

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Cenex Pipeline, LLC  
Cenex Prosper Terminal Project – Cass County  
Siting Application

Case No. PU-15-798

AFFIDAVIT OF SERVICE REGULAR OR 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 **10th day of June, 2016**, she deposited in the United States Mail, Bismarck, North Dakota, **2** envelopes by first class mail, fully prepaid and **44** addressees electronically mailed a copy of:

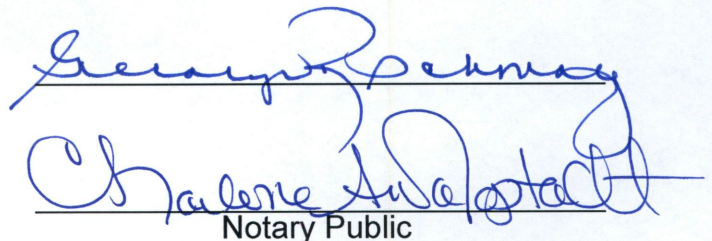
**Order Adopting ALJ Recommendation to Grant Request To Withdraw Consolidated Application**

The envelopes and electronic mails respectively were addressed as follows:

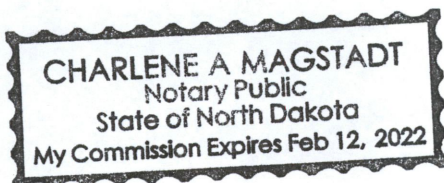
**See attached list.**

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 **10th day of June, 2016**.

  
Notary Public

SEAL



7u-15-798

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STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Cenex Pipeline, LLC  
Cenex Prosper Terminal Project – Cass County  
Siting Application

Case No. PU-15-798

ORDER ADOPTING ALJ RECOMMENDATION TO GRANT REQUEST  
TO WITHDRAW CONSOLIDATED APPLICATION

June 8, 2016

On May 11, 2016, the Hearing Officer in Case No. PU-15-798 filed an ALJ Recommendation to Grant Request to Withdraw Consolidated Application.

Order

The Commission orders the Hearing Officer's May 11, 2016 ALJ Recommendation to Grant Request to Withdraw Consolidated Application, a copy of which is attached to and made a part of this Order, is ADOPTED as the Commission's approval to grant Cenex Pipeline, LLC's request to withdraw its Consolidated Application in Case No. PU-15-798.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Randy Christmann                      Julie Fedorchak                      Brian P. Kalk  
Commissioner                              Chairman                              Commissioner

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



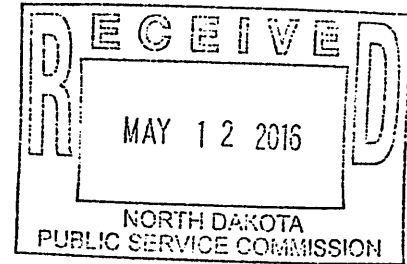
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Illinois \*  
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May 11, 2016

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RE: Cenex Pipeline, LLC  
PU-15-798

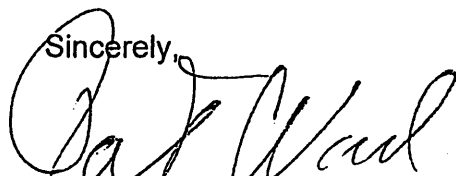
All Counsel, Mr. Nitschke, and Ms. Jeffcoat-Sacco:

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

Page 2  
May 11, 2016

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Ward". The signature is written in a cursive style with a large initial "P".

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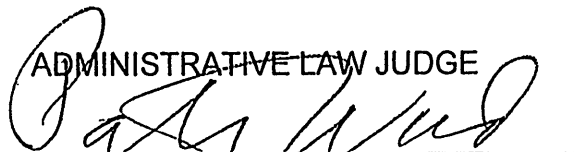
**ALJ RECOMMENDATION TO GRANT REQUEST TO WITHDRAW  
CONSOLIDATED APPLICATION**

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 11<sup>th</sup> day of May, 2016.

ADMINISTRATIVE LAW JUDGE  
  
Patrick J. Ward

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

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