



# Public Service Commission

## State of North Dakota

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August 28, 2015

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Whiting Oil and Gas Corporation  
Attn: Nicole Tebow, Pipeline Compliance Specialist  
1700 Broadway, Suite 2300  
Denver, CO 80290-2300

RE: Pipeline Case Nos. PU-08-843, PU-08-844 and PU-11-102

The North Dakota Public Service Commission retained a third-party vendor to conduct construction inspections under the authority provided in the above referenced cases. Below we provide a weblink to the third-party post construction inspection reports for your review and a link to the Commission's orders in the proceedings. We also list actions recommended in the post construction inspection reports for follow-up by the Company to confirm compliance with the Commission orders.

### Case No. PU-08-843

As per the post construction inspection report, the following information should be provided to the Commission:

- Copies of highway permits for the crossing of Highway 8 (to complete Order Point 6).
- Copies of preconstruction reports, weekly construction reports, and date of completion (to complete Order Points 7, 8 and 9).
- To demonstrate compliance with Order Point 13, report on any critical habitat issues that were encountered during construction.
- To comply with Order Point 14, demonstrate how Whiting complied with measures set by the USFWS. For example, since construction occurred between May and August of 2008, and since wildlife breeding season is February 1st though July 15<sup>th</sup>, how did Whiting follow the Endangered Species Act, Migratory Bird Treaty Act, and the Fish and Wildlife Coordination Act during the construction of this pipeline?
- Copies of the written record of all pressure tests to establish Maximum Operating Pressure for the pipeline (to complete Order Point 9).
- In December of 2008, it was determined construction of the natural gas pipeline impacted three sites, 32MN762, 32MN763 and 32MN764 that are potentially eligible for listing on the National Register of Historic Places. Please provide all correspondence indicating that SHPO agreement of the cultural resource mitigation plan after the pipeline was constructed was

obtained. This information would complete Order Point 16 and assist with verifying Order Point 17 was completed.

- No construction cultural resource, paleontological site, archeological site, historical site, or grave site records were found. Whiting should provide the Commission a letter stating that they did or did not discover any cultural resource, paleontological site, archeological site, historical site, or grave site during construction of the pipeline to complete Order Point 17. If any of these items or sites were found during construction, Whiting should provide documentation to the Commission as to how Order Point 17 was followed during construction.
- No documentation identifying the actual number, variety, type, location, and date of the replacement planting was provided. No documentation was found in the case file that yearly inspections for 3 years of replacement tree and shrubs occurred. Tree and shrub documentation was not provided for the Commission's approval, and completion of the plan is required for completion of Order Point 22.
- As-built hard copy, electronic copy, and data files of the as-built line that can be imported into ESRI GIS mapping software. (Order Point 24)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/08-0843/045-010.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/08-0843/035-020.pdf>

#### **PU-08-844**

As per the post construction inspection report, the following information should be provided:

- The storm water permit provided was for PU-08-843 not PU-08-844. Whiting should provide a copy of the letter granting the permit or the storm water permit for this case to complete Order Point 6.
- A date of project completion and an in-service date should be provided to the Commission to complete Order Points 8 and 24.
- Written records of a pressure test to establish the MOP of 1000 psig. A letter can be submitted with a summary of description what was tested, actual pressure, length of time tests occurred, final pressure, and dates. The letter should state that all new materials and equipment was tested and has proper pressure rating. This documentation will complete Order Points 9 and 15.
- No begin-bore or end-bore was found on the as built drawings for 48th Street Northwest, 53rd Street Northwest, and 57th Street Northwest. No trench ditch was identified during the Post Construction field inspection at these road crossings. Whiting should provide additional document at these three locations that the roads were bored to verify that Order Point 11 was followed.
- Whiting needs to provide the Commission with documentation identifying the actual number, variety, type, location, and date of the replacement

plantings. Whiting must also provide the Commission with tree and shrub replacement inspections for three years after the replacement plantings occurred so the Commission can ensure Order Point 22 has been complied with.

- As-built GIS pipeline shape files to comply with Order Point 24 if they already do not have them.
- All pipeline markers for the entire line should have the same company and contact number for the operator. The above ground piping and valve at Station 889 + 71 should be painted as required during initial construction. Whiting or its pipeline operator should correct these items and provide the Commission with notification that this work is completed for completion of Order Point 25.

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/08-0844/061-010.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/08-0844/032-040.pdf>

#### **PU-11-102**

As per the post construction inspection report, the following information should be provided:

- Verification that the pipeline was designed constructed and is operating in compliance with DOT regulations 49 CFR Part 195. (Finds of Fact 30)
- Records showing pipeline was buried to 48 inches and 72 inches on undeveloped section lines. (Certification Relating to Order Provisions 6)
- Reports of presence of threatened, endangered species or bald or golden eagles, if applicable (Certification Relating to Order Provisions 10)
- Reports of cultural, archeological, historical resources found, if applicable. (Certification Relating to Order Provisions 12)
- Records showing that reseeded was completed and vegetation has been established (Certification Relating to Order Provisions 17)
- Clear, legible as-built drawings (Certification Relating to Order Provisions 32)
- Reports as to whether there were or were not any extraordinary events including injuries to any person or the death of any threatened or endangered species. (Certification Relating to Order Provisions 28)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/11-0102/061-010.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/11-0102/037-010.pdf>

Please forward your response to the recommended Company actions, confirming these activities are complete, and describe actions and timelines for activities that are not complete. Please provide this documentation within 30 days.

If you have any questions regarding this letter, please contact me at 701-328-4077.

Best regards,

A handwritten signature in cursive script that reads "Patrick Fahn". The signature is written in black ink and is positioned above the printed name.

Patrick Fahn

Director Compliance/Competitive Markets