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September 29, 2020

Via Electronic Mail

Mr. Patrick Fahn
Director, Public Utilities Division
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
pfahn@nd.gov
ndpsc@nd.gov

**In re: Notice of Noncompliance
Cenex Pipeline, LLC
Case Nos. PU-17-097 & PU-20-399
Our File No. 020836-000001**

Dear Mr. Fahn:

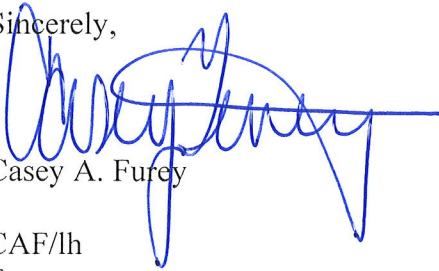
Cenex Pipeline, LLC (“Cenex”) is in receipt of your September 17, 2020 Notice of Noncompliance (“Notice”) regarding Cenex’s September 15, 2020 Amendment Application and corresponding filings filed as Docket No. 1 in PU-20-399. By way of summary and as explained in Cenex’s Amendment Addendum, the pipeline segment located along the Shell Creek crossing was installed utilizing horizontal directional drilling (“HDD”). Various constructability constraints (bore obstructions, rock formations, etc.) were encountered during HDD of this segment. To accommodate these constraints the pipeline segment was ultimately installed at depths greater than 65 feet below the bed of Shell Creek. Specific details regarding the segment’s construction are contained in pages 1 and 2 of the Amendment Application.

Upon review of the pipeline’s as-built shapefiles, a segment of the Shell Creek bore was identified as extending outside of the certificated corridor. On September 8, 2020, Cenex proactively notified the Commission that a route deviation appeared to have occurred during HDD of the Shell Creek crossing and that Cenex intended to file a route and corridor amendment to remedy the discrepancy. *See* PU-17-097, Docket No. 204. Although a portion of the bored segment extends beyond the approved corridor, no surface impacts occurred outside of the certificated corridor. The entry and exit holes utilized for HDD remained within the certificated corridor and along the approved route. The Amendment Application map, reattached hereto for reference, provides additional context for the above information.

The Notice requests that any supplemental information regarding the amendment be filed by October 12, 2020. Information pertaining to the circumstances prompting the filing and information regarding the amendment and corresponding supplemental environmental surveys is detailed at length within Cenex's Amendment Application. This information demonstrates that the route and corridor adjustment do not impact Commission Exclusion or Avoidance Areas, will produce minimal adverse effects, and that the amendment is consistent with the Commission's findings in PU-17-097. Supplemental cultural survey information is currently pending before the State Historic Preservation Office for concurrence and will be filed with the Commission as soon as it is received. Cenex respectfully submits that the information set forth in the Amendment Application and Cenex's good faith efforts to proactively notify the Commission and to timely remedy the deviation mitigates the procedural departure referenced in the Notice.

Please feel free to contact me with any questions.

Sincerely,



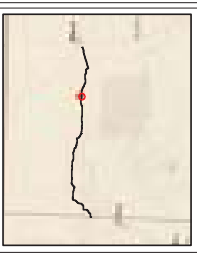
Casey A. Furey

CAF/lh
Enc.

cc: Kari Carter (via e-mail)
Robb Schwend (via e-mail)
Patrick Fahn (via e-mail)
Brian Johnson (via e-mail)

**Cenex Pipeline, LLC
Refined Fuels Pipeline**

**Route Changes
Outside of Corridor**



- Legend**
- Schools - 500' Avoidance
 - Missile Site - 1200ft Exclusion
 - Residential/Commercial Building - 500' Avoidance
 - Potential Dakota Skipper Habitat
 - Historical Landslide Area
 - Delineated Wetlands
 - PSC Corridor - June 2017
 - PSC Route - June 2017
 - As-Built Corridor - September 2020
 - As-Built Trench - September 2020
 - As-Built Bore Re-Route - September 2020

Bore Length: 2205 FT
 Re-Route Length Outside of PSC: 742 FT
 Furthest Distance to PSC: 75 FT

Exclusion & Avoidance

Scale: 1 inch = 215 feet
 Page 1 of 1
 Created Date: 04/2020
 Created By: AAJ

