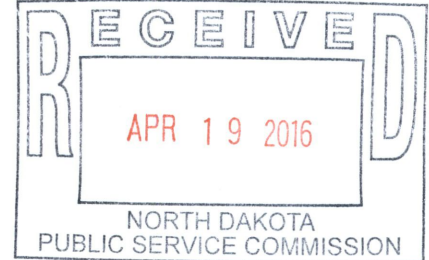


April 19, 2016

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



**RE: Public Service Commission v
Buckhorn Energy Services, LLC
Case No: PU-14-826**

Dear Mr. Nitschke:

Enclosed herewith please find the Answer of Respondent, Buckhorn Energy Services, LLC, in relation to the above-referenced matter:

If you have any questions regarding the attached documents or require any additional information, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence Bender", written over a light blue diagonal line.

LAWRENCE BENDER

LB/ber
Enclosures

cc: John Schuh (via e-mail)
Victor Schock (via e-mail)

58581850_1.docx

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
www.fredlaw.com

Fredrikson & Byron, P.A.
1133 College Dr
Bismarck, North
58501-1215

10 **PU-14-826** Filed: 4/19/2016 Pages: 7
Answer

3.

Buckhorn lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph II of the Commission's Complaint, and therefore, denies the same.

4.

Buckhorn admits that Paragraph III of the Commission's Complaint quotes in part certain provisions of the North Dakota Century Code and North Dakota Administrative Code.

5.

With respect to the allegations contained in Paragraph IV of the Commission's Complaint, Buckhorn states that the allegations purport to include information as set forth in the ND One-Call Complaint submitted by Guy Schiessl with Agri Industries, Inc., which said document speaks for itself. Except as so stated, Buckhorn lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph IV of the Commission's Complaint, and therefore, denies the same.

6.

With respect to the allegations contained in Paragraph V of the Commission's Complaint, Buckhorn states that it did not receive the letter from Commission staff informing Buckhorn of the One-Call Complaint. Buckhorn further states that it did not become aware of the One-Call Complaint until proper service of the Commission's Complaint was made upon Buckhorn. Except as so stated, Buckhorn lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph V of the Commission's Complaint, and therefore, denies the same.

7.

With respect to the allegations contained in Paragraph VI of the Commission's Complaint, Buckhorn states that it lacks knowledge or information regarding the investigation of Commission staff and any actions of Agri Industries, Inc., and therefore, denies the same. Buckhorn further states that updates were submitted for its facilities in April of 2016 based on findings during One-Call locates, including to the line in question, which is covered by a Buckhorn lease recorded with the Williams County Recorder's Office. Except as so stated, Buckhorn lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph VI of the Commission's Complaint, and therefore, denies the same.

8.

Paragraph VII of the Commission's Complaint contains a legal conclusion to which no response is required. To the extent Paragraph VII contains factual allegations to which a response is required, Buckhorn denies the same.

9.

Buckhorn admits that Paragraph VIII of the Commission's Complaint quotes in part a portion of the Commission's Damage Prevention Plan.

10.

Buckhorn admits that Paragraph IX of the Commission's Complaint sets forth the requirements by which Buckhorn must respond to the Complaint of the Commission and service of the same must be effectuated under the North Dakota Rules of Civil Procedure.

11.

Buckhorn specifically denies each allegation, claim, prayer, and demand in the Commission's prayer for relief.

DEFENSES

12.

As a defense, Buckhorn alleges that the Commission's Complaint fails to state a cause of action upon which relief can be granted.

13.

As a defense, Buckhorn alleges that the Commission's Complaint is barred, in whole or in part, by the equitable doctrines of laches, estoppel, and waiver.

14.

As a defense, Buckhorn reserves, pending discovery, all defenses provided by the North Dakota Rules of Civil Procedure and the North Dakota Administrative Practices Act.

REQUEST FOR RELIEF

WHEREFORE, Buckhorn requests the following relief:

- a. The Commission's Complaint be in all things dismissed; and
- b. Such further and additional relief as justice may require.

DATED this 19th day of April, 2016.

FREDRIKSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
DANIELLE M. KRAUSE, ND Bar #06874
*Attorneys for Respondent, Buckhorn Energy
Services, LLC*

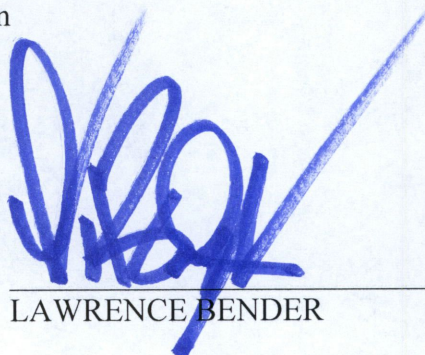
1133 College Drive, Suite 1000
Bismarck, North Dakota 58501
(701) 221-8700
lbender@fredlaw.com
dkrause@fredlaw.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 19, 2016, a true and correct copy of the foregoing document was served via electronic mail and United States Mail, properly addressed to the following:

John M. Schuh
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505
jschuh@nd.gov

Victor Schock
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505
vschock@nd.gov



LAWRENCE BENDER