

From: efilingmail@tylerhost.net
To: [Hamre, John G.](#)
Subject: Filing Accepted for Case: 08-2018-CV-02937; Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3293150
Date: Friday, February 01, 2019 8:23:39 AM

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Filing Accepted

Envelope Number: 3293150

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and
Policy Center, et al. vs. North Dakota
Public Service Commission, et al.



The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-02937
Case Style	Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.
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Filed By	John Hamre
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 1 Supporting Exhibit H.pdf
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EXHIBIT H:

**March 1, 2017 letter from PSC to
Meridian**



Public Service Commission State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

March 1, 2017

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Lawrence Bender
Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, North Dakota 58501-1215

Subject: Meridian Energy Group, Inc. – Davis Refinery

Dear Mr. Bender:

This letter concerns current plans for the Davis Refinery in Billings County, North Dakota. Your July 20, 2016 letter indicates that Fredrikson & Byron, P.A. represents Meridian Energy Group, Inc. and has been advising Meridian with respect to various permits required from state and local governmental entities prior to construction of a refinery. Your letter stated that, at the time of your letter, there was no design in existence nor plans by Meridian to propose a design capable of refining more than twenty seven thousand five hundred (27,500) barrels per day of oil and that, consequently, Meridian did not intend to file an application with the Commission for a certificate of site compatibility for the proposed refinery.

Since the time of your letter, the Commission has received information that Meridian's application to the State Water Commission for a Water Appropriation Permit is based on a facility capable of refining 55,000 barrels per day of oil. Further, Meridian's applications to the North Dakota Department of Health for the construction of a new crude oil refinery are based on a facility with a nominal processing capacity of fifty five thousand (55,000) barrels per day.

Since Meridian is filing applications with other state agencies for permits based on a facility that can refine up to 55,000 barrels per day of oil, and since an oil refinery of that capacity is jurisdictional to the Commission for siting under North Dakota Century Code chapter 49-22, it appears that the proposed refinery is jurisdictional under the siting law. Please let us know whether Meridian agrees and if so, when we can expect an application. If Meridian does not agree that the Davis Refinery is jurisdictional under the siting law, please provide specific information and justification for that conclusion.

Best regards

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn
Director, Public Utilities Division