

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF THE APPLICATION OF
LIBERTY MIDSTREAM SOLUTIONS, LLC
FOR A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE ALLIANCE SALES LINE PIPELINE
PROJECT IN WILLIAMS AND MOUNTRAIL
COUNTIES, NORTH DAKOTA

CASE NO. PU-20-_____

**Application of Liberty Midstream Solutions, LLC
for Waiver or Reduction of Procedures and Time Schedules**

In connection with its submission of a consolidated application for a Certificate of Corridor Compatibility and Route Permit (“Consolidated Application”) for the construction of the Alliance Sales Line (the “Project”), Liberty Midstream Solutions, LLC (“Liberty”), submits to the North Dakota Public Service Commission (the “Commission”) this application for a waiver or reduction of procedures and time schedules set forth in Chapter 49-22.1 of the North Dakota Century Code (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code (“Siting Rules”). Liberty requests the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. In accordance with North Dakota Century Code Sections 49-22.1-05 and 49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06, Liberty’s request includes, but is not limited to:

1. That the Commission waive the provisions of North Dakota Century Code Sections 49-22.1-06, 49-22.1-07, and 49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 insofar as they require separate notices of filing of applications for a Certificate of Corridor Compatibility (“Corridor Certificate”), a Route Permit, and the application for waiver of procedures and time schedules

(“Waiver Application”), separate hearings on such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission waive the requirements of Section 49-22.1-10 of the North Dakota Century Code insofar as this section requires separate hearings to be held in each of the counties affected by the Project, and instead hold only one hearing addressing all affected counties.
3. That the Commission hold a single consolidated hearing on this Waiver Application and the Consolidated Application.
4. That the Commission allow for a consolidated notice of publication with respect to the Consolidated Application and Waiver Application.
5. That the Commission waive the requirements of Section 69-06-05-01(2)(f) of the North Dakota Administrative Code insofar as this section may require a corridor width of ten percent of the corridor’s length with a maximum width of six miles, reducing the required corridor width to between 200 feet and one mile for the Project.

Consistent with Section 69-06-06-01(2) of the North Dakota Administrative Code, Liberty provides the following information in support of its waiver requests:

A. Description of Proposed Project.

1. **Type:** The Project will transport processed natural gas, or residue gas, from Liberty’s existing natural gas plant near Tioga, North Dakota, to an existing third-party transmission pipeline, ultimately delivering the processed gas to consumers in the Chicago, Illinois area. The proposed Project consists of construction of one (1) buried 8-inch steel pipeline commencing at Liberty’s County Line Gas Plant in Williams County, North Dakota, and terminating at Alliance Pipeline’s Tioga Lateral transmission line in Mountrail County, North Dakota, a distance of approximately 4.7 miles. Surface facilities related to the pipeline will be limited to pipeline markers and cathodic test stations along the proposed route.

2. **Product:** The Project will transport residue gas.
3. **Capacity and Design:** The Project will require installation of 8-inch diameter steel pipeline with a nominal wall thickness of 0.322-inches. The maximum operating pressure for the pipeline is 2,180 pounds per square inch gauge (psig), with the normal operating pressure being 2,000 psig. The pipeline will be designed to operate at a maximum of 120 degrees Fahrenheit. The pipeline is designed to initially carry up to 80 million cubic feet per day (MMCFD) and will have expansion capabilities of up to 120 MMCFD. The Project will be designed, constructed, operated, and maintained in compliance with applicable portions of the U.S. Department of Transportation regulations set forth in 49 C.F.R. Part 192, Transportation of Natural and Other Gas by Pipeline.

For additional analysis of the capacity, design and technology utilized for the proposed Project, please see Sections 5 and 8 of Liberty's Consolidated Application, which accompanies this Waiver Application.

4. **Location:** As explained above, the Project consists of one (1) buried residue gas pipeline consisting of approximately 4.7 miles of new 8-inch steel pipeline extending from Liberty's existing natural gas plant near Tioga, North Dakota, to Alliance Pipeline's Tioga Lateral transmission line in Mountrail County, North Dakota. The pipeline begins in Section 14, Township 158 North, Range 95 West, and travels south and east to the proposed connection point in Section 33, Township 158 North, Range 94 West. Maps of the proposed Project and route of the pipeline are provided in Appendix A to the Consolidated Application filed herewith.

5. **Geographical Service Area:** As noted above, the Project is located in Williams and Mountrail Counties. The Project will consist of a pipeline to collect residue gas from Liberty's existing County Line Plant near Tioga, North Dakota. Liberty's County Line Plant

processes natural gas produced in portions of Williams, Mountrail, Burke and Divide Counties. From Liberty's County Line Plant, the residue gas will be transported via the Project to Alliance Pipeline's Tioga Lateral transmission line in Mountrail County, North Dakota, ultimately to consumers in the Chicago, Illinois area.

6. **Time Schedule:** Liberty proposes to develop the Project on the following schedule:

- January 2020 – The Commission issues a Corridor Certificate and Route Permit for the Project.
- February 2020 – Liberty will begin construction of the Project.
- April 2020 – Liberty will have completed construction of the Project.
- Commissioning and restoration activities will commence immediately following construction of the Project, and the Project is anticipated to be operational in April 2020.

7. **Future Plans:** Liberty has no specific plans for additions to or modification of the Project at this time.

8. **Need for the Facility and Alternatives Considered.**

Liberty is proposing to construct the Project, which consists of one (1) buried residue gas pipeline consisting of approximately 4.7 miles of new 8-inch steel pipeline extending from Liberty's existing natural gas plant near Tioga, North Dakota, to Alliance Pipeline's Tioga Lateral transmission line in Mountrail County. With outlet via Alliance Pipeline's Tioga Lateral pipeline, the Project will address anticipated regional pipeline and outlet constraints as development of the Bakken continues. In addition, the Project will provide gas producers and processors in western North Dakota with a much needed alternative for marketing and transporting higher-BTU gas without requiring costly upgrades from refrigeration-style dew point plants to cryogenic recovery plants.

For additional analysis of the need for the Project, including a discussion of alternatives evaluated, please see Sections 3 and 12 of the Consolidated Application, which accompanies this Waiver Application.

9. **Cost.**

The total estimated cost of the Project is \$4.6 million.

B. Waiver Request.

Liberty requests that the Commission grant the waivers requested herein because these waivers are needed to prevent potentially significant delays to the Project. Without the waivers of time schedules and procedures requested, completion of Liberty's proposed Project will be delayed, which in turn, will delay the environmentally sound and economic development and utilization of the oil and gas resources in western North Dakota.

Section 49-22.1-05 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that "the proposed facility is of a length, design, location, or purpose that it will produce minimal adverse effects." Based upon the investigation and analysis set forth in Liberty's Consolidated Application, granting the requested waivers is appropriate because the proposed Project will produce minimal adverse effects due to its length (approximately 4.7 miles of new construction), its design (underground piping and limited above-ground appurtenances associated with an underground pipeline), its location (located in rural Williams and Mountrail Counties, and avoiding Exclusion and Avoidance Areas, as set forth in Section 69-06-08-02 of the North Dakota Administrative Code), and its purpose (underground transportation of residue gas).

In determining whether the proposed facility will result in adverse impacts on the environment, Liberty evaluated the Project using the criteria set forth in the Siting Act, the Siting

Rules, and the Commission's Guidelines. More specifically, Liberty evaluated the impacts of the Project and associated facilities considering the siting criteria set forth in Section 69-06-08-02 of the North Dakota Administrative Code and the factors set forth in Section 49-22.1-09 of the North Dakota Century Code. Impacts associated with the Project, and mitigation measures that will be taken with respect to said impacts, are summarized in Sections 10, 11, 13, 16, 17 and 19 of Liberty's Consolidated Application. Based upon Liberty's siting criteria evaluation, and the factors set forth in the Siting Rules, the Project will have minimal adverse effects.

Accordingly, Liberty respectfully requests the Commission grant the requested waivers and render an expeditious decision.

Dated this 16th day of January, 2020.

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