

Lyle W. Kirmis
Lance D. Schreiner, P.C.
Patrick J. Ward***
Lawrence E. King, P.C.**
Constance N. Hofland**
John E. Ward**
Justin M. Balzer

John A. Zuger
(1940-2006)



ZUGER KIRMIS & SMITH
Since 1909

316 North Fifth Street
P.O. Box 1695
Bismarck, ND 58502-1695
p: 701.223.2711
f: 701.223.9619
www.zkslaw.com
pward@zkslaw.com

Also licensed in
Illinois *
Minnesota **
Montana ++
South Dakota ^^

Thomas O. Smith
(1944-2001)

May 11, 2016

Brian Bjella
Wade Mann
Attorney at Law
PO Box 2798
Bismarck, ND 58502-2798

Zach Pelham
Attorney at Law
PO Box 400
Bismarck, ND 58502-0400

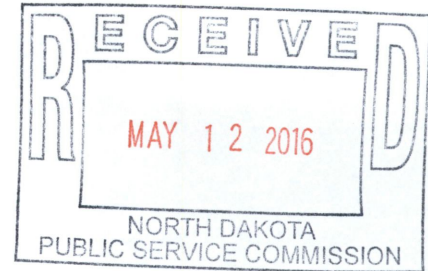
Darrell Nitschke
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Illona Jeffcoat-Sacco
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

RE: Cenex Pipeline, LLC
PU-15-798

All Counsel, Mr. Nitschke, and Ms. Jeffcoat-Sacco:

Enclosed is my decision recommending that the Commission grant the Request to Withdraw Consolidated Application as submitted by Cenex on May 9, 2016. I will hold the OAH file open for 30 days or until I am advised whether there will be a new application filed regarding another location.

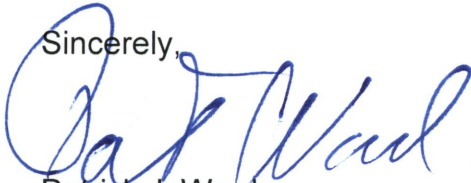


33 **PU-15-798** Filed: 5/12/2016 Pages: 4
ALJ Recommendation to Grant Request to Withdraw Consolidated Application

Patrick Ward, ALJ - Office of Administrative Hearings

Page 2
May 11, 2016

Sincerely,



Patrick J. Ward

Enclosure

c: Louise Wetzel

P:\PWARD\IOAH\Cenex Pipeline\All Counsel.5.11.16.doc

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

In the Matter of the Application of Cenex Pipeline, LLC for a Certificate of Corridor Compatibility and Route Permit for the Cenex Prosper Terminal Project in Cass County, North Dakota))))))	Case No. PU-15-798
--	----------------------------	--------------------

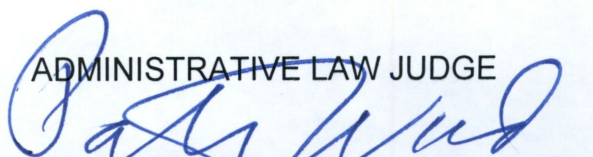
**ALJ RECOMMENDATION TO GRANT REQUEST TO WITHDRAW
CONSOLIDATED APPLICATION**

This administrative law judge was appointed as a substantive administrative law judge by the Public Service Commission to conduct a hearing and make a recommended decision including Findings of Fact, Conclusions of Law and Recommended Order in this case. The hearing was held in this matter as scheduled after due notice at NDSU in Fargo on March 29, 2016. Thereafter, the Raymond Township Board of Supervisors chose not to grant zoning approval for the location that was anticipated by Cenex Pipeline, LLC ("Cenex") at the time of the hearing.

Cenex has therefore decided not to pursue the location set forth in the application at this time and is considering other options. Pursuant to North Dakota Administrative Code § 69-02-02-07(2), Cenex has submitted a request to withdraw its consolidated application for a certificate of corridor compatibility and route permit and waiver as was requested in case no. PU-15-798.

For all of the above reasons, I hereby recommend that the Commission grant the withdrawal of the consolidated application as requested pursuant to § 69-02-02-07(2) in this matter.

Dated this 11th day of May, 2016.

ADMINISTRATIVE LAW JUDGE


Patrick J. Ward

c: Brian Bjella
Wade Mann
Zach Pelham
Darrell Nitschke
Illona Jeffcoat-Sacco
Louise Wetzel

P:\PWARD\OAH\Cenex Pipeline\ALJ Recommendation to Grant Request to Withdraw Consolidated Application.doc