



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

March 27, 2015

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Wade Mann
100 West Broadway, Suite 250
PO Box 2798
Bismarck, ND 58502-2798

RE: Certification Relating to N.D.C.C. § 49-22.1-03(3)(a) for Case No. PU-10-666 (Stateline 1 and Stateline 2), and Case No. PU-14-218 (Lonesome Creek). The Certifications are docketed as Case No. PU-18-94 and Case No. PU-18-93, respectively

Dear Mr. Mann,

The Commission has received your March 14, 2018 certification letters notifying the Commission under North Dakota Century Code § 49-22.1-03(3)(a) that ONEOK intends to modify:

- a. **Stateline 1 and 2** (PU-10-666, PU-18-94) – ONEOK proposes to install 1,020 feet of piping within the plants, stating that it will facilitate future natural gas liquids delivery out of the plants.
- b. **Lonesome Creek** (PU-14-218, PU-18-93) – ONEOK proposes to install 920 feet of piping within the plant, stating that it will facilitate future natural gas liquids delivery out of the plant.

ONEOK certifies that the modifications are for similar facilities as approved in the respective original orders granting certificates of site compatibility, will not affect any known exclusion or avoidance area, and will occur "wholly within the geographic location" for which each respective site certificate was issued. ONEOK also certifies that ONEOK will continue to comply with the respective orders and all applicable federal, state, and local laws and rules.

Each original order provided that a notice of opportunity issued by the Commission and a written approval from the Commission is required prior to modification of the site plan approved in each order. We acknowledge that the siting act was amended after the issuance of these orders to provide for an exemption from the siting process upon providing the necessary certifications for an improvement. However, we also recognize that neither order has been amended to remove the notice and approval requirements.

At its March 27, 2018 work session, the Commission discussed your filings and concluded that the modifications specified in the respective certifications relating to Case No. PU-10-666 (Case No. PU-18-94) and Case No. PU-14-218 (Case No. PU-18-93) by necessity will also be considered in the Commission's review of the pipeline siting application that is the subject of Case No. PU-17-483, Cherry Creek Pipeline-McKenzie & Williams Counties. This review should provide adequate regulatory oversight of these modifications under the siting law requirements.

Consequently, Staff was instructed to inform ONEOK that it may proceed with construction at its own risk. Staff was also instructed to inform ONEOK that this letter is in response to unique circumstances, including timing considerations and a related pending application in Case No. PU-17-483, and is not to be construed as precedent permitting avoidance of any requirement of law, rule, or order.

Best regards,

A handwritten signature in cursive script, appearing to read "Patrick Fahn".

Patrick Fahn
Director, Public Utilities Division