

July 15, 2021

VIA HAND DELIVERY

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

**RE: NOTICE OF NONCOMPLIANCE
CASE NO. PU-11-99**

Dear Mr. Kahl:

On June 16, 2021, Patrick Fahn, Director of the Public Utilities Division for the North Dakota Public Service Commission (“Commission”), submitted a Notice of Noncompliance stating that the case records do not indicate that Arrow Field Services, LLC (“Arrow”) has met the tree and shrub mitigation requirements attached to the Commission’s November 2, 2011 Findings of Fact, Conclusions of Law and Order in Case No. PU-11-99 (“Order”).

Please be advised that on April 11, 2012, Certificate of Corridor Compatibility No. 126 and Route Permit No. 135, which were issued to Arrow in Case No. PU-11-99, were transferred to Banner Transportation Company, LLC (“Banner”). *See* Case No. PU-12-047. In its application in Case No. PU-12-047, Banner agreed to assume the rights and obligations of Certificate of Corridor Compatibility No. 126 and Route Permit No. 135, including the conditions and limitations set forth in the Commission’s November 2, 2011 Order. *Id.*

On June 30, 2016, Hiland Crude, LLC, successor by name change to Banner, made application to the Commission for the transfer of Certificate of Corridor Compatibility No. 126 and Route Permit No. 135. *See* Case No. PU-16-405. In its application in Case No. PU-16-405, Hiland agreed to assume the rights and obligations of Certificate of Corridor Compatibility No. 126 and Route Permit No. 135, including the conditions and limitations set forth in the Commission’s November 2, 2011 Order, and any other conditions set forth in subsequent orders of the Commission with respect to the certificate and route permit. *Id.* On July 20, 2016, the Commission issued to Hiland Second Reissued Certificate of Corridor Compatibility No. 126 and Second Reissued Route Permit No. 135. *Id.* Accordingly, Hiland is now bound by the Commission’s November 2, 2011 Order, including the Tree and Shrub Mitigation Specifications attached thereto and made part thereof.

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Response to 16 June 2021 Notice of Noncompliance
Arrow Field Services, LLC
Lawrence Bender, Fredrikson&Byron, P.A.

Mr. Steve Kahl
July 15, 2021

Based on the foregoing, please confirm that the Commission will retract its June 16, 2021 Notice of Noncompliance addressed to Arrow and that said notice will be directed to Hiland for further compliance.

Sincerely,



LAWRENCE BENDER

LB/tjg

Cc: Mr. Patrick Fahn (via e-mail)
Mr. Daubs Thompson (via e-mail)

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