

April 21, 2011

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PUBLIC SERVICE COMMISSION

HAND-DELIVERED

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

**RE: Joint Application for the transfer of
Certificate of Corridor Compatibility
No. 109 and Route Permit No. 119**

Dear Mr. Nitschke:

Please find enclosed herewith an original plus 10 copies of the JOINT APPLICATION OF WHITING OIL AND GAS CORPORATION AND PLAINS PIPELINE, L.P., FOR THE TRANSFER OF CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 109 AND ROUTE PERMIT NO. 119 TO PLAINS PIPELINE, L.P. A disk containing a copy of the above-referenced document in PDF format is also enclosed.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/mpg

Enclosures

cc: Mr. John Morrison, Jr.
Ms. Ashley Naumann

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Attorneys & Advisors / Fredrikson & Byron, P.A.

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fax 701.2
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PU-11-567 Filed: 4/21/2011 Pages: 8
Joint application for the transfer of certificate or
corridor compatibility and route permit

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. _____

IN THE MATTER OF THE JOINT APPLICATION OF WHITING OIL AND GAS CORPORATION AND PLAINS PIPELINE, L.P., FOR THE TRANSFER OF CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 109 AND ROUTE PERMIT NO. 119 TO PLAINS PIPELINE, L.P.

JOINT APPLICATION OF WHITING OIL AND GAS CORPORATION AND PLAINS PIPELINE, L.P., FOR THE TRANSFER OF CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 109 AND ROUTE PERMIT NO. 119 TO PLAINS PIPELINE, L.P.

Pursuant to N.D.C.C. Ch. 49-22, N.D. Admin. Code Article 69-06, and N.D. Admin. Code. § 69-02-02-04, Whiting Oil and Gas Corporation (“Whiting”) and Plains Pipeline, L.P. (“Plains”) (hereinafter collectively referred to as “Applicants”), respectfully submit this Joint Application (“Application”) for the Transfer of Certificate of Corridor Compatibility No. 109 (“Certificate”) and Route Permit No. 119 (“Route Permit”) to Plains. The Certificate and Route Permit were originally issued by the North Dakota Public Service Commission (“Commission”) to Whiting in Case No. PU-08-844.

I. Statutory Authority.

Transfer of a certificate of corridor compatibility and a route permit are authorized under N.D.C.C. § 49-22-13(2) and N.D. Admin. Code § 69-06-01-02(3). Pursuant to these provisions, the Commission is not required to hold a public hearing on an application for such transfer unless, following publication of a notice of opportunity for a public hearing in the official newspaper of each county in which a portion of the facility is located, there is both a request by an interested person and a showing of good cause.

II. Background.

Pursuant to the Commission's Findings of Fact, Conclusions of Law, and Order dated February 25, 2009, in Case No. PU-08-844, the Commission approved the issuance of the Certificate and Route Permit to Whiting for the construction of a pipeline project (the "Project") in Mountrail County, North Dakota.

III. Application for Transfer of Certificate and Route Permit.

Applicants now respectfully submit this Application for the transfer of the Certificate and Route Permit to Plains. In support thereof, Applicants state as follows:

1. Whiting Oil and Gas Corporation is a Delaware corporation with its principal office in Denver, Colorado, and is authorized to do business in the State of North Dakota. In accordance with N.D. Admin. Code § 69-02-02-04(3)(c), Whiting's corporate documents were previously filed with the Commission, and an original Certificate of Good Standing, issued by the Secretary of State for the State of North Dakota, is provided herewith.

2. Plains Pipeline, L.P., is a Texas limited partnership with its principal office in Houston, Texas, and is authorized to do business in the State of North Dakota. In accordance with N.D. Admin. Code § 69-02-02-04(3)(c), Plains's corporate documents were previously filed with the Commission, and an original Certificate of Good Standing, issued by the Secretary of State for the State of North Dakota, is provided herewith.

3. The Certificate and Route Permit were issued to Whiting for the Project, which consists of approximately 17 miles of eight-inch crude oil pipeline extending from a storage site near Whiting's Robinson Lake Gas Processing Plant to an existing Enbridge Pipelines (North Dakota) LLC facility located southeast of Stanley, North Dakota, known as the Lake Robinson Pipeline (the "Pipeline"), all located in Mountrail County (Case No. PU-08-844).

4. Whiting sold the Pipeline to Nexen Pipeline USA Inc. ("Nexen") in July 2010. Plains purchased the membership interests of Nexen in December 2010 merging Nexen into Plains and leaving Plains as the surviving entity.

5. Plains agrees to assume the rights and obligations of the Certificate and Route Permit, as well as the conditions and limitations set forth in the Commission's Findings of Fact, Conclusions of Law, and Order, dated February 25, 2009, issuing the Certificate and Route Permit. *See* Affidavit of Ashley Naumann, dated April 7, 2011, provided herewith.

6. Pursuant to the Application, Applicants seek the transfer of the Certificate and Route Permit to Plains.


WHEREFORE, Applicants respectfully request that the Commission, following publication of a notice of opportunity for a public hearing in the official newspaper in Mountrail County and, unless there is both a request by an interested person and a showing of good cause:

1. Grant, without a public hearing, a transfer of the Certificate and Route Permit to Plains; and
2. Grant such other relief as the Commission shall deem appropriate.

Dated this 21st day of April, 2011.

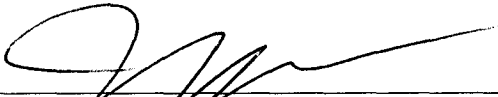
FREDRIKSON & BYRON, P.A.

By


LAWRENCE BENDER, ND Bar #03908
MOLLIE M. SMITH, ND Bar #06714
Attorneys for Applicant,
Plains Pipeline, L.P.
200 North 3rd Street, Suite 150
Bismarck, ND 58501

Dated this 18th day of April, 2011.

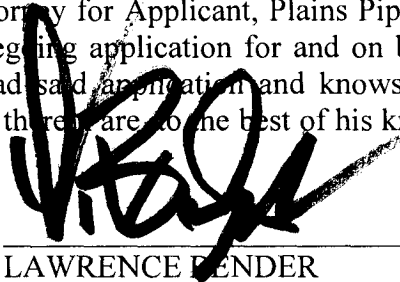
CROWLEY FLECK PLLP

By 
JOHN W. MORRISON, JR., ND Bar #03502
Attorneys for Applicant,
Whiting Oil and Gas Corporation
400 East Broadway, Suite 600
Bismarck, ND 58501

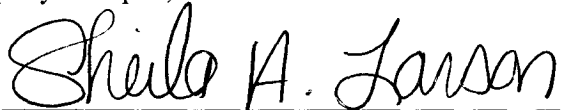
STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

LAWRENCE BENDER, of lawful age, being first duly sworn, on oath deposes and says:

That he is the duly elected and qualified attorney for Applicant, Plains Pipeline, L.P., in the foregoing application; that he executed the foregoing application for and on behalf of said Applicant and as its said attorney; that he has read said application and knows the contents thereof, and that the statements made and contained therein are to the best of his knowledge and belief, true and correct.


LAWRENCE BENDER

Subscribed and sworn to before me this 21st day of April, 2011.


Notary Public
Burleigh County, North Dakota
My Commission Expires:

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

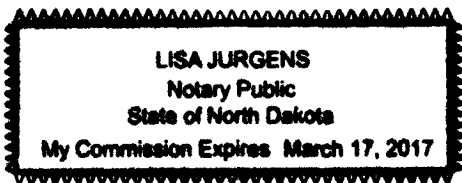
John W. Morrison, Jr., of lawful age, being first duly sworn, on oath deposes and says:

That he is the duly elected and qualified attorney for Applicant, Whiting Oil and Gas Corporation, in the foregoing application; that he executed the foregoing application for and on behalf of said Applicant and as its said attorney; that he has read said application and knows the contents thereof, and that the statements made and contained therein are, to the best of his knowledge and belief, true and correct.



JOHN W. MORRISON, JR.

Subscribed and sworn to before me this 18th day of April, 2011.



Lisa Jurgens

Notary Public
Burleigh County, North Dakota
My Commission Expires:

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

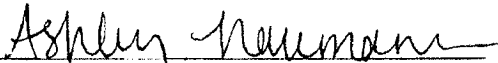
Case No. PU-11-__

IN THE MATTER OF THE JOINT APPLICATION OF WHITING OIL AND GAS CORPORATION AND PLAINS PIPELINE, L.P., FOR THE TRANSFER OF CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 109 AND ROUTE PERMIT NO. 119 TO PLAINS PIPELINE, L.P.

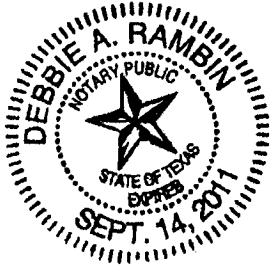
AFFIDAVIT OF ASHLEY NAUMANN

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

1. I am employed by Plains Pipeline, L.P., as an attorney, and I make this affidavit on the basis of my own personal knowledge and belief as to the matters contained herein.
2. I am familiar with the Commission's Findings of Fact, Conclusions of Law, and Order, dated February 25, 2009, and with Certificate of Corridor Compatibility No. 109 and Route Permit No. 119 (Case No. PU-08-844).
3. Plains Pipeline, L.P., agrees to assume the rights and obligations of Certificate of Corridor Compatibility No. 109 and Route Permit No. 119, including the conditions and limitations set forth in the Commission's Findings of Fact, Conclusions of Law, and Order, dated February 25, 2009, issuing said Certificate and Route Permit (Case No. PU-08-844).


Ashley Naumann

Subscribed and sworn to this 7 day of April, 2011.



Debbie Rambin
Notary Public
Harris County, Texas
My commission expires: 9-14-11

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