

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-17-97

AFFIDAVIT OF SERVICE BY CERTIFIED 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 **28th day of September, 2018**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Amended Certificate of Corridor Compatibility and Route Permit**

And Original Of:

- **First Amended Certificate of Corridor Compatibility Number 202**
- **First Amended Route Permit Number 212**
-

The envelope was addressed as follows:

Brian Bjella / Casey Furey
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 7018 0680 0001 3738 0615

Geralyn R. Schmaltz further deposes and says that on the **28th day of September, 2018**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

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

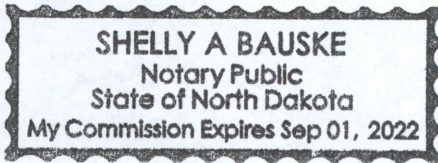
Kevin Pranis
Intervener for Laborer's District Council
of Minnesota & North Dakota
81 East Little Canada Road
St. Paul, MN 55117

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **28th day of September, 2018.**

Shelly A Bauske

Shelly A Bauske
Notary Public



SEAL

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-17-97

**ORDER ON AMENDED CERTIFICATE OF CORRIDOR COMPATIBILITY
AND ROUTE PERMIT
September 26, 2018**

Preliminary Statement

On March 14, 2018, the Commission adopted its Findings of Fact, Conclusions of Law and Order (Order) approving for Cenex Pipeline, LLC (Cenex) a location for the construction, operation and maintenance of approximately 149.7 miles of 10-inch diameter refined petroleum products pipeline and associated facilities (Project) in Williams, Mountrail and Ward Counties, North Dakota, Case No. PU-17-97.

On July 11, 2018, Cenex filed a combined application to amend the March 14, 2018 Order, amend the corridor, and amend the route.

Also on July 11, 2018, Cenex filed an application for waivers of procedures and time schedules established under North Dakota Century Code chapter 49-22.1, and North Dakota Administrative Code section 69-06-01-02 and chapter 69-06-06, requesting a waiver of the public hearing requirement and publish a notice of opportunity for public hearing.

On August 1, 2018, the Commission issued a Notice of Filing and Opportunity for Hearing providing until September 14, 2018, for comments and requests for hearing.

The Notice identified the issues to be considered in the application for waiver of procedures and time schedules are:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects and that adherence to applicable procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice identified the issues to be considered in the consolidated application for an amended certificate of corridor compatibility and a route permit are:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

The Notice stated that, if determined that a waiver of procedures and time schedules is appropriate, the Commission may consider the application for a corridor certificate and route permit without further notice. The Notice stated that, if deemed appropriate, the Commission may determine the matter without a hearing.

On August 21, 2018, the North Dakota Department of Health filed comments regarding the proposed reroutes.

On August 30, 2018, the North Dakota State Water Commission filed comments regarding the proposed reroutes.

On September 14, 2018, Cenex filed a response to the comments of the North Dakota Department of Health and the North Dakota State Water Commission.

No requests for hearing were received.

Discussion

The Commission's March 14, 2018 Order issued Certificate of Corridor Compatibility Number 202 and Route Permit Number 212 for the Project.

Cenex proposes two route changes in Williams County requested by landowners. The first at Township 156N, Range 97W, Sections 33, 34, 35, and 36 and Township 156N, Range 96W, Sections 31 and 32; and the second at Township 155N, Range 102W, Sections 20,21, and 29.

The location, construction, and operation of the proposed facilities will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

The proposed facilities are compatible with the environmental preservation and the efficient use of resources.

The proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

The proposed project is of such design, location, and purpose that it will produce minimal adverse effects.

It is appropriate for the Commission to waive any procedures and time schedules as requested in the application.

Having considered this matter the Commission issues the following:

Order

The Commission Orders:

1. Cenex Pipeline, LLC's request to amend the Commission's March 14, 2018 Findings of Fact, Conclusions of Law and Order, certificate of corridor compatibility and route permit for the two route changes in Williams County is granted.
2. First Amended Certificate of Corridor Compatibility Number 202 is issued to Cenex Pipeline, LLC.
3. First Amended Route Permit Number 212 is issued to Cenex Pipeline, LLC.
4. All applicable provisions and requirements in the Commission's March 14, 2018 Findings of Fact, Conclusions of Law and Order in Case No. PU-17-97 continue to apply except where altered by this Order.

PUBLIC SERVICE COMMISSION



Brian Kroshus
Commissioner

"Recused"

Randy Christmann
Chairman



Julie Fedorchak
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**First Amended
Certificate of Corridor Compatibility Number 202**

This is to certify that the Commission has designated a transmission facility corridor for Cenex Pipeline, LLC for the construction, operation, and maintenance of approximately 149.7 miles of 10-inch inside diameter pipeline and associated facilities in Williams, Mountrail, and Ward Counties, North Dakota, for the transportation of refined petroleum products.


This Certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission dated March 14, 2018, and amended by the Order of the Commission dated September 26, 2018; in Case No. PU-17-97 and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, September 26, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

First Amended
Route Permit Number 212

This is to certify that the Commission has designated a transmission facility route for Cenex Pipeline, LLC for the construction, operation, and maintenance of approximately 149.7 miles of 10-inch inside diameter pipeline and associated facilities in Williams, Mountrail, and Ward Counties, North Dakota, for the transportation of refined petroleum products.

This Permit is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission dated March 14, 2018, and amended by the Order of the Commission dated September 26, 2018; in Case No. PU-17-97 and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, September 26, 2018.

ATTEST:

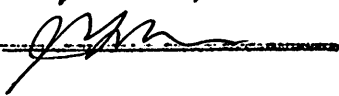
PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

APPROVED

DATE: Sept 26, 2018



MOTION

September 26, 2018

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

Case No. PU-17-97

I move the Commission adopt the Order on Amended Certificate of Corridor Compatibility and Route Permit in Cenex Pipeline, LLC, 10" Refined Fuels Pipeline Williams, Mountrail, Ward, Siting Application, Case No. PU-17-97.

PJF