

June 26, 2018

HAND DELIVERED

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-4080

**RE: BakkenLink Pipeline LLC
Case No. PU-13-901**

Dear Mr. Nitschke:

Please find enclosed for filing in the above-referenced matter an original and ten (10) copies of the Application to Cancel Certificate of Public Convenience and Necessity, submitted on behalf of Andeavor Field Services LLC.

A disk containing the above-referenced document in PDF format is also provided.

If you should have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kl

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**Application to Cancel Certificate of Public
Convenience and Necessity**

BakkenLink Pipeline LLC

Lawrence Bender, Fredrikson&Byron, P.A.

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**BakkenLink Pipeline LLC
Crude Oil Pipeline-Williams to Billings Counties
Public Convenience and Necessity**

CASE NO. PU-13-901

**APPLICATION TO CANCEL CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

On June 21, 2011, BakkenLink Pipeline LLC (“BakkenLink”) filed with the North Dakota Public Service Commission (“Commission”) a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit to authorize the construction of a crude oil pipeline project in Billings, Dunn, McKenzie, Stark and Williams Counties, North Dakota (the “BakkenLink Project”). *See* PSC Docket No. 9 in Case No. PU-10-218. On February 29, 2012, the Commission entered its Findings of Fact, Conclusions of Law and Order (“Order”) issuing Certificate of Corridor Compatibility Number 128 and Route Permit Number 137 for the BakkenLink Project. *See* PSC Docket No. 72 in Case No. PU-10-218.

On July 24, 2012, BakkenLink filed with the Commission a request to amend the Order and seeking approval of modifications to the BakkenLink Project route and corridor. *See* PSC Docket No. 78 in Case No. PU-10-218. On August 1, 2012, the Commission issued a Notice of Opportunity for Hearing on BakkenLink’s request to amend the Order and its application for a waiver of procedures and time schedules, with comments and requests for a hearing due by August 31, 2012. *See* PSC Docket No. 82 in Case No. PU-10-218. On September 5, 2012, the Commission entered its Findings of Fact, Conclusions of Law and Order (“Second Order”) granting the request for an amendment and issuing First Amended Certificate of Corridor Compatibility Number 128 and First Amended Route Permit Number 137 for the BakkenLink Project. *See* PSC Docket No. 93 in Case No. PU-10-218.

On January 18, 2013, BakkenLink filed a request for modification to the approved corridor and route to accommodate three (3) reroutes located in McKenzie County, North Dakota at landowner requests. *See* PSC Docket No. 114 in Case No. PU-10-218. On February 8, 2013, Commission Staff approved the reroutes conditioned on expiration of a Notice of Opportunity for Hearing, to be issued by the Commission, and without receipt of any comments or requests for a hearing. *See* PSC Docket No. 122 in Case No. PU-10-218. On February 13, 2013, the Commission issued a Notice of Opportunity for Hearing on BakkenLink's request to amend the Second Order and its application for a waiver of procedures and time schedules, with comments and requests for a hearing due by March 18, 2013. *See* PSC Docket No. 125 in Case No. PU-10-218. On April 10, 2013, the Commission entered its Order ("Third Order", and the Order, as amended by the Second Order and Third Order, collectively, the "BakkenLink Order") granting BakkenLink's application for a waiver of procedures and time schedules and issuing the Second Amended Certificate of Corridor Compatibility Number 128 and Second Amended Route Permit Number 137 for the BakkenLink Project. *See* PSC Docket No. 142. in Case No. PU-10-218.

On December 16, 2013, BakkenLink filed with the Commission an Application for Certificate of Public Convenience and Necessity in connection with the construction of the BakkenLink Project. *See* PSC Docket No. 1 in Case No. PU-13-901. On September 17, 2014, the Commission entered its Order issuing Certificate of Public Convenience and Necessity Certificate Number 5834 (the "Certificate of Public Convenience"). *See* PSC Docket No. 17 in Case No. PU-13-901. Pursuant to the Order, the Certificate of Public Convenience was granted for the existing and already constructed south 95 miles of the BakkenLink Project (the "South Segment"). The Certificate of Public Necessity was granted for the north 37 miles of the

BakkenLink Project (the “North Segment”) subject to the federal approvals required to construct said North Segment. The North Segment has not been constructed as of the date of this Application.

Andeavor Field Services LLC (“Andeavor”) is the successor in interest to BakkenLink with respect to ownership of the BakkenLink Project. The Certificate of Public Necessity granted in Case No. PU-13-01 was issued pursuant to Chapter 49-03.1 of the North Dakota Century Code. Chapter 49-03.1 and the requirement to obtain a certificate of public convenience and necessity apply to a “Public utility”. Section 49-03.1-02 of the North Dakota Century Code defines a “Public utility” as including “. . . any association, person, firm, corporation, limited liability company, or agency engaged or employed in this state to furnish its product or services to the public generally which is statutorily subject to the jurisdiction of the commission.” Neither Andeavor nor BakkenLink is a “Public utility” as defined in Section 49-03.1-02 of the North Dakota Century Code.

Andeavor submits that BakkenLink made application for the Certificate of Public Necessity with the understanding that the same might be useful in being advised of competition for the BakkenLink Project. Andeavor, however, has determined it does not need to be advised of such competition and the Certificate of Public Convenience and Necessity is not necessary.

Based on the foregoing, North Dakota Century Code Chapters 49-03.1 and 49-22.1, and North Dakota Administrative Code Section 69-02-02-04, Andeavor requests the Commission to issue an order canceling the Certificate of Public Convenience and Necessity issued in Case No. PU-13-901 together with appropriate findings of fact and conclusions of law finding advises it does not believe it requires the same with respect to the BakkenLink Project.

