

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

July 11, 2012

Appearances

Brian Bjella, Attorney at Law, Crowley Fleck PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of Enbridge Pipelines (North Dakota) LLC (Enbridge).

Mark E Gruman, Legal Counsel, Public Service Commission, 600 East Boulevard, Bismarck, North Dakota 58505.

Patrick Fahn, Director – Compliance and Competitive Markets Division, Public Service Commission, 600 East Boulevard, Bismarck, North Dakota 58505.

Preliminary Statement

On May 18, 2011, the North Dakota Public Service Commission (“Commission”) issued Findings of Fact, Conclusions of Law and Order (“Order”) granting to Enbridge Pipelines (North Dakota) LLC (“Enbridge”) Certificate of Corridor Compatibility No. 119 and Route Permit No. 129 for construction of the Beaver Lodge Loop Project (“Project”), being approximately 56 miles of 16-inch diameter steel pipe in Williams, Mountrail and Ward Counties, North Dakota.

On May 2, 2012, Enbridge filed an application requesting that the Commission amend Paragraph 8 of the Tree and Shrub Mitigation Specifications, attached to the May 18, 2011 Order, for clearing of trees and shrubs from a width of 50 feet to 125 feet at Tract Nos. BB-82-18, BB-82-19-1, BB-82-20-3 and BB-82-21-1 to provide additional workspace. The requested increased clearing would be restricted to a length of approximately 200 feet on Tracts BB-82-18 and BB-82-19-1, and a combined 1500 feet on Tracts BB-82-20-3 and BB-82-21-1. All the Tracts are located in Mountrail County, North Dakota.

On May 30, 2012, the Commission issued a Notice of Filing, Notice of Informal Hearing, and Notice of Opportunity for Hearing (“Notice”), scheduling an informal hearing for June 20, 2012 at 1:45 p.m. CDT in the Commission Hearing Room on the

12th Floor of the State Capitol. The Notice further provided until June 28, 2012 for comments and requests for a hearing.

The Notice identified the following issues to be considered with respect to Enbridge's application:

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 June 18, 2012, the North Dakota Department of Health filed comments stating that it believes environmental impacts from the proposed construction will be minor and recommended certain construction methods to minimize fugitive dust emissions, to minimize adverse effects on water bodies, and to minimize construction activity noise. The North Dakota Department of Health indicated that Enbridge ND should contact the Department's Air Pollution Control Program prior to commencing construction.

On June 19, 2012, Enbridge filed an affidavit of Barry Simonson, Manager of Engineering and Construction for Enbridge, in support of the application.

On June 20, 2012, 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 proposal for additional work space to 125 feet for the requested Tracts is compatible with the environmental preservation and efficient use of resources and will result in minimal adverse effects on the environment, natural resources, and upon the welfare of the citizens of North Dakota; while ensuring continuing system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

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

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Enbridge Pipelines (North Dakota) LLC, and over the subject matter of this application under North Dakota Century Code, Chapter 49-22.
2. Enbridge is a utility as defined in North Dakota Century Code, Section 49-22-03(13).
3. The proposed pipeline is a transmission facility as defined in North Dakota Century Code, Section 49-22-03(12).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction and operation of the Project are compatible with environmental preservation and the efficient use of resources.
6. The Project will 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.
7. The Project is of such design and location that it will produce minimal adverse effects, in accordance with North Dakota Century Code, Section 49-22-07.2.

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

Order

1. Enbridge Pipelines (North Dakota) LLC, May 2, 2012, request for additional work space of up to 125 feet at the identified Tracts is granted.
2. Enbridge shall replace the trees and shrubs removed from the additional temporary work space in accordance with the Tree and Shrub Mitigation Specifications incorporated by reference in the Commission's May 18, 2011 Order.

PUBLIC SERVICE COMMISSION



Kevin Cramer
Commissioner



Brian P. Kalk
Chairman



Bonny M. Fetch
Commissioner