

June 4, 2020

HAND DELIVERED

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

**RE: Andeavor Field Services LLC
Crude Oil Pipeline
Billings and Stark Counties
Case No. PU-20-161**

Dear Mr. Kahl:

Please find enclosed for filing in the above-referenced matter an original and five (5) copies of the Proposed Findings of Fact, Conclusions of Law and Order, submitted on behalf of Andeavor Field Services LLC.

A disc containing the above-referenced document in PDF format is also provided.

If you should have any questions, please advise.

Sincerely



LAWRENCE BENDER

LB/kl
Enclosures

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Proposed Findings of Fact, Conclusions of Law and Order
Andeavor Field Services LLC
Lawrence Bender, Fredrikson&Byron, P.A.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Andeavor Field Services LLC
Crude Oil Pipeline – Billings and Stark Counties
Siting Application**

Case No. PU-20-161

[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June ____, 2020

Preliminary Statement

On July 11, 2011, Whiting Oil and Gas Corporation (“Whiting”) filed with the North Dakota Public Service Commission (“Commission”) a Consolidated Application for a Waiver or Reduction of Procedures and Time Schedules and for a Corridor Certificate and Route Permit (the “Original Application”) to authorize the construction of approximately 6.8 miles of 8-inch diameter steel pipeline for the transportation of crude oil gathered in Billings and Stark Counties, North Dakota, to an interconnection point located in Billings County, North Dakota (the “Pipeline”). Case No. PU-11-102, Docket No. 5.

On October 19, 2011, the Commission entered its Order on the Hearing Officer’s October 18, 2011 Recommended Findings of Fact, Conclusions of Law and Recommended Order (“Order”) issuing Certificate of Corridor Compatibility No. 124 and Route Permit No. 133 to Whiting for construction of the Pipeline. Case No. PU-11-102, Docket No. 37.

On April 21, 2017, Whiting and QEP Field Services, LLC (“QEP”) filed with the Commission a Joint Application for Transfer of Certificate of Corridor Compatibility No. 124 and Route Permit No. 133. Case No. PU-17-157, Docket No. 1. On May 10, 2017, the Commission issued a Notice of Opportunity for Consolidated Hearing on Whiting’s and QEP’s Joint Application with comments and requests for a hearing due by June 23, 2017. Case No. PU-17-157, Docket No. 6. On June 30, 2017, the Commission entered its Order on Reissuing Certificates and Permit, granting the request to transfer Certificate of Corridor Compatibility No. 124 and Route Permit No. 133 and issuing First Reissued Certificate of Corridor Compatibility No. 124 and First Reissued Route Permit No. 133 to QEP. Case No. PU-17-157, Docket No. 14.

On March 22, 2018, Andeavor Field Services LLC (“Andeavor”), successor by name change to QEP Field Services, LLC, filed with the Commission an Application for Transfer of Certificate of Corridor Compatibility and Route Permit Based on Name Change. Case No. PU-18-104, Docket No. 1. On April 11, 2018, the Commission moved to issue Second Reissued Certificate of Corridor Compatibility No. 124 and Second Reissued Route Permit No. 133 to Andeavor. Case No. PU-18-104, Docket No. 2. On April 11, 2018, the Commission approved the motion and issued Second Reissued Certificate of Corridor Compatibility No. 124 and Second Reissued Route Permit No. 133 to Andeavor. Case No. PU-18-104, Docket Nos. 3 and 4.

On March 30, 2020, Andeavor filed with the Commission a Consolidated Application for Amended Order, Amended Second Reissued Certificate of Corridor Compatibility No. 124 and Amended Second Reissued Route Permit No. 133 (“Application for Amended Order”) to reverse the flow of crude oil in the Pipeline, receiving oil at the interconnection with Bridger Pipeline LLC's Skunk Hill Station and transporting it south to the Belfield Oil Terminal. Case No. PU-20-161, Docket No. 1.

Also on March 30, 2020, in Case No. PU-20-161, Andeavor filed with the Commission an application to waive the hearing requirement in its entirety and proceed by virtue of its notice and opportunity for hearing procedure in consideration of this application. Case No. PU-20-161, Docket No. 1.

On April 15, 2020, the Commission a Notice of Opportunity for Hearing (the “Notice”). Case No. PU-20-161, Docket No. 3.

The Notice identified the following issues to be considered with respect to the application for 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 and that adherence to applicable 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 identified the following issues to be considered with respect to the Application for Amended Order:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location 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 the Notice, the deadline to submit comments and requests for a hearing on Andeavor’s Application for Amended Order was May 15, 2020.

On May 12, 2020, the North Dakota Department of Environmental Quality submitted comments on the issues identified in the Notice without objection to Andeavor’s Application for Amended Order and did not request a hearing. Case No. PU-20-161, Docket No. 12.

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

The purpose of the Pipeline, as stated in Whiting's Original Application in Case No. PU-11-102, was to transport oil produced in Stark and Billings Counties from a field oil terminal (hereinafter, the "Belfield Oil Terminal") located approximately 6 miles northeast of Belfield, North Dakota, to an interconnection point and pump station owned and operated by Bridger Pipelines, LLC (hereinafter, the "Skunk Hill Station") located approximately 6.5 miles northeast of the Belfield Oil Terminal in Billings County, North Dakota. Case No. PU-11-102, Docket No. 5.

The Pipeline is currently operated in the manner described in Whiting's Original Application in Case No. PU-11-102.

Andeavor intends to reverse the flow of crude oil in the Pipeline, receiving oil at the Skunk Hill Station and transporting it south to the Belfield Oil Terminal (the "Project").

In the October 11, 2011 Certification Relating to Order Provisions - Transmission Facility Siting ("Certification"), incorporated by reference into the Order entered in Case No. PU-11-102 on Whiting's Original Application for the Pipeline, Whiting agreed to "construct and operate the transmission facility in the manner described in Whiting's application," and "that it shall inform the Commission in writing of an plans to modify the transmission facility." Case No. PU-11-102, Docket No. 37.

Andeavor, as successor in interest to Whiting and QEP with respect to ownership and operation of the Pipeline and Project, is bound by the provisions of the Order and Certification entered in Case No. PU-11-102.

The Pipeline is completed and no further disturbance through additional construction activity is anticipated with respect to the Project.

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, Andeavor Field Services LLC, and the subject matter of the Application for Amended Order under Chapter 49-22.1 of the North Dakota Century Code.
2. Andeavor is a utility as defined in Section 49-22.1-01(12) of the North Dakota Century Code.
3. The Project is a gas or liquid transmission facility as defined in North Dakota Century Code Section 49-22.1-01(7).

4. The location and operation of the proposed facility will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The proposed facility is compatible with the environmental preservation and the efficient use of resources.
6. The proposed facility location 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 those certain procedures and time schedules as requested in the application for waiver of procedures and time schedules and pursuant to North Dakota Century Code Section 49-22.1-05 and North Dakota Administrative Code Chapter 69-06-06.

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

Order

The Commission orders:

1. Andeavor's March 30, 2020 application for a waiver of procedures and time schedules is granted.
2. Andeavor's March 30, 2020 Consolidated Application for Amended Order, Amended Second Reissued Certificate of Corridor Compatibility No. 124 and Amended Second Reissued Route Permit No. 133 to reverse the flow of crude oil in the Pipeline, receiving oil at the interconnection with Bridger Pipeline LLC's Skunk Hill Station and transporting it south to the Belfield Oil Terminal, is approved.
3. The Order entered in Case No. PU-11-102, incorporated herein by reference, is amended to allow for the flow of crude oil in the pipeline from the interconnection with Bridger Pipeline LLC's Skunk Hill Station south to the Belfield Oil Terminal. Except as expressly amended herein, the Order entered in Case No. PU-11-102 remains in full force and effect in accordance with its terms.
4. Amended Second Reissued Certificate of Corridor Compatibility No. 124 is issued to Andeavor Field Services LLC for the construction, operation and maintenance of the transmission facilities. For purposes of this Amended Certificate, the Corridor consists of an 80-foot wide area centered on the pipeline route for the length of the route as defined in the Original Application and amendments filed on September 20, 2011 in Case No. PU-11-102.

5. Amended Second Reissued Route Permit No. 133 is issued to Andeavor Field Services LLC for the construction, operation and maintenance of a 6.8-mile 8-inch diameter crude oil pipeline. For the purposes of this Amended Route Permit, the route that is approved is the route identified in Exhibit 3 entered at the hearing in Case No. PU-11-102.
6. The October 10, 2011 Certification and accompanying Tree and Shrub Mitigation Specifications (“Tree and Shrub Mitigation Specifications”) are incorporated by reference and attached to this Order.
7. The Certification is amended insofar as may necessary to allow for the flow of crude oil in the pipeline from the interconnection with Bridger Pipeline LLC's Skunk Hill Station south to the Belfield Oil Terminal.
8. Andeavor shall comply with the Order and Certification entered in Case No. PU-11-102, as each are amended herein, and the Certification and Tree and Shrub Mitigation Specifications.
9. To the extent there are any conflicts or inconsistencies between the Original Application, as modified by the Application for Amended Order, and the Certification, as amended herein, the Certification provisions control.

PUBLIC SERVICE COMMISSION

Julie Fedorchak
Commissioner

Brian Kroshus
Chairman

Randy Christmann
Commissioner

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