

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dakota Prairie Refining, LLC
Amend Cert No. 151, Permit No. 162 and 163
Siting Application

Case No. PU-20-263

ORDER

August 26, 2020

Preliminary Statement

On December 30, 2013, in Case No. PU-13-799, the Commission issued to Dakota Prairie Refining, LLC (Dakota Prairie) and Lario Shipping, LLC, Certificate of Corridor Compatibility No. 151 (Certificate 151) designating a corridor for the construction, operation, and maintenance of a 6-inch and an 8-inch pipeline between the Dakota Prairie Refinery and the Lario Shipping, LLC rail hub, in Stark County, North Dakota, for the transmission of refined petroleum products, Case No. PU-13-799. The Commission issued Route Permit No. 162 (Permit 162) designating a route for the 6-inch pipeline and issued Route Permit No. 163 (Permit 163) designating a route for the 8-inch pipeline.

On June 10, 2020, in Case No. PU-20-165, the Commission adopted an Order transferring Certificate 151, Permit 162, and Permit 163 and issuing First Reissued Certificate of Corridor Compatibility No. 151, First Reissued Route Permit No. 162, and First Reissued Route Permit No. 163 to Dakota Prairie.

On June 11, 2020, in Case No. PU-20-263, Dakota Prairie filed with the Commission an application to amend the Commission's December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799.

On June 11, 2020, Dakota Prairie filed with the Commission a request to waive any hearing requirements and proceed by virtue of its notice of opportunity for hearing procedure in consideration of the application.

On July 8, 2020, the Commission issued a Notice of Opportunity for Hearing providing until August 10, 2020, for comments and requests for hearing. No comments or requests for hearing were received.

The Notice identified the following issues to be considered in 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 in issues in the consolidated application for an amended certificate of corridor compatibility and an amended route permit are:

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?

Discussion

Dakota Prairie Refining, LLC is a Delaware limited liability company authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission on March 31, 2020, in Case No. PU-20-167.

Dakota Prairie requests an amendment of the Commission's December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799. Dakota Prairie intends to cease crude oil refining operations at the Dakota Prairie Refinery and produce renewable diesel fuel by refining liquid soybean and corn oil product. The amendment requested by Dakota Prairie is to use the 8-inch pipeline for the transmission of liquid soy product from the Lario Shipping, LLC rail hub (now known as the Dickinson Rail Terminal) to the Dakota Prairie Refinery, and to use the 6-inch pipeline for the transmission of renewable diesel fuel from the Dakota Prairie Refinery to the Dickinson Rail Terminal.

Dakota Prairie will clear and clean the existing pipelines prior to transmission of the new liquids. Other than the clearing and cleaning, no modifications will be made to the existing pipelines and the new liquids will be transmitted at pressures below the current maximum pressure capability of each pipeline.

The Commission's December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799 determined that the pipelines are of such length, design, location and purpose that they will produce minimal adverse effects. Under the changed operation, the pipelines will still produce minimal adverse effects and therefore it is appropriate for the Commission to grant the application for a waiver of procedures and time schedules.

The Commission's December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799 determined that the pipelines are compatible with environmental preservation and the efficient use of resources. The pipelines continue to be compatible with the environmental preservation and the efficient use of resources.

The location of the pipelines will not change. The proposed revisions to operation of the pipelines will not produce incremental adverse effects on the environment or upon the welfare of the citizens of North Dakota.

Having considered this matter the Commission finds that the December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799 should be amended to indicate the use of the 8-inch pipeline for the transport of liquid soy product from the Dickinson Rail Terminal to the Dakota Prairie Refinery, and to indicate the use of the 6-inch pipeline for the transport of renewable diesel fuel from the Dakota Prairie therefore the Commission issues the following:

Order

The Commission Orders:

1. Dakota Prairie's request to waive any hearing requirements and proceed by virtue of a notice of opportunity for hearing is granted.
2. Dakota Prairie's application to amend the Commission's December 30, 2013 Findings of Fact, Conclusions of Law and Order in Case No. PU-13-799 in order to use the 8-inch pipeline for the transport of liquid soy product from the Lario Shipping, LLC rail hub (now known as the Dickinson Rail Terminal) to the Dakota Prairie Refinery, and to use the 6-inch pipeline for the transport of renewable diesel fuel from the Dakota Prairie Refinery to the Dickinson Rail Terminal is granted.
3. First Amended First Reissued Certificate of Corridor Compatibility No. 151, First Amended First Reissued Route Permit No. 162 and First Amended First Reissued Route Permit No. 163 are issued to Dakota Prairie Refining, LLC.
4. All applicable provisions and requirements in the Commission's Findings of Fact, Conclusions of Law and Order issued December 30, 2013 in Case No. PU-13-799, and all applicable provisions and requirements in the Commission's Order issued June 10, 2020, in Case No. PU-20-165 continue to apply except where altered by this Order.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

First Amended First Reissued Certificate of Corridor Compatibility Number 151

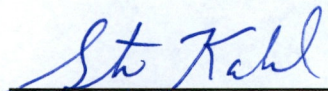
This is to certify that the Commission has designated a transmission facility corridor for Dakota Prairie Refining, LLC for the construction, operation and maintenance of a 6-inch pipeline for the transmission of renewable diesel fuel and an 8-inch pipeline for the transmission of liquid soy product between the Dakota Prairie Refinery and the Dickinson Rail Terminal in Stark County, North Dakota.

This transmission facility corridor is designated in accordance with the Commission's December 30, 2013 Order in Case No. PU-13-799, the Commission's June 10, 2020 Order in Case No. PU-20-165, and the Commission's August 26, 2020 Order in Case No. PU-20-263, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, August 26, 2020.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA

First Amended First Reissued Route Permit Number 162

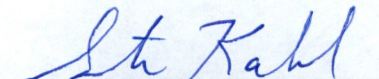
This is to certify that the Commission has designated a transmission facility route for Dakota Prairie Refining, LLC for the construction, operation and maintenance of a 6-inch pipeline for the transmission of renewable diesel fuel between the Dakota Prairie Refinery and the Dickinson Rail Terminal in Stark County, North Dakota.

This transmission facility route is designated in accordance with the Commission's December 30, 2013 Order in Case No. PU-13-799, the Commission's June 10, 2020 Order in Case No. PU-20-165, and the Commission's August 26, 2020 Order in Case No. PU-20-263, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, August 26, 2020.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA

First Amended First Reissued Route Permit Number 163

This is to certify that the Commission has designated a transmission facility route for Dakota Prairie Refining, LLC for the construction, operation and maintenance of an 8-inch pipeline for the transmission of liquid soy product between the Dakota Prairie Refinery and the Dickinson Rail Terminal in Stark County, North Dakota.

This transmission facility route is designated in accordance with the Commission's December 30, 2013 Order in Case No. PU-13-799, the Commission's June 10, 2020 Order in Case No. PU-20-165, and the Commission's August 26, 2020 Order in Case No. PU-20-263, and is subject to the conditions and limitations noted in those Orders.

Bismarck, North Dakota, August 26, 2020.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner