

June 15, 2021

**HAND DELIVERED**

Mr. Steve Kahl  
Interim Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: OE2 North LLC  
Case No. PU-20-082  
B. Sanderson Gas Processing Plant**

Dear Mr. Kahl:

Please find enclosed for filing in the above-referenced matter an original and five (5) copies of OE2 North LLC's Motion to Amend Certificate of Site Compatibility Number 62 and the Findings of Fact, Conclusions of Law, and Order of the Commission submitted on behalf of OE2 North LLC. A compact disc containing an electronic copy of the above document and this letter in PDF format is also enclosed herewith.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kl  
Enclosures

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76 PU-20-82 Filed 06/15/2021 Pages: 5  
Motion to Amend Cert. of Site Compatibility No. 62 and Order  
OE2 North LLC  
Lawrence Bender, Fredrikson&Byron, P.A.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF THE APPLICATION  
OF OE2 NORTH LLC FOR A CERTIFICATE  
OF SITE COMPATIBILITY FOR THE BILL  
SANDERSON GAS PROCESSING PLANT  
AND ASSOCIATED FACILITIES IN  
WILLIAMS COUNTY, NORTH DAKOTA

CASE NO. PU-20-082

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**OE2 North LLC's Motion to Amend Certificate of Site Compatibility Number 62  
and the Findings of Fact, Conclusions of Law, and Order of the Commission  
in Case No. PU-20-082 dated May 13, 2020.**

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Pursuant to N.D.C.C. § 49-05-09, OE2 North LLC ("OE2") respectfully submits to the North Dakota Public Service Commission ("Commission") this motion to amend the Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-20-082 dated May 13, 2020 (the "Order").

On May 13, 2020, the Commission issued Certificate of Site Compatibility Number 62 (the "Certificate") to OE2 designating a site for the construction, operation, and maintenance of the Bill Sanderson Processing Plant Project in Williams County, North Dakota (the "Plant"). Paragraph 2 of the Order says that "[f]or purposes of the Certificate, the designated site is identified on Figure 1 of the Application, Hearing Exhibit 1, page 'OE2 010.'"

However, the designated site should not have been identified on Figure 1 of the Application, Hearing Exhibit 1, page "OE2 010." Rather, it should have been identified on page "OE2 040" of the Application. OE2 now requests that the Commission amend the Order to reflect the correct site location.

## **I. Background**

On February 20, 2020, OE2 filed with the Commission an application for certificate of site compatibility for the Plant. On March 9 and April 9, 2020, OE2 filed supplemental documents with the Commission (together with the original application, the “Application”).

On April 24, 2020, a hearing was held remotely. Public testimony was received by telephone during the hearing and the record in the matter remained open until May 1, 2020, for written public comment.

On May 13, 2020, the Commission issued its Order. The Commission found that:

- Construction, operation, and maintenance of the Plant will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
- The Plant is compatible with the environmental preservation and the efficient use of resources.
- The construction, operation, and maintenance of the Plant 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.

Pursuant to these findings, the Commission ordered the following: “Certificate of Site Compatibility No. 62 is issued to OE2 North LLC designating a site for the construction, operation, and maintenance of a gas processing plant. For purposes of this Certificate, the designated site is identified on Figure 1 of the Application, Hearing Exhibit 1, page ‘OE2 010.’”

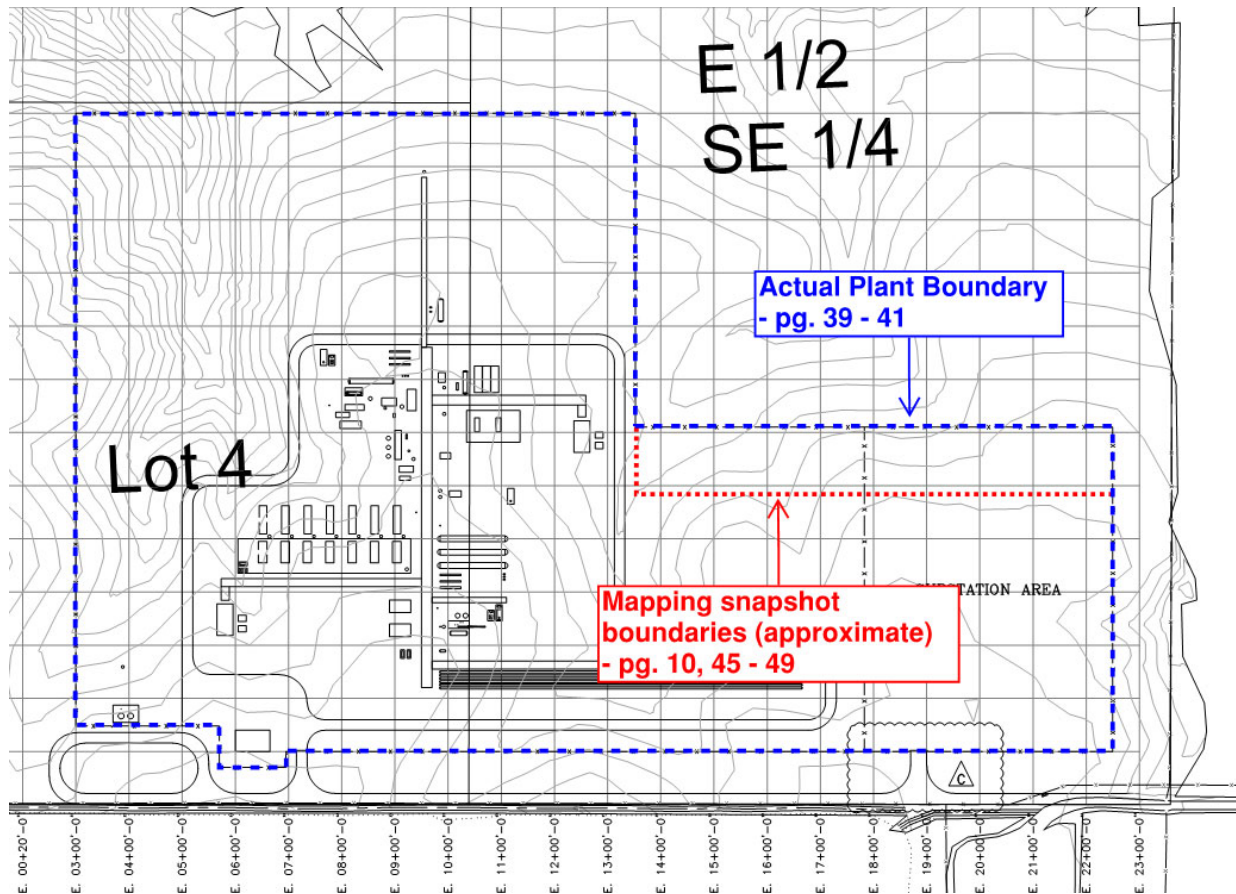
## **II. The Issue**

OE2 always intended for the location of the designated site to be the location reflected on page “OE2 040” of the Application, which for the avoidance of doubt, sits on land owned entirely in fee by OE2. And the location reflected on page “OE2 040” is the location of the Plant as built. Pursuant to Provision 32 of the Certification Relating to Order Provisions—Energy Conversion Facility Siting, OE2 provided the Commission with “both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the

energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction.” However, the Commission informed OE2 that the final Plant location did not conform to the Order.

After some investigating, OE2 learned that pages “OE2 010,” “OE2 045,” “OE2 046,” “OE2 047,” “OE2 048,” and “OE2 049” of the Application reflect a location where OE2 had initially intended for the Plant to be built. Due to a mistake, these pages were never updated—unlike pages “OE2 039,” “OE2 040,” and “OE2 041” of the Application—to reflect the true intended location of the Plant on OE2’s property.

Shown below is a figure depicting the location of the Plant as built, which is consistent with the proposed location depicted on page “OE2 040” of the Application. Also depicted in the figure is the location depicted in Figure 1 of the Application, Hearing Exhibit 1, page “OE2 010.”



### III. Authority to Amend and Waive Hearing

Pursuant to N.D.C.C. § 49-05-09 the Commission has the authority to “amend its Findings of Fact, Conclusions of Law and Order” in Case No. PU-20-082. OE2 requests that the Commission waive the hearing requirement in its entirety and proceed by virtue of its notice and opportunity for hearing procedure in consideration of this application.

**WHEREFORE**, OE2 respectfully requests that the Commission:

1. Amend Paragraph 2 of the Order to read: “Certificate of Site Compatibility No. 62 is issued to OE2 North LLC designating a site for the construction, operation, and maintenance of a gas processing plant. For purposes of this Certificate, the designated site is identified on page “OE2 040” of the Application.”
2. Add a new Paragraph 7 to the Order that says: “The Certificate is not conditioned on the Plant being in accord with pages ‘OE2 010,’ ‘OE2 045,’ ‘OE2 046,’ ‘OE2 047,’ ‘OE2 048,’ and ‘OE2 049’ of the Application.”<sup>1</sup>

Dated this 15th day of June, 2021.

FREDRIKSON & BYRON, P.A.

By: 

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<sup>1</sup> If these amendments are favorable to the Commission, OE2 agrees to waive its statutory right to notice and a hearing.