

Brian R. Bjella
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

September 8, 2017

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



Dear Mr. Nitschke:

In re: Cenex Pipeline, LLC
Case No. PU-17-097
Our File No. 020836-000001

Enclosed for filing please find original and 10 copies of the Response of Cenex Pipeline, LLC to Objection to Proposed Findings of Fact, Conclusions of Law and Order by Landowner Intervenor, and filed on behalf of Cenex Pipeline, LLC. Also being filed is a Certificate of Service relating to said Response.

Please call should you have any questions.

Very truly yours,

Brian R. Bjella

jk
enc.
cc: Timothy J. Dawson (w/enc)
Derrick Braaten (w/enc)
Zachary Pelham (w/enc)
Kevin Pranis (w/enc)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline – Williams, Mountrail, Ward
Siting Application**

PU-17-097

**RESPONSE OF CENEX PIPELINE, LLC TO OBJECTION TO PROPOSED FINDINGS
OF FACT, CONCLUSIONS OF LAW AND ORDER BY LANDOWNER INTERVENORS**

By Objection to Proposed Findings of Fact, Conclusions of Law and Order dated September 5, 2017, certain landowner intervenors objected to Paragraph 37 of the Proposed Findings of Fact, Conclusions of Law and Order ("Proposed Order") submitted by Cenex Pipeline, LLC ("Cenex"). The landowner intervenors objected asserting proposed Paragraph 37 conflicts with Paragraph 2 of the Certification Relating to Order Provisions – Transmission Facility Siting as executed July 11, 2017 by the President of Cenex, and filed as Cenex Exhibit No. 2.

With respect to winter construction, Paragraph 12 of Exhibit 2 provides in part that "Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/early winter to the point that frost inhibits proper soil segregation."

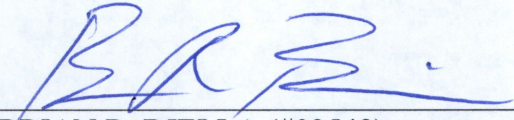
Cenex hereby submits that Paragraph 37 of its Proposed Order provide as follows:

In the event that construction is undertaken by Cenex after topsoil has frozen to the point that frost inhibits soil segregation, Cenex has committed to the following applicable winter construction guidelines as set forth in the following documents: North Dakota State University Extension Service, Publication R1728, "*Successful Reclamation of Lands Disturbed by Oil and Gas Development and Infrastructure Construction*," August 2014; INGAA Foundation, Inc. Report No. 2013.04, "*Planning Guidelines for Pipeline Construction During Frozen Conditions*," December 2013. In addition, unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/early winter to the point that frost inhibits proper soil segregation.

Dated this 8th day of September, 2017.

Respectfully submitted,
Cenex Pipeline, LLC

CROWLEY FLECK PLLP
Attorneys for Applicant
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, North Dakota 58502

By 
BRIAN R. BJELLA (#03549)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Cenex Pipeline, LLC
10" Refined Fuels Pipeline – Williams, Mountrail, Ward
Siting Application**

PU-17-097

CERTIFICATE OF SERVICE

I hereby certify that on September 8th, 2017, the following document:

1. **RESPONSE OF CENEX PIPELINE, LLC TO OBJECTION TO PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BY LANDOWNER INTERVENORS**

was served via U.S. mail and e-mail upon the following:

Derrick Braaten
Baumstark Braaten Law Partners
109 North 4th St., Suite 100
Bismarck, ND 58501-4003
derrick@baumstarkbraaten.com

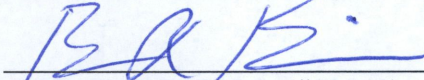
Zachary Pelham
Special Assistant Attorney General
PO Box 400
Bismarck, ND 58502-0400
On behalf of the PSC
zep@pearce-durick.com

Timothy J. Dawson
Administrative Law Judge
Office of Administrative Hearings
2911 North 4th Street, Suite 303
Bismarck, ND 58503
tjdawson@nd.gov

Kevin Pranis
Laborers District Council
81 E. Little Canada Road
St. Paul, MN 55117
kpranis@lunauroc.com

Dated this 8th day of September, 2017.

CROWLEY FLECK PLLP
Attorneys for Cenex Pipeline, LLC
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, North Dakota 58502

By 
BRIAN R. BJELLA (#03549)