

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-20-18

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

February 3, 2021

Appearances

Commissioners Julie Fedorchak, Randy Christmann, and Brian Kroshus.

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

Preliminary Statement

On March 23, 2016, the Commission issued Certificate of Corridor Compatibility 184 and Route Permit 196 designating a transmission facility corridor and a transmission facility route to ONEOK Bakken Pipeline, L.L.C. for the construction, operation, and maintenance of a 36.7-mile natural gas liquids (NGL) pipeline and associated facilities in McKenzie and Dunn Counties in North Dakota, Case No. PU-15-801.

On January 10, 2020, ONEOK Bakken Pipeline, L.L.C., (ONEOK) filed with the Public Service Commission a combined application (Application) to amend Certificate of Corridor Compatibility 184 and to amend Route Permit 196 for the addition of two pump stations (Pump Stations) to its existing Bear Creek NGL Pipeline (Project). The Pump Stations will be located in McKenzie and Dunn Counties, North Dakota, Case No. PU-20-18.

On January 10, 2020, ONEOK also filed an application to waive the requirements to hold a separate hearing for the waiver application, to waive any hearing requirements and instead proceed by virtue of a notice and opportunity for hearing procedure.

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 providing until April 3, 2020, for comments and requests for hearing.

The Commission scheduled an informal hearing to take place on April 1, 2020, at 1:30 p.m. to discuss the Application and waiver application.

On March 20, 2020, 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 Application and waiver application.

On December 2, 2020, the Commission issued a Notice of Opportunity for Hearing providing until January 1, 2021 comments and requests for hearing. No persons submitted any written comments or requested a formal hearing on the Application and waiver application.

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 combined 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 December 11, 2020, at 1:30 p.m. to address the Application and waiver application.

On December 11, 2020, the informal hearing was held as scheduled.

On December 22, 2020, ONEOK filed additional information requested during the informal hearing.

On January 7, 2021, ONEOK filed a signed Certification Relating to Order Provisions – Transmission Facility Siting.

On January 28, 2021, ONEOK filed a letter containing details of the ownership of the Stony Johnny Butte Pump Station site.

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

Findings of Fact

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

Size and Type of Facility

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

3. ONEOK's December 22, 2020 letter stated that they have a signed lease in place with the owner of the Big Gulch Pump Station site.

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

5. ONEOK's January 28, 2021 letter stated that they do not have a signed lease in place with the owner of the Stony Johnny Butte Pump Station site. They did identify the owner of the property as Arrow Field Services (Arrow), and stated that they are attempting to reinitiate communications with Arrow to secure a lease for the site.

6. The addition of the Pump Stations will increase the maximum capacity of pipeline from approximately 14,000 to 80,000 barrels of NGLs per day in the existing Bear Creek NGL Pipeline.

7. The maximum operating pressure for the entire Bear Creek NGL Pipeline, including the Pump Stations, will remain at 1,440 pounds per square inch.

8. The total cost of the Project is approximately \$20 million.

Study of Preferred Location

9. The preferred location for the Big Gulch Pump Station is an approximately 7-acre parcel in the SW 1/4 of Section 11, Township 147 North, Range 97 West, in Dunn County, approximately 18 miles northwest of Killdeer, North Dakota.

10. The preferred location for the Stony Johnny Butte Pump Station is an approximately 5-acre parcel in the SW 1/4 of Section 29, Township 149 North, Range 98 West, in McKenzie County, approximately 7.5 miles southeast of Watford City, North Dakota.

11. 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.

12. The Big Gulch Pump Station and Stony Johnny Butte Pump Station will both be located within the existing one-mile-wide study area (Study Area) analyzed for the original Bear Creek NGL pipeline application in Case No. PU-15-801. 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. In addition to the previous studies conducted for the existing pipeline, ONEOK conducted natural resource field surveys on the Big Gulch Pump Station parcel and the Stony Johnny Butte Pump Station parcel in 2019 (Survey Areas).

13. 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.

14. 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.

15. 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 location and the Stony Johnny Butte Pump Station location.

16. 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.

17. In 2015 ONEOK consulted with several federal, state, and local agencies on a one-mile study area as part of the NGL Pipeline project. Both pump stations described in this application fall within the original study/consultation area. Based on a desktop review of publicly available information, there are no state or federal owned or managed lands or other protected resources within one mile of either pump station. As such, ONEOK did not re-consult with all of the agencies that were consulted within 2015. However, in January 2020, ONEOK did initiate consultation with state and federal agencies that manage biological resources that may change over time (e.g., unique species/habitat, eagle nests, etc.) 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

18. The Commission has developed criteria pursuant to North Dakota Century Code chapter 49-22.1 to guide the corridor and route suitability, evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code chapter 69-06-08 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

19. ONEOK evaluated the Survey Areas regarding the Commission's Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

Exclusion Areas

20. An Exclusion Area is a geographic area that must be excluded in the consideration of a site for an energy conversion facility. Exclusion areas 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 buffer zone to protect the integrity of the Exclusion Area must be included. A transmission facility route must not be sited within an Exclusion Area.

21. ONEOK's surveys identified no Exclusion Areas in the Survey Areas.

Avoidance Areas

22. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant shows that, under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission 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.

23. ONEOK's surveys identified no Avoidance Areas in the Survey Areas.

Selection Criteria

24. The Commission's Selection Criteria is set forth in North Dakota Administrative Code section 69-06-08-02(3). A corridor or route shall be designated only if it is demonstrated to the Commission by the applicant that any significant adverse effects which 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 that the effects will be managed and maintained at an acceptable minimum.

25. ONEOK has analyzed the impacts of the Project in relation to all relevant Selection Criteria. The Project would result in approximately 17 acres of grazing/agricultural land to be converted to industrial use. ONEOK states this a negligible amount of agricultural land when measured on a county- or state-wide basis.

Measures to Minimize Impact

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 coordinate with local authorities and emergency managers regarding emergency response measures.

28. During construction, ONEOK will use environmental monitors and inspectors to comply with all applicable permits.

29. ONEOK has agreed to measures to mitigate potential Project impacts, as indicated by the attached January 7, 2021 Certification Relating to Order Provisions – Transmission Facility Siting (Certification).

From the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, ONEOK Bakken Pipeline, L.L.C., and over the subject matter of the Application waiver application 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 facility as defined in North Dakota Century Code Section 49-22.1-01(5).
4. The location, construction, and operation of the proposed pump stations will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, and operation of the pump stations at the proposed locations is compatible with the environmental preservation and the efficient use of resources.
6. The pump stations 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. It is appropriate for the Commission to waive the procedures and time schedules as requested in the waiver application under North Dakota Century Code section 49-22.1-05.

From the Findings of Fact and Conclusions of Law, the Commission makes the following Order:

Order

The Commission orders:

1. ONEOK's application for a waiver of procedures and time schedules is granted.
2. ONEOK shall construct, operate, and maintain the Pump Stations in accordance with the Findings of Fact.
3. ONEOK may not begin construction of the Stony Johnny Butte Pump Station until a lease agreement is executed with the landowner.
4. First Amended Certificate of Corridor Compatibility No. 184 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.

5. First Amended Route Permit No. 196 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 A of ONEOK's Application.
6. The January 7, 2021 Certification Relating to Order Provisions – Transmission Facility Siting, which will apply to the Pump Station sites, is incorporated by reference and attached to this Order. The January 7, 2021 Certification does not amend the February 19, 2016 Certification Relating to Order Provisions – Transmission Facility Siting for the Bear Creek NGL Pipeline, which remains in full effect for the Bear Creek NGL Pipeline in Case No. PU-15-801.
7. To the extent there are any conflicts or inconsistencies between ONEOK's Application and the Certification, the Certification provisions control.
8. ONEOK shall 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.
9. ONEOK shall comply with all rules and regulations of all other agencies having jurisdiction over any phase of the proposed Project.
10. ONEOK shall participate in the North Dakota One-Call Excavation Notice System.
11. The Project must be designed, constructed, maintained, inspected and operated to meet or exceed the U.S. Department of Transportation, Pipeline Hazardous Materials Safety Administration regulations, which include regular pipeline monitoring and periodic pipeline inspections.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**First Amended
Certificate of Corridor Compatibility Number 184**

This is to certify that the Commission has designated a transmission facility corridor to ONEOK Bakken Pipeline, L.L.C., for the construction, operation, and maintenance of approximately 36.7 miles of 8-inch outside diameter pipeline and associated facilities for the transmission of natural gas liquids in McKenzie and Dunn Counties, North Dakota, and two pump stations between Watford City and Killdeer in McKenzie and Dunn Counties, North Dakota.

This certificate is issued in accordance with the Orders of the Commission dated March 26, 2016 in Case No. PU-15-801 and February 3, 2021 in Case No. PU-20-18, and is subject to the conditions and limitations noted in the Orders.

Bismarck, North Dakota, February 3, 2021

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**First Amended
Route Permit Number 196**

This is to certify that the Commission has designated a transmission facility route for ONEOK Bakken Pipeline, L.L.C., for the construction, operation, and maintenance of approximately 36.7 miles of 8-inch outside diameter pipeline and associated facilities for the transmission of natural gas liquids in McKenzie and Dunn Counties, North Dakota, and two pump stations between Watford City and Killdeer in McKenzie and Dunn Counties, North Dakota.

This permit is issued in accordance with the Orders of the Commission dated March 26, 2016 in Case No. PU-15-801 and February 3, 2021 in Case No. PU-20-18, and is subject to the conditions and limitations noted in the Orders.

Bismarck, North Dakota, February 3, 2021.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-20-18

**CERTIFICATION RELATING TO ORDER PROVISIONS
TRANSMISSION FACILITY SITING**

I am Todd McKimney, a representative of ONEOK Bakken Pipeline, L.L.C. ("Company") with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22.1 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.
4. Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission's order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the

transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.

Construction:

7. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
8. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.
9. Company understands and agrees that topsoil removal will begin when the Commission's third-party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
10. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated on construction activities on a monthly basis.
11. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.
12. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.

13. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
14. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made and a report of such examination is filed with the Commission and the State Historical Society.
15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
16. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

17. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
18. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
19. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
20. Company will fulfill its obligation for reclamation and maintenance of the approved transmission facility right-of-way, transmission facility, and associated facilities continuing throughout the life of the transmission facility.
21. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.

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22. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.
23. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
24. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Communication with Landowners and PSC:

25. Company understands and agrees that, prior to beginning construction of the transmission facility at a location, it shall send a letter to each landowner with whom an easement was executed for that location specifying the name and phone number of the company representative who is responsible for receiving and resolving landowner issues for the life of the easement.
26. Company understands and agrees that it will file with the commission the name and phone number of the current company representative who is responsible for receiving and resolving landowner issues for the transmission facility. The company will update this information whenever there is a change to the current company representative for the life of all easements for the transmission facility.
27. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
28. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the transmission facility, including injuries to any person.
29. Company agrees to report to the Commission, as soon as reasonably possible, the presence in the permit area of any critical habitat or threatened or endangered species of which Company becomes aware and which were not previously reported to the Commission.
30. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility.
31. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of

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the completion of the construction. Company also agrees to provide an electronic version of the corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

32. Company shall notify the Commission as soon as reasonably possible if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.

Route Adjustments Before or During Construction:

33. Company agrees to utilize the following procedures if Company seeks a route adjustment before or during construction of the pipeline, pursuant under N.D.C.C. §49-22.1-15.
34. Company will specifically identify which subsection of NDCC 49-22.1-15 it is requesting the adjustment under. Company will file the name and contact information for a key contact person for the purposes of notice and communication during the adjustment application.
35. **ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED:** Before conducting any construction activities for any adjustment to the designated route within the designated corridor under NDCC 49-22.1-15(1), the Company will file:
 - a. Certification and supporting documentation affirming that construction activities will be within the designated corridor, will not affect any known exclusion or avoidance areas within the designated corridor;
 - b. Certification and supporting documentation, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, route and the route adjustment;
 - c. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

36. ROUTE ADJUSTMENT WITHIN DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED: Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(2), within the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route within the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the portion of the designated corridor containing the route adjustment
- b. Certification and supporting documentation affirming:
 - i. That construction activities will be within the designated corridor
 - ii. That construction activities will not affect any known exclusion area
- c. All field studies performed on the portion of the designated corridor containing the route adjustment;
- d. Specific information about any mitigation measures Company will take within the adjustment area;
- e. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- f. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.

37. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, NO AVOIDANCE AREA AFFECTED: Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(3), outside the designated corridor and not affecting any exclusion and avoidance area, before conducting any construction activities for any

adjustment to the designated route outside the designated corridor, the Company will file:

- a. Certification and supporting documentation affirming that construction activities will not affect any known exclusion or avoidance areas,
- b. Certification and supporting documents stating the length of the proposed route outside of the corridor and a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated corridor, corridor adjustment, designated route and the route adjustment;
- c. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment; and
- d. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- e. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

38. ROUTE ADJUSTMENT OUTSIDE DESIGNATED CORRIDOR, AVOIDANCE AREA AFFECTED: Before adjusting the route of a gas or liquid transmission line under NDCC 49-22.1-15(4), outside the designated corridor that may affect an avoidance area, and before conducting any construction activities for any adjustment to the designated route outside the designated corridor, the Company will file:

- a. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - i. the designated corridor, corridor adjustment, route and the route adjustment;
 - ii. all exclusion and avoidance areas within the adjustment area
- b. Certification that construction activities will not affect any known exclusion area;
- c. Certification that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist within the designated corridor and route;
- d. Certification that each owner of real property on which the adjustment is to be located and any applicable governmental entity with an interest in the same adjustment area do not oppose the adjustment;
- e. Provide specific information about any mitigation measures Company will take within the adjustment area;
- f. Detailed field studies indicating exclusion and avoidance areas for the proposed adjustment area; and
- g. Certification that Company will comply with the Commission's order, law and rules designating the corridor and route.

Company acknowledges and agrees that:

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1. Written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity unless the Commission fails to act within ten working days of receipt of filing a complete adjustment application, in which case the adjustment is deemed approved.
 2. The initiation of the ten working days begins upon receipt of a complete filing, to include Company's certifications, supporting documentation and maps. However, Commission may extend the ten working day provision if Company, in the person of the key contact referenced above, is informed of the reason additional time is necessary for extension and has no objection to an extension.
39. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
42. When applicable, Company may submit the field studies from the original application for the corridor and route provided they cover the adjustment area.
43. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

Dated this 6th day of January, 2021.

ONEOK BAKKEN PIPELINE, L.L.C.

DocuSigned by:
Todd McKimney
By _____
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Todd McKimney



Its Vice President – Construction Projects