



Public Service Commission

State of North Dakota

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26 March 2012

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Tamie A. Aberle
Regulatory Affairs Manager
400 North Fourth Street
Bismarck, ND 58501

RE: Montana-Dakota Utilities Co. Request for Jurisdictional Determination
Case No. PU-12-65

Dear Ms. Aberle:

Thank you for your correspondence dated 2 February 2012 requesting a jurisdictional determination regarding the siting of four gas pipeline segments. The Commission discussed your request at the Administrative Matters portion of its 21 March 2012 Regular Meeting and asked me to respond.

The Commission concludes that the four proposed gas pipeline segments are not subject to the Energy and Transmission Facility Siting Act (Siting Act), N.D.C.C. Chapter 49-22. North Dakota Century Code section 49-22-07 prohibits a utility from beginning construction of a transmission facility without first obtaining a certificate of site compatibility from the Commission. North Dakota Century Code Section 49-22-03(12)(b) defines transmission facility as:

b. A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide. This subdivision does not apply to an oil or gas pipeline gathering system. For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility.

The Commission concludes that the facilities described in your filing do not meet the definition of transmission facilities under the Siting Act.

If you have any questions, please contact me.

Sincerely,


Illona A. Jeffcoat-Sacco
General Counsel

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Response to request for jurisdictional determination