

## MEMORANDUM

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To: Commissioners Fedorchak, Christmann and Kroshus  
From: Patrick Fahn, Director – Public Utilities Division  
Date: February 10, 2021  
Subject: Siting Compliance Enforcement in Case No. PU-17-97, Cenex Pipeline, LLC, 10" Refined Fuels Pipeline

The Commission's March 14, 2018 Findings of Fact, Conclusions of Law and Order designated a corridor and a route 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. See Case No. PU-17-97.

On September 8, 2020, Cenex filed with the Commission maps and GIS data for the pipeline location as built.

On September 15, 2020, Cenex filed with the Commission a combined application to amend the designated corridor and the designated route for the route change in Section 29, Township 155N, Range 89W, Mountrail County for approximately 742 feet of pipeline adjacent to and outside the designated corridor with the furthest offset distance being approximately 75 feet outside the designated corridor. See Case No. PU-20-399.

On September 17, 2020, Commission staff issued a Notice of Noncompliance stating a probable non-compliance of ND law by Cenex for failing to file, with the Commission, certifications and supporting documentation required under NDCC 49-22.1-15 before conducting construction activities associated with certain route adjustments.

On November 17, 2020, Cenex filed with the Commission a combined application to amend the designated corridor and the designated route in Williams County, Township 156, Range 98, Sections 35-36 where a segment of the pipeline was constructed outside the designated corridor, See Case No. PU-20-448.

Also in PU-20-448, Cenex requested to amend the designated corridor and the designated route where constructed pipeline segments deviated from the designated route by twenty-one (21) feet or more but within the designated 200-foot corridor at 20 locations. Cenex did not request to amend the designated corridor and the designated route where constructed pipeline segments deviated from the designated route by twenty (20) feet or less.

The Commission's February 3, 2021 Order granted Cenex's request in PU-20-399 and in PU-20-448 to amend the designated corridor and the designated route.

Unless I hear otherwise from a Commissioner, Staff will discontinue its investigation of the probable non-compliance of ND law by Cenex for failing to file, with the Commission, certifications and supporting documentation required under NDCC 49-22.1-15 before conducting construction activities associated with the route adjustments.