Public Service Commission
State of North Dakota

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July 16, 2013

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Subject: Siting law changes - House Bill 1147

Dear Mr. Bjella and Mr. Morrison,

House Bill 1147 was signed by the Governor and became effective on April 2, 2013. As you know, the HB 1147 enacted procedures regarding route adjustments for gas and liquid transmission lines after a Commission route designation and before or during construction of the gas or liquid transmission line.

Crowley Fleck represents Enbridge Pipelines (North Dakota) LLC in the following proceedings in which the Commission has designated a route and the pipelines may still be under construction: Case No. PU-10-612, PU-10-613, PU-11-605, PU-11-606, and PU-11-232. Crowley Fleck represents Vantage Pipeline US LP in Case No. PU-11-109 in which the Commission has designated a route and the pipeline has not been constructed. Crowley Fleck represents Hess Corporation in Case No. PU-11-104 in which the Commission has designated a route and the pipeline has not been constructed.

In June, 2013, the Commission determined the types of supporting documentation necessary for filings under the provisions in HB 1147. Attached is the "Certification Relating to House Bill No. 1147" that the Commission created after this determination and utilized in its Case No. PU-13-22 involving Dakota Gasification Company.

In the event Crowley Fleck would make a filing under the provisions of HB 1147 for Enbridge Pipelines, Vantage Pipeline, or Hess, the Commission will require the same types of documentation noted in the attached "Certification Relating to House Bill No. 1147."

Best regards

Patrick Fahn
Director, Compliance and Competitive Markets Division

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Dakota Gasification Company
10" Natural Gas Pipeline – Mercer County
Siting Application

Case No. PU-13-22

CERTIFICATION RELATING TO HOUSE BILL NO. 1147

The undersigned, David J. Sauer, Vice President of Dakota Gasification Company (the "Company"), with authority to bind the Company to requirements to be set forth by the Commission in its Order, hereby certifies that the Company agrees to utilize the following procedures pursuant to House Bill No. 1147 if the Company seeks a route adjustment before or during construction of its 10-inch natural gas pipeline:

1. The Company will specifically identify the subsection of House Bill No. 1147 under which it is requesting the adjustment.

2. Before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file with the Commission maps meeting the requirement of N.D. Admin. Code § 69-06-04-01(n) and identifying:
   a. the designated route and the route adjustment;
   b. the designated corridor;
   c. all exclusion and avoidance areas within the designated corridor;
   d. all landowners and their associated property within the designated corridor; and
   e. all government entities with an interest in the designated corridor.

3. If the Company is filing a route adjustment with construction activities outside the designated corridor, the maps will include the following additional information:
   a. the length of the route outside the designated corridor;
   b. the corridor adjustment;
   c. the width of the revised corridor;
   d. identification of all exclusion and avoidance areas within the revised corridor;
   e. identification of all landowners and their associated property within the revised corridor; and
   f. identification of all government entities with an interest in the revised corridor.

4. The Company will provide the name and contact information for each landowner and for each governmental entity with an interest in the designated corridor and any revised corridor; and will provide a description of the nature of each entity's interest sufficient for the Commission and Commission staff to evaluate potential impacts.

5. The Company will provide sufficient supporting documentation indicating that no landowner or interested government entity opposes the adjustment. If a landowner or interested government entity is opposed to the route adjustment, the Company will provide documentation from the landowner or government entity stating its objection. If no documentation exists, the Company will provide a description of its understanding of the nature of any landowner or government entity objection.

6. If the construction activity associated with the adjustment will not affect any known exclusion or avoidance area, the Company will certify in its filing that construction activities will not affect any known exclusion or avoidance areas and will provide all field studies performed to conclude that exclusion or avoidance areas will not be impacted within the revised corridor.

7. If the construction activity associated with the adjustment will impact an avoidance area, the Company will provide, before any construction activities are undertaken:
   a. Specific information describing avoidance areas expected to be impacted;
   b. All field studies performed to conclude that exclusion or avoidance areas will be impacted;
   c. Specific information describing why the Company asserts there is no reasonable alternative to impacting the avoidance area;
   d. Specific information describing why the Company asserts there is good cause to impact the avoidance area; and
   e. Specific information about any mitigation measures the Company will take.

8. If the Company is seeking and adjustment under subsection (2) or (4) of House Bill No. 1147, the Company agrees the initiation of the 10 working days from receipt of the Company's filing, certification and supporting documentation will not start until all of the information required by law and this Certification has been received by the Commission. The Company further acknowledges that the Commission may delegate to staff the authority to determine of the Company has established good cause to impact an avoidance area. However, if it is Commission staff's determination that full Commission involvement is necessary to evaluate whether authorization to impact the avoidance area should be authorized, staff's written notice to the Company that the staff is bringing the question to the full Commission constitutes action by the Commission within 10 working days and authorization is not granted until the Commission acts.

9. If a route adjustment is granted within the original designated corridor or in an adjusted corridor, the Company agrees to incorporate and follow all provisions of the Commission's Order designating the original route and corridor unless the Company specifically requests relief from a specific provision, and the requested relief is specifically granted.

10. The Company certifies that it will comply with the Commission's Order and all applicable laws, rules, and regulations designating the corridor and route with respect to any adjustment.

Dated this 27th day of June, 2013.

DAKOTA GASIFICATION COMPANY

By: _____
David J. Sauer

Title: Vice President