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October 21, 2011

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**Hand Delivered**

**PUBLIC SERVICE COMMISSION**

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


In re: ONEOK Rockies Midstream, L.L.C.  
Application for Waiver and Amended Corridor and Route  
Garden Creek to Riverview NGL Pipeline

Dear Mr. Nitschke:

Enclosed for filing is the original and seven copies of ONEOK Rockies Midstream, L.L.C.'s Application for Waiver or Reduction of Procedures and Time Schedules and for an Amended Corridor Certificate and Route Permit, together with one electronic copy of the same.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,



John W. Morrison

cc: Michael Dailey

47 **PU-11-66** Filed: 10/27/2011 Pages: 75  
**Application for an amended corridor certificate and route permit**

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

ONEOK Rockies Midstream, L.L.C.  
Garden Creek to Riverview NGL Pipeline  
McKenzie County  
Amended Corridor Certificate and Route  
Permit

CASE NO. PU-11-066

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**APPLICATION OF ONEOK ROCKIES MIDSTREAM, L.L.C. FOR A WAIVER  
OR REDUCTION OF PROCEDURES AND  
TIME SCHEDULES AND FOR AN AMENDED  
CORRIDOR CERTIFICATE AND ROUTE PERMIT**

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ONEOK Rockies Midstream, L.L.C., formerly known as Bear Paw Energy, LLC, (“ONEOK”) whose address for purposes of this Application is ONEOK Plaza, 100 West 5<sup>th</sup> Street, Tulsa, Oklahoma 74103, 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 Modification of the Designated Route and for Amended Corridor Certificate and Route Permit (“Application”).

On September 7, 2011, the North Dakota Public Service Commission (“Commission”) entered its Findings of Fact, Conclusions of Law and Order (the “Order”) in the captioned matter approving construction of a pipeline project (the “Pipeline”), and further issued to ONEOK Certificate of Corridor Compatibility Certificate No. 122 and Route Permit Certificate No. 131.

As a result of an issue with the affected landowner, it is now necessary to modify the route for a 1,142 feet long segment of the Pipeline, a portion of which will be located outside the corridor certificated in Certificate No. 122. ONEOK 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 McKenzie 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 McKenzie 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 modification 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 ONEOK 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, ONEOK'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 ONEOK to commence construction on the Pipeline project as soon as possible so as to enable the Garden Creek Natural Gas Plant to become fully operational at the earliest possible date and thereby eliminate or minimize the flaring of gas in western North Dakota.

#### **DESCRIPTION**

This modification request consists of moving approximately 1,142 feet of the 63.2 mile Pipeline, of which 54.2 miles is located in North Dakota, approximately 200 feet, which results in a portion of the modified route being located outside the 250-foot wide corridor approved in Certificate No. 122.

#### **NEED**

The purpose of the Pipeline is to transport natural gas liquids from the tailgate of the Garden Creek Plant in McKenzie County, North Dakota to the Riverview Rail Terminal in Richland County, Montana. The Plant is needed to process natural gas primarily produced in association with oil from the Bakken formation in western North Dakota. Natural gas liquids are a valuable by-product of that gas processing and in the Order, the Commission determined that the Pipeline would substantially reduce truck traffic. Construction activities have commenced on

the Pipeline and approval of the modification is required before construction of the affected portion of the pipeline can commence. To avoid unnecessary delay in the construction schedule and to allow full operation of the plant, it is essential that this modification be approved at the earliest possible date

**COST**

ONEOK anticipates incremental costs of approximately \$89,950 as a result of this modification.

**JUSTIFICATION**

The environmental and cultural resource studies and reports which were filed herewith demonstrate that there will be minimal, if any, adverse effects as a result of the modification, and that pursuant to North Dakota Administrative Code § 69-06-05-02(2) the modified route does not violate any of the exclusion and avoidance area of criteria of Article 69-06 of the North Dakota Administrative Code.

ONEOK 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 21<sup>st</sup> day of October, 2011.

Respectfully submitted,

ONEOK ROCKIES MIDSTREAM, L.L.C.

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