

January 25, 2012

**RECEIVED**

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**PUBLIC SERVICE COMMISSION**

**VIA HAND DELIVERY**

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

**RE: ARROW FIELD SERVICES, LLC AND  
BANNER TRANSPORTATION COMPANY,  
LLC**

Dear Mr. Nitschke:

Arrow Field Services, LLC and Banner Transportation Company, LLC, respectfully submit herewith an original and ten (10) copies of the following documents:

1. Joint Application of Arrow Field Services, LLC and Banner Transportation Company, LLC, for the Transfer of Certificate of Corridor Compatibility No. 126 and Route Permit No. 135 to Banner Transportation Company, LLC;
2. Affidavit of Jim Suttle;
3. Certified copies of corporate documents for Banner Transportation Company, LLC;
4. Certificate of Good Standing for Banner Transportation Company, LLC from the State of Oklahoma;
5. Certificate of Good Standing for Banner Transportation Company, LLC from the State of North Dakota; and
6. Certificate of Good Standing for Arrow Field Services, LLC from the State of North Dakota.

Also enclosed herewith is a CD containing this letter and the above-referenced documents in electronic format. If you have any questions, please let me know.

Sincerely,



Mollie M. Smith

Attorneys & Address: Fredrikson & Byron, P.A.  
main 701 1 PU-12-48 Filed: 1/26/2012 Pages: 14  
fax 701. Corporate papers  
www.fred

Mr. Darrell Nitschke  
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MMS/tsv  
Enclosures

cc: Mr. Jeff Felberg (*w/ encl. - via e-mail*)  
Mr. Jim Suttle (*w/ encl. - via e-mail*)

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. PU-12- \_\_\_\_

IN THE MATTER OF THE JOINT  
APPLICATION OF ARROW FIELD  
SERVICES, LLC, AND BANNER  
TRANSPORTATION COMPANY, LLC,  
FOR THE TRANSFER OF CERTIFICATE  
OF CORRIDOR COMPATIBILITY NO. 126  
AND ROUTE PERMIT NO. 135  
TO BANNER TRANSPORTATION  
COMPANY, LLC

**JOINT APPLICATION OF ARROW FIELD SERVICES, LLC,  
AND BANNER TRANSPORTATION COMPANY, LLC, FOR THE TRANSFER OF  
CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 126 AND  
ROUTE PERMIT NO. 135 TO BANNER TRANSPORTATION COMPANY, LLC**

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, Arrow Field Services, LLC (“Arrow”), and Banner Transportation Company, LLC (“Banner”) (hereinafter collectively referred to as “Applicants”), respectfully submit this Joint Application (“Application”) for the Transfer of Certificate of Corridor Compatibility No. 126 (“Certificate”) and Route Permit No. 135 (“Route Permit”) to Banner. The Certificate and Route Permit were originally issued by the North Dakota Public Service Commission (“Commission”) to Arrow in Case No. PU-11-99.

**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 Order, dated November 2, 2011, in Case No. PU-11-99, the Commission approved the issuance of the Certificate and Route Permit to Arrow for the construction of a crude oil pipeline project (the "Project") in McKenzie 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 Banner. In support thereof, Applicants state as follows:

1. Banner Transportation Company, LLC, is an Oklahoma limited liability company with its principal office in Enid, Oklahoma, and is authorized to do business in the State of North Dakota. In accordance with N.D. Admin. Code § 69-02-02-04(3), Banner's corporate documents and an original Certificate of Good Standing, issued by the Secretary of State for the State of North Dakota, are provided herewith.

2. Arrow Field Services, LLC, is a Delaware limited liability company with its principal office in Tulsa, Oklahoma, 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), Arrow's corporate documents were previously filed with the Commission (*see* Case Nos. PU-11-99 and PU-11-117), 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 Arrow for the Project, which consists of approximately 1.5 miles of eight-inch crude oil pipeline extending between Arrow's existing Central Delivery Point ("CDP") Facility to an interconnect with the existing 4 Bears Pipeline (*see* Case No. PU-11-99). The Project is located approximately 18 miles east of Watford City and is located entirely in McKenzie County.

4. Arrow sold the Project to Banner in December, 2011.

5. Banner agrees to assume the rights and obligations of the Certificate and Route Permit, as well as the conditions and limitations set forth in the Recommended Findings of Fact, Conclusions of Law and Recommended Order, dated October 31, 2011, adopted by the Commission as its Findings of Fact, Conclusions of Law and Order in its Order, dated November 2, 2011, issuing the Certificate and Route Permit. *See* Affidavit of Jim Suttle, dated January 25, 2012, provided herewith.

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

WHEREFORE, Applicants respectfully request that the Commission, following publication of a notice of opportunity for a public hearing in the official newspaper in McKenzie 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 Banner; and

2. Grant such other relief as the Commission shall deem appropriate.



STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION


Case No. PU-12- \_\_\_\_

IN THE MATTER OF THE JOINT APPLICATION OF ARROW FIELD SERVICES, LLC, AND BANNER TRANSPORTATION COMPANY, LLC, FOR THE TRANSFER OF CERTIFICATE OF CORRIDOR COMPATIBILITY NO. 126 AND ROUTE PERMIT NO. 135 TO BANNER TRANSPORTATION COMPANY, LLC

AFFIDAVIT OF JIM SUTTLE

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

1. I am employed by Banner Transportation Company, LLC, as SVP Crude Oil Services, 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 Recommended Findings of Fact, Conclusions of Law, and Recommended Order, dated October 31, 2011, adopted by the Commission as its Findings of Fact, Conclusions of Law and Order in its Order, dated November 2, 2011, and with Certificate of Corridor Compatibility No. 126 and Route Permit No. 135 (Case No. PU-11-99).
3. Banner Transportation Company, LLC, agrees to assume the rights and obligations of Certificate of Corridor Compatibility No. 126 and Route Permit No. 135, including the conditions and limitations set forth in the Recommended Findings of Fact, Conclusions of Law, and Recommended Order, dated October 31, 2011, adopted by the Commission as its Findings of Fact, Conclusions of Law and Order in its Order, dated November 2, 2011, issuing said Certificate and Route Permit (Case No. PU-11-99).

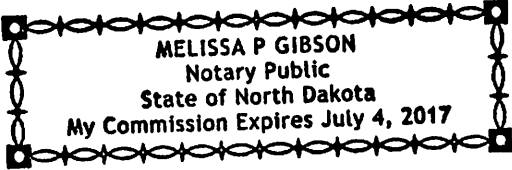
  
 \_\_\_\_\_  
 Jim Suttle, Sr. Vice President  
 Crude Services

Subscribed and sworn to this 25<sup>th</sup> day of January, 2012.

*Melissa P. Gibson*

Notary Public  
Burleigh County, State of North Dakota  
My commission expires:

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OFFICE OF THE SECRETARY OF STATE



CERTIFIED COPY OF DOCUMENTS ON FILE

CERTIFICATE

*I THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that, to the date of this certificate, the attached is a true and correct copy of documents on file in this office as described below of:*

NAME OF ENTITY

BANNER TRANSPORTATION COMPANY, LLC

DOCUMENT TYPE

*Change of Registered Agent and/or  
Office and/or Principal Office  
Articles of Organization*

DOCUMENT FILING DATE

*May 28, 2010*

*March 23, 2006*



*IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 23rd, day of January, 2012.*

*Secretary Of State*



OKLAHOMA SECRETARY OF STATE



ARTICLES OF ORGANIZATION  
OF



BANNER TRANSPORTATION COMPANY, LLC  
An Oklahoma Limited Liability Company

TO: THE OKLAHOMA SECRETARY OF STATE  
101 State Capitol  
Oklahoma City, OK 73105

The undersigned for the purpose of forming a limited liability company under the Oklahoma Limited Liability Company Act (the "Act"), does hereby execute the following Articles of Organization:

FIRST. The name of the limited liability company is Banner Transportation Company, LLC.

SECOND. The period of existence of the Company is perpetual.

THIRD. The street address of the principal place of business of the Company is 302 North Independence, Enid, OK 73701.

FOURTH. The name and address of the resident agent of the Company in the State of Oklahoma is Harold Hamm, 302 North Independence, Enid, OK 73701.

FIFTH. The management of the Company is hereby vested in the manager or the managers of the Company. Any third person dealing with the Company may rely absolutely upon the act, the deed and/or the signature of a manager as being the act, the deed and/or the signature of the Company, and no third person shall be obliged or privileged to inquire into or otherwise ascertain whether the act, the deed and/or the signature of the manager has been duly authorized. Any such third person may rely absolutely upon a certificate signed by a manager as to the number and identity of, and interests in the Company owned by, the members of the Company.

IN WITNESS WHEREOF, these Articles of Organization have been executed as of this 22<sup>nd</sup> day of March, 2006.

SOLE ORGANIZER

Michael M. Stewart

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**OKLAHOMA SECRETARY  
OF STATE**

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE  
OF  
LIMITED LIABILITY COMPANY**

*WHEREAS, the Articles of Organization of*

**BANNER TRANSPORTATION COMPANY, LLC**

*an Oklahoma limited liability company has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.*

*NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.*

*IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.*



*Filed in the city of Oklahoma City this  
23rd day of March, 2006.*

*M. Susan Savage*

*Secretary of State*

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING OF

BANNER TRANSPORTATION COMPANY, LLC

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that BANNER TRANSPORTATION COMPANY, LLC, a FOREIGN LIMITED LIABILITY COMPANY, authorized to transact business in the State of North Dakota on July 28, 2006, and according to the records of this office as of this date, has paid all fees due this office as required by North Dakota statutes governing a FOREIGN LIMITED LIABILITY COMPANY.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing to

BANNER TRANSPORTATION COMPANY, LLC

Issued: January 24, 2012

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

# *State of North Dakota*

## SECRETARY OF STATE



### CERTIFICATE OF GOOD STANDING OF

ARROW FIELD SERVICES, LLC

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that ARROW FIELD SERVICES, LLC, a FOREIGN LIMITED LIABILITY COMPANY, authorized to transact business in the State of North Dakota on July 16, 2009, and according to the records of this office as of this date, has paid all fees due this office as required by North Dakota statutes governing a FOREIGN LIMITED LIABILITY COMPANY.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing to

ARROW FIELD SERVICES, LLC

Issued: January 18, 2012

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State