

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

Belle Fourche Pipeline Company
6-inch Pipeline Conversion Project
Stark County
Siting Application

Case No. PU-18-405

**APPLICATION OF BELLE FOURCHE PIPELINE COMPANY
FOR A WAIVER AND/OR REDUCTION OF
PROCEDURES AND TIME SCHEDULES**

I. Introduction

Belle Fourche Pipeline Company (“Belle Fourche”) submits to the North Dakota Public Service Commission (“Commission”) this Application for Waiver in connection with Belle Fourche’s submission of the Amended Consolidated Application for Certificate of Corridor Compatibility and Route Permit (“Amended Application”) for the conversion of an approximately 4-mile-long, 6-inch existing crude oil gathering pipeline, located in Stark County, North Dakota, to a transmission line (“6-inch Conversion Project”). This Application for Waiver is for a waiver or reduction of procedures and time schedules set forth in North Dakota Century Code Chapter 49-22.1 (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code.

The Siting Act permits a utility to make an application to the Commission “for a waiver of any of the procedures or time schedules set forth in [the Siting Act] or in the rules adopted pursuant to [the Siting Act].” N.D.C.C. § 49-22.1-05. Therefore, Belle Fourche requests that the Commission waive any applicable hearing requirements and proceed by issuing notice of opportunity for hearing on Belle Fourche’s Application for Waiver and Amended Application (collectively, the “Applications”). For the reasons and information set forth in this Application for Waiver, and as contained in the Amended Application, incorporated by reference herein, good cause exists for granting Belle Fourche’s request.

II. Background

Belle Fourche submitted to the Commission a Consolidated Application for Certificate of Corridor Compatibility and Route Permit for the Skunk Hill to Dickinson Prairie Refinery (“DPR”) Pipeline Conversion Project for an existing approximately 18-mile pipeline located in Billings, Stark, and Dunn Counties, North Dakota (“Original Project”) filed as Docket No. 1 in Case No. PU-18-405 (“Original Application”).

On May 1, 2019, the Commission issued Notice of Filing and Public Hearing noticing a public hearing for June 10, 2019 on the Original Application. On June 10, the public hearing was held as scheduled.

On January 24, 2020, Belle Fourche filed a Notice of Intent to Amend the Original Application. The Notice stated that Belle Fourche intends to decommission a 14-mile segment of the Original Project, specifically the segment that extends from Skunk Hill Pump Station to Dickinson Station, and to withdraw this 14-mile segment from the Original Application.

On February 24, 2020, in conjunction with this Application for Waiver, Belle Fourche filed the Amended Application. The Amended Application consists of the remaining 4-mile segment of the Original Project that extends from Dickinson Station to DPR. The Amended Application contains information previously submitted to the Commission in the Original Application and narrows the scope of the information as it specifically applies to the remaining 4-mile segment of the Original Project. Because the 4-mile segment remains as it was presented in the Original Application, information previously submitted to the Commission and presented at hearing remains applicable to the Amended Project and no new studies, surveys, or agency consultation are necessary.

III. Waiver Request

Belle Fourche respectfully requests that the Commission issue notice of opportunity for hearing on this Application for Waiver. The Siting Act expressly states that notice of opportunity for hearing may be issued on an application for waiver in lieu of holding a public hearing. “The [C]ommission is not required to hold a public hearing on an . . . application for a waiver of procedures and time schedules, but shall publish a notice of opportunity for a public hearing . . .” in each county where the proposed facility is located. N.D.C.C. § 49-22.1-05.

The Commission previously noticed and held a public hearing on the Original Application, which wholly included the 4-mile segment extending from Dickinson Station to DPR contained within the Amended Application. Therefore, Belle Fourche requests that the Commission waive public hearing on the Amended Application and issue notice of opportunity for hearing. *See*, N.D.C.C. §§ 49-22.1-06(5), 49-22.1-07(5), 49-22.1-10 (providing for public hearing on applications for sites and corridors); *but, see*, N.D.C.C. § 49-22.1-05 (allowing applicants to request waiver of any of the procedures set forth in the Siting Act). The Amended Application does not materially change the scope of authority that Belle Fourche sought from the Commission in its Original Application. Because the Amended Application withdraws a portion of the Original Application, and consists of the remaining four-mile segment of the Original Project from Dickinson Station to DPR, no new studies, surveys, or agency consultation are necessary, and the information, testimony, evidence, and public comment presented to the Commission at the June 10 public hearing remains applicable.

Issuance of notice of opportunity for hearing on the Amended Application is warranted and reduces the duplication and dedication of resources. *See*, N.D.C.C. § 49-01-07 (providing the Commission with broad authority in all cases to conduct its proceedings in a manner most

conducive to the proper dispatch of business and to the ends of justice). The Commission's prior notice of hearing included the 4-mile segment contained in the Amended Application and the public was afforded the opportunity to provide comment at the June 10 public hearing. Belle Fourche has already provided testimony and submitted evidence to the Commission regarding the 4-mile segment. For the reasons set forth herein, good cause exists for the Commission to issue notice of opportunity for hearing on the Amended Application.

North Dakota Administrative Code § 69-06-06-01(2), sets forth the contents of an Application for Waiver which are referenced below and discussed in more detail within the Amended Application, incorporated herein.

1. Type and Product. The 6-inch Conversion Project consists of an existing underground dual purpose crude oil gathering system that originates at Dickinson Station and terminates at an interconnection with DPR. *See*, Amended Application, Section 1.1.
2. Size & Design. *See*, Amended Application, Sections 1.2.
3. Location and Service Area. The 6-inch Conversion Project is 4 miles located in Stark County, North Dakota. And transports crude oil from Dickinson Station connection near Dickinson, North Dakota to the DPR. *See*, Amended Application, Section 1.1; *see, also*, Amended Application, Exhibit A (map).
4. Time Schedule. Belle Fourche simultaneously submits its Amended Application to the Commission in February 2020 and respectfully requests that the Commission issue notice of opportunity for hearing on the Amended Application at its earliest convenience.
5. Future Expansion Plans. At this time, Belle Fourche has no plans to expand the 6-inch Conversion Project.
6. Need. The 6-inch Conversion Project utilizes existing infrastructure to provide needed capacity to transport increased petroleum from western North Dakota where oil production is expected to increase until 2025. The 6-Inch Conversion Project routes crude oil for delivery to DPR. *See*, Amended Application, Sections 2.2 and 4 for additional discussion regarding need and an analysis of project alternatives.
7. Estimated Cost. *See*, Amended Application, Sections 2.14.

IV. Justification

As demonstrated by the Amended Application and as summarized herein, Belle Fourche's requests for waivers and reductions of procedures and time schedules and the issuance of an order, corridor certificate, and route permit are justified. The proposed 6-inch Conversion Project utilizes existing infrastructure and is of such design, location, and purpose that it will produce minimal

