

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF THE APPLICATION
OF BANNER TRANSPORTATION
COMPANY, LLC AND HILAND CRUDE,
LLC, FOR A TRANSFER OF CERTIFICATE
OF CORRIDOR COMPATIBILITY NO. 126
AND ROUTE PERMIT NO. 135

CASE NO. PU-16-___

**APPLICATION FOR TRANSFER OF CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT BASED ON NAME CHANGE**

Pursuant to Chapter 49-22 of the North Dakota Century Code, Article 69-06 of the North Dakota Administrative Code, and Section 69-02-02-04 of the North Dakota Administrative Code, Hiland Crude, LLC (“Hiland”), successor by name change to Banner Transportation Company, LLC (“Banner Transportation”) (hereinafter collectively referred to as “Applicants”), respectfully submit this Application (“Application”) for the Transfer of Certificate of Corridor Compatibility No. 126 (“Certificate”) and Route Permit No. 135 (“Route Permit”) from Banner Transportation to Hiland. The Certificate and Route Permit were originally issued by the North Dakota Public Service Commission (“Commission”) to Arrow Field Services, LLC (“Arrow”) in Case No. PU-11-99. The Certificate and Route Permit were then transferred to Banner Transportation in Case No. PU-12-047.

I. Statutory Authority.

Transfer of a certificate of corridor compatibility and a route permit are authorized under Section 49-22-07 of the North Dakota Century Code and Section 69-06-01-02(4) of the North Dakota Administrative Code. Pursuant to these provisions and North Dakota Century Code

Section 49-22-13(2), the Commission is not required to hold a public hearing on an application for such transfer unless there is both a request by an interested person and a showing of good cause. Here, the transfer is based on a name change only, so Hiland requests that no publication of a notice of opportunity for hearing or a hearing be required.

II. Background.

Pursuant to the Commission's Order dated November 2, 2011, in Case No. PU-11-99, the Commission approved the issuance of the Certificate and Route Permit to Arrow for the construction of a crude oil pipeline project (the "Project") in McKenzie County, North Dakota. The Project includes approximately 1.5 miles of 8-inch crude oil pipeline extending between a central delivery point facility to an interconnect with the 4 Bears Pipeline. By order of the Commission dated April 11, 2012, the Certificate and Permit were then transferred and reissued to Banner Transportation in Case No. PU-12-047.

III. Application for Transfer of Certificate and Route Permit.

Applicants are requesting the transfer from Banner Transportation to Hiland of the Certificate and Route Permit based on the name change since reissuance. In support thereof, Applicants state as follows:

1. In 2012, Banner Transportation changed its name from Banner Transportation Company, LLC to Hiland Crude, LLC. A file-stamped copy of the Amended Certificate of Authority Foreign Limited Liability Company Application (hereinafter referred to as "Amendment Application") submitted to the North Dakota Secretary of State for the name change of Banner Transportation to Hiland is enclosed herewith. *See* Exhibit A.

2. In accordance with Section 69-02-02-04(3)(c) of the North Dakota Administrative Code, Banner Transportation's corporate documents were filed with the Commission on January 26, 2012, in Case No. PU-12-048.

3. In accordance with Section 69-02-02-04(3)(c) of the North Dakota Administrative Code, Hiland's corporate documents were originally filed with the Commission on April 4, 2013, in Case No. PU-13-148.

4. As evidenced by the Hiland's corporate documents and the Amendment Application, Hiland is an Oklahoma limited liability company.

5. Hiland is also authorized to do business in the State of North Dakota. Enclosed herewith as Exhibit B is a current Certificate of Good Standing issued by the North Dakota Secretary of State for Hiland, which has also been filed in Case No. PU-13-148. As previously noted, the corresponding Amendment Application regarding the name change from Banner Transportation to Hiland is enclosed herewith.

6. The change from Banner Transportation to Hiland relates only to the name under which the Certificate and Route Permit should properly be issued, with no operational changes having occurred or anticipated in the future for the Project.

7. Hiland agrees to assume the rights and obligations of the Certificate and Route Permit, as well as the conditions and limitations set forth in the Recommended Findings of Fact, Conclusions of Law and Recommended Order, dated October 31, 2011, adopted by the Commission as its Findings of Fact, Conclusions of Law and Order by order dated November 2, 2011, issuing the Certificate and Route Permit, and any other conditions set forth in subsequent orders of the Commission with respect to the Certificate and Route Permit. *See* Affidavit of William E. Wolf, provided herewith.

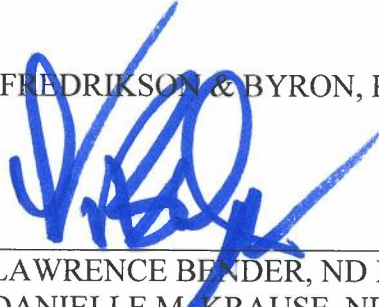
WHEREFORE, Applicants respectfully request that the Commission:

1. Grant, without a notice of opportunity for hearing or a public hearing, a transfer of the Certificate and Route Permit to Hiland based on the name change; and
2. Grant such other relief as the Commission shall deem appropriate.

Dated this 30th day of June, 2016.

FREDRIKSON & BYRON, P.A.

By



LAWRENCE BENDER, ND Bar #03908
DANIELLE M. KRAUSE, ND Bar #06874
*Attorneys for Hiland Crude, LLC, formerly known
as Banner Transportation Company, LLC*
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
Telephone: (701) 221-8700
lbender@fredlaw.com
dkrause@fredlaw.com

