



Public Service Commission State of North Dakota

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August 13, 2020

Matthew L. Crockett
Greenberg Traurig, LLP
1144 15th Street, Suite 3300
Denver, Colorado 80202

Re: Case No. GS-20-205
Petition for finding or jurisdictional determination
Andeavor Field Services LLC
Robinson Lake Gathering System Pipelines

Mr. Crockett:

On May 8, 2020, on behalf of Andeavor Field Services LLC (Andeavor), a natural gas processing company and pipeline operator in North Dakota, you filed with the North Dakota Public Service Commission (PSC), a petition (the "Petition") for a finding under 49 CFR §192.8 that:

- an intrastate pipeline segment(s) is an onshore gathering line
- the segment(s) is not a regulated onshore gathering line

On July 8, 2020, the PSC discussed your request and recommended a finding that the intrastate pipeline segment(s) is an onshore gathering line and is not a regulated onshore gathering line. On July 9, 2020, the PSC sent its recommended findings to PHMSA as required by 49 CFR §190.9. PHMSA did not reverse or modify the PSC's recommendation within 10 days and, therefore, under 49 CFR §190.9 the PSC's recommendation constitutes PHMSA's decision on Andeavor's Petition. Attached is the PSC's letter to PHMSA with its recommended findings regarding your petition.

Andeavor should be aware that if PHMSA should undertake a rule amendment to correct what they see as a drafting error the lines found to be non-regulated onshore gathering would then be subject to regulation as transmission lines. Also, this determination does not set precedent, or apply to other State or Federal laws, regulations, or orders. We thank you again for your request. If we can provide further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Johnson', written over a horizontal line.

Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407



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July 1, 2020

Administrator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Petition for finding or approval under 49 CFR §190.9
Andeavor Field Services LLC
Robinson Lake Gathering System Pipelines
PHMSA OPID 39228

Greetings:

On May 8, 2020, Andeavor Field Services LLC (Andeavor), a natural gas processing company and pipeline operator in North Dakota filed with the North Dakota Public Service Commission (PSC), a petition (the "Petition") for a finding under 49 CFR §192.8 that:

- an intrastate pipeline segment(s) is an onshore gathering line
- the segment(s) is not a regulated onshore gathering line

The PSC has adopted 49 CFR §190.9 and is the State agency certified to participate under 49 U.S.C. 60105 (49 CFR §190.9(b)(1)(i)).

The PSC's recommendation is that the pipeline segments subject of the Petition are a non-regulated onshore gathering line under 49 CFR §192.8.

Onshore Gathering Line Analysis and Findings (See Figure 1)

The pipelines upstream of the Gas Plant begin at multiple well connects (from production fields that are not greater than 50 miles from each other) and transport produced gas to the inlet of the Robinson Lake Gas Processing Plant (Gas Plant).

After passing through the Gas Plant, the gas continues downstream through two steel pipelines (one 6-inch residue line, and one 10-inch gas line) to the Stanley Booster Station/Joule-Thomson (JT) Plant (Booster Station). The 6-inch residue line continues beyond the Booster Station and connects to WBI's Mon-Dak Interstate Transmission Pipeline. The 10-inch gas line continues beyond the Booster Station as both a 10-inch line and a 12-inch line. The 10-inch gas line connects to Aux Sable's Prairie Rose Interstate Transmission Pipeline, while the 12-inch gas line transports gas to a delivery point on the Hess Gathering Pipeline.

49 CFR §192.8(a) states that "An operator must use API RP 80 . . . to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line. The determination is subject to the limitations listed below (in 49 CFR §192.8(a)(4))."

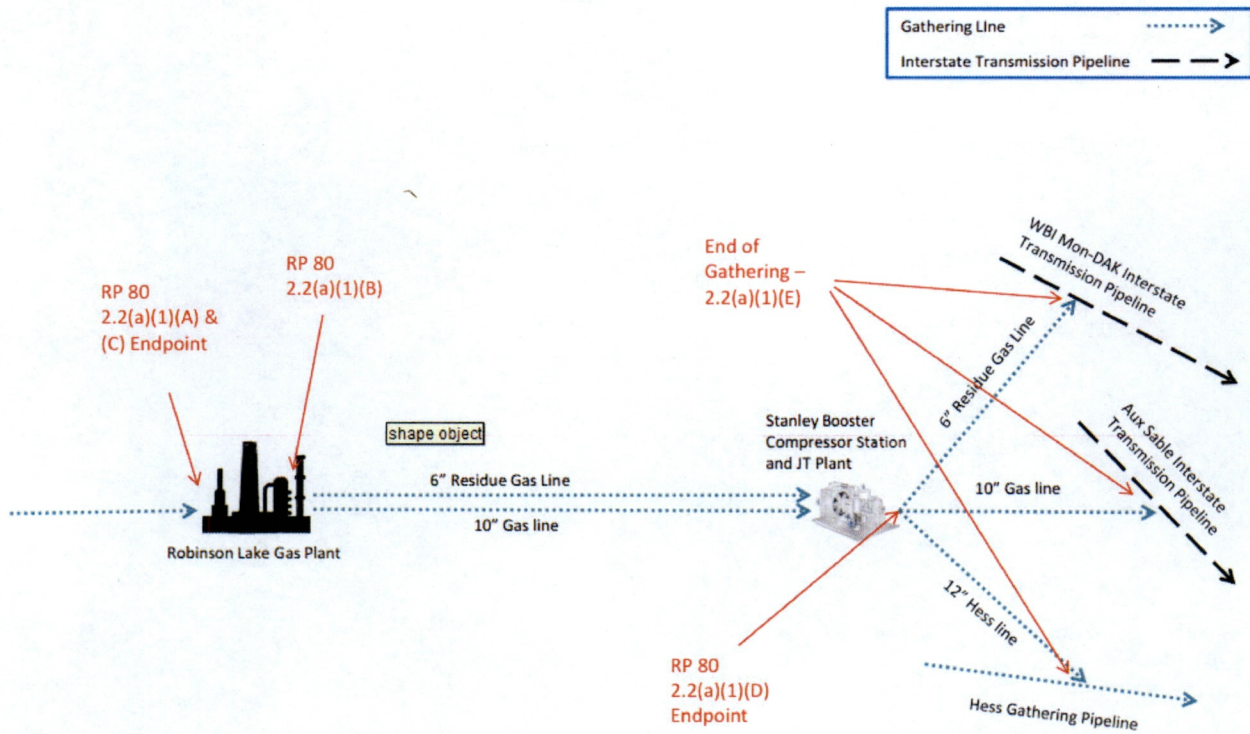
The application of the limitation on API RP 80 was addressed by PHMSA on March 15, 2006 when a Final Rule defining a "regulated gathering line" was set forth and the requirements that apply to regulated gathering lines (71 FR 13289) were issued. The rule adopted API RP 80 with certain limitations including 49 CFR §192.8(a)(4). 71 FR 13289 PHMSA states:

We did not propose a limitation on the fifth possible endpoint under section 2.2(a)(1)(E). This endpoint is the connection to another pipeline downstream of the furthestmost downstream endpoint under sections 2.2(a)(1)(A) through (D), or in the absence of such an endpoint, the furthestmost downstream production operation. The endpoint applies to connecting lines described as "incidental gathering" under section 2.2.1.2.6 of API RP 80. An example of a connecting line is a pipeline that runs from the outlet of a natural gas processing plant to a transmission line. PHMSA considers "incidental gathering" to include only lines that directly connect a transmission line to one of the endpoints (A) through (D), as limited by this final rule. Lines that connect a transmission line to one of these endpoints by way of another facility are not considered "incidental gathering."

At this time PHMSA has not proposed a limitation on the 5th possible endpoint under 2.2(a)(1)(E), and incidental gathering designations are currently permissible as demonstrated in PHMSA Interpretation Responses PI-09-0002 and PI-09-0008.

The PSC recommends a finding that the intrastate pipeline system upstream of the Andeavor Robinson Lake Gas Processing Plant is an onshore gathering pipeline system. The PSC recommends a finding that the Andeavor Robinson Lake Gas Processing Plant and the intrastate pipeline system downstream of the Gas Plant and Booster Station to the delivery points on the WBI, Aux Sable, and Hess pipelines is an onshore gathering system (incidental gathering) under RP 80 section 2.2(a)(1)(E).

Figure 1



Onshore Gathering Line Regulation Analysis and Findings

49 CFR §192.5 states:

...
(b)(1) A Class 1 location is:

...
(ii) Any class location unit that has 10 or fewer buildings intended for human occupancy

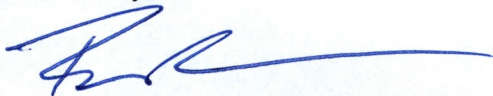
49 CFR §192.8(b) states that "For purposes of §192.9, "regulated onshore gathering line" means:

...
(1) Each onshore gathering line (or segment of onshore gathering line) with a feature described in the second column that lies in an area described in the third column; ..."

All segments of Andeavor's aforementioned pipeline system are located in a Class 1 area as defined by 49 CFR §192.5(c). Their system does not contain a feature described in the second column that lies in an area described in the third column.

The PSC recommends a finding that Andeavor's intrastate pipeline system beginning at the terminus of production and ending downstream of the Andeavor Gas Plant and Booster Station and connecting to the WBI, Aux Sable, and Hess pipelines is a non-regulated onshore gathering pipeline.

Sincerely,



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
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Enclosure:

- Petition
- Supplement
- Second Supplement