

December 28, 2016

Hand Delivery

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480



In re: Epping Transmission Company, LLC
DAPL Epping Facility Connector Pipeline Project
Williams County
Case No. PU-16-614
Our File No. 088393-000004

Dear Mr. Nitschke:

Epping Transmission has reviewed the NDSU Extension Service document and the INGAA document referenced at the December 20, 2016, work session and provided to the undersigned by counsel for PSC staff, with respect to the winter construction guidelines. Epping Transmission agrees that if the approval required under paragraph 12 of the Certification is granted, permitting removal of topsoil that has frozen, Epping Transmission will incorporate the applicable winter construction guidelines contained within the documents into their construction plans to the extent that construction ends up being necessary when the topsoil is frozen.

With respect to the other four questions from the Commission at the work session, I will address them below.

- 1) There were no other spills in the last ten years. Summit, and its affiliated entities' ownership and operation of the various facilities does not go back ten years. The last column of the table identifies in-service/acquisition dates for Summit's facilities. In reviewing this request, Epping Transmission noted some discrepancies in dates in the table that was filed as Late Filed Exhibit 13. These were the result of an Excel sorting issuing mismatching dates with the applicable facilities. An amended late-filed Exhibit 13 correcting that issue is being filed today in conjunction with this correspondence.
- 2) I can confirm that Williams County does not require any additional permits. Williams County does not require a conditional use permit for transmission pipelines that are subject to the regulation and oversight of the public service commission. Epping

Transmission had contact with Williams County during project planning several months back and again on December 21, 2016, and the county confirmed that no permits were required.

- 3) Epping Transmission will follow ONEOK's pipeline crossing specifications. ONEOK does not require a signed agreement or permit between the two companies in regard to the work and only requires that Epping Transmission follow ONEOK's crossing specifications. The main points of the crossing specifications are as follows:
 - a. Epping Transmission will maintain a minimum of 2 feet of clearance between its pipeline and ONEOK's existing pipeline.
 - b. Epping Transmission will utilize hydro-excavation to expose ONEOK's pipeline for positive location. If ONEOK's pipeline is to be crossed, Epping Transmission would bore under the line with a minimum of 2 feet of clearance.
 - c. Whenever Epping Transmission works near ONEOK's pipeline, Epping Transmission will schedule a meeting at the job site so that ONEOK personnel can witness the work.

- 4) Epping Transmission will comply with the notice requirement of the Certification relating to unanticipated finds and has also amended the Unanticipated Cultural Resource Discoveries plan filed with the commission as Late Filed Exhibit 15 to add a PSC contact and to confirm that Epping Transmission will give notice of a discovery and consultation with the State Historical Office to the PSC. An amended late-filed Exhibit 15 is being filed today in conjunction with this correspondence.

If you need any additional information, please let me know. Thank you.

Sincerely,



Wade C. Mann

WCM/lh
enc.

cc: Megan Davis (via email)