

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**ONEOK Rockies Midstream, L.L.C.
Stateline to Riverview NGL Pipeline – Williams County
Siting Application**

Case No. PU-11-683

ORDER

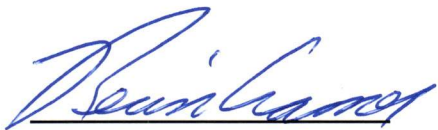
April 11, 2012

The evidence of record has been considered and appraised.

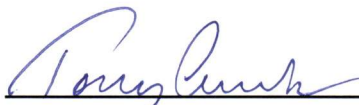
The Commission Orders:

1. The Hearing Officer's March 30, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order, a copy of which is attached to this Order and made a part of this Order, is ADOPTED as the Public Service Commission's Findings of Fact, Conclusions of Law and Order.
2. ONEOK Rockies Midstream, L.L.C.'s application for a waiver of procedures and time schedules is granted.
3. Certificate of Corridor Compatibility No. 131 is issued to ONEOK Rockies Midstream, L.L.C., designating a corridor for its proposed pipeline project. For purposes of the Certificate, the corridor will consist of a 250 foot wide area centered on the pipeline route for the length of the route, as described in the application and at the hearing.
4. Route Permit No. 140 is issued to ONEOK Rockies Midstream, L.L.C., granting authority to construct, operate and maintain 13 miles of 10.75-inch natural gas liquids pipeline located in Williams County, North Dakota. For purposes of the Permit, the route will be as described in the application and at the hearing.
5. The March 21, 2012 Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between ONEOK Rockies Midstream, L.L.C.'s Application and the March 21, 2012 Certification, the Certification provisions control.

PUBLIC SERVICE COMMISSION



**Kevin Cramer
Commissioner**



**Tony Clark
Chairman**



**Brian P. Kalk
Commissioner**

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Site Compatibility for a Transmission Facility Corridor

Certificate Number 131

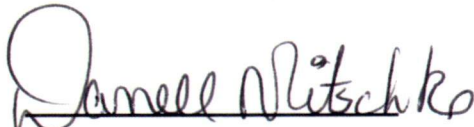
This is to certify that the Commission has designated a transmission facility corridor for ONEOK Rockies Midstream, L.L.C., for the construction of approximately 13 miles of 10.75-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.

This certificate is issued in accordance with the Order of this Commission dated April 11, 2012 in Case No. PU-11-683 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, April 11, 2012.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA

Route Permit Number 140

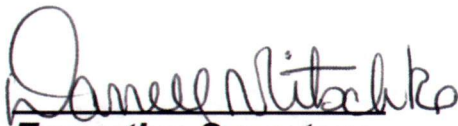
This is to certify that the Commission has designated a transmission facility route for ONEOK Rockies Midstream, L.L.C. for the construction of approximately 13 miles of 10.75-inch pipeline in Williams County, North Dakota for the transmission of natural gas liquids.

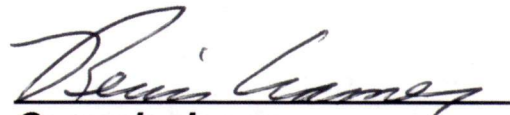
This permit is issued in accordance with the Order of this Commission dated April 11, 2012 in Case No. PU-11-683 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, April 11, 2012.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C.
Stateline to Riverview NGL Pipeline,
Williams County
Siting Application

Case No. PU-11-683

CERTIFICATION RELATING TO ORDER PROVISIONS - TRANSMISSION FACILITY SITING

I am Wesley J. Christensen a representative of ONEOK Rockies Midstream, L.L.C. ("ONEOK") with authority to bind ONEOK to requirements to be set forth by the Commission in its Order and I certify the following:

1. ONEOK understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that ONEOK shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. ONEOK agrees to hold a preconstruction conference prior to commencement of any construction, which must include a ONEOK representative, its construction supervisor, and a representative of Commission Staff, to ensure that ONEOK fully understands the conditions set forth in the Commission's order.
3. ONEOK agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
4. ONEOK understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
5. ONEOK agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, ONEOK shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a weekly basis.
6. ONEOK understands and agrees that the pipeline will be buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48

inches for cultivated land, 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines.

7. ONEOK understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
8. ONEOK agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
9. ONEOK agrees to construct and operate the transmission facility in accordance with all applicable safety requirements.
10. ONEOK agrees to construct and operate the transmission facility in the manner described in ONEOK's application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between ONEOK's Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.
11. ONEOK agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which ONEOK becomes aware and which were not previously reported to the Commission.
12. ONEOK understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
13. ONEOK understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.
14. ONEOK understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits ONEOK to open cut the road.

15. ONEOK understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
16. ONEOK understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.
17. ONEOK understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the subsoil. Except along segments of the line using the double ditching method, any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
18. ONEOK understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
19. ONEOK understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.
20. ONEOK understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.
21. ONEOK agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
22. ONEOK understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.
23. ONEOK understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.

24. ONEOK understands and agrees that staging areas or equipment shall not be located on land owned by a person other than ONEOK unless otherwise negotiated with landowners.
25. ONEOK understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
26. ONEOK understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
27. ONEOK understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.
28. ONEOK understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.
29. ONEOK understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by ONEOK.
30. Upon request, ONEOK agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
31. ONEOK understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility. ONEOK understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.
32. ONEOK agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. ONEOK also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the

coordinate system used. All submissions must specify the datum in which the data was developed.

33. ONEOK agrees to provide the Commission with both an electronic and a paper copy of the design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the completion of the construction. ONEOK also agrees to provide an electronic version of the as-built facility design specifications that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
34. ONEOK understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.
35. ONEOK understands and agrees that in the event ONEOK desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in ONEOK's application in this proceeding, ONEOK shall apply to the Commission for a Route Permit or Site Certificate for the facility.
36. ONEOK shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, ONEOK shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.
37. ONEOK understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.

Dated this 21ST day of MARCH, 2012.

ONEOK Rockies Midstream, L.L.C.

By Wesley J. Christensen
WESLEY J. CHRISTENSEN

Its SENIOR V.P. - ONEOK PARTNERS



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C
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Williams County
Siting Application

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Tree and Shrub Mitigation Specifications

Inventory

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (*e.g.*, *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), must be inventoried before cutting. The inventory must record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, must be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1 inch diameter at breast height (dbh) or greater must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared must be inventoried for replacement.

6. In native growth areas, trees and shrubs may be inventoried by actual count or by a sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission) and approved prior to the start of construction must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

Clearing for Construction

7. Trees and shrubs must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, unless otherwise approved by the Commission.
9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced must be noted on the inventory.

Replacement

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. Two 2-year-old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed.
12. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

Invasive or noxious species must be replaced by similar non-invasive or non-noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Tree and shrub replacement must not be conducted within a 20 to 30 foot wide path over the pipeline to facilitate visual inspections of the right-of-way in accordance with U.S. Department of Transportation safety regulations.
14. Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.
15. At the conclusion of the project, documentation identifying the actual number, variety, type, location and date of the replacement plantings must be filed with the Commission.
16. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the Commission by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report the survival rate is less than 75%, the Commission may order additional planting(s).

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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ONEOK Rockies Midstream, L.L.C.
Stateline to Riverview NGL Pipeline -Williams County
Siting Application

Case No. PU-11-683
OAH File No. 20120056

**RECOMMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND RECOMMENDED ORDER**

March 30, 2012

Appearances

John W. Morrison, Attorney at Law, Crowley Fleck, PLLP, 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicant, ONEOK Rockies Midstream, L.L.C.

Matthew A. Sagsveen, Assistant Attorney General, Legal Counsel for the Public Service Commission.

Patrick Fahn, Director, Compliance and Competitive Markets Division, Public Service Commission.

Allen C. Hoberg, Administrative Law Judge, Office of Administrative Hearings, Substantive Hearing Officer.

Preliminary Statement

Under North Dakota Century Code § 49-22-07, a utility may not begin construction of a transmission facility in the state without first having obtained a route permit. The facility must be constructed, operated, and maintained in conformity with the permit and any terms, conditions, or modifications of the permit.

On October 21, 2011, ONEOK Rockies Midstream, L.L.C. ("ONEOK") filed a Letter of Intent with the Public Service Commission ("Commission"). ONEOK proposes to construct approximately 53 miles of 10.75 inch diameter pipeline and associated facilities, of which approximately 13 miles of pipeline and associated facilities will be located in Williams County, North Dakota, with the remainder located in Richland County, Montana (the North Dakota portion of the pipeline and associated facilities is the "Project" for purposes of this recommended decision). The pipeline is proposed to transport natural gas liquids ("NGL") from the tailgate of the Stateline 1 and 2 Gas Processing Plants (the "Plants"), near Williston, North Dakota, to a

point on the North Dakota and Montana border and then to the Riverview Rail Terminal (the "Terminal") in Richland County, Montana.

On December 22, 2011, ONEOK filed applications for a certificate of corridor compatibility and for a route permit authorizing the construction of the Project in North Dakota. ONEOK also filed an application requesting that the Commission waive the procedures set forth in North Dakota Century Code §§ 49-22-08 and 49-22-08.1 to allow a single consolidated application for a corridor certificate and a route permit for the Project. ONEOK further requests that the Commission reduce the minimum width of the study area for the Project, from 1.3 miles, as required by North Dakota Administrative Code § 69-06-04-02, to one mile.

On February 7, 2012, ONEOK filed a supplemental page to the applications.

On February 7, 2012 the Commission requested the designation of an Administrative Law Judge from the Office of Administrative Hearings to preside as a Substantive Hearing Officer ("Hearing Officer") in this case. On February 8, 2012, Allen C. Hoberg was designated to conduct the hearing, make recommended findings of fact and conclusions of law, and issue a recommended order.

On February 17, 2012, the Hearing Officer issued a Notice of Filings and Notice of Hearing scheduling a public hearing on March 23, 2012, at 10:00 a.m. CDT at Williston City Hall, 22 East Broadway, Williston, North Dakota, 58801. The issues to be considered in this case are as follows:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects such that adherence to the procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?
3. Will the location, construction, and operation of the proposed facilities produce minimal adverse affects on the environment, natural resources, and upon the welfare of the citizens of North Dakota?
4. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
5. Will the proposed facility locations minimize adverse human and environmental impacts while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all the evidence presented, the Hearing Officer makes the following:

Findings of Fact

1. ONEOK is a Delaware limited liability company authorized to transact business in the State of North Dakota.

2. ONEOK is not a common pipeline carrier as defined in N.D.C.C. § 49-19-01 for the Project.
3. ONEOK is in the process of constructing the Plants and also operates the Terminal.

Size, Type and Preferred Location of Facility

4. As a by-product of processing natural gas at the Plants, NGL will be available at the tailgate of the Plants. ONEOK proposes to construct a new 10.75-inch pipeline approximately 13 miles from the Plants to a point on the North Dakota and Montana border and then on to the Terminal, a total distance of 53 miles, to transport NGL to a location where it can be shipped by railcar. The carrying capacity of the pipeline will be approximately 61,000 barrels per day. The proposed route was chosen to collocate the pipeline route between two fixed assets within existing corridors to the extent possible; approximately 2.5 miles of the 13 miles located within North Dakota parallels an existing pipeline route.
5. The pipeline will include block valves, three located in North Dakota. There will be a single pumping station for the pipeline that will be located at the Plants. A supervisory control and data acquisition (“SCADA”) system, will be located at the Plants.

Need for Facility

6. The Pipeline will transport 61,000 barrels of NGL per day from the Plants to the Terminal. The Terminal allows the NGL to be shipped by rail to end users until 2013 when a new pipeline will be constructed to ship product from the Terminal. ONEOK states in the application that without a means of transporting NGL to market, the Plants, which have already been sited by the Commission, would either be unable to operate or would be required to operate at significantly reduced volumes.
7. Alternatives to construction of the pipeline consist of trucking or shipping NGL by rail to the Terminal. A ONEOK witness testified that if ONEOK trucked 61,000 barrels of NGL per day from the Plants, it would require approximately 270 trucks per day to be loaded at the Plants, driven to the Terminal, and unloaded at the Terminal. The witness also testified that the level of trucking activity would result in wear and tear of infrastructure, unduly burden area residents, and render the operation of the Plants susceptible to interruption as a result of inclement weather, road repairs, and load restrictions. Rail is not currently a feasible alternative.

Study of Preferred Location

8. North Dakota Administrative Code chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of corridor compatibility and route permit. The criteria as set forth in North Dakota Administrative Code § 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria. A transmission facility route must not be sited

within an Exclusion Area. A transmission facility route must not be sited within an Avoidance Area unless the applicant demonstrates that under the circumstances there are no reasonable alternatives. In determining whether an Avoidance Area shall be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative routes. In accordance with the Commission's Selection Criteria, a transmission route shall be approved if it is demonstrated that no significant adverse impacts will result from the location, construction, and maintenance of the transmission facility. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the transmission facility.

9. ONEOK evaluated a one-mile wide study area centered on the proposed route for the exclusion, avoidance, selection and policy criteria of the Commission.
10. There are no exclusion areas in the study area, except as listed in the application and as noted in Finding of Fact No. 12, below.
11. There are no avoidance areas listed in the study area, except as listed in the application and noted in Finding of Fact No. 12, below.
12. ONEOK conducted a Class I literature search which identified 3 previously recorded cultural resources. ONEOK also conducted a Class III cultural resource inventory based upon a 250-foot wide survey area, centered on the proposed pipeline alignment, that identified 17 newly recorded cultural resources. The State Historic Preservation Office ("SHPO") has concurred with ONEOK's determination that no cultural resources will be affected by the project because ONEOK will avoid all of them.
13. ONEOK conducted investigations to determine the potential impact of the pipeline upon vegetation and plant species, including obtaining information and input from the North Dakota Game and Fish Department, the United States Fish and Wildlife Service, and the North Dakota Parks and Recreation Department. Botany and wildlife surveys were conducted along the entire proposed route. All field surveys were conducted based upon a 250-foot wide survey area, centered on the proposed pipeline alignment.
14. The United States Fish and Wildlife Service, Montana Field Office ("Service") recommended that ONEOK blade the entire construction right-of-way during construction as habitat manipulation to remove potential habitat for migratory birds. A ONEOK witness testified that the United States Fish and Wildlife Service, Bismarck Field Office has in the past recognized that mowing the right-of-way during construction was a sufficient means of habitat manipulation to prevent migratory bird nesting and that mowing would cause less erosion and other adverse impacts. The witness testified that ONEOK will use mowing the right-of-way habitat manipulation and not the habitat manipulation recommended by the Service.
15. Any impact on vegetation and wildlife from construction of the pipeline will be

- temporary.
16. The pipeline will cross eight forested upland and shrub land areas. ONEOK will minimize the clearing of any wooded areas and will comply with the Commission's Tree and Shrub Mitigation Specifications.
 17. The proposed pipeline will not cross any water bodies but three or four streams and three wetlands are located within the 100 foot wide construction right-of-way. ONEOK will implement appropriate mitigation at these locations including avoidance through workspace modification, horizontal directional drilling or the use of construction mats and other best management practices.
 18. Agricultural and pasture land is located along the route and approximately 27% of the 388 acres which will be temporarily impacted by construction is cultivated land. Construction impacts will be temporary and landowners will be compensated for any impacts. After construction, agricultural lands will be returned to preconstruction uses.
 19. Any impact to family farm operations associated with construction of the Pipeline will be temporary.
 20. Any impact the pipeline's construction activities will have on surface drainage and groundwater flow patterns will be temporary.
 21. Other than temporary noise associated with construction and the short-term visual effects resulting from construction, the Project will not have any impact on noise sensitive land uses or visual effects on the adjacent area.

Mitigation to Minimize Impact

22. All Project construction work will occur within a construction right-of-way of 100 feet. After completion of construction, the right-of-way for the pipeline will be 50 feet.
23. ONEOK will have personnel available at locations along the entire pipeline route to respond to any conditions 24 hours a day, seven days a week. Block valves will allow for segments of the pipeline to be segregated for inspection and maintenance as well as in the event of a system failure. The SCADA system will report pipeline operations and facilitate early response to any breach or failure of the pipeline.
24. The design, construction, and operation of the Project will be in accordance with the United States Department of Transportation regulations governing the transportation of NGL as prescribed under 49 CFR Parts 194 and 195.
25. ONEOK has agreed to a number of steps to mitigate the impact of the Project as indicated by the March 21, 2012, Certification Relating to Order Provisions-Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications.
26. ONEOK will use environmental monitors and inspectors to comply with all applicable

permits.

27. ONEOK will participate in the North Dakota One-Call Excavation Notice System.
28. It is appropriate to authorize a corridor only for the area for which ONEOK performed the more thorough cultural resource study.
From the foregoing Findings of Fact, the Hearing Officer makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, ONEOK, and over the subject matter of the applications under North Dakota Century Code chapter 49-22.
2. ONEOK is a utility as defined in North Dakota Century Code § 49-22-03(13) for purposes of the Project.
3. The proposed pipeline and associated facilities are a transmission facility as defined in North Dakota Century Code § 49-22-03(12).
4. The location, construction, and operation of the proposed transmission facility will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the proposed transmission facility are compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. The Project is of such design and location that it will produce minimal adverse effects as defined under North Dakota Century Code § 49-22-07.2.
8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the application and provided under North Dakota Century Code § 49-22-07.2.

From the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends the following :

Order

1. That ONEOK's application for a waiver of procedures and time schedules be granted.
2. That a Certificate of Corridor Compatibility be issued to ONEOK designating a corridor for the construction, operation, and maintenance of the Project in Williams County North

Dakota. For the purposes of the Certificate, the corridor will consist of a 250 foot-wide area centered on the pipeline route for the length of the route, as described in the application and at the public hearing.

3. That a Route Permit be issued to ONEOK granting authority to construct a 13 mile 10.75-inch diameter pipeline and associated facilities in Williams County, North Dakota, with a 50 foot right-of-way after construction centered on the pipeline for the length of the pipeline route in North Dakota, as described in the application and at the public hearing.
4. That the March 21, 2012, Certification Relating to Order Provisions-Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, be incorporated by reference and attached to the Order issued by the Commission

State of North Dakota
Public Service Commission

By 

Allen C. Hoberg, Administrative Law Judge
Office of Administrative Hearings
Substantive Hearing Officer
2911 North 14th Street - Suite 303
Bismarck, North Dakota 58503
Telephone (701) 328-3200

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Rockies Midstream, L.L.C.
Stateline to Riverview NGL Pipeline -Williams County
Siting Application

Case No. PU-11-683
OAH File No. 20120056

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDED ORDER** was hand-delivered at the State Capitol on the 30 day of March 2012, to:

Illona Jeffcoat-Sacco
General Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

and that a true and correct copy of the above document was mailed, regular mail, on the 30 day of March 2012, to:

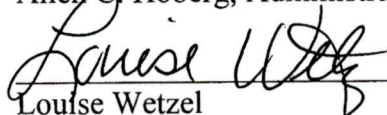
John Morrison
Crowley Fleck
P O Box 2798
Bismarck, ND 58502-2798

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 30 day of March 2012, to:

Patrick Fahn
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

Matthew Sagsveen
Assistant Attorney General
Office of Attorney General
600 East Boulevard Avenue
Bismarck, ND 58505

OFFICE OF ADMINISTRATIVE HEARINGS
Allen G. Hoberg, Administrative Law Judge


Louise Wetzel