

**From:** [efilingmail@tylerhost.net](mailto: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: 3293181  
**Date:** Friday, February 01, 2019 8:50:29 AM

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## Filing Accepted

Envelope Number: 3293181  
 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	
<b>Court</b>	Burleigh County - South Central District
<b>Case Number</b>	08-2018-CV-02937
<b>Case Style</b>	Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.
<b>Date/Time Submitted</b>	1/31/2019 5:49 PM CST
<b>Date/Time Accepted</b>	2/1/2019 8:49 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 25 Record Addition 1 email and letter
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	John Hamre
<b>Filing Attorney</b>	Illona Jeffcoat-Sacco

Document Details	
<b>Lead Document</b>	CR Exhibit 25 Record Addition 1 email and letter.pdf
<b>Lead Document Page Count</b>	6
<b>File Stamped Copy</b>	<a href="#">View Stamped Document</a>

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<https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=2789b93c-7f51-4b35-8ba8-275f82acc223>

For technical assistance, contact your service provider or  
North Dakota Court's Information Technology Department 701-328-4218  
Please do not reply to this email. It was automatically generated.

08-2018-CV-02937

**Jeffcoat-Sacco, Illona**

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**From:** Schuh, John M.  
**Sent:** Thursday, September 20, 2018 5:01 PM  
**To:** jj@baumstarkbraaten.com; sstrand@elpc.org; rgranneman@elpc.org; Bender, Lawrence; Patrick Ward  
**Cc:** Jeffcoat-Sacco, Illona  
**Subject:** Case No. PU-18-223 Record Addition

All,

I saw most of you were in attendance at the last work session. For those who weren't in attendance, the Commission discussed moving the previously gathered correspondence and recorded meeting with the Company (some of which has been referenced by both parties) into the case record. The following two emails have links that should allow you to download the correspondence in pdf form and the meeting in audio.

The purpose of this email is to provide the opportunity of parties to respond to this action.

Let me know if there are any questions or if the links are no longer working.

Thanks,

**John M. Schuh**  
**Special Assistant Attorney General**  
**North Dakota Public Service Commission**  
**600 E Boulevard Dept. 408**  
**Bismarck, ND 58505**  
**701.328.2421**

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**Jeffcoat-Sacco, Illona**

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**From:** Schuh, John M.  
**Sent:** Thursday, September 20, 2018 5:03 PM  
**To:** jj@baumstarkbraaten.com; sstrand@elpc.org; rgranneman@elpc.org; Bender, Lawrence; Patrick Ward  
**Cc:** Jeffcoat-Sacco, Illona  
**Subject:** Invitation to Download a File

John G. Hamre from the Public Service Comm. has invited you to download a file named copy of Electronic record of 19 Dec. 2017 informational meeting.mp3. The description of the file is as follows: copy of Electronic record of 19 Dec. 2017 informational meeting.

You can download the file using the following link: <https://apps.nd.gov/itd/filetransfer/downloadByInvitation.htm?id=1-03a3e32e9a36024115f369991ce294dd>.

PU-18-223 ELPC & DRC v. Meridian Energy Grp. Energy Conversion Facility Davis Refinery Complaint Audio recording

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For security reasons, please do not forward this email to other persons. Doing so may allow unauthorized persons the ability to download the file as well.

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**Jeffcoat-Sacco, Illona**

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**From:** Schuh, John M.  
**Sent:** Thursday, September 20, 2018 5:02 PM  
**To:** jj@baumstarkbraaten.com; sstrand@elpc.org; rgranneman@elpc.org; Bender, Lawrence; Patrick Ward  
**Cc:** Jeffcoat-Sacco, Illona  
**Subject:** Invitation to Download a File

John G. Hamre from the Public Service Comm. has invited you to download a file named Documents from I-Case re Davis Refinery.pdf. The description of the file is as follows: Documents from I-Case re Davis Refinery and the copy of Electronic record of 19 Dec. 2017 informational meeting.

You can download the file using the following link: <https://apps.nd.gov/itd/filetransfer/downloadByInvitation.htm?id=1-ab92f8b8b64d5252479c20b6598a2a94>.

PU-18-223 ELPC & DRC v. Meridian Energy Grp. Energy Conversion Facility  Davis Refinery Complaint

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For security reasons, please do not forward this email to other persons. Doing so may allow unauthorized persons the ability to download the file as well.

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**Hamre, John G.**

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**From:** Fahn, Patrick J.  
**Sent:** Thursday, July 21, 2016 11:03 AM  
**To:** Fedorchak, Julie L.; Christmann, Randel D.; Kalk, Brian P.  
**Cc:** Schuh, John M.; Jeffcoat-Sacco, Illona; Hamre, John G.  
**Subject:** FW: Meridian Energy Group, Inc. - Billings County Refinery Letter  
**Attachments:** Meridian - LT Pat Fahn re Billings County Oil Refinery-c.pdf

I am forwarding this email from Fredrikson & Byron, with letter attached, providing information on the capacity of the proposed Davis Refinery in Billings County. Lawrence Bender states that the refinery is being designed to be capable of refining 27,500 barrels of oil per day and that, at this time, there is no design in existence nor plans to propose a design for more than 27,500 barrels. The letter indicates that an addition to the refinery would be required to result in a facility to refine more than 50,000 barrels per day.

The letter will be kept in an I-case.

Patrick Fahn

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**From:** Hughes, Bethany [mailto:BHughes@fredlaw.com]  
**Sent:** Wednesday, July 20, 2016 1:11 PM  
**To:** Fahn, Patrick J. <pfahn@nd.gov>  
**Cc:** twilliams@meridianenergygroupinc.com; Nitschke, Darrell D. <dnitschk@nd.gov>  
**Subject:** Meridian Energy Group, Inc. - Billings County Refinery Letter

Mr. Fahn,

Please see the attached letter.

Thanks,

Bethany Hughes  
Legal Secretary  
Fredrikson & Byron, P.A.  
1133 College Drive  
Suite 1000  
Bismarck, ND 58501  
Phone: 701-221-8641  
Fax: 701-221-8750

*\*\*This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (701) 221-8700. The name and biographical data provided above are for informational purposes only and are not intended to be a signature or other indication of an intent by the sender to authenticate the contents of this electronic message.\*\**

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July 20, 2016

**VIA EMAIL**

Mr. Patrick Fahn  
ND Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505

**RE: Meridian Energy Group, Inc. – Billings  
County Refinery**

Dear Mr. Fahn:

This firm represents Meridian Energy Group, Inc. (“Meridian”) with respect to its plans to construct an oil refinery in Billings County, North Dakota. In that regard, we have been advising Meridian with respect to the various permits which are required from state and local governmental entities prior to construction of refinery.

As you know, North Dakota’s Energy Commission and Transmission Facility Siting Act, codified as Chapter 49-22 of the North Dakota Century Code, grants the Public Service Commission (“PSC”) the authority to regulate the siting of energy conversion and transmission facilities to be located and constructed in the state. With regard to refineries, the PSC has jurisdiction over the siting of “energy conversion facilities” that are designed for or are capable of “refining fifty thousand [50,000] barrels or more of liquid hydrocarbon products per day.” NPCC § 49-22-03(5).

In your recent telephone conversation with representatives of Meridian, we are advised that you have questioned whether the plans of Meridian are for a facility that will be capable of refining 50,000 barrels or more of oil and if Meridian intends to make application to the PSC for siting the facility under Chapter 49-22. Please be advised that at this time Meridian is designing its refinery to be capable of refining twenty seven thousand five hundred (27,500) barrels per day. Further, at this time, there is no design in existence nor plans to propose a design for more than 27,500 barrels. This is not to suggest that in the future an addition to the facility will never

Attorneys & Advisors  
main 701.221.8700  
fax 701.221.8750  
fredlaw.com

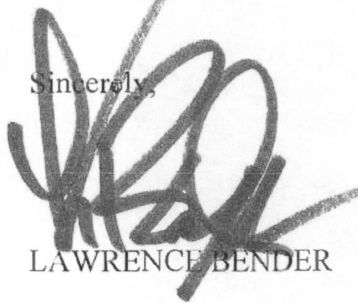
Fredrikson & Byron, P.A.  
1133 College Drive, Suite 1000  
Bismarck, North Dakota  
58501-1215

July 20, 2016  
Page 2

be considered. Neither is this to suggest that Meridian has not had conversations and discussions with others, both private and public, that sometime in the future Meridian may propose an addition to the proposed refinery that will result in a facility greater than 50,000 barrels per day. Nonetheless, at the present time the facility is being designed and contemplated to be constructed at a capacity of 27,500 barrels of oil per day. As such, Meridian is not required to, nor does it have any intention of, making an application for a certificate of site compatibility for the proposed refinery.

Should you have any further questions with regard to Meridian proposed refinery, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read 'LB', is written over the word 'Sincerely,'. The signature is stylized and somewhat illegible.

LAWRENCE BENDER

LB/sr

cc: Tom Williams (via email)  
Darrell Nitschke (via email)

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