

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Crude, LLC
New Town Expansion Project – Mountrail County
Siting Application

Case No. PU-15-416

AFFIDAVIT OF SERVICE BY REGULAR AND ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of January, 2016**, she deposited in the United States Mail, at Bismarck, North Dakota, **4** envelopes by first class mail, fully prepaid and **43** addresses electronically mailed containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

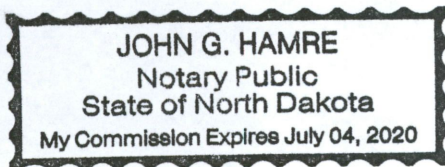
The envelopes and electronic mails respectively were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me
this **21st day of January, 2016**.

SEAL



Geralyn R. Schmaltz

John G. Hamre

Notary Public

Case No. Pu-15-418

City Auditor
City of New Town
PO Box 309
New Town ND 58763

City Mayor
City of New Town
PO Box 309
New Town ND 58763-0309

County Auditor
Mountrail County
PO Box 69
Stanley ND 58784-0069

Chairman County Commission
Mountrail County
PO Box 69
Stanley ND 58784-0069

ndaero@nd.gov
Melinda Weninger
Aeronautics Commission
PO Box 5020
Bismarck ND 58502-5020

masagsve@nd.gov
Matt Sagsveen
Attorney General's Office

jmittleider@nd.gov
John Mittleider
Department of Commerce
600 East Blvd
Bismarck ND 58505

cte@nd.gov

Dept of Career and Technical Education
State Capitol
Bismarck ND 58505

governor@nd.gov
Jack Dalrymple
Governor's Office
State Capitol
Bismarck ND 58505

squinnell@nd.gov
Susan Quinnell
Historical Society

samuele.warren.1@us.af.mil
Sam Warren
Minot Air Force Base

gheiser@nd.gov
Gerald Heiser
N D Water Commission
900 E Boulevard
Bismarck ND 58505

jay.fuhrer@nd.usda.gov
Jay Fuhrer
NATURAL RESOURCE CONSERVATION SVC
PO BOX 1458
BISMARCK ND 58502-1458

ksonsalla@nd.gov
Kevin Sonsalla
ND Department of Commerce

goehring@nd.gov
Doug Goehring
Agriculture Department
State Capitol
Bismarck ND 58505

todd.j.lindquist@usace.army.mil
Todd Lindquist
Corp of Engineers
PO Box 527
Riverdale ND 58565-0527

dhseo@nd.gov
Department of Human Services

energyimpact@nd.gov

Energy Infrastructure and Impact Office

ppicha@nd.gov
Paul Picha
Historical Society

sjdavis@nd.gov
Scott Davis
Indian Affairs Commission
State Capitol - 1st Floor J Wing INSIDE
Bismarck ND 58505

mike.nilson@minot.af.mil
Mike Nilson
Minot Air Force Base

lweispfenning@nd.gov
Linda Weispfenning
N D Water Commission
900 E Boulevard
Bismarck ND 58505

ndascd@lincolnoakes.com
ND Assoc of Soil Conservation Dist
3310 University Drive
Bismarck ND 58504-7564

mdockter@nd.gov
Monte Dockter
ND Department of Transportation
State Highway Building
Bismarck ND 58505

Larry.kotchman@ndsu.edu
MR LARRY KOTCHMAN
ND FOREST SERVICE
MOLBERG CENTER 307 1ST STREET EAST
BOTTINEAU ND 58318

emurphy@nd.gov
MR ED MURPHY
ND GEOLOGICAL SURVEY

labor@nd.gov
Tony Weiler
ND Labor Dept
600 E Blvd Ave
Bismarck ND 58505

jjkringstad@ndpipelines.com
ND Pipeline Authority

markzimmerman@nd.gov
Mark Zimmerman
North Dakota Parks & Rec
1600 E Century Ave, Ste. 3 INSIDE MAIL
Bismarck ND 58503-0649

tsando@nd.gov
Todd Sando
State Engineer
ND Water Commission

pwax@nd.gov
Peter Wax
State Health Department

konstad@nd.gov
Kenton Onstad
State Representative
3515 66th Ave. NW
Parshall ND 58770-9468

jwarner@nd.gov
John Warner
State Senator
33200 331st Ave. SW
Ryder ND 5877-9105

wendy ross@nps.gov
Wendy Ross
Theodore Roosevelt Nat'l Park
PO Box 7
Medora ND 58645

tsteinwa@nd.gov
Terry Steinwand
ND GAME & FISH DEPT
INSIDE MAIL

cgiesen@nd.gov
Cheri Giesen
ND Job Service
P.O. Box 5507 INSIDE MAIL
Bismarck ND 58506-5507

mhaupt@nd.gov
Mike Haupt
ND Land Department

ndicinfo@nd.gov

North Dakota Industrial Commission

andreastomberg@lignite.com
Andrea Stomberg
North Dakota Transmission Authority

krockema@nd.gov
Karl Rockeman
State Health Department

dglatt@nd.gov
Dave Glatt
State Health Department

gfroseth@nd.gov
GLEN FROSETH
STATE REPRESENTATIVE
PO BOX 894
KENMARE ND 58746-0894

bill whitworth@nps.gov
Chief of Resource Management
Theodore Roosevelt National Park
P O Box 7
Medora ND 58645-0007

sschwenke@fs.fed.us
Sherri Schwenke
U S Forest Service
240 W Century Ave
Bismarck ND 58501-1494

gjwiche@usgs.gov
District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

cenwo-de@usace.army.mil
District Engineer
US Army Engineer District Omaha
1616 Capitol Ave
Omaha NE 68102

managementauthority@fws.gov

US Fish & Wildlife Service
3425 Miriam Ave
Bismarck ND 58501

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Hiland Crude, LLC
New Town Expansion Project – Mountrail County
Siting Application

Case No. PU-15-416

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

January 20, 2016

Appearances

Commissioners Julie Fedorchak, Randy Christmann, and Brian P. Kalk.

Danielle M. Krause, Attorney at Law, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, North Dakota 58501, on behalf of Hiland Crude, LLC.

John Schuh, Legal Counsel, North Dakota Public Service Commission.

Wade Mann, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On June 26, 2015, Hiland Crude, LLC (Hiland), filed a consolidated application for a certificate of corridor compatibility and a route permit for a crude oil pipeline and associated facilities located in Mountrail County, North Dakota (the Project). The Project consists of installation of interconnect facilities to a third party storage facility and an existing approximately 42.5 mile, 8-inch crude oil pipeline.

Also on June 26, 2015, Hiland filed an application for waiver of procedures and time schedules established under North Dakota Century Code sections 49-22-07.2, 49-22-08, 49-22-08.1, and 49-22-13, and North Dakota Administrative Code chapter 69-06-06 and section 69-06-01-02, requiring separate filings and applications, separate notices, and separate hearings on the certificate of corridor compatibility and a route permit applications.

On July 31, 2015, the Commission found the application for a certificate of corridor compatibility and a route permit complete, and issued a Notice of Filings and Public Hearing (Notice) scheduling a hearing for September 17, 2015, at 9:00 am CST

at the Mountrail County South Complex, 8103 61st Street NW, Stanley, North Dakota 58784.

The Notice identified the following issues to be considered with respect to the application for a waiver of procedures and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects such that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the following issues to be considered with respect to the applications for certificate of corridor compatibility and route permit:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On September 17, 2015, the hearing was held at 9:00 a.m. Central Time, Stanley City Hall, 208 South Main Street, Stanley, North Dakota, 58784, due to unforeseen circumstances at the Mountrail County South Complex. Proper notice was posted at the original noticed location to identify the location change.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following findings of fact:

Findings of Fact

1. Hiland Crude, LLC is an Oklahoma limited liability company. Hiland has been authorized to do business in the State of North Dakota since July 28, 2006, and is currently in good standing, as evidenced by the corporate papers filed with the Commission on July 20, 2015. (see Case No. PU-13-148).

Size, Type, and Preferred Location of Facility

2. The Project consists of installation and modification of facilities to interconnect an existing 42.5-mile, 8-inch underground crude oil pipeline (the New Town Pipeline) to a third party storage facility owned by Targa Badlands LLC called the New Town Terminal (Terminal).
3. The interconnection will be constructed within the Targa New Town Terminal site and will consist of measurement facilities, interconnecting piping, and associated above-ground appurtenances and ancillary electrical control systems.
4. The existing New Town Pipeline runs from the White Earth Injection Station to the Dakota Plains Rail Terminal Interconnect as depicted in Hearing Exhibit 2 and Late-Filed Exhibit 9. Other surface facilities located within the ROW along the New Town Pipeline include pipeline markers, valves, and other ancillary facilities along the length of the pipeline. The existing New Town Pipeline was constructed using 8-inch diameter steel pipeline with 0.188-inch wall thickness. When installed, the pipe was tested to a maximum operating pressure of 1,440 pounds per square inch gauge.
5. The project will also involve modification of Hiland's existing New Town Receipt Station. At this facility, Hiland will construct pumping and electrical facilities in order to convert a 1,200 barrel pressure relief tank to an inline supply tank.
6. The maximum design flow rate of the Project is 36,000 barrels of oil per day.
7. Modification of existing facilities and construction of additional facilities will take approximately six months.
8. Total cost of the Project is approximately \$15 million.

Study of Preferred Location

9. Hiland conducted a Class I cultural resource literature search on a two-mile-wide area centered on the Project route (Study Area) prior to construction of the New Town Pipeline. A Class III pedestrian survey was conducted using a variable 250 to 1,414 foot-wide area.
10. Field surveys were conducted to inventory any potential resource issues such as wetlands, water bodies, protected species, critical habitats, and/or cultural resources. Additionally, environmental data collected included information on soils, land use, wetlands and waterbody crossings, noxious weeds, trees, saplings, and shrubs, and protected species and habitats.
11. The following agencies were contacted by Hiland and provided comments regarding the Project: U.S. Fish and Wildlife Service (USFWS); North Dakota

Department of Health (DOH); United States Air Force (USAF); North Dakota Game and Fish Department (NDGF); North Dakota Parks and Recreation Department (NDPRD); and the North Dakota State Historic Preservation Office (SHPO). Input provided includes the following:

- NDPRD's June 26, 2014 response indicated that the Project will not affect state park lands managed by or Land and Water Conservation Fund recreation projects coordinated by their agency.
- NDGF's July 14, 2014 response indicated that the Project should not have any significant adverse effects on wildlife or wildlife habitat, including species of concern, provided the recommendations of the NDGFD are implemented where appropriate.
- USFWS's July 23, 2014 response offered comments to ensure the conservation of listed plant and animal species for construction of the Project.
- The SHPO concurred with Hiland's Class III cultural resource study recommendation that no historic properties or significant sites will be affected by the Project so long as the Project remains of the nature and in the location described in the Class III Cultural Resource Inventory Report, and Hiland follows any site avoidance measures set forth in the report.

12. No state or federal agencies presented evidence or testimony at the hearing.

Siting Criteria

13. The Commission has established criteria pursuant to North Dakota Century Code section 49-22-05.1 to guide the Commission in evaluating the suitability of granting a certificate of corridor compatibility and route permit. The criteria, as set forth in North Dakota Administrative Code section 69-06-08-02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

14. Hiland evaluated the Project with respect to the Exclusion, Avoidance, Selection, and Policy criteria of the Commission.

Exclusion Areas

15. A transmission facility route must not be sited within an Exclusion Area. Exclusion Areas may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent (50%) of the corridor unless there is no reasonable alternative. A buffer zone of a reasonable width must be included to protect the integrity of the area. Natural screening may be considered in determining the width of the buffer zone.

16. Hiland testified that no Exclusion Areas are crossed by the 75-foot wide temporary right-of-way used during construction of the pipeline. Accordingly, the pipeline route is not located within any Exclusion Area.

17. Hiland's environmental consultants have concluded that construction of the New Town Pipeline had no significant effect on unique areas of biological wealth or habitats for rare and endangered species.

18. There were no sightings of threatened or endangered species within the 1-mile study area.

19. Hiland's erroneous indication in TABLE 3.C.2 that there were areas critical to the life stages of threatened or endangered animal or plant species within the 1-mile study area was based upon the sighting of seven (7) unoccupied nests with the potential to be used by eagles, which are protected under the Eagle Protection Act. However, eagles are not listed by the USFWS as threatened or endangered. Furthermore, Hiland states that based upon the size of the discovered unoccupied nests, eagle occupation would be improbable and any new construction for the New Town Expansion Project will not result in "take" of any federally listed species, migratory birds, or bald and golden eagles.

20. Maps provided in Hiland's application identified sightings of plant and animal species that are unique or rare to North Dakota. Hiland's environmental consultants believe these species will not be irreversibly damaged due to the construction of the New Town Pipeline.

21. The Project may have resulted in temporary modification of habitat and temporary displacement of wildlife, due to clearing and construction. The Project did not have a significant impact on fish and wildlife resources and no impacts are anticipated to endangered, threatened, or sensitive plant or animal species for future construction.

Avoidance Areas

22. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative routes.

23. A transmission facility may not be sited within an Avoidance Area unless the applicant demonstrates that under the circumstances there are no reasonable alternatives. Economic considerations alone are not sufficient to establish no reasonable alternative.

24. Areas within five hundred feet of a residence, school, or place of business are Avoidance Areas. Pursuant to North Dakota Century Code section 49-22-05.1, the five

hundred foot avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing.

25. The Project is located within five hundred feet of nineteen (19) occupied residences. Hiland obtained waivers of the Avoidance Area from all the affected landowners.

26. Hiland testified that, other than crossing within 500 feet of residences, Avoidance Areas are not crossed by the 75-foot wide temporary right-of-way used during construction of the pipeline. Since waivers of the 500-foot Avoidance Area have been obtained from all the affected landowners, the pipeline route is not located within any Avoidance Area.

27. Certain historical resources are located within a one-mile wide study area centered along the route. Twenty-eight (28) previously unrecorded cultural resources and twenty-three (23) previously recorded cultural resources were identified within the field study corridor during the Class III Cultural Resources Inventory. Of these cultural resources, thirty-four (34) Native American stone feature sites were recommended potentially eligible for the National Register of Historic Places. Beaver Creek Archaeology, Inc. recommended these sites be avoided by a minimum of fifty (50) feet. Sites on the Fort Berthold Reservation had a recommended avoidance by a minimum of seventy-five (75) feet. Four (4) archaeological sites and four (4) architectural sites were recommended not eligible for the National Register of Historic Places. Boring was recommended for one site, as it is an active railroad. During the pedestrian survey, no evidence was observed of the eight (8) cultural material scatter site leads. One (1) isolated find was not relocated during the inventory. As noted previously, the SHPO concurred with Hiland's Class III cultural resource study recommendation that no historic properties or significant sites will be affected by the Project.

Selection Criteria

28. In accordance with the Commission's Selection Criteria, a transmission facility route shall be designated if it is demonstrated that any significant adverse effects that will result from the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum.

29. Hiland analyzed the impacts of the Project in relation to all of the relevant Selection Criteria. No significant adverse impact will result from the location, construction, and operation of the Project.

30. A wetlands and waterbodies inventory was completed along the pipeline route. Several wetlands or waterbodies are present along the route, but any indirect impacts from pipeline placement were temporary. The Project will have no significant impact on wetlands or waterbodies.

Measures to Minimize Impact

31. Hiland has agreed to a number of steps to mitigate the impact of the Project, as indicated by Late-Filed Exhibit 15, which includes the executed Certification Relating to Order Provisions – Transmission Facility Siting, New Facility Construction, with accompanying Tree and Shrub Mitigation Specifications, and the executed Certification Relating to Order Provisions – Transmission Facility Siting, Gathering Line Conversion to Transmission Line, with accompanying Tree and Shrub Mitigation Specifications, which are incorporated by reference and attached to this Order.
32. The permanent right-of-way (ROW) for the New Town Pipeline is fifty (50) feet wide, while its temporary construction ROW was seventy-five (75) feet wide. During construction, Hiland used existing public roads to access the construction ROW, and did not modify roads or create new permanent access roads.
33. All construction and associated activities at the Targa New Town Terminal will be completed on previously disturbed areas.
34. All construction and associated activities at the Hiland's New Town Receipt Station work will be completed on previously disturbed areas.
35. Hiland testified that the Project will be monitored twenty-four (24) hours per day, seven (7) days per week at a control center in Houston, Texas. The control center will have the ability to remotely shut-down the Project.
36. Hiland testified that it will participate in the North Dakota One-Call Excavation System.
37. The design, construction, and operation of the pipeline must be in accordance with the United States Department of Transportation regulations governing the transportation of crude oil, including United States Department of Transportation regulations set forth in 49 C.F.R. Part 195.
38. Hiland will reverse the flow on the pipeline for movement of crude oil to the Double H Pipeline as opposed to transport by truck or rail. Therefore, the Project will relieve some of the impacts from trucking the crude oil or transporting the crude oil by rail.
39. A post-construction estimation inventory of trees and shrubs potentially impacted by the Project has been completed. Trees and shrubs will be replaced in accordance with the Commission's Tree and Shrub Mitigation Specifications.

From the foregoing Findings of Fact the Commission makes the following conclusions of law:

Conclusions of Law

1. The Commission has jurisdiction over Hiland Crude, LLC (Hiland) and the subject matter of these applications under North Dakota Century Code chapter 49-22.
2. Hiland is a utility as defined in North Dakota Century Code section 49-22-03(13).
3. The Project is a transmission facility as defined in North Dakota Century Code section 49-22-03(12).
4. The location, construction, and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the Project are compatible with the environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. The Project is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code section 49-22-07.2.
8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the waiver application under North Dakota Century Code section 49-22-07.2 and North Dakota Administrative Code chapter 69-06-06.

From the Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

1. Hiland Crude, LLC's application for a waiver of procedures and time schedules is granted.
2. Corridor Certificate Number 178 is issued to Hiland Crude, LLC designating a corridor for the construction, operation, and maintenance of approximately 42.5 miles of 8-inch diameter pipeline and associated facilities for the transmission of crude oil in Mountrail County, North Dakota. For purposes of the Certificate, the designated corridor will consist of an area 250 feet wide centered on the designated pipeline route.
3. Route Permit Number 190 is issued to Hiland Crude, LLC designating a route for the construction, operation, and maintenance of approximately 42.5 miles of 8-inch


diameter pipeline and associated facilities for the transmission of crude oil in Mountrail County, North Dakota. For purposes of the Permit, the designated route is the proposed route depicted on the map included as Figure 1.A.1 in the Consolidated Application for a Certificate of Corridor Compatibility and Route Permit, and further depicted in the Pipeline Profile submitted as Late-Filed Exhibit 8.

4. The November 30, 2015 Certification Relating to Order Provisions – Transmission Facility Siting, New Facility Construction, with accompany Tree and Shrub Mitigation Specifications, and the November 30, 2015 Certification Relating to Order Provisions – Transmission Facility Siting, Gathering Line Conversion to Transmission Line, with accompany Tree and Shrub Mitigation Specifications, are incorporated by reference and attached to this Order.

5. To the extent that there are any conflicts or inconsistencies between Hiland's applications in this proceeding and the Certifications, the provisions of the Certifications control.

6. Hiland is required to comply with all applicable laws, rules, and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the application within the corridor granted in this proceeding.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chairman



Brian P. Kalk
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**Corridor Certificate
Number 178**

This is to certify that the Commission has designated a transmission facility corridor for Hiland Crude, LLC. for the construction, operation, and maintenance of approximately 42.5 miles of 8-inch diameter crude oil pipeline and associated facilities in Mountrail County, North Dakota.

This certificate is issued in accordance with the Order of the Commission dated January 20, 2016 in Case No. PU-15-416 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, January 20, 2016.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**Route Permit
Number 190**

This is to certify that the Commission has designated a transmission facility route for Hiland Crude, LLC. for the construction, operation, and maintenance of approximately 42.5 miles of 8-inch diameter crude oil pipeline and associated facilities in Mountrail County, North Dakota.


This permit is issued in accordance with the Order of this Commission dated January 20, 2016 in Case No. PU-15-416 and is subject to the conditions and limitations noted in the Order.

Bismarck, North Dakota, January 20, 2016.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Hiland Crude, LLC
New Town Expansion Project – Mountrail County
Siting Application**

Case No. PU-15-416

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING
GATHERING LINE CONVERSION TO TRANSMISSION LINE**

I am William E. Wolf, a representative of Hiland Crude, LLC ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company agrees that it shall obtain all necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to initiating operation of the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for

Late-Filed Exhibit 15, Part A

the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a construction conference prior to initiating operation of the facility as a transmission facility, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior initiating operation of the facility as a transmission facility.
9. Company agrees to inform the Commission and the Commission's third-party construction inspector immediately prior to the Company initiating operation of the facility as a transmission facility.
10. Company certifies that the pipeline has been buried to a minimum depth from the ground surface to the top of the pipe of 48 inches in range land, 48 inches for cultivated land, and 48 inches at the bottom of the ditch for road crossings, and 72 inches across undeveloped section lines. Company agrees that if any pipeline is not buried 72 inches across undeveloped section lines, and the section is later developed into a roadway, it will incur all costs related to burying the pipeline 48 inches below the bottom of the ditch. This agreement shall inure and be binding upon any successor or assignee of the Company and shall not cause any unreasonable delay of any roadway project.
11. Company certifies that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts were made, was stripped and segregated from the subsoil. Any area on which excavated subsoil was placed was also be stripped of topsoil. After backfilling was completed, any excess subsoil was placed over the excavation area, blending the grade into existing topography. Topsoil was replaced over areas from which it was stripped only after the subsoil was replaced.
12. Company certifies that all buried facility crossings of graded roads were bored unless the responsible governing agency permitted Company to open cut the road.
13. Company certifies that staging areas or equipment were not located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company certifies that if any cultural resource, paleontological site, archeological site, historical site, or grave site discovered during construction, was marked, preserved and protected from further disturbances until a professional examination

could be made and a report of such examination was filed with the Commission and the State Historical Society and clearance to proceed was given by the North Dakota State Historic Preservation Office.

15. Company certifies that construction was suspended when weather conditions were such that construction activities would cause irreparable damage to roads or land, unless adequate protection measures were taken by Company.

Restoration and Maintenance:

16. Company certifies that upon completion of the construction of the facility, Company restored the area affected by the activities to as near as was practicable to the condition as it existed prior to the beginning of construction.
17. Company certifies that all pre-existing township and county roads and lanes used during construction were, or are being, repaired to a condition that is equal to or better than the condition prior to the construction of the transmission facility and accommodates their previous use, and that areas used as temporary roads or working areas during construction were, or are being, restored to their original condition.
18. Company certifies that reclamation, fertilization, and reseeded was, or is being done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
19. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility right-of-way, transmission facility, associated facilities, fences and gates, drainage tile, and roadways will continue throughout the life of the transmission facility.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
21. Company certifies that it removed all waste that was a product of construction and has properly disposed of it. Company understands and agrees that it shall remove all waste that is a product of operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
22. Company certifies that it provided any necessary safety measures for traffic control or to restrict public access to the transmission facility during construction.

Communication with Landowners and PSC:

23. Company understands and agrees that, prior to operating its facility as a transmission facility, it shall send a letter to each landowner with whom an


easement was executed for that facility specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.

24. Company understands and agrees that it will file with the Commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The Company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
25. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior initiating operation of the facility as a transmission facility.
26. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
27. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.
28. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
29. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of commencement of operation of the facility as a transmission facility. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of commencement of operation of the facility as a transmission facility. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

30. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during activities conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend activities in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.
31. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.

Dated this 30th day of November, 2015.

HILAND CRUDE, LLC

By 
WILLIAM W. WOLF

Its ASSISTANT GENERAL COUNSEL