



FLINT HILLS
resources®

November 11, 2013



North Dakota Public Service Commission
Weights & Measures Division
Attn: Patrick Fahn, Director
600 E. Boulevard. Dept. 408
Bismarck, ND 58505-0480

Re: Request for Variance

Dear Mr. Fahn:

This letter follows up on our telephone conversation of October 3, 2013.

Flint Hills Resources Pine Bend, LLC (FHR) is requesting a variance permit (pursuant to Article 69-10-01-04.1) to use the Televent DTN, LLC model DTN Guardian3 scale system controller to automate and control truck weighing at the FHR asphalt terminal located at 600 Center Street in West Fargo, North Dakota.

The Guardian3 scale system controller will automate our truck weighing and functions in the following manner: The process is initiated by a truck driver swiping their assigned card at the card reader. The system then captures the date, time, and inbound weight and records this inbound data in an electronic event logger.

After the driver loads product and returns to the scale, the process is repeated and outbound weight is captured and recorded in the event logger. The scale system controller uses the inbound and outbound data to calculate the net weight and generate a bill of lading.

The weights are stored and used for an individual transaction – they are not recalled for use in future transactions. Each tare weight used for transactions is the actual weight of the vehicle at the time of weighing. The data for each transaction is retained by the system at the site for 365 days and can be reviewed.

The variance permit is needed because the system, as we determined during our previous telephone conversation, does not meet all of the requirements of 69-10-02-24 Electronic scale data storage and retrieval. For example, the inbound weight, while stored in the

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Request for Variance Permit

Flint Hills Resources, LP
Constantine Cotsoradis

event logger is not identified with an "S", and the weights printed on the bill of lading are not identified with an "R."

Justification for the variance request:

- FHR intends to install the DTN Guardian3 scale system controller at all of its terminal sites nationwide. Modifying the system for the North Dakota terminal would create an additional expense as well as creating ongoing maintenance issues and costs if we are required to maintain different versions of the software.
- The software is traceable to the National Type Evaluation Program (13-088) demonstrating that it is capable of conforming to the applicable requirements of NIST Handbook 44.
- The software, while not conforming to all of the requirements of 69-10-02-24, is designed to provide the necessary information to ensure the customer can verify the accuracy of the transaction. As previously noted, it is the truck driver that initiates the truck weighing and generation of the bill of lading. An external scale display allows the truck driver to verify that the inbound and outbound weights match the printed weights.
- The scale controller system is not designed to store tare weights for multiple transactions; the weights used for each transaction are the actual scale weights.
- Use of the scale controller system will allow FHR to operate more efficiently and help eliminate the risk of human error during truck weighing operations.

Thank you for your consideration of this request for a variance to use the Televent DTN, LLC model DTN Guardian3 scale system controller to automate truck weighing at our West Fargo terminal.

If you have further questions or require any additional information, please do not hesitate to contact me at the phone number or email address shown below.

Regards,



Constantine Cotsoradis
Flint Hills Resources, LP
316-828-6133
constantine.cotsoradis@fhr.com

Bauske, Shelly A.

From: Cotsoradis, Constantine <Constantine.Cotsoradis@fhr.com>
Sent: Tuesday, October 08, 2013 3:48 PM
To: Fahn, Patrick J.; Bauske, Shelly A.
Subject: DTN - Software Answers

I apologize for the delay in answering your questions, but I wanted to confirm the information with our IT person before sending them to you.

Please let me know if you need any additional information.

Constantine

1. Does the event log assign a unique identifier and does that number match the BOL?

No, a unique identifier is not used.

The event log does not currently show the unique identifier of the WS Transaction. You are basically looking at the timestamp in the event log and the WS Transaction. The numbers just to the left of the message (00032) is the driver id that is carded in and answering the prompts. The BOL number that is assigned by the system at the point of weighing out is seen associated to the driver's activity (130002157).

This is a copy of a record that is created for each Weigh Scale load within DTN.

The Weigh Scale Transaction which is similar to the ticket. The system does not know if it is an outbound load or an inbound load so it uses this record to record the business data, date, time, and weights. Once the transaction is completed then it compares the In Weight and Out Weight to determine if it was an offload or shipment. If it is an outbound shipment then it automatically produces the Weight Scale BOL record.

ab) Weigh Scale Transactions

Ticket ID 2641	Station 1	Vehicle In Date 10/ 7/2013 6:05:44 AM
Complete Flag Completed	Product 820	Vehicle In Weight 23800
Shipper 1240	FHR PINE BEND, LLC	Vehicle Out Date 10/ 7/2013 6:36:43 AM
Customer S430	6363276WAR FREEPORT IL	Vehicle Out Weight 79320
Carrier 19408	WADDELL - WOJCIK TRUCKING INC.	Maximum Load Weight 56200
Driver 196	Juedes, Ryan	Gross Volume
Destination		Temperature
Truck 05124	Trailer 00347	Trailer 2
PO Number	Contract	Job ID
Order Number		

2. Once a transaction is complete, can the tare weight be recalled and used again?

No, once the transaction is completed the tare weight is not used again by the system. A new tare weight is obtained the next time the driver initiates the weighing process.

3. If separate outbound/inbound scales are used are they identified?

Each scale is defined as a station and has a unique identifier for each scale.

4. How long are the transactions captured in the event logger retained?

Data in the event log is retained for 365 days in the field database and is also located in the HOST database where it is setup to never be purged.

Bauske, Shelly A.

From: Cotsoradis, Constantine <Constantine.Cotsoradis@fhr.com>
Sent: Monday, September 30, 2013 11:12 AM
To: Bauske, Shelly A.
Subject: Compliance to 69-10-02-24
Attachments: 13-088.pdf

Thank you for taking the time to discuss our computer system question. Attached is the NTEP CC for the software.

As we discussed, the system captures the date, time, inbound weight and records it in an event log.

It then captures and records the gross weight in the event logger.

This information is stored in the event logger and can be reviewed at any time.

The system then uses this information to calculate the net weight and generate a BOL.

The weights are not manually entered. They are captured from the scale indicating element initiated by the driver using the card reader. .

The weights are stored and used for each individual transaction – they are not recalled by any operator functions.

The system is designed to record the information and store it in the event log, but it does not record that information on a dedicated line printer and identify it with an "S" or a unique reference number.

It also does not identify the weight with an "R." on the BOL.

Once the weight is used for that transaction it is not stored for any subsequent transactions.

I am wanting to determine if 69-10-02-24 is intended to apply to this type of system and if so, what modifications are necessary to achieve compliance.

Again, thank you for your time earlier today and I look forward to speaking with you and your Director further about the system.

Constantine Cotsoradis
Flint Hills Resources, LP
316-828-6133



NATIONAL TYPE EVALUATION PROGRAM

Certificate of Conformance
for Weighing and Measuring Devices

For:

Console Controller
Scale System Controller
Model: DTN Guardian3
Version 2013.6.20 (Build 5800) and Greater

Submitted By:

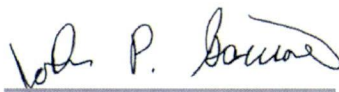
Telvent DTN, LLC
9110 W. Dodge Rd.
Omaha, NE 68114
Tel: (214) 495-6341
Fax: (972) 727-3464
Contact: Bart Hessing
bart.hessing@telventdtn.com
www.telventdtn.com

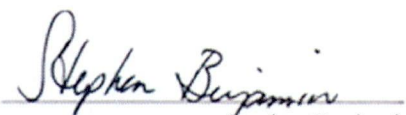
Standard Features and Options

- For Weighing Operations the Primary Weight Indication, Motion Detection, and Zero Setting is Provided by the Certified and Compatible Weight Indicator
- Controls Vehicle Scales and Meter Terminal Automation Systems (or both simultaneously)
- RS232/RS422 Converter
- Multiple Load-Receiving Element Capabilities
- Bill of Lading and Weight Ticket Printing System
- Vehicle, Customer, and Product ID Information
- Card Reader: Models PC3, HC05 or HC12
- Minimum System Requirements:
 - Video Monitor
 - Alphanumeric Keyboard
 - Printer and Mouse
 - Operating System: Windows NT, 2000, XP, or Newer
 - Program Language: Delphi
 - Processor: 450 MHz, 128MB RAM, 6GB HD

Temperature Range: -10 °C to 40 °C (14 °F to 104 °F)

This device was evaluated under the National Type Evaluation Program and was found to comply with the applicable technical requirements of "NIST Handbook 44: Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices." Evaluation results and device characteristics necessary for inspection and use in commerce are on the following pages.


John Gaccione
Chairman, NCWM, Inc.


Stephen Benjamin
Committee Chair, National Type Evaluation Program Committee
Issued: September 5, 2013

1135 M Street, Suite 110 / Lincoln, Nebraska 68508

The National Conference on Weights and Measures (NCWM) does not approve, recommend or endorse any proprietary product or material, either as a single item or as a class or group. Results shall not be used in advertising or sales promotion to indicate explicit or implicit endorsement of the product or material by the NCWM.



Telvent DTN, LLC
Console Controller / DTN Guardian3

Application: Console and/or scale system controller for use with certified and compatible weight indicators and vehicle scales and/or wholesale meter terminal automation systems.

Identification: Required identification information is viewable by selecting “Help/About” from the main menu.

Sealing: The Guardian3 system uses a Category 3 audit trail to track metrological changes. Printed information contains the following: event counter data, date and time, parameter ID, and API gravity value [entered into the computer for the fuel storage tank which is assigned to the delivery meter(s)]. For weighing operations, the software requires no provisions for sealing and is protected by a password retained by the manufacturer. Provisions for sealing metrological parameters are provided by the certified and compatible weighing indicator and weighing element.

To access the audit trail information for metering applications, select “Activity” from the menu bar, choose “Event Log”, then Enter “WMEDIT” (case sensitive) into the “Filter” window. The “Event Log” filter by itself will display all “Event Log” messages. Weights and measures information will only be displayed after the “WMEDIT” (Weights and Measures Edit) is applied.

Operation: The DTN Guardian3 system monitors loading rack operations, prints bills of lading (BOL) and reports, and controls access via the PC3, HC05, or HC12 card reader. The system acquires the gross meter reading and temperature from an approved wholesale meter. The product’s API value is stored in the system’s database. This information is used to determine net delivery and is printed on the BOL with all other required information. The DTN Guardian3 is designed to control weighing and metering operations simultaneously or individually. For weighing operations, the driver pulls the vehicle onto the scale, exits the vehicle, proceeds to the card reader, and follows instructive prompts throughout the weighing operation.

Test Conditions: The console controller portion was evaluated at a loading rack location using an Accuload III Series Console Controller (Certificate of Conformance Number 99-141A5). The scale system controller portion was evaluated at the manufacturer’s facility using a Fairbanks Model FB2550 Indicator (Certificate of Conformance Number 10-089) and a load cell simulator. An on-site evaluation was performed on a combined system at an additional field test site. The scale system controller was interfaced with Mettler-Toledo and Fairbanks certified indicators and two vehicle scales. The controller was also interfaced with a Smith Meter Model F4-V1 and a Smith Meter Model S-XP-ALD1-A20000 loading control system for testing a wholesale loading rack system. The emphasis of the evaluation was on proper system operation, printed information, API table calculations, audit trail information, and conformance with marking requirements.

Evaluated By: K. Jones (CA) & J. Roach (CA)

Type Evaluation Criteria Used: *NIST Handbook 44 Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, 2013 Edition. *NCWM Publication 14 Weighing Devices*, 2013 Edition.

Conclusion: The results of the evaluation and information provided by the manufacturer indicate the device complies with applicable requirements.

Information Reviewed By: J. Truex (NCWM)

Example of Device:



Event Log

Default (Gallons) X

Refresh Close

Event Log

Filter: Clear f [x] Auto Refresh? [x] Ascending?

Channels	Date/Time	Message
All	08/06/2013 14:04:47	Info S:001:0000 ID: ***** STA DISABLED BY SYSTEM
Application	08/06/2013 14:05:08	Info C:000:0000 ID: ***** TCP/IP CONNECTION FAILURE PORT/ID CONFIG: 10 (TCP/IP 10.123.1.239 : 50011) FOR CARD READER PC3
Security	08/06/2013 14:05:29	Info C:000:0000 ID: ***** TCP/IP CONNECTION FAILURE PORT/ID CONFIG: 10 (TCP/IP 10.123.1.239 : 50011) FOR CARD READER PC3
System	08/06/2013 14:06:50	Info ROUTES 10 edited by ADMINISTRATOR
Providers	08/06/2013 14:06:52	Info S:001:0000 ID: ***** DEVICE NOT RESPONDING PC3 ON PORT/ID CONFIG: 10 (TCP/IP 10.123.1.239 : 50011) STATION 1 ADDR 1
All	08/06/2013 14:06:52	Info S:001:0000 ID: ***** NO RESPONSE FROM CARD READER
Client	08/06/2013 14:06:56	Info S:001:0000 ID: ***** STA DISABLED BY SYSTEM
Guardian Control	08/06/2013 14:07:35	Info C:000:0000 ID: ***** GUARDIAN CONTROL SENTRY A TERMINATED
Diacle	08/06/2013 14:07:38	Info C:000:0000 ID: ***** GUARDIAN CONTROL VERSION 2013.7.19.13090 SENTRY A STARTED
Server	08/06/2013 14:07:39	Info C:000:0000 ID: ***** GUARDIAN CONTROL VERSION 2013.7.19.13090 SENTRY A ONLINE
	08/06/2013 14:07:40	Info S:001:0000 ID: ***** LOAD-BY-WEIGHT STATION READY
	08/06/2013 14:07:40	Info D:002:0000 ID: ***** DOCUMENT REQUEST STATION READY
	08/06/2013 14:08:04	Info S:001:0000 ID: 00092 DRIVER IDENTIFIED
	08/06/2013 14:08:07	Info S:001:0000 ID: 00092 TRUCK 00732 OK
	08/06/2013 14:08:10	Info S:001:0000 ID: 00092 TRAILER 02558 OK
	08/06/2013 14:08:13	Info S:001:0000 ID: 6341224 BILLYO IDENTIFIED
	08/06/2013 14:09:07	Info S:001:0000 ID: S19 CUSTOMER CONFIRMED
	08/06/2013 14:09:08	Info S:001:0001 ID: 00092 PRODUCT SELECTED = 2513
	08/06/2013 14:09:08	Info S:001:0000 ID: 00092 INBOUND WEIGHT = 28100
	08/06/2013 14:09:11	Info S:001:0000 ID: ***** LOAD-BY-WEIGHT STATION READY
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 DRIVER IDENTIFIED
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 OUTBOUND WEIGHT = 61190
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 BILL OF LADING REQUEST
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL *****
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL STATION DRIVER TRUCK TRAILER SHIP TO
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL 1 00092 00732 02558 S19
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL PRODUCT INBOUND OUTBOUND NET
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL 2513 28100 61190 33080
	08/06/2013 14:09:43	Info S:001:0000 ID: 00092 WSBOL *****
	08/06/2013 14:09:43	Info Z:001:0000 ID: ***** SAVING WEIGH BOL 190011805
	08/06/2013 14:09:44	Info S:001:0000 ID: ***** LOAD-BY-WEIGHT STATION READY

Filter

Filtered? Criteria

Number of Records

Date/Time

Station Number

Windows

Welcome | Event Log | Weigh Scale Transactions | Weigh Scale BDL

Online 22:37 User: Administrator

done 00:00



Uniform Bill of Lading

Shippers BOL No.	Revision
190012305	2
Ship Date: 08/09/2013	

EMERGENCY CONTACT: CHEMTREC (CCN 8586) 1-800-424-9300

SHIPPER/OFFEROR: FLINT HILLS RESOURCES PINE BEND, LLC

RECEIVED in apparent good order, exceptions noted and subject to individually determined rates or contracts that have been agreed upon in writing between the carrier and shipper, if applicable, otherwise to the rates, classifications and rules that have been established by the carrier and are available to the shipper upon request.

NON-RECOURSE: if this shipment is to be delivered to the consignee without recourse on Flint Hills Resources, the carrier may decline to make delivery of this shipment without payment of freight and lawful charges. **Signature: FLINT HILLS RESOURCES, LP and affiliates.**

If the cargo tank for the shipment is supplied by the Carrier, Carrier certifies that the cargo tank is a proper container for the transportation of this commodity. Carrier acknowledges that it has, or has been offered and accepted the required hazardous materials placards and emergency response information.

Signature of Carrier *Darrell Wendorff* Signed 08/09/2013 04:52

Origin	Customer/Consignee/Sold To	Destination/Ship To
FHR PINE BEND, LLC 901 NORTH SEVENTH ST MARSHALL, MN 56258 507-532-9607	SEROCKI EXCAVATING INC 318 WASHINGTON ST SOUTH PO BOX 332 BROWNS VALLEY, MN 56219	VAR ROBERTS COUNTY SD OVARIOUS, SD N/A

Agreement	Customer PO	Carrier		
Truck	Trailer	Driver	Load Time	
6362144		943 - KANE TRANSPORT INC		
00349	00268	00013 - WENDORFF, DARRELL	In 04:27	Out 04:51

HM	Package	Proper Shipping Description Product Description SDS Classification	Temp (F) SpGr@60F LBS/GAL@60F	Gross GAL Net GAL@60F	Gross LBS Tare LBS
X	1-T/T	UN3257, ELEVATED TEMPERATURE LIQUID, N.O.S. (ASPHALT), 9, III PG 58-28 ASPHALT BINDER	306 1.036 8.631	6481 5941	79780 28500
NET WT (LBS)				51280	
(TON)				25.64	

Batch ID: _____ Tank ID:56 Sample ID:5256
Last Load:MC70 Bay: _____

Notes:

Project Notes:

Certifications:

Flint Hills Resources, LP (FHR) certifies that the product provided under this bill of lading meets the applicable South Dakota and Combined States Binder Group product specification criteria based on sampling and testing in accordance with FHR's Agency Quality Control Plan as most recently submitted to such State (SD). Signature: Flint Hills Resources, LP

Specific Gravity and weight per gallon can vary throughout the processes of manufacturing, shipping and handling. The values provided are historical average for the product supplied. These commodities, technology, or software were shipped from the United States in accordance Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

To request a current SDS in non-emergency situations, please call 316-828-7988