



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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October 28, 2021

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RE: Case No. PU-18-72, Andeavor Field Services LLC, 8" & 6" NGL Pipelines  
– McKenzie, Billings, Stark Counties

On September 25, 2020, the Commission issued a Notice of Noncompliance – Supplement stating that several portions of the as-built route for the project do not coincide with the route designated by the Commission's June 13, 2018 Findings of Fact, Conclusions of Law and Order, and alleging that Andeavor Field Services LLC is in noncompliance with by failing to file with the Commission certifications and supporting documentation required under North Dakota Century Code section 49-22.1-15 before conducting construction activities associated with the route adjustments.

Your October 26, 2021, letter states that Andeavor reviewed the as-built maps and, due to the large number of route adjustments, the Company will submit an application to amend the Commission's June 13, 2018, Order to provide that the current location of the pipeline, as shown on the as-built drawings, be designated as the route; with the corridor designated as overlapping the route an equal distance on either side of the center line of the as-built pipeline.

Due to the extensive amount of time that has lapsed since the September 25, 2020, Notice of Noncompliance – Supplement, Commission Staff asks that Andeavor submit the application to amend the Commission's June 13, 2018, Order by November 30, 2021, to avoid further action due to noncompliance.

N.D.C.C. 49-22-21(3) states:

3. Any person who willfully engages in any of the following conduct is subject to a civil penalty of not to exceed ten thousand dollars for each such violation for each day the violations persist, except that the maximum penalty may not exceed two hundred thousand dollars for any related series of violations:
  - a. Begins construction of an electric energy conversion facility or an electric transmission facility without having been issued a certificate or permit pursuant to this chapter.


- b. Constructs, operates, or maintains an electric energy conversion facility or an electric transmission facility other than in compliance with the certificate or permit and any terms, conditions, or modifications contained therein.
- c. Violates any provision of this chapter or any rule adopted by the commission pursuant to this chapter.
- d. Falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to a certificate or permit issued pursuant to this chapter.

The civil penalty provided for in this subsection may be compromised by the commission. The amount of the penalty when finally determined or agreed upon in compromise must be deposited in the general fund and, if not paid, may be recovered in a civil action in the courts of the state.

In addition to the civil penalty the Commission may impose, the Site Certificate for the Project could be suspended or revoked for operation in violation of N.D.A.C.

Please feel free to contact me with any questions.

Best regards,



Patrick Fahn

Director, Public Utilities Division