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Hand Delivery

May 14, 2012

RECEIVED

MAY 14 2012

PUBLIC SERVICE COMMISSION

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

Dear Mr. Nitschke:

RE: Enbridge Pipelines (North Dakota) LLC
Little Muddy Station Connection Project
Route Deviation Request
Docket No. PU-11-606
Our File No. 31-411-07

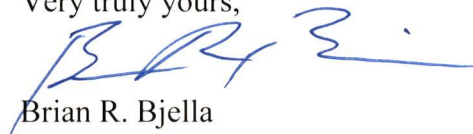
Enbridge Pipelines (North Dakota) LLC is enclosing herewith for filing the original and ten copies of a revised Route Deviation Application. Please substitute the enclosed revised Route Deviation Application for the application that was delivered to your office on Friday, May 11. However, please retain Exhibit A from the prior application and attach to this revised application.

Also enclosed please find the original and ten copies of a map for publication.

Enbridge respectfully requests that this request be reviewed and approved in an expedited manner, in order that construction may commence as soon as possible.

Thank you for your attention to this matter.

Very truly yours,



Brian R. Bjella

bw

Enc.

cc: Williams County Auditor
Chris Marohl

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

Enbridge Pipelines (North Dakota) LLC
Little Muddy Station Connection Project
Williams County

CASE NO. PU-11-606

**APPLICATION OF ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
FOR A WAIVER
OR REDUCTION OF PROCEDURES AND
TIME SCHEDULES FOR AN AMENDED
CORRIDOR CERTIFICATE AND ROUTE PERMIT**

Enbridge Pipelines (North Dakota) LLC, whose address for purposes of this Application is 2505 16th Street SW, Minot, North Dakota 58701, 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 Deviation of the Designated Route and for Amended Corridor Certificate and Route Permit (“Application”).

On March 21, 2012, the North Dakota Public Service Commission (“Commission”) entered its Order adopting the Hearing Officer’s March 14, 2012, Recommended Findings of Fact, Conclusions of Law and Recommended Order (the “Order”) in the captioned matter allowing construction of the Little Muddy Station Connection Project (the “Project”), and further issued to Enbridge a Certificate of Corridor Compatibility No. 130 and Route Permit Certificate No. 139.

As a result of an issue with an affected landowner, it is now necessary to modify the route as described in Exhibit A attached hereto and incorporated herewith. Enbridge 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(2), and North Dakota Administrative Code § 69-06-01-02 and Chapter 69-06-06; 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 separate filings of applications for an amended certificate of corridor compatibility and an amended route permit, separate publication of notices of filing said applications, and certain time schedules as set forth in said statutes and rules;
- (2) 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 public hearings on the requested waivers or on the applications for an amended certificate of corridor compatibility or an amended route permit; and certain time schedules and procedures as set forth in said statutes and rules pertaining thereto;
- (3) Should either an informal or formal hearing be required, Enbridge requests that the Commission hold a single consolidated hearing on the requested waivers and the applications for an amended certificate of corridor compatibility and an amended route permit.
- (4) Issue a notice of opportunity for hearing in the official newspaper of Williams County;

- (5) 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 Williams County;
- (6) 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);
- (7) Approve the modification request which will result in modification of the designated route and an adjustment to the designated corridor;
- (8) Find that the proposed modified facilities are of such design, length, location and purpose that they will produce minimal adverse affects;
- (9) 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 Enbridge 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, Enbridge'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 Enbridge to commence construction on the Project as soon as possible so as to enable the Project to become fully operational at the earliest possible date.

DESCRIPTION

As more fully demonstrated in attached Exhibit A, the deviation will consist of approximately 8,149 feet of 10-inch diameter pipeline. Of the 8,149 feet, 6,029 feet are located outside of the corridor approved by Certificate No. 130.

NEED

The purpose of the Project is to transport crude oil produced from the Williston Basin, and to reduce transport by truck, into Enbridge's main line system, ultimately delivering the crude oil to refineries. To avoid unnecessary delay in the construction and operational schedule of the Project, it is essential that this deviation be approved at the earliest possible date

COST

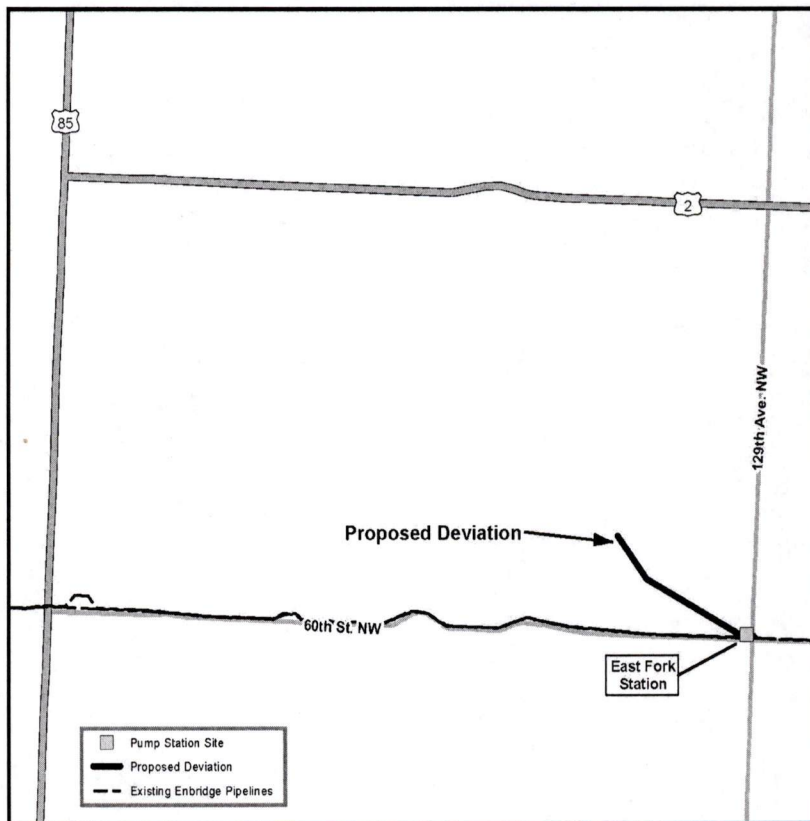
Enbridge estimates that the cost of this deviation is \$200,000.00.

JUSTIFICATION

The environmental and cultural resource studies and reports which are described in attached Exhibit A demonstrate that there will be minimal, if any, adverse effects as a result of this deviation, and that pursuant to North Dakota Administrative Code § 69-06-05-02(2) the deviated route does not violate any of the exclusion and avoidance area criteria of Article 69-06 of the North Dakota Administrative Code.

Enbridge respectfully requests that the Commission render an expeditious decision granting its requested waivers and/or reductions of procedures and time schedules, approve the requested deviation and issue an amended corridor certificate and amended route permit.

ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
LITTLE MUDDY STATION CONNECTION PROJECT ROUTE DEVIATION



Enbridge Pipelines (North Dakota) LLC
Little Muddy Station Connection Project
Route Deviation Request
Docket No. PU-11-606



May 1, 2012

Enbridge Pipelines (North Dakota) LLC

**North Dakota PSC
Docket No. PU-11-606**

Little Muddy Station Connection Project

**Route Deviation
Station Number 225+79 to Station Number 307+28**

May 1, 2012

McCauley Route Deviation

Enbridge Pipelines (North Dakota) LLC ("EPND"), hereby respectfully requests a route deviation pursuant to North Dakota Administrative Code § 69-06-05-02(2).

By Order dated March 21, 2012, the Public Service Commission ("Commission") issued Route Permit No. 139 and Certificate of Corridor Compatibility No. 130 to EPND for this Little Muddy Station Connection Project.

In the Application for a Certificate of Corridor Compatibility and Route Permit as originally filed with the Commission on November 14, 2011, in Section C, page 13, it is indicated that in the southeast portion of the project, that EPND was considering an approximate 1.5 mile segment alternative. As a result, EPND completed environmental and cultural resource surveys in the entire 1.5 mile segment alternative, as demonstrated in Exhibit H.1. This is the same area for which EPND is now requesting approval of a route deviation.

In Exhibit C.1 to the Application, which includes the submittal of the cultural resource surveys to the North Dakota State Historic Preservation Office (SHPO), it is demonstrated that the entire alternative area was studied for cultural resources. Exhibit C.2 to the Application contains SHPO's concurrence of "no historic properties affected" and "no significant sites affected" for the entire surveyed area, including the alternative area.

As a result, the original Application and the legal publications of the notice of the public hearing which was held on February 23, 2012, would have included notice to the public of this alternative area.

As demonstrated in the enclosed materials and in Exhibits C.1, C.2 and H.1 to the original Application, this alternative area contains no exclusion or avoidance areas, and thus may be permitted as a route deviation pursuant to NDAC § 69-06-05-02(2). EPND respectfully requests that this deviation application be reviewed and approved in an expedited manner, in order that construction may commence as soon as possible.

A. Description of Proposed Route Deviation

The route deviation (the "McCauley Deviation"), is located within the survey area which the Commission evaluated during the approval process of Case No. PU-11-606. The McCauley Deviation begins at Station Number 225+79 located in Section 35, Township 156 North, Range 100 West and ends at Station Number 307 + 75 in Section 36, Township 156 North, Range 100 West. all being located in Williams County, North Dakota as shown on Attachment A.

The pipeline centerline must be adjusted to the south to avoid the NW ¼ of Section 36, Township 156 North, Range 100 West. The McCauley Deviation will consist of approximately 8149 feet of 10-inch diameter pipeline. Of the 8149 feet, 6029 feet are outside of the permitted route corridor. The portion of the pipeline centerline adjustment that lies outside the 400 foot corridor approved by the Commission begins at Station Number 232+46 and ends at Station Number 292+75.

Summary Table 1.1			
Comparison of Approved Pipeline Centerline and Route Deviation Centerline			
Land Use & Land Cross ^a	Units	Approved Pipeline Centerline within Permitted Route Corridor	Requested Route Deviation
Total Length	Feet	7978	8149
Length Outside Permitted Route Corridor	Feet	0	6029
Roads Crossed	Number	1	1
Construction Footprint	Feet	110	110
Permanent Right-of Way Requirement	Feet	50	50
Temporary Workspace	Feet	60	60

EPND will maintain the same construction footprint and right-of way requirements as approved by this Commission in Case No. PU-11-606.

B. Purpose & Justification as Preferred Route

As stated above, the McCauley Deviation is needed in order to avoid private land where pipeline access has been denied by one landowner. EPND plans to adjust its pipeline centerline slightly south to gain access to adjacent private land. EPND believes that the McCauley Deviation is in the public interest and respectfully requests that the Commission grant EPND approval to proceed with the minor centerline adjustment to its 10-inch pipeline at this location.

C. Analysis of the Potential Impacts on the Human and Natural Environment

Based on the McCauley Deviation, EPND has analyzed the impacts of the proposed centerline adjustment in accordance with the Commission's Transmission Facility Corridor and Route Criteria¹. The McCauley Deviation has substantially similar impacts as the existing sited and approved pipeline route corridor which was evaluated and permitted by this Commission in accordance with North Dakota Administrative Code ("NDAC") Section 49-22-09 and 69-06-08-02². Thus, EPND submits the following

¹ North Dakota Administrative Code Section 69-06-08-02.

² See Finding of Facts, Conclusion of Law Order, dated March 21, 2012 in Case No. PU-11-606, which the Commission authorized the transmission facility corridor and route for the Little Muddy Station Connection Project in Williams County in Corridor Certificate No. 130 and Route Permit No. 139.

May 1, 2012

information to demonstrate that no significant adverse impact will result from the location, construction and operation of the McCauley Deviation.

C.1 Exclusion Areas

- No exclusion areas were identified in accordance with the criteria set out in NDAC Section 69-06-07-02.1

C.2 Avoidance Areas

- No inhabited residence, school or place of business was identified within 500 feet of the proposed route deviation.
- No other avoidance areas were identified in accordance with the criteria set out in NDAC Section 69-06-07-02.2.

C.3 Selection Criteria

As shown on the Table 1.2 below, EPND has analyzed the impacts of the McCauley Deviation in relation to all of the relevant Selection Criteria. EPND concluded that the McCauley Deviation will have no significant adverse impact on the location, construction and operation of the Project as approved by the Commission's Order, dated March 21, 2012.

Table 1.2 Little Muddy Station Connection Project Selection Criteria Considered		
SELECTION CRITERIA CONSIDERED	CROSSED BY APPROVED CORRIDOR AND ROUTE	CROSSED BY REQUESTED DEVIATION
Agricultural Production	Yes	Yes
Family Farms and Ranches	Minimal	Substantially similar
Land Suitable for Irrigation	Minimal	Substantially similar
Surface and Groundwater Flow Patterns	Minimal	Substantially similar
Noise Sensitive Areas	Minimal	Substantially similar
Visual Effects	Minimal	Substantially similar
Extractive and Storage Resources	Minimal	Substantially similar
Wetlands	Minimal	Substantially similar
Woodlands	Minimal	Substantially similar
Communication or Electric Control Facilities	Minimal	Substantially similar
Human Health and Safety	Minimal	Substantially similar
Animal Health and Safety	Minimal	Substantially similar
Plant Life	Minimal	Substantially similar

C.4 Policy Criteria

EPND has analyzed the relevant Policy Criteria as it relates to the McCauley Deviation. EPND has concluded that the McCauley Deviation will not alter any of its commitments as stated in Policy Criteria³ Section B.4.c of its Application for a Route Permit, as approved by the Commission's Order, dated March 21, 2012.

³ North Dakota Rules Chapter 69-06-08-02.4



May 1, 2012

EPND hereby submits its commitment to maximize the benefits of its McCauley Deviation so as to meet the Commission's Policy Criteria. Thus, EPND remains committed to the following:

- conduct its business in compliance with all applicable environmental laws and regulations;
- use energy conservation through the location, process, and design of its transmission facility as approved and the same for the proposed route deviation;
- provide training and utilize available labor in the state;
- construct its approved Project and the proposed route deviation as to take advantage of economies of scale;
- achieve transmission capacity in the most minimally intrusive and most efficient way possible; and
- coordinate with state and local officials.

D. Environmental Assessment for Route Deviation

The McCauley Deviation will not impact the environmental data that has been assessed, specifically with regard to cultural resources, wetlands and protected species, as described in Section B of the Application for Certificate for Corridor Compatibility and approved by the Commission's Order, dated March 21, 2012.

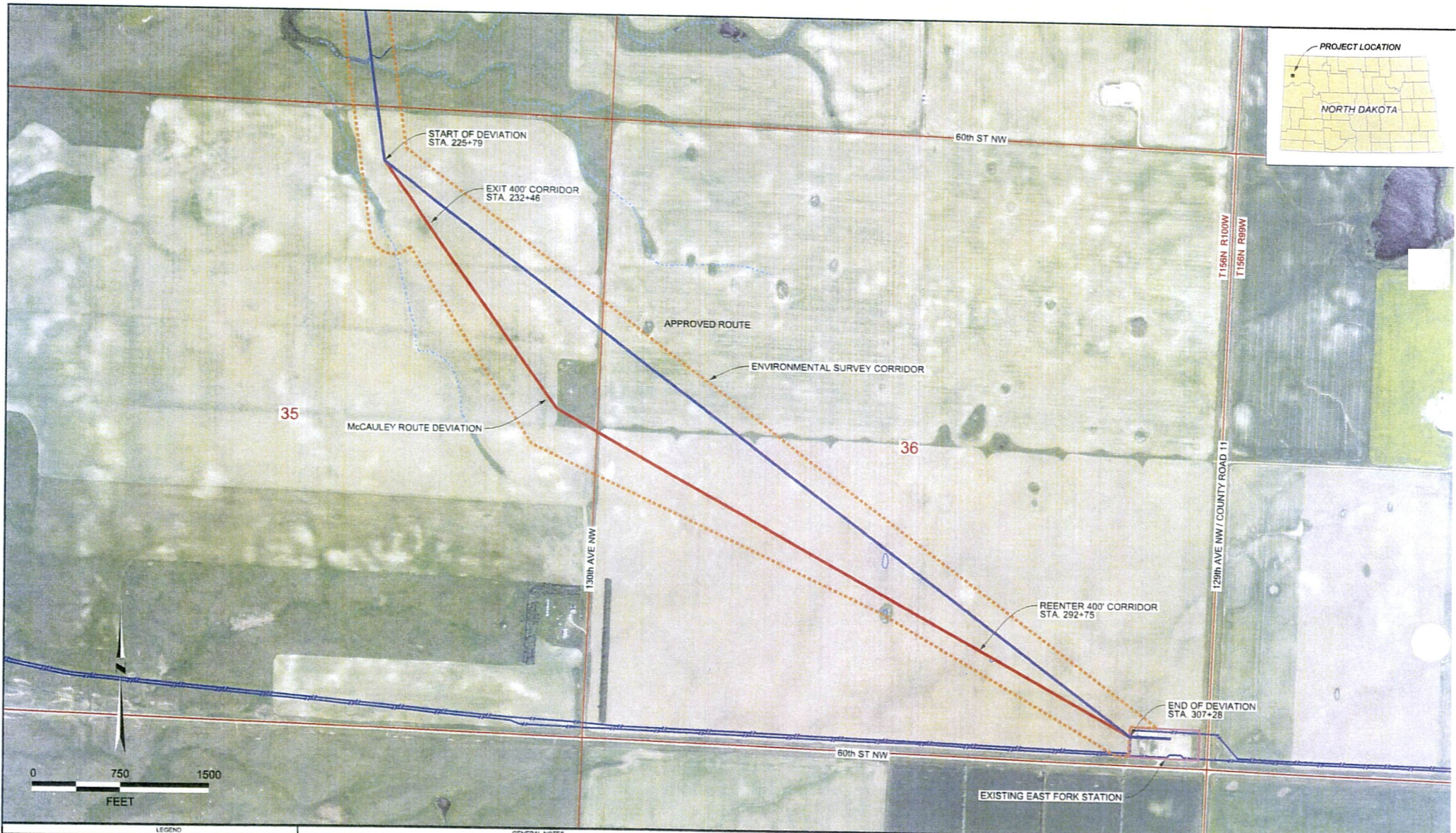
Enbridge Pipelines (North Dakota) LLC
Little Muddy Station Connection Project
Route Deviation Request
Docket No. PU-11-606



May 1, 2012

ATTACHMENT A

Route Map



LEGEND

- APPROVED ROUTE
- McCAULEY ROUTE DEVIATION
- EXISTING ENBRIDGE PIPELINE
- ENVIRONMENTAL SURVEY CORRIDOR
- SECTION LINES
- STATION BOUNDS

- DELIMITED WETLAND
- DELIMITED WATER BODY
- USFS STREAM

GENERAL NOTES

1. LOCAL ENGINEERING AND/OR SURVEYING FIRMS ARE NOT RESPONSIBLE FOR THE LOCATION OF THIRD PARTY UTILITIES AND UTILITIES BOUNDARIES. THIS INFORMATION IS PRESENTED ON A BEST EFFORTS BASIS AND IS PROVIDED WITHOUT LIABILITY BY THE PARTY OF RECORD. THE LOCATION OF THIS INFORMATION IS PRESENTED ON A BEST EFFORTS BASIS AND IS PROVIDED WITHOUT LIABILITY BY THE PARTY OF RECORD.
2. PRIOR TO COMMENCING ANY ACTIVITIES WHICH COULD IMPACT PIPELINES OR UTILITIES, CONTACT NORTH DAKOTA ONE-CALL AT 1-800-795-6555.
3. THE LOCATION OF PIPELINES, UTILITIES, OVERHEAD ELECTRIC LINES AND OTHER BURIED OR ABOVE-GROUND FACILITIES ARE FOR REFERENCE ONLY.
4. COORDINATE SYSTEM: NORTH DAKOTA STATE PLANE, NAD83, NORTH ZONE, US FEET
5. AERIAL PHOTOGRAPHY: USDA 2010 NFP

REVISIONS

REV	DESCRIPTION	DWN	CHKD	DATE
A	ISSUED FOR PERMIT APPLICATION	MWW	MSJ	4/26/12

ENGINEER
 REGISTERED PROFESSIONAL ENGINEERING
 CENTENNIAL, COLORADO

ENBRIDGE PIPELINES (NORTH DAKOTA) LLC

LITTLE MUDDY STATION CONNECTION PROJECT
 McCAULEY ROUTE DEVIATION

ND PSC FILING

SCALE	AS SHOWN	DATE	PROJECT NO.	DRAWING NO.
DRAWN BY:	MWW	4/25/12		2861-PSC-0218
CHECKED BY:	MSJ	4/26/12		
IN CHARGE:	MSJ	4/26/12		REVISION
				A