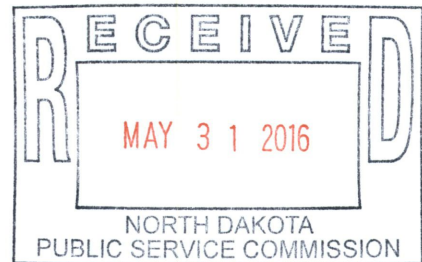


May 31, 2016

**VIA HAND-DELIVERY**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480



**Re: Plains Pipeline, L.P.  
Case Number PU-15-035**

Dear Mr. Nitschke:

Please find enclosed herewith for filing an original and ten (10) copies of the Amended Proposed Findings of Fact, Conclusions of Law and Order for Plains Pipeline, L.P. ("Plains") in the above-referenced matter. An amended proposed order has been drafted to include the response received from the United States Air Force.

Also enclosed is an original and ten (10) copies of e-mail correspondence with the United States Air Force regarding "areas within thirty (30) feet on either side of a direct line between intercontinental ballistic missile (ICBM) launch or launch control facilities to avoid microwave interference," which are designated as an exclusion area under North Dakota Administrative Code § 69-06-08-02(1)(g). Based on the plans of Plains outlined in the e-mail correspondence to avoid any impacts to the exclusion area, and additional requests of the Air Force, the Air Force does not have any conflicts with the Project.

Also enclosed herewith is a disk containing the above-referenced documents in PDF format. Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence Bender".

LAWRENCE BENDER

LB/dmk  
Enclosures  
58860497\_1.docx

Attorneys & Advisors  
main 701.221.8700  
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Fredrikson & Byron, P.A.  
1133 College Drive, Suite 1000  
Bismarck, North Dakota  
58501-1215

39 PU-15-35 Filed 05/31/2016 Pages: 9  
E-mail correspondence re USAF avoidance areas  
Plains Pipeline, L.P.  
Lawrence Bender, Fredrikson&Byron, P.A.

**From:** [MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK](#)  
**To:** [Katie Schmidt](#)  
**Cc:** [William McCarthy](#); [SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP](#); [WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM](#)  
**Subject:** RE: Plains Bison Project- Consultation  
**Date:** Tuesday, May 24, 2016 7:47:06 AM

---

Katie,

The shapefiles I have for the Bison project is from Dec 2014. If the pipeline route has not changed since then, we have no conflicts with the pipeline.

Cy Munos  
Cable Affairs Officer  
91 MMXS/MMXSFK  
Minot AFB, ND  
W. 701-723-6053  
C. 701-720-8274

-----Original Message-----

**From:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM  
**Sent:** Monday, May 23, 2016 4:20 PM  
**To:** Katie Schmidt <[KSchmidt@go2e3.com](mailto:KSchmidt@go2e3.com)>  
**Cc:** William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP <[joey.specht@us.af.mil](mailto:joey.specht@us.af.mil)>; MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <[cy.munos@us.af.mil](mailto:cy.munos@us.af.mil)>  
**Subject:** RE: Plains Bison Project- Consultation

Katie,

I cannot comment that Bison Pipeline is not within 50' of a splice as is information that is not in my trust. However, I've received information from Mr. Munos that he has no issues with this project location.

sam

-----Original Message-----

**From:** Katie Schmidt [<mailto:KSchmidt@go2e3.com>]  
**Sent:** Monday, May 23, 2016 4:06 PM  
**To:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
**Cc:** William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP <[joey.specht@us.af.mil](mailto:joey.specht@us.af.mil)>; MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <[cy.munos@us.af.mil](mailto:cy.munos@us.af.mil)>  
**Subject:** RE: Plains Bison Project- Consultation

Sam,

Thank you for the quick response. Can you confirm that the current Plains Bison Pipeline Project route is not within 50' of a splice as you reference in item #1 below.

Plains agrees to all of the other criteria.

Thanks-Katie

Katie Schmidt, EIT  
Senior Consultant  
E3 Environmental, LLC  
kschmidt@go2e3.com  
O: 651.282.0652  
M: 651.216.6881

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-----Original Message-----

From: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM [<mailto:samuele.warren.1@us.af.mil>]  
Sent: Monday, May 23, 2016 10:36 AM  
To: Katie Schmidt <KSchmidt@go2e3.com>  
Cc: William McCarthy <WMcCarthy@go2e3.com>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP <joey.specht@us.af.mil>; MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <cy.munos@us.af.mil>  
Subject: RE: Plains Bison Project- Consultation

That is correct. Would also add the following for the HICS

- We request that any crossing of the HICS cables meet the following criteria:

1. Crossings are not allowed within 50' of an existing buried splice.
2. Pipelines will have a minimum separation of 12" from USAF Buried cable.
3. Minimum crossing angle of 30 degrees.
4. Minimum of 4" of select backfill (rocks no larger than 3") must surround HICS during backfill.
5. A Cable Affairs representative must be present whenever earth is moved on USAF ROW (16.5 feet wide with the cable buried in the center)
6. Contact the Cable Affairs Office 72hrs prior to crossing cable to schedule crossing date/time  
Office 701-723-6053  
Cell 701-720-8274  
POC: Mr. Munos

sam

Sam Warren, CIV, DAF  
Minot AFB, General Engineer  
DSN: 453-4534  
Comm: 701-723-4534

-----Original Message-----

From: Katie Schmidt [<mailto:KSchmidt@go2e3.com>]  
Sent: Monday, May 23, 2016 10:25 AM  
To: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
Cc: William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP <[joey.specht@us.af.mil](mailto:joey.specht@us.af.mil)>; MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <[cy.munos@us.af.mil](mailto:cy.munos@us.af.mil)>  
Subject: RE: Plains Bison Project- Consultation  
Importance: High

Thanks Sam.

I have gone through my records and in summary, the Project will not occur within 1,200-feet of a ICBM facility. The Project will cross buried cables at 2 locations. Plains will complete these crossings utilizing appropriate construction techniques to ensure that a minimum of 3-feet is maintained between the pipeline and the cables.

To satisfy the ND PSC please respond to this email to document the Air Force Bases acceptance of the statements above.

Katie

Katie Schmidt, EIT  
Senior Consultant/Operations Manager  
E3 Environmental, LLC  
[kschmidt@go2e3.com](mailto:kschmidt@go2e3.com)  
O: 651.282.0652  
M: 651.216.6881

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-----Original Message-----

From: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM [<mailto:samuele.warren.1@us.af.mil>]  
Sent: Monday, May 23, 2016 10:08 AM  
To: Katie Schmidt <[KSchmidt@go2e3.com](mailto:KSchmidt@go2e3.com)>  
Cc: William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>; SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP <[joey.specht@us.af.mil](mailto:joey.specht@us.af.mil)>; MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK <[cy.munos@us.af.mil](mailto:cy.munos@us.af.mil)>  
Subject: RE: Plains Bison Project- Consultation

Katie,

We have heard from all parties on the base finally. There is no issues other than what we have already discussed.

Minot AFB would like the pipeline to stay out of the 1200 ft. easement area for the LF sites. Also with what Cy Munos has stated for the HICS cable crossing.

Is there anything else you would need from Minot AFB?

sam

Sam Warren, CIV, DAF

Minot AFB, General Engineer  
DSN: 453-4534  
Comm: 701-723-4534

-----Original Message-----

From: Katie Schmidt [<mailto:KSchmidt@go2e3.com>]  
Sent: Thursday, May 19, 2016 3:39 PM  
To: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
Cc: William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>  
Subject: RE: Plains Bison Project- Consultation  
Importance: High

Sam,

Good afternoon! This email is follow up to the voicemail I left. Any update on the processing of this request? I have attached the request for concurrence with the proposed mitigation measures Plains would adhere to when crossing the communication cables. As you are aware this was originally provided on December 11, 2015. As previously outlined the ND PSC is unwilling to proceed with the issuance of orders for this project until Plains can demonstrate that they have satisfied the US Air Force. At this time, this has caused a 5+ month delay in the construction of this project which would aid in the reduction of oil being hauled by rail and/or truck.

I appreciate all of your assistance, please let me know if there is anything I or Plains can do to move this along.

Thanks-Katie

Katie Schmidt, EIT

Senior Consultant/Operations Manager

E3 Environmental, LLC

[kschmidt@go2e3.com](mailto:kschmidt@go2e3.com) <<mailto:kschmidt@go2e3.com>>

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to take any action based on the information in it. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

From: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM [<mailto:samuele.warren.1@us.af.mil>]  
Sent: Tuesday, May 17, 2016 11:44 AM  
To: Katie Schmidt <[KSchmidt@go2e3.com](mailto:KSchmidt@go2e3.com)>  
Cc: William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)>  
Subject: RE: Plains Bison Project- Consultation

Katie,

Still haven't heard from the final group yet. Trying to push this up the chain to see if I can get them to answer. Thanks for your patients.

sam

From: Katie Schmidt [<mailto:KSchmidt@go2e3.com>]  
Sent: Tuesday, May 17, 2016 11:25 AM  
To: WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
<<mailto:samuele.warren.1@us.af.mil>> >  
Cc: William McCarthy <[WMcCarthy@go2e3.com](mailto:WMcCarthy@go2e3.com)> <<mailto:WMcCarthy@go2e3.com>> >  
Subject: Plains Bison Project- Consultation

Sam,

Do you have any update regarding the processing of the Plains Bison Pipeline Project consultation letter?

Thanks-Katie

Katie Schmidt, EIT

Senior Consultant/Operations Manager

E3 Environmental, LLC

[kschmidt@go2e3.com](mailto:kschmidt@go2e3.com) <<mailto:kschmidt@go2e3.com>>

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## Melissa Schmit

---

**From:** Melissa Schmit  
**Sent:** Friday, December 11, 2015 8:03 AM  
**To:** 'WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENP'  
**Cc:** MUNOS, CY I GS-11 USAF AFGSC 91 MMXS/MMXSFK  
**Subject:** Bison Pipeline - ICBM Review/Proposed Avoidance  
**Attachments:** RE\_Bison Pipeline Project\_USAF Response .pdf; BisonPipeline\_20141217\_CL.SBN; BisonPipeline\_20141217\_CL.SBX; BisonPipeline\_20141217\_CL.SHP; BisonPipeline\_20141217\_CL.SHX; BisonPipeline\_20141217\_CL.CPG; BisonPipeline\_20141217\_CL.DBF; BisonPipeline\_20141217\_CL.PRJ

**Importance:** High

Hello Sam,

As we discussed, I have attached the shapefiles for the Plains Pipeline, LP (Plains) Bison Pipeline Project. On June 22, 2015 Cy Munos provided a response to the initial consultation letter indicating the Project falls outside of the 1,200 ft restrictive easement for ICBM facilities and will cross buried cables in two locations (see attached email correspondence).

The North Dakota Public Service Commission (PSC) has requested comment on the two locations where the Project will cross the hardened intersite cable system (HICS), or areas within thirty feet on either side of a direct line between intercontinental ballistic missile (ICBM) launch or launch control facilities to avoid microwave interference. These locations are identified as "exclusion areas" under NDAC 69-06-08-02 (1)(g)) and therefore require a buffer zone to protect the area. In order to avoid/mitigate impacts to this exclusion area, Plains proposes to implement the appropriate construction methods to maintain the Air Force recommended 3 ft buffer between the HICS and the pipeline. Plains will coordinate with the Minot Air Force Base Cable Affairs Office prior to construction to identify the HICS depth at these locations and to ensure avoidance. At your earliest convenience, please confirm this approach is sufficient to avoid impacts to the HICS crossings and will constitute an adequate buffer zone.

Please contact me with any additional questions or concerns.

Thank you,

**Melissa Schmit**  
**Consultant**

E3 Environmental, LLC  
mschmit@go2e3.com  
O: 651.282.0656  
M: 651.263.7916  
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