



Public Service Commission

State of North Dakota

COMMISSIONERS

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October 28, 2021

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NOTICE OF NONCOMPLIANCE

RE: Case No. PU-20-247, OE2 North LLC, 8" NGL & 20" Residue Gas
Pipelines – Williams County

The Commission's August 26, 2020, Findings of Fact, Conclusions of Law and Order in Case No. PU-20-247 issued Certificate of Corridor Compatibility No. 218 and Route Permit No. 228 to OE2 North LLC (OE2) for the location of a 1.28-mile, 8-inch diameter natural gas liquids (NGL) pipeline; and issued Certificate of Corridor Compatibility No. 219 and Route Permit No. 229 to OE2 for the location of a 4.67-mile, 20-inch diameter residue gas pipeline, both in Williams County, North Dakota.

On August 10, 2021, following completion of construction of the facility, OE2 filed maps of the facilities as-built, and GIS versions of the as-built maps.

Commission staff compared the GIS as-built maps with the GIS of the pipeline routes designated by the Commission. Commission staff determined that the as-built routes do not coincide with the routes designated by the Commission's August 26, 2020, Order at the following locations:

- The as-built route for the 8-inch diameter NGL pipeline is adjusted from the designated route in Township 154, Range 104, Section 27.
- The as-built route for the 20-inch diameter residue gas pipeline is adjusted from the designated route in Township 154, Range 104, Section 27.

OE2 is in noncompliance with the Commission's August 26, 2020, Order by failing to file with the Commission certifications and supporting documentation required under North Dakota Century Code (N.D.C.C. section 49-22.1-15 before conducting construction activities associated with those route adjustments.

Commission Staff asks that OE2 submit the required documentation for the route adjustments by November 30, 2021, to avoid further action due to noncompliance.

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Notice of Noncompliance

N.D.C.C. 49-22-21(3) states:

3. Any person who willfully engages in any of the following conduct is subject to a civil penalty of not to exceed ten thousand dollars for each such violation for each day the violations persist, except that the maximum penalty may not exceed two hundred thousand dollars for any related series of violations:
 - a. Begins construction of an electric energy conversion facility or an electric transmission facility without having been issued a certificate or permit pursuant to this chapter.
 - b. Constructs, operates, or maintains an electric energy conversion facility or an electric transmission facility other than in compliance with the certificate or permit and any terms, conditions, or modifications contained therein.
 - c. Violates any provision of this chapter or any rule adopted by the commission pursuant to this chapter.
 - d. Falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to a certificate or permit issued pursuant to this chapter.

The civil penalty provided for in this subsection may be compromised by the commission. The amount of the penalty when finally determined or agreed upon in compromise must be deposited in the general fund and, if not paid, may be recovered in a civil action in the courts of the state.

In addition to the civil penalty the Commission may impose, the Site Certificate and Route Permit for the Project could be suspended or revoked for operation in violation of North Dakota Administrative Code.

You may contact me at 701-328-4077 with any questions concerning this letter.

Best regards,



Patrick Fahn
Director, Public Utilities Division