

November 10, 2020

VIA EMAIL AND U.S. MAIL

Mr. Patrick Fahn
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: BOE Pipeline, LLC
16-Inch Crude Oil Pipeline
Case No. PU-16-094**

Dear Mr. Fahn:

This is a follow up to our brief telephone conversation related to the above-captioned matter. As you know, on July 22, 2020, BOE Pipeline, LLC (“BOE”) filed with the North Dakota Public Service Commission (“Commission”) an Application for an Order of Continuing Suitability of Certificate of Corridor Compatibility No. 187 and Route Permit No. 199 (“Application”) concerning the construction and operation of approximately 41.8 miles of 16-inch outside diameter crude oil pipeline and associated facilities located in Dunn and McKenzie Counties, North Dakota (the “Project”). On August 5, 2020, the Commission issued its Notice of Opportunity for Hearing on BOE’s Application. The period for comments closed on September 3, 2020 with no hearing having been requested and BOE has responded to all agency comments.

In our conversation, you suggested that BOE should certify all potential re-routes of the Project before the Commission will issue its order of continuing suitability. As stated in BOE’s Application, it is unreasonable to expect BOE to incur the additional costs associated with planning and certifying potential re-routes prior to the Commission issuing its order. At the August 5, 2020 regular Commission meeting, Commissioner Fedorchak recited these very concerns prior to moving the Commission to issue its Notice of Opportunity for Hearing. In other words, Commissioner Fedorchak recognized that BOE should not be required to expend time and money on potential re-routes if the Commission does not grant the request to extend the corridor certificate and route permit referenced above.

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Request for Commission Order without further filings

BOE Pipeline, LLC

Lawrence Bender, Fredrikson&Byron P.A.

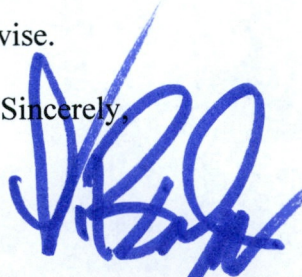
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Furthermore, BOE certified to the Commission in its Application that “it will follow the recommendations for avoidance measures set forth in the Class III inventory as well as the recommendations of SHPO and other state and federal agencies having jurisdiction over the Project or portions thereof.” See ¶ 10 of the Application. Accordingly, BOE believes it is unnecessary to require certification of the potential re-routes prior to the Commission issuing its order of continuing suitability when BOE remains subject to the provisions of Ch. 49-22.1 of the North Dakota Century Code and all rules and orders of the Commission.

For the foregoing reasons, BOE respectfully requests that the Commission issue its order of continuing suitability without any further filings so that BOE may proceed with certifying the potential re-routes with the assurance of a continued and valid corridor certificate and route permit for the Project.

Should have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg

cc: BOE Pipeline, LLC

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