

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Pipeline Company, LLC
8-Inch Crude Oil Pipeline - Williams County
Siting Exclusion Certification

Case No. PU-17-246

ORDER GRANTING PROTECTION OF INFORMATION

May 1, 2019

On January 31, 2018, North Dakota Pipeline Company, LLC (NDPL) filed an application to protect confidential critical energy infrastructure information required by North Dakota Administrative Code Section 69-06-05- 01(2)(q), asserting the information is exempt from North Dakota Century Code Section 44-04-18. NDPL asserts the information qualifies as being exempt from public disclosure pursuant to North Dakota Century Code Section 44-04-24.

The application of NDPL seeks to protect from disclosure certain confidential information concerning critical energy infrastructure being filed with the North Dakota Public Service Commission (Commission) as part of its previously filed Certification for the relocation of segments of its existing 8-inch (Line 84) and 10-inch (Line 86) crude oil pipelines, located in Williams County, North Dakota (Project).

NDPL has filed a CD, which contains the detailed GIS data required by the Commission for the above-referenced Project in a sealed envelope labeled "PROTECTED INFORMATION - PRIVATE." See North Dakota Administrative Code Section 69- 02-09-02.

The information contained on the CD, and sought to be protected, includes detailed design information and aerial imagery, which shows the exact location of this Project and other existing energy infrastructure located within a close proximity of this Project. NDPL operates an interstate common carrier pipeline, which is considered critical energy infrastructure, as it plays an important role in the distribution of vital energy supplies to the refinery markets in the Midwest and beyond. The specific and detailed information contained on the CD would be of great benefit to anyone with a desire to disrupt the economy through an attack on this infrastructure, and thus, constitutes the treatment of Critical Energy Infrastructure.

Accordingly, distribution of detailed maps must be controlled and not released within the public domain without good cause shown.

The information contained on the CD also qualifies as being exempt from public disclosure pursuant to North Dakota Century Code Section 44-04-24.

North Dakota Century Code Section 44-04-24 provides exemption from public disclosure for,

[A]ll records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations or portions of any such plan relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity;

North Dakota Century Code Section 44- 04-24 (2)(b).

Critical infrastructure is defined to include:

"Public buildings, systems, including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, whether physical or virtual, so vital to the state that the incapacity or destruction of these systems would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters."

North Dakota Century Code Section 44-04-24(2)(a).

All of the information sought to be protected is detailed design information and imagery pertaining to what would be classified as critical infrastructure under both state law. If publically disclosed, it would provide detailed information on the precise location and design of the critical infrastructure potentially putting it at risk. Any persons seeking to disrupt the operation of the critical infrastructure would then have easily accessible information critical to implementing any such plan of disruption.

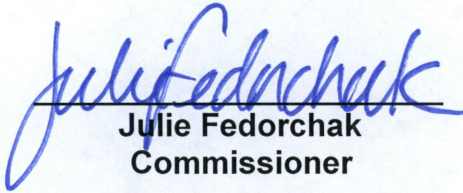
On April 1, 2019, staff reviewed the request of NDPL for protection of information. Staff believes that the application satisfies the requirements of the law that allows the Commission to grant protection of information in this proceeding.

Having reviewed the application and staff response, the Commission concludes NDPL's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

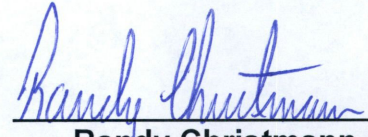
Order

The Commission orders the January 31, 2018, application of North Dakota Pipeline Company, LLC for protection of information GRANTED.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner