

This route deviation consists of approximately 5,208 feet of 12-inch pipeline, beginning just west of State Highway 8 and extending to the west where it will end at 82nd Avenue NW, as more fully described in attached Exhibit A.

NEED

The purpose of the Beaver Lodge Loop Project is to transport crude oil produced from the Williston Basin to refineries, and to reduce the need to transport crude oil by truck. To avoid unnecessary delay in the construction and operational schedule of the Beaver Lodge Loop Project, it is essential that this deviation be approved at the earliest possible date

COST

Enbridge estimates that the costs of construction of this deviation at \$800,000.00.

JUSTIFICATION

The environmental and cultural resource studies and reports which are described in attached Exhibit A demonstrate that there will be minimal, if any, adverse effects as a result of this deviation, and that pursuant to North Dakota Administrative Code § 69-06-05-02(2) the deviated route does not violate any of the exclusion and avoidance area 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 deviation and issue an amended corridor certificate and amended route permit.

