



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

April 24, 2015

Ms. Julie Fedorchak
Chairman
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0408

Dear Ms. Fedorchak:

Each year the State submits a Certification, to the Pipeline and Hazardous Materials Safety Administration (PHMSA), affirming certain statutory requirements necessary for participating in the pipeline safety program with PHMSA. In a few instances we have found the affirmation from the State to be in error, jeopardizing the continuation of the pipeline safety program with PHMSA. PHMSA values the Federal/State pipeline safety program partnership and endeavors to be proactive to address any gaps that affect our pipeline safety program. The two areas listed below have resulted in State Certification issues, and I am requesting a purposeful review of each of the areas and your confirmation the State does meet both of the conditions outlined below:

- 1) Affirmation under the Constitution and laws of the State it has regulatory jurisdiction over the safety standards and practices of all intrastate pipeline transportation within the State, unless otherwise noted in the Certification.
- 2) Affirmation the State has adopted or is taking steps to adopt into State law, as of the date of the Certification, each Federal safety standard (Federal pipeline safety regulations) that is applicable to the intrastate pipeline facilities under the State's safety jurisdiction.

Please send correspondence of the affirmation of your review and if the State does meet both of the above requirements to:

Mr. Zach Barrett
Director of State Programs
Pipeline and Hazardous Materials Safety Administration
3700 S. MacArthur Blvd, Suite B
Oklahoma City, OK 73179-7612

Please also send an email with a PDF of your signed letter to zach.barrett@dot.gov and don.martin@dot.gov. PHMSA is dedicated to work with a State to close any gaps identified in the above review. If you have any questions regarding this correspondence, please contact Mr. Zach Barrett at (405) 834-8344 or email him at the above address. PHMSA continues to support State Pipeline Safety Programs and is currently funding over 70 percent of the State's total pipeline safety program costs through our State Base Grant. As we advised in our January 9, 2015, letter, PHMSA's State Base Grant base was recently increased by an additional \$10 million. The \$10 million is an increase to our base, making the funding available for CY2015 and all future years. PHMSA continues to encourage hiring additional pipeline safety staff to address the growing infrastructure and increasing regulatory initiatives. We look forward to continue to work with you to improve pipeline safety across the Nation.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wiese". The signature is stylized with a large, looped initial "J" and a cursive "Wiese".

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety