

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

**Sacagawea Pipeline Company, LLC  
16-inch Crude Oil Pipeline – McKenzie &  
Mountrail Counties  
Siting Application**

**CASE NO. PU-15-114**

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**APPLICATION OF SACAGAWEA PIPELINE COMPANY, LLC FOR  
WAIVER OR REDUCTION OF PROCEDURES AND TIME SCHEDULES**

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In connection with its submission of a consolidated application for an amended Certificate of Corridor Compatibility and amended Route Permit (“Application”) for a 16-inch crude oil pipeline, approximately 70 miles in length, known as the Sacagawea Pipeline Project to be located in McKenzie and Mountrail Counties, North Dakota (the “Project”), Sacagawea Pipeline Company, LLC (“Sacagawea”) submits to the North Dakota Public Service Commission (“Commission”) this application for a waiver or reduction of procedures and time schedules (“Waiver Application”) set forth in Chapter 49-22 of the North Dakota Century Code (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code (“Siting Rules”).

In accordance with Section 49-22-07.2 of the North Dakota Century Code and Chapter 69-06-06 of the North Dakota Administrative Code, Sacagawea requests that the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. Sacagawea’s request includes, but is not limited to:

1. That the Commission waive, pursuant to North Dakota Century Code Sections 49-22-07.2 and 49-22-13, and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06, any applicable provisions of North Dakota Century Code Sections 49-22-08, 49-22-08.1, and 49-22-13, and North Dakota

Administrative Code Section 69-06-01-02 insofar as they require the separate filing of applications for an amended Certificate of Corridor Compatibility and an amended Route Permit, separate notices of such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission waive the requirements of Sections 49-22-07.2, 49-22-08, 49-22-08.1, and 49-22-13 of the North Dakota Century Code and Chapter 69-06-01-02 of the North Dakota Administrative Code insofar as these sections may require that the Commission hold a public hearing on a waiver request, the application for an amended Certificate of Corridor Compatibility, and/or the application for an amended Route Permit. Sacagawea requests that the Commission **waive in its entirety any hearing or notice of opportunity for hearing requirement** and instead approve the route deviation and issue an amended Certificate of Corridor Compatibility and amended Route Permit based on the information in support of the Application and Waiver Application. Given the route adjustment is necessitated by landowner requests and all landowners approve of the route adjustment, the Commission should waive any notice of opportunity for hearing in its entirety.
3. If the Commission determines that a notice of opportunity for hearing shall be issued, Sacagawea requests that the Commission reduce the time by which any comments must be received from the typical twenty (20) day notice period utilized by the Commission to seven (7) days.

4. That the Commission waive or modify any necessary provisions to allow for an expeditious decision to be rendered on the requests of Sacagawea to modify the corridor and route.

Consistent with the Commission's Energy and Transmission Facility Siting Guidelines, Sacagawea provides the following information in support of its request for waiver or reduction of procedures and time schedule:

**A. Description of Route Modification.**

**1. Type, Product, Size and Design, and Geographical Service Area:** The route modification will not alter the type, product, size and design, or geographical service area of the Project. All of these factors will remain the same as set forth in the documents and testimony provided to date. The route will only be altered in the area as depicted on the maps included in Exhibit A and explained in greater detail throughout these pleadings. The route modification will occur in Mountrail County, North Dakota, and will affect the following lands: Sections 20, 29, 31, and 32 in Township 153 North, Range 91 West and Sections 2 and 3, Township 152 North, Range 92 West.

**2. Time Schedule:** A preconstruction meeting was held with Commission staff on January 22, 2016. *See* PSC Docket No. 72. Construction activities have begun for the Project as outlined in the monthly construction status report filed with the Commission. *See* PSC Docket No. 77.

**3. Future Plans:** At this time, Sacagawea has no specific plans for additions to or modifications of the Project, other than those requested in the accompanying documents or which may be allowed pursuant to the Commission's January 5, 2016 Order and provisions of

Chapter 49-22 of the North Dakota Century Code. Sacagawea will provide necessary documentation or seek approval as necessary in the event additional modifications are required.

**B. Need for Facility.**

The need for the Project remains the same as set forth in all filings in this matter, along with the testimony presented to date. Approval of the requested route deviation and modification to the Project will allow Sacagawea to satisfy landowner requests and to cause less impact by co-locating the Project with other pipelines in the area. The Project will ultimately allow for needed capacity to transport crude oil production safely and economically from the Bakken and Three Forks formations to facilities with access to major markets. The need for the facility is further addressed in the Commission's January 5, 2016 Order granting approval of the Project.

**C. Cost.**

The corridor and route modification is not anticipated to materially alter the cost of the Project. The Project cost remains consistent with the information set forth in the Commission's January 5, 2016 Order granting approval of the Project and all documentation provided to date. Sacagawea has already submitted the maximum filing fee for the Project. *See* PSC Docket No. 3.

**D. Waiver Request.**

The waivers of time schedules and procedures requested herein are needed to prevent significant delays in construction of the Project. A preconstruction meeting was held with Commission staff on January 22, 2016. *See* PSC Docket No. 72. Construction activities have begun for the Project as outlined in the monthly construction status report filed with the Commission. *See* PSC Docket No. 77. Without a timely waiver grant, construction of the Project will be delayed which will have negative impacts to the entirety of the Project.

The Littlefield Reroute occurred as a result of landowner requests to locate the route in close proximity to other pipelines in the area. Because Sacagawea was compelled to adjust the Project route based on factors outside the control of Sacagawea, namely landowner requests, the Commission should issue an order without further hearing or comment period to avoid significant delays.

Construction and utilization of the Project will benefit landowners, municipalities, and the citizens of North Dakota by significantly reducing traffic congestion and impacts on road infrastructure caused by truck transportation. The Project will also benefit oil producers and mineral owners by alleviating dependence upon previously constrained pipeline capacity, and by providing access to new markets for Bakken crude oil products. Without the waivers of time schedules and procedures requested, Sacagawea will not be able to provide a needed means of transporting crude oil to markets in a timely manner, which will limit the ability of those producers to market their crude oil.

Section 49-22-07.2 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that “the proposed facility is of such length, design, location, or purpose that it will produce minimal adverse effects.” Granting the waivers requested is appropriate because the Commission has already issued a Certificate of Corridor Compatibility and Route Permit for the Project; thus, it has been determined that the Project will produce minimal adverse effects. Additionally, all necessary environmental and archaeological reviews of the modification have been completed. The route change will not affect any of the Public Service Commission exclusion, avoidance, or selection criteria.

For the reasons set forth above, and based on the documentation submitted in connection with the consolidated application for a route deviation and an amended Certificate of Corridor

Compatibility and amended Route Permit, Sacagawea respectfully requests that the Commission waive any hearing requirement or any notice of opportunity for hearing requirement. In the event that a notice of opportunity for hearing is desired, Sacagawea requests that the Commission shorten the notice period from the typical twenty (20) day notice period utilized by the Commission to a seven (7) day notice period. Sacagawea respectfully requests that the Commission grant the requested waivers and render an expeditious decision based on the information provided in support of the application.

Dated this 18th day of May, 2016.

FREDRIKSON & BYRON, P.A.

By 

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