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July 24, 2019

Via Hand Delivery and Electronic Mail

Mr. Patrick Fahn
Director, Public Utilities Division
North Dakota Public Service Commission
600 East Boulevard, Dep. 408
Bismarck, ND 58505-4850
ndpsc@nd.gov

**RE: ONEOK Rockies Midstream, L.L.C.
Bear Creek Gas Plant Expansion
Dunn County
Case No. PU-19-283
Our File No. 072530-000016**

Dear Mr. Fahn:

This letter is in response to your letter of July 22, 2019. Initially, as the Commission is well aware, additional gas processing capacity and related infrastructure is desperately needed in western North Dakota to minimize the flaring of natural gas. ONEOK Rockies Midstream, L.L.C. (“ONEOK”) believes that an additional processing train at the Bear Creek Gas Plant is necessary to help meet that need. ONEOK has determined that it is necessary to begin site preparation activities by September 1, 2019 or substantial additional delays will result. Accordingly, ONEOK respectfully requests that the Commission take all reasonable actions to allow ONEOK to meet that deadline.

With respect to the current certificated capacity of the Bear Creek Gas Plant, we do not agree that an amendment of Certificate No. 55 or the underlying Order is necessary to allow construction to commence. Pursuant to Section 49-22.1-04 of the North Dakota Century Code, a “utility may not begin construction of a gas or liquid energy conversion facility ...in the state without first having obtained a certificate of site compatibility ... from the commission pursuant to this chapter.” However, pursuant to Section 49-22.1-01(3)(a), “activities ...[c]onducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter” do not constitute “construction” so long as the remaining provisions of Section 49-22.1-03 are met. Even though such additional activities will increase the capacity of the existing energy

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Response to 22 July 2019 request for information
ONEOK Rockies Midstream, L.L.C.
John Morrison, Crowley Fleck, PLLP

conversion facility, because the activities do not constitute “construction” as defined in the statute, no amendment of the Certificate or Order is required. ONEOK understands that the Commission may have a legitimate concern with accurately reflecting the capacity of energy conversion facilities in its siting certificates. However, ONEOK does not agree that a Notice of Opportunity for Hearing or any other formal process is necessary to reflect additional capacity resulting from activities that do not, by law, constitute “construction” for which a siting certificate is necessary. If the Commission wishes to initiate some proceeding to facilitate some revisions of the stated capacity, ONEOK does not object so long as its construction schedule is not impeded by that process.

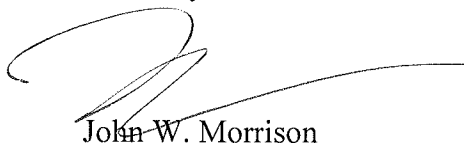
Regarding the cultural resources site referenced in the third paragraph of your letter, while Section 49-22.1-01(3)(b) does refer to the Commission’s “approval for the impact,” it also clearly states that such approval is to be based on a determination “that there is no reasonable alternative to the expected impact.” In its Certification, ONEOK has provided an ample basis for a determination of no reasonable alternative and it respectfully requests that the Commission make the necessary determination. ONEOK will promptly file a copy of the SHPO’s final concurrence letter when it is received, which it anticipates receiving before commencing any activities within the area identified as a potential cultural resources site.

We are enclosing herewith a PDF of a revised Certification which provides that the activities “will not” affect any exclusion area. Because we have requested that the Commission treat the cultural resources site as an avoidance area and make a determination that there is no reasonable alternative, we cannot make the same statement with respect to avoidance areas and we do not believe such is required by Section 49-22.1-03(b). We will file the original revised certification as soon as possible.

In addition, we are also enclosing herewith updated Certificates of Good Standing for ONEOK in both North Dakota and Delaware.

ONEOK appreciates the understanding and cooperation of the Commission in this matter. If you have any additional questions or need any additional information, please let me know.

Sincerely,



John W. Morrison

JWM/lh
Enc.

cc: John Schuh (via e-mail)
Michael Dailey (via e-mail)