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May 8, 2020

Mr. Steven Kahl, Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Kahl:

Please find enclosed the original Petition and seven copies of Andeavor Field Services LLC, requesting consideration of its determination for gas gathering lines continuing through the Robinson Lake Gas Plant.

Thank you for your assistance. Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Matt Crockett".

Matthew L. Crockett

Enclosure: Original Petition and seven copies

1 GS-20-205 Filed 05/11/2020 Pages: 9
Request for Jurisdictional Determination
Andeavor Field Services LLC
Matthew Crockett

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**Andeavor Field Services LLC
Robinson Lake Gathering System,
Mountrail County**

Case No. PU-20-_____

**Petition for Finding Under 49 C.F.R. § 190.9 and N.D.A.C. § 69-09-03-02 for
the Andeavor Field Services LLC, Robinson Lake Gathering System Pipelines**

Pursuant to the North Dakota Public Service Commission’s (“Commission”) authority in N.D.C.C. § 49-02-01.2, and its rules in N.D.A.C. § 69-09-03-02, adopting parts 190, and 192 of title 49 of the Code of Federal Regulations, Andeavor Field Services, LLC (“Andeavor”), requests a finding from the Commission concurring in Andeavor’s determination¹ that intrastate gas gathering lines starting upstream of and continuing through Andeavor’s Robinson Lake Gas Processing Plant, the Stanley Booster Station and JT Plant to delivery points on three interstate transmission pipelines, are non-regulated incidental gathering lines (“the Gathering System”), pursuant to 49 C.F.R. § 192.8(a). Andeavor acquired the Gathering System from Whiting Petroleum Corporation (“Whiting”) becoming the operator effective January 1, 2017. Additionally, as part of this Petition, Andeavor specifically requests that the Commission re-examine and concur in Andeavor’s determination that one component of the Gathering System, the entire 6-inch steel WBI residue line, is also an incidental gathering line.

¹ “An operator must use API RP 80 (incorporated by reference, *see* § 192.7) to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line.” 49 C.F.R. § 192.8(a).

I. Description of the Gathering System.

The Gathering System gathers gas from various well connects to the inlet of the Plant. After passing through the Plant, the gathered gas continues through two (one 6-inch steel residue line, WBI – Southern Segment, and one 10-inch steel gas line Aux Sable – Southern Segment) lines, each approximately 13 miles through the Stanley Booster Station and JT Plant where it then continues through the WBI (3 miles – Northern Segment) and Aux Sable (1.6 miles –Northern Segment) lines for delivery, respectively, on to WBI’s East Mon-Dak interstate pipeline system and Aux Sable’s Prairie Rose interstate gas pipeline system. A third 12-inch steel gas line from the Stanley Booster/JT Plant also continues the gathering function 4.2 miles to delivery into the Hess gathering line. These three delivery points are the endpoints of the gathering function. All portions of these gathering lines are located within a Class 1 area as defined by 49 C.F.R. § 192.5(c), and therefore are non-regulated under 49 C.F.R. § 192.8(b).

A. 6-inch WBI Residue Line – Initial Determination.

In Commission Case No. PU-08-518, by email dated July 8, 2008, the Commission informed Whiting of its finding that the entire length of the 6-inch WBI Residue line was a jurisdictional intrastate transmission line based on the “determining information” in “49 C.F.R. Part 192.8(a)(1) and Section 2.3 of API RP 80.” Andeavor views this finding as incorrect and not in accordance with the applicable State rules for the following reasons.

First, 49 C.F.R. § 192.8(a)(1), adopted by N.D.A.C. § 69-09-03-02, pertains to the “beginning of gathering, under section 2.2(a)(1) of API RP 80,” which “may not extend beyond the furthestmost downstream point in a production operation defined in section 2.3 of

RP 80.” No part of the Gathering System, including the 6-inch WBI Residue line, is a “production operation” as defined by API RP 80 § 2.3, being entirely downstream therefrom. By virtue of its certification under Federal Pipeline Safety Act, 49 U.S.C. § 60105, and under N.D.C.C. § 49-02-01.2.1, the Commission’s pipeline safety program must be substantially the same as the federal rules, and may not be more stringent than the corresponding federal regulations. “Any interpretation of a regulation adopted by a State agency must not conflict with any opinion/interpretation issued by the PHMSA.” Guidelines for States Participating in the Pipeline Safety Program, PHMSA (December 2017).

B. Definition of Gas Gathering Lines Under 49 C.F.R. Part 192.

Second, regarding the entire Gathering System, 49 C.F.R. § 192.3, defines a “*gathering line*” as a “pipeline that transports gas from a current production facility to a transmission line or main.” In contrast, a “*transmission line*” is defined as a “pipeline, other than a *gathering line*, that: (1) Transports gas from a *gathering line* or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center; (2) operates at a hoop stress of 20 percent or more of SMYS; or (3) transports gas within a storage field.”²

49 C.F.R. § 192.7 incorporates API RP 80 by reference, and pursuant to 49 C.F.R. § 192.8(a), that standard must be used by an operator “to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore *gathering line*.” It is important to recognize that this definition, adopted in the Commission’s pipeline safety rule at N.D.A.C. § 69-09-03-

² *Id.* Emphasis in the sources quoted in this Petition has been added.

02, as authorized by N.D.C.C. § 49-02-01.2, is separate and distinct from, and excluded by definition from the Energy Conversion and Transmission Facilities Code in N.D.C.C. chapter 49-22.1. *See* N.D.C.C. § 49-22.1-01.7.a (“This subdivision does not apply to: (1) An oil or gas pipeline gathering system[.]”).

C. Gas Gathering Lines Defined in API RP 80.

Third, in API RP 80, Section 2.2(a), a “Gathering Line,” means “any pipeline or part of a connected series of pipelines used to[.]”

- (1) Transport gas from the furthestmost downstream point in a production operation ***to the furthestmost downstream of the following endpoints***, which physically may have intermediate deliveries (to other production operations, pipeline facilities, farm taps, or residential/commercial/industrial end users) that are not necessarily part of the gathering line:
 - (A) the inlet of the furthestmost downstream natural gas processing plant, other than a natural gas processing plant located on a transmission line;
 - (B) the outlet of the furthestmost downstream gathering line gas treatment plant,
 - (C) the furthestmost downstream point where gas produced in the same production field or separate production fields is commingled,
 - (D) the outlet of the furthestmost downstream compressor station used to lower gathering line operating pressure to facilitate deliveries into the pipeline from production operations or to increase gathering line pressure for delivery to another pipeline, or
 - (E) ***the connection to another pipeline downstream of:***
 - (i) ***the furthestmost downstream endpoint identified in (A), (B), (C) or (D),*** or (in the absence of such endpoint)
 - (ii) the furthestmost downstream production operation[.]

Each of the Gathering System pipelines described above, are gathering lines as defined by their furthestmost downstream endpoints in API RP 80 section 2.2(a)(1)(E).³

In addition, API RP 80 § 2.2.1, “Basic ‘Gathering Line’ Definitional Concepts, relates that: “The gathering of gas from multiple production operations can be a complex procedure. . . . * * * * In determining where a gathering line ends, two important concepts are considered – the concepts of “function” and “furthestmost downstream.” API RP 80 § 2.2.1.1 Function, recognizes that:

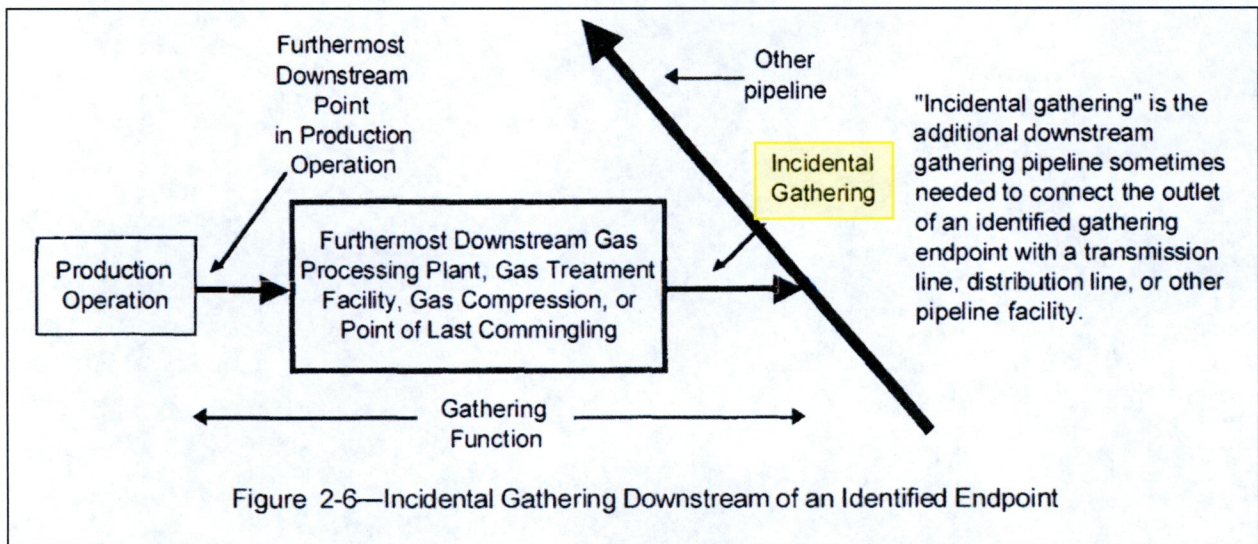
a gathering line continues to fulfill the gathering function until it reaches a defined and recognized endpoint regardless of intermediate processes and/or deliveries along the line. Because gas flowing into a gathering line from various locations may be of differing quality and flowing pressure, it is sometimes necessary to subject the gas stream to one or more intermediate processes. This is usually done to maintain pressure in the line which will not result in an unacceptable backpressure on production or tributary gathering lines flowing into a gathering line. ***Regardless of the intermediate processes and/or deliveries that may occur along a gathering line, the gathering function – and therefore the gathering line – continues until the line terminates at a defined and recognized endpoint.***

The last endpoints of the gathering function on the Gathering System are the delivery points onto the third-party pipelines, downstream of the Stanley Booster/JT Plant.

The incidental gathering line function in API RP 80 §§ 2.2.1.1 and 2.2(a)(1)(E), as illustrated by example 2.2.1.2.6, is especially pertinent to the Robinson Lake Gathering System, where Andeavor moves:

³ The applicability of API section 2.2(a)(2)(E), to classify incidental gathering lines has been addressed in multiple PHMSA interpretations, including PI-09-0002 and PI-09-0008, both acknowledging that incidental gathering line designations are permissible.

the gas through a pipeline some additional distance from the plant to another pipeline. *The pipeline moving the gas from the plant to another pipeline is termed “incidental gathering.” The “incidental gathering” resumes at the plant outlet and continues to the other pipeline connection. Incidental gathering may also occur when a compressor is a potential endpoint.* Incidental gathering normally is present when the point of last commingling is the last “identified endpoint.” *From a functional standpoint, this section of incidental gathering line is no different from the rest of the gathering system. The definition, therefore, includes recognition that gathering may continue downstream of the last endpoint identified by processing, treatment, commingling, or compression activities to the connection with another pipeline.* Figure 2-6 illustrates this concept.



This API example is very similar to the configuration and function of the Gathering System depicted below, where the gathering function extends through the Robinson Lake Plant, the Stanley Booster/JT Plant and likewise “continues to the other pipeline connections,” API RP 80 § 2.2.1.2.6, as shown here:

RESPECTFULLY SUBMITTED, this 6th day of May, 2020.



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STATE OF COLORADO)

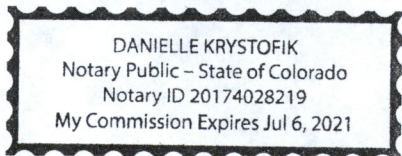
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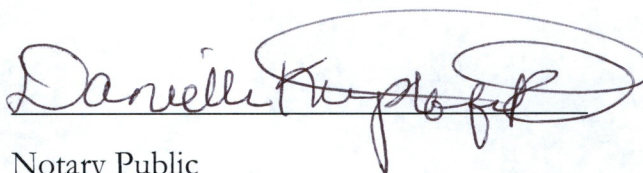
COUNTY OF JEFFERSON)

I, Matthew L. Crockett, being of lawful age, duly sworn and upon oath, state that I am an attorney for Andeavor Field Services LLC, have read the foregoing petition, know the contents and statements therein to be true and correct to the best of my knowledge, and have executed this petition as its attorney on its behalf.



Subscribed and sworn to before me this 8 day of May 2020.





Notary Public

My Commission expires: 7-6-2021