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December 30, 2020

*Via Electronic Mail*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

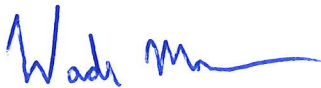
In re: ONEOK Bakken Pipeline, L.L.C.  
Pump Station Additions  
Dunn & McKenzie Counties  
Case No. PU-20-018  
Our File No. 072591-000006

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find the Proposed Findings of Fact, Conclusions of Law and Order.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Wade C. Mann

WCM/lh  
Enc.

cc: Michael Dailey (via email)  
Victor Schock (via email)  
Brian Johnson (via email)

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

ONEOK Bakken Pipeline, L.L.C.  
Pump Station Additions  
McKenzie & Dunn Counties  
Siting Application

Case No. PU-20-018

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**PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER**

\_\_\_\_\_, 2020

**Appearances**

Commissioners Brian Kroshus, Julie Fedorchak and Randy Christmann.

Wade C. Mann, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck, North Dakota 58501 on behalf of ONEOK Bakken Pipeline, L.L.C.

Brian Johnson, Assistant Attorney General as counsel for the Public Service Commission, 600 East Boulevard Avenue, Bismarck, North Dakota 58505.

**Preliminary Statement**

On January 10, 2020, ONEOK Bakken Pipeline, L.L.C., (“ONEOK”) filed an Application for Amendment to Corridor Certificate No. 184 and Route Permit No. 196 to allow for the addition of two pump station facilities to the existing Bear Creek NGL Pipeline (“Project”). The company also filed an application for a waiver of procedures and time schedules established under North Dakota Century Code sections 49-22.1-05, 49-22.1-06(4) and 49-22.1-07(4), and North Dakota Administrative Code section 69-06-01-02 and Chapter 69-06-06.

On February 10, 2020, ONEOK filed information supplementing its application.

On March 4, 2020, the Commission deemed the application complete and issued a Notice of Opportunity for Hearing inviting anyone interested to comment on the applications in writing or file a written request for a hearing by April 3, 2020.

The Notice of Opportunity for Hearing identified the following issues to be considered in ONEOK’s request for a waiver of procedures and time schedules:

1. Are the proposed facilities of such length, design, location, or purpose that they will produce minimal adverse effects such that adherence to the procedures and time schedules may be waived?
2. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

The Notice of Opportunity for Hearing identified the following issues to be considered in ONEOK's application for amended certificate of corridor compatibility and amended route permit:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

The Commission scheduled an informal hearing to take place on April 1, 2020, at 1:30 p.m. to address the applications.

Due to circumstances related to the COVID-19 pandemic, ONEOK filed a Motion for Continuance of the informal hearing.

On November 11, 2020, ONEOK filed a letter requesting a new date for the informal hearing on the applications.

On December 2, 2020, the Commission re-issued a Notice of Opportunity for Hearing inviting anyone interested to comment on the applications in writing or file a written request for a hearing by January 1, 2021. The informal hearing was rescheduled to December 11, 2020 at 1:30 p.m.

On December 11, 2020, the informal hearing was held as scheduled. No persons submitted any written comments or requested a formal hearing on the applications.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all the evidence presented, the Commission makes the following:

### **Findings of Fact**

1. ONEOK Bakken Pipeline, L.L.C. is a Delaware limited liability company authorized to transact business in the State of North Dakota as evidenced by corporate papers filed with the Commission on March 10, 2020 in Case No. PU-13-739.

## Need for Facility

2. ONEOK has identified a need for additional transportation capacity for products along the Bear Creek NGL pipeline. Installation of the proposed pump stations will provide for an increase in firm, reliable service for additional capacity of natural gas liquids from the Bear Creek Gas Plant.

## Size, Type and Preferred Location of Facility

3. The Project consists of the addition of two pump station facilities along the existing Bear Creek NGL pipeline.

4. The Big Gulch Pump Station will be located on an approximately 7-acre parcel in the SW/4 of Section 11, Township 147 North, Range 97 West, in Dunn County, approximately 18 miles northwest of Killdeer, North Dakota.

5. The Stony Johnny Butte Pump Station will be located on an approximately 5-acre parcel in the SW/4 of Section 29, Township 149 North, Range 98 West, in McKenzie County, approximately 7.5 miles southeast of Watford City, North Dakota.

6. ONEOK has secured a lease agreement for the Big Gulch Pump Station parcel and is in the process of securing a lease for the Stony Johnny Butte parcel. ONEOK will not commence any construction activities on the Stony Johnny Butte parcel until a lease is secured from the property owner for that location.

7. The Big Gulch Pump Station and Stony Johnny Butte Pump Station will both be located partially within the existing certificated corridor for the Bear Creek NGL pipeline. The Big Gulch Pump Station will extend approximately 375 feet outside of the existing corridor. The Stony Johnny Butte Pump Station will extend approximately 200 feet outside of the existing corridor.

## Project Design

8. The Big Gulch Pump Station will consist of three 2,000 horsepower electrically driven pumps located adjacent to the existing Bear Creek NGL pipeline and contained within buildings.

9. The Stony Johnny Butte Pump Station will consist of two 2,000 horsepower electrically driven pumps located adjacent to the existing Bear Creek NGL pipeline and contained within buildings.

10. Addition of the two pump station locations will increase the capacity on the existing Bear Creek NGL pipeline to up to 80,000 barrels of NGLs per day.

## Study of Preferred Location

11. ONEOK identified two pump station locations along the existing Bear Creek NGL pipeline route to most efficiently allow for the increased capacity on the pipeline. Both locations are entirely within the one-mile wide study area analyzed by ONEOK for the Bear Creek NGL pipeline. In addition to the previous studies conducted for the existing pipeline, ONEOK conducted natural resource field surveys and cultural resource investigations for each pump station location in 2019.

12. ONEOK conducted a Class I cultural resource literature review on the proposed Stony Johnny Butte Pump Station location on November 18, 2019. The area of potential effect (“APE”) for this location has been covered by six different cultural resource inventories since 2015. No cultural resources were located in any of these studies inside the APE. Due to the recent and adequate cultural resource inventories of the APE, as well as documented disturbances unrelated to the proposed Project, it was recommended that a Class III inventory would be unnecessary for the Stony Johnny Butte location.

13. ONEOK conducted a Class III cultural resource inventory of the proposed Big Gulch Pump Station location on November 19, 2019. No cultural material was observed during the 2019 survey and a determination of no effect was recommended for the location.

14. By separate letters dated January 6, 2020, The North Dakota State Historical Preservation Office concurred with a “no Historic Properties Affected” determination for both the Big Gulch Pump Station Project and the Stony Johnny Butte Pump Station Project.

15. ONEOK conducted field aquatic resources delineations, biological, and threatened/endangered species surveys at the proposed Stony Johnny Butte Pump Station location on November 16, 2019 and at the proposed Big Gulch Pump Station location on October 16, 2019 and November 19, 2019. No wetlands or waterbodies were located at either location. No North Dakota species of conservation priority were observed and no designated critical habitat is located near either location. It was determined that the Project will not have adverse impacts on any federally listed species and will have no impact on designated critical habitat.

16. ONEOK contacted governmental agencies and entities, including the United States Fish and Wildlife Service, the North Dakota Game and Fish Department, the North Dakota Parks and Recreation Department, and the North Dakota State Historical Office regarding the Project.

## Siting Criteria

17. The Commission has established criteria pursuant to North Dakota Century Code section 49-22.1-03 to guide the corridor and route suitability evaluation and designation process. The criteria set forth in North Dakota Administrative Code section 69-06-08-02 include Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

18. ONEOK evaluated the Project with respect to the Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria.

19. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative. A transmission facility route must not be sited within an Exclusion Area.

20. There are no known Exclusion Areas that will be impacted by the Project.

21. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources and alternative routes.

22. There are no known Avoidance Areas that will be impacted by the Project.

23. In accordance with the Commission's Selection Criteria, a transmission facility shall be approved only if it is determined that any significant adverse effects that will result from the location, construction and operation of the facility as they relate to the Selection Criteria will be at an acceptable minimum, or will be managed and maintained at an acceptable minimum. ONEOK has analyzed the impacts of the Project in relation to all relevant Selection Criteria. No significant adverse impact will result from the location, construction and operation of the Project.

#### Mitigation to Minimize Impact

24. ONEOK has agreed to a number of measures to mitigate potential Project impacts, as indicated by the attached Certification Relating to Order Provisions – Transmission Facility Siting which is incorporated by reference and attached to this Order.

25. ONEOK has a number of project control plans in place for the existing Bear Creek NGL pipeline that will encompass the two pump station additions to the pipeline that make up the Project. In order to minimize and mitigate any potential impacts to environmental resources during construction, ONEOK will implement these plans.

26. The supervisory control and data acquisition system covering the Bear Creek NGL pipeline will continue to monitor pressure and temperature 24 hours per day, 7 days per week from a control room in Tulsa, Oklahoma.

27. ONEOK will conduct inspections, including aerial inspections and inline inspections, in accordance with the requirements of PHMSA.

28. ONEOK will coordinate with local authorities and emergency managers regarding emergency response measures.

29. ONEOK will use environmental monitors and inspectors to comply with all applicable permits.

From the foregoing Findings of Fact, the Hearing Officer makes the following:

### **Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.1.

2. ONEOK is a utility as defined in North Dakota Century Code Section 49-22.1-01(13).

3. The Project is a transmission facility as defined in North Dakota Century Code Section 49-22.1-01(7).

4. The location, construction, operation and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. The Project is compatible with the environmental preservation and the efficient use of resources.

6. The construction, operation and maintenance of the Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

7. The Project is of such design and location that it will produce minimal adverse effects, as defined under North Dakota Century Code Section 49-22.1-05 and it is appropriate for the Commission to waive those certain procedures and time schedules as requested in the Application pursuant to North Dakota Century Code Section 49-22.1-05

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### **Order**

The Commission orders:

1. ONEOK's application for waiver of procedures and time schedules is granted.

2. Amended Certificate of Corridor Compatibility No. \_\_\_ is issued to ONEOK designating an expanded corridor for the construction, operation and maintenance of the Big Gulch Pump Station and the Stony Johnny Butte Pump Station along the existing Bear Creek NGL transmission pipeline. For purposes of the Certificate, the expanded Corridor is identified and illustrated in the maps included in Exhibit B.2 of ONEOK’s Application.

3. Amended Route Permit No. \_\_\_ is issued to ONEOK designating a route in McKenzie and Dunn Counties, North Dakota, for the construction, operation and maintenance of the Big Gulch Pump Station and the Stony Johnny Butte Pump Station along the existing Bear Creek NGL transmission pipeline. The designated route for this purpose is identified and illustrated in the maps included in Exhibit B.2 of ONEOK’s Application.

4. The Certification Relating to Order Provisions – Transmission Facility Sitting (“Certification”) is incorporated by reference and attached to this Order.

5. To the extent there are any conflicts or inconsistencies between ONEOK’s Application and the Certification, the Certification provisions control.

6. ONEOK is required to comply with the applicable laws, rules and/or regulations in the event it desires to construct another or a different transmission facility than was specified in the application within the corridor granted in this proceeding.

7. ONEOK shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed Project.

**PUBLIC SERVICE COMMISSION**

\_\_\_\_\_  
**Randy Christmann**  
**Commissioner**

\_\_\_\_\_  
**Brian Kroshus**  
**Chairman**

\_\_\_\_\_  
**Julie Fedorchak**  
**Commissioner**