

July 12, 2021

HAND DELIVERED

Mr. Patrick Fahn
Director, Public Utilities Division
North Dakota Public Service Commission
600 E. Boulevard Avenue
Bismarck, ND 58505-0480

**Re: Case No. PU-15-720
Notice Of Noncompliance**

Dear Mr. Fahn:

On June 15, 2021, you submitted a Notice of Noncompliance (the "Notice") to Tesoro High Plains Pipeline, LLC ("Tesoro"), alleging that Tesoro is not in compliance with the Public Service Commission's March 9, 2016 Order on Recommended Findings of Fact, Conclusions of Law and Order (the "Order"). Tesoro disagrees with your assessment and contends that it is, in fact, in compliance.

The electronic and paper copies of Tesoro's facility design specifications requested in Item 1 of your Notice were already sent to the Commission on June 12, 2017 via a letter from me. Enclosed with my letter was an original and ten copies of Tesoro's As-Built Surveys, as well as a CD containing the surveys in PDF format. These documents and CD satisfy Tesoro's obligations under the Order.

As to Item 2 of your Notice, you allege that Tesoro is in noncompliance with the Order by failing to provide three types of documents: (1) documentation identifying the number and variety of trees and shrubs removed; (2) a mitigation plan for replacement plantings; and (3) reports for each annual inspection of replacement plants.

With respect to the first type of document, Tesoro did not remove any trees/shrubs and therefore had no obligation to inform the Commission of the number and variety of trees/shrubs it removed. To the extent that Tesoro did have such an obligation, let this letter serve as notice to the Commission that Tesoro removed zero trees and zero shrubs.

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With respect to the second type of document, because Tesoro did not remove any plants, there were no plants to be replaced. Tesoro therefore had no mitigation plan for replacement plantings that it could send to the Commission.

Finally, with respect to the third type of document, because Tesoro had not replaced any plants, Tesoro had no opportunity to annually inspect any replacement plants. Tesoro therefore could not have submitted a report of each annual inspection of replacement plants to the Commission.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Bender', is written over the word 'Sincerely,'. The signature is stylized and somewhat illegible.

LAWRENCE BENDER

LB/tjp

Cc: Mr. Darren Snow (*via e-mail*)
Mr. Aaron Smith (*via e-mail*)

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