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**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: 3293204  
**Date:** Friday, February 01, 2019 9:08:56 AM

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## Filing Accepted

Envelope Number: 3293204

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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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 6:58 PM CST
<b>Date/Time Accepted</b>	2/1/2019 9:08 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	CR Exhibit 25 Record Addition 14 public input
<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 14 public input.pdf
<b>Lead Document Page Count</b>	2
<b>File Stamped Copy</b>	<a href="#">View Stamped Document</a>

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08-2018-CV-02937

December 12, 2017

Via Email & U.S. Mail

Patrick Fahn  
Director, Public Utilities Division  
Public service Commission  
State of North Dakota

Dear Mr. Fahn:

I am sending this to you to comment on the attempt of Meridian Energy to slip under the PSC review of the site compatibility of the proposed refinery located in Billings County near Theodore Roosevelt Park and Belfield, ND. Reviewing the facts I have read and heard first hand, concerning the statements that Meridian Energy has made no plans to propose a design for a refinery for more than 27,500 barrels a day are misleading lies.

Having been at the public meetings and meet and greets that has been hosted by Meridian Energy, they have continually stated "the refinery will be a 55,000 plus barrel per day refinery". That comment was also said to the attendees at the Belfield theater meet and greet. In their investment packet sent to prospective investors , "it states specifically that the refinery will be a 55,000 plus barrel per day operation", on the radio, in meetings with the county commissioners, it goes on and on. Meridian Energy touts the refinery would, refine 55,000 plus barrels per day, starting with the first stage at 27,500 and increasing to 55,000 plus barrels a day in the second stage. They, Meridian Energy, submitted a water permit seeking a water allocation for a 55,000 plus barrel per day refinery. In the last radio interview on the Crude Life with Jason Spiess, Mr. Prentice's stated that the refinery would be "50,000 barrels per day or just a little under that amount ". That statement now is being made because they have realized they must be 50,000 or under to slip under the law and avoid the ND PSC review. The magic 49,500 barrels per day number did not exist and is a direct result to bypass the North Dakota PSC law. These above statements are not just beliefs or off the wall conjectures but are in black and white print and have been recorded on the radio and at the public gatherings.

The Public Service Commission should review the site for this refinery no ifs ands or buts, period. Even if Mr. Prentice, who quotes on Wday with Rob Port, "that the refinery should not cause any concerns as it is the same as if they were to build a Taco Bell in that area", is a propaganda lie. Disagreement with that absurd statement is mute, as this refinery will adversely affect not only the elderly citizens residing near the proposed site, but the area as a whole, which includes a National park. One of many reasons why I am saying it will adversely affect the area is that in Meridian Energies PTC application it was indicated that the refinery would be serviced by rail and pipeline, but, the April amended PTC permit removed the rail service and with no pipeline available, the truck traffic would be increased to 170 trucks per day. That huge increase on the public roads and interstate 94 would adversely affect traffic as the trucks will have to travel through Belfield on highway 85 or highway 10 or will clog the

Fryburg exit off interstate 94. Also, the toxic air pollution this refinery will emit out into the area will cause health problems. Even though Mr. Prentice touts "it will be the cleanest refinery in the world" it will not be a good neighbor no matter how much propaganda Meridian Energy is trying to shove down the throats of the citizens of western North Dakota.

In conclusion, having studied the purpose of the Public Service Commission's mandate, I can't see how the PSC can do a review of the compatibility of the refinery or any other project after it is already constructed? With this refinery project, once the phase one construction is completed, the damage is done and the PSC review on phase two is worthless. The Public Service Commission is set up to protect all of the public, not just the individuals that are pushing the project because they will make money from it. So, I humbly request that the PSC does its job.

Respectfully,

Kevin Uttech  
701-523-6452

Cc: Juli Fedorchak PSC