

**BEFORE THE NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Andeavor Field Services LLC  
8" & 6" NGL Pipeline - McKenzie, Billings, Stark  
Siting Application**

**Case No. PU-18-72**

**Preliminary Statement**

This Consent Agreement is entered into by and between Andeavor Field Services LLC ("Andeavor") and the Public Service Commission Advocacy Staff ("Staff") (together, the "Parties") for resolution of Staff's January 13, 2020 Notice of Noncompliance and September 25, 2020 Notice of Noncompliance Supplement issued to Andeavor in Case No. PU-18-72 (the "Matter") concerning pipeline construction violations and failure to file construction progress reports.

**Route Adjustment Statute**

North Dakota Century Code ("N.D.C.C.") Section 49-22.1-15.4(3) states:

4. Before or during construction, a utility may adjust the route of a gas or liquid transmission line outside the designated corridor that may affect an avoidance area if, before conducting any construction activities associated with the adjustment, the utility:
  - a. Files with the commission certification and supporting documentation that:
    - (1) The construction activities will not affect any known exclusion areas;
    - (2) The construction activities are expected to impact an avoidance area with a specific description of the avoidance area expected to be impacted;
    - (3) The utility has good cause and a specific reason to impact the avoidance area, and a reasonable alternative does not exist;
    - (4) The route outside the corridor is no longer than one and one-half miles [2.41 kilometers];

- (5) The utility will comply with the commission's order, laws, and rules designating the corridor and designating the route; and
  - (6) Each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment.
- b. Files detailed field studies indicating exclusion and avoidance areas for an area encompassing the route outside the designated corridor equal to the length of the adjustment of the proposed corridor.

***Certificate of Site Compatibility - Y- Grade Pipeline***

On June 13, 2018, the Commission issued its Findings of Fact, Conclusions of Law and Order (Order) in Case No. PU-18-72 and issued Certificate of Corridor Compatibility Nos. 205, 206 and 207, and Route Permit Nos. 215, 216 and 217 to Andeavor for the location of a natural gas liquids pipeline approximately 17-miles long in McKenzie County; for a natural gas liquids pipeline approximately 22-miles long in Billings and Stark Counties, and for four liquids product pipelines, each approximately 5-miles long, in Stark and Billings Counties, North Dakota (the Project).

On October 29, 2019, following completion of the construction of the Project, Wenck Associates, Inc., the Commission's third-party construction inspector, filed an As- Built Inspection Report determining that the Project deviated from the route designated by the Commission at four locations. In addition, the report stated that Andeavor did not file with the Commission certificates and supporting documents required under NDCC 49- 22.1-15 for the four route adjustments and as well as certain permits prior to construction. Finally, Andeavor did not keep the Commission and the Commission's third-party construction inspector updated on construction activities of the Project on a monthly basis.

On January 13, 2020, Commission staff issued a Notice of Noncompliance

to Andeavor Field Services LLC based on Wenck Associates, Inc.'s report referenced above.

On September 25, 2020, Commission staff issued a Notice of Noncompliance- Supplement to Andeavor Field Services LLC after receiving late filings of as-built maps as well as GIS versions. Commission staff affirmed that the as-built route does not coincide with the route designated by the Commission's June 13, 2018 Findings of Fact, Conclusions of Law and Order. Commission staff also affirmed that Andeavor failed 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.

On November 19, 2021, Andeavor filed with the Commission a consolidated combined application requesting that the Commission amend its June 13, 2018, Order and issue amended Certificate of Corridor Compatibility Nos. 205, 206 and 207, and Route Permit Nos. 215, 216 and 217 to Andeavor designating the corridors and route for the Project to match the corridors and routes for the Project as it was ultimately constructed.

On June 6, 2022, The Commission issued an order amending the Certificate of Corridor Compatibility Nos. 205, 206, and 207 and Route Permits Nos. 215, 216 and 217.

#### ***Terms of Consent Agreement***

Andeavor and Staff engaged in good faith settlement discussions regarding this Matter resulting in this Consent Agreement. Having agreed that settlement of this Matter will avoid further administrative proceedings or litigation and that entry

of this Consent Agreement is the most appropriate means of resolving this Matter, the Staff and Andeavor agree on the following terms, subject to the approval and acceptance of the Commission:

Staff and Andeavor agree to settle the Matter on the following terms:

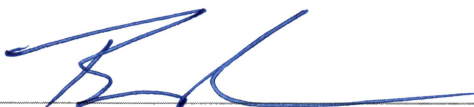
1. Subject to the provisions of this Agreement, Andeavor agrees to a civil penalty, payable to the North Dakota Public Service Commission, of \$50,000 for not complying with the route adjustment statute as well as failure to provide the required permits and monthly progress reports.
2. There are no covenants, promises, undertakings, or understandings related to the resolution of the Matter other than those specifically set forth in this Agreement and Order.
3. This agreement may be executed in counterparts and duplicate copies, each which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
4. The undersigned on behalf of Andeavor is authorized to act on behalf of Andeavor and bind Andeavor for purposes of this Consent Agreement and knows and fully understands the content and effect of this Consent Agreement.



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Edward Cimaroli  
Vice President, G&P West Operating Region  
Marathon Petroleum Company LP

Dated this 3<sup>RD</sup> day of NOVEMBER, 2022.



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Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission

Dated this 14<sup>th</sup> day of November, 2022.