

August 6, 2021

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary/Director of Administration
North Dakota Public Service Commission
600 E Blvd Ave Dept 408
Bismarck, ND 58505-0480

**RE: Andeavor Field Services LLC
Case No. PU-18-072
8" and 6" NGL Pipelines
Billings, McKenzie, and Stark
Counties, North Dakota**

Dear Mr. Kahl:

On June 13, 2018, the North Dakota Public Service Commission ("Commission") issued its Findings of Fact, Conclusions of Law and Order in Case No. PU-18-072 ("Order") granting Andeavor Field Services LLC ("Andeavor") Certificate of Corridor Compatibility Nos. 205, 206, 207 and Route Permit Nos. 215, 216, 217 for (i) an eight-inch (8") natural gas liquids pipeline approximately 17-miles long located in McKenzie County ("North Segment"), (ii) an eight-inch (8") natural gas liquids pipeline approximately 22-miles long in Billings and Stark Counties ("South Segment"), and (iii) four separate six-inch (6") liquids product pipelines each approximately 5 miles long in Stark and Billings Counties, North Dakota (each a "Transfer Line Segment") (collectively, the "Project"). On September 25, 2020, the Commission issued a Notice of Noncompliance – Supplement ("Notice"), which alleges that Andeavor failed to file with the Commission certifications and supporting documentation regarding certain route adjustments for the Project.

Andeavor has reviewed the Notice, its Consolidated Application for a Certificate of Corridor Compatibility and Route Permit submitted for the for the Project ("Application"), the Order, the as-built surveys for the Project, and certain supplemental filings made with the Commission in this case and has determined the following:

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Response to 25 Sept. 2020 Notice of Noncompliance
Andeavor Field Services LLC
Lawrence Bender, Fredrikson&Byron, P.A.

1. In its Order, the Commission approved the corridors and alternate corridors designated on Appendix A to Hearing Exhibit 1 (each a “Designated Corridor” and collectively, the “Designated Corridors”). The alternate corridors are identified on Figure 1-3 (North Segment), Figure 2-6 (South Segment) and Figures 3-1 and 3-2 (Transfer Line Segment) of Appendix A to Hearing Exhibit 1. *See* **Exhibit 1**. Since the alternate corridors were requested in Andeavor’s original Application and approved by the Commission in its Order, such corridors are “Designated Corridors,” and Andeavor was not required to file reroute certifications for those route adjustments located within Designated Corridors.

2. In addition to the alternate corridors set forth above, the as-built surveys for the Project revealed a total of four (4) route deviations located outside of the Designated Corridor and one (1) route deviation located within the Designated Corridor. Maps of the Designated Corridor for the Project overlaid by the as-built surveys for the Project are attached hereto as **Exhibit 2** and clearly set forth the five (5) route deviations.

3. On April 12, 2021, Andeavor filed a certification (“Certification”) regarding two (2) of the five (5) route deviations identified above, one to the North Segment and one to the South Segment. *See* Docket No. 88, Case No. PU-18-072. The North Segment deviation is located in Sections 15, 21 and 22, Township 149 North, Range 98 West and is identified on Exhibit A to Andeavor’s Certification. This deviation is one of the alternate routes within the Designated Corridor. The South Segment deviation is located in Section 34, Township 141 North, Range 99 West and Section 6, Township 140 North, Range 99 West and is identified on Exhibit B to Andeavor’s Certification. *See* Exhibit 2, pp. 31 and 32. Accordingly, there are only three (3) route deviations of which the Commission has not yet addressed.

4. The first route deviation which the Commission has not addressed (“First Deviation”) is located in Section 3, Township 142 North, Range 99 West. *See* Exhibit 2, p. 19; *see also* **Exhibit 3**, Certification of Darren Snow (“Snow Certification”), ¶ 6. The total length of the portion of the First Deviation located outside of the Designated Corridor is ninety-seven (97) feet. Snow Certification, ¶ 7. The First Deviation is entirely located within the one mile study corridor identified in Andeavor’s Application. *Id.*, ¶ 14.

5. The second route deviation which the Commission has not addressed (“Second Deviation”) is located in Section 34, Township 142 North, Range 99 West. *See* Exhibit 2, p. 25; *see also* Snow Certification, ¶ 8. The Second Deviation is approximately three (3) feet outside of the Designated Corridor; however, it may be within the Designated Corridor considering the margin of error for the GIS data. Snow Certification, ¶ 10. The total length of the portion of the Second Deviation located outside of the Designated Corridor is twenty-nine (29) feet. *Id.*, ¶ 9. The Second Deviation is entirely located within the one-mile study corridor identified in Andeavor’s Application. *Id.*, ¶ 14.

6. The third and final route deviation which the Commission has not addressed (“Third Deviation”) is located in Sections 10 and 11, Township 139 North, Range 100 West. *See* Exhibit 2, pp. 47 and 48; *see also* Snow Certification, ¶ 11. This so-called route deviation is more in the nature of an extension of the pipeline than a deviation. In Andeavor’s Application, the pipeline ended at a point identified as the location of a proposed rail loading facility. After construction began, the proposed rail loading facility was moved to another location nearby. The extension of this segment of the pipeline beyond the Designated Corridor is located entirely on property owned by Andeavor, is less than one mile in length, and located entirely within the one-mile study corridor for the Project. Snow Certification, ¶¶ 13 and 14.

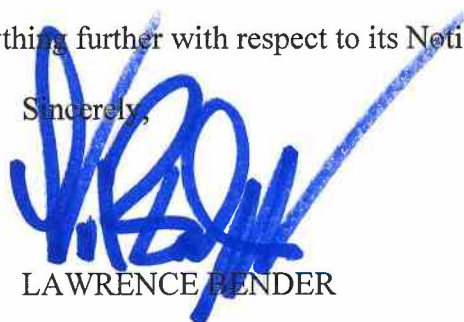
7. As set forth in Andeavor’s Application and the Certification of Darren Snow attached hereto, there are no known exclusion or avoidance areas identified within the one-mile study corridor for the Project and thus no known exclusion or avoidance areas were affected by the foregoing route deviations and associated construction activities. *Id.*, ¶ 15. At the request of Andeavor, Carlson McCain, Inc. has analyzed the as-built surveys in relation to the environmental and cultural survey corridors for the Project and concluded that “the as-constructed route is within the survey corridor(s) and there are no changes to the Exclusion Area and Avoidance Area criteria.” *Id.*, ¶ 18.

8. Based upon knowledge and belief, no owner of real property on which any of the foregoing adjustments are located and no applicable governmental entity with an interest in the same adjustment areas oppose the adjustments. *Id.*, ¶ 20.

Based on the foregoing and the attached Snow Certification, Andeavor submits that it has substantially complied with all rules, regulations, and orders of the Commission with respect to the Project and requests that the Commission issue an order certifying the route adjustments set forth in Andeavor’s Certification and the attached Snow Certification. Andeavor will continue to comply with the Commission’s orders, laws, and rules designating the corridor and designating the route for the Project. *Id.*, ¶ 19.

Should the Commission require anything further with respect to its Notice, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures

Cc: Andeavor Field Services LLC (via e-mail)

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