

Casey A. Furey
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September 18, 2020

Via Electronic Mail

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**In re: Eighty-Eight Terminals North Dakota LLC (f/k/a/ Plains Terminals
North Dakota, LLC)
Notice of Name Change
Case No. PU-16-140
Our File No. 030210-000006**

Dear Mr. Kahl:

The following information is provided on behalf of Eighty-Eight Terminals North Dakota LLC, formerly known as Plains Terminals North Dakota, LLC. On August 17, 2016, in Case No. PU-16-140, the North Dakota Public Service Commission (“Commission”) approved an Order on Recommended Findings of Fact, Conclusions of Law and Order issuing Plains Terminals North Dakota, LLC (“Plains Terminals”), a Delaware limited liability company, Certificate of Corridor Compatibility No. 191 (“Certificate”) and Route Permit No. 203 (“Permit”) for a 3.5-mile 16-inch diameter crude oil pipeline and associated facilities in McKenzie County, North Dakota (the “Project”). The Project originates at the Johnson’s Corner Terminal and extends northwest to terminate at the Dakota Access Pipeline Johnson’s Corner Terminal Facility.

The Certificate and Permit were issued in the name of Plains Terminals which underwent a name change to Eighty-Eight Terminals North Dakota LLC (“Eighty-Eight Terminals”). The Certificate and Permit have not been transferred to a new entity. The Certificate and Permit remain held by the original permittee (Plains Terminals) which is now known as Eighty-Eight Terminals. Thus, Eighty-Eight Terminals requests that the Commission update its existing Certificate and Permit consistent with its name change. By way of background, Plains Terminals was previously owned by Plains Marketing, L.P. Subsequently, Eighty-Eight Oil LLC acquired Plains Marketing, L.P.’s

ownership interests in Plains Terminals and Eighty-Eight Oil LLC became the upstream owner of Plains Terminals. Plains Terminals then underwent a name change to Eighty-Eight Terminals North Dakota LLC.

Eighty-Eight Terminals submits that it is appropriate for its Certificate and Permit to be updated and reissued consistent with its name change and that a transfer application and associated proceedings are not applicable to this request. The provisions of N.D.C.C. Ch. 49-22.1 pertaining to certificate and permit transfers govern the transfer of certificates or permits between separate and distinct entities, and do not govern instances of name changes or changes in the upstream ownership of entities that hold certificates and permits. As previously explained, the Certificate and Permit have not been transferred to a new entity and they continue to be held by the original permittee whose name is now Eighty-Eight Terminals North Dakota LLC. For these reasons, Eighty-Eight Terminals respectfully requests that the Commission update its existing Certificate and Permit consistent with its name change to Eighty-Eight Terminals North Dakota LLC.

Electronic copies of current Certificates of Good Standing and Certificates of Amendment from the Delaware and North Dakota Secretaries of State acknowledging the name change of Plains Terminals North Dakota, LLC to Eighty-Eight Terminals North Dakota LLC are enclosed for filing with the Commission.

Please do not hesitate to contact me with any additional questions.

Sincerely,

CROWLEY FLECK PLLP



Casey A. Furey

Enc.

cc: Wade C. Mann (via email)
Kevin Cook (via email)
Patrick Fahn (via email)
Brian Johnson (via email)

State of North Dakota SECRETARY OF STATE



Certificate of Good Standing of Eighty-Eight Terminals North Dakota LLC

SOS Control ID#: 0000127711

Certificate #: 018979035 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

Eighty-Eight Terminals North Dakota LLC

a Limited Liability Company - Business - Foreign was formed under the laws of DELAWARE and filed with this office effective May 14, 2013. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: September 14, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



STATE OF NORTH DAKOTA

Alvin A. Jaeger

Secretary of State

600 E Boulevard Avenue Dept 108
Bismarck, ND 58505-0500

Eighty-Eight Terminals North Dakota LLC
455 NORTH POPLAR
CASPER, WY 82602

January 21, 2020

Amendment Acknowledgment

Please review the filing information below and notify our office immediately of any discrepancies.

Amendment Type: Amended Certificate of Authority
SOS Control ID #: 0000127711

Filing Name: Eighty-Eight Terminals North Dakota LLC
Filing Type: Limited Liability Company - Business - Foreign
Received Date: 01/16/2020
Status: Active

Effective Date: 01/21/2020
Image ID: B0251-5656
Receipt ID: 002555243

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota

SECRETARY OF STATE



Amended Certificate of Authority of PLAINS TERMINALS NORTH DAKOTA LLC

SOS Control ID#: 0000127711

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that an application by

PLAINS TERMINALS NORTH DAKOTA LLC

for an Amended Certificate of Authority to transact business in this state, duly signed and executed as required by North Dakota statutes governing a foreign limited liability company, has been received in this office and is found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Amended Certificate of Authority to

Eighty-Eight Terminals North Dakota LLC

under the name of

Eighty-Eight Terminals North Dakota LLC

Filed date: January 21, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



**AMENDED CERTIFICATE OF AUTHORITY APPLICATION
FOREIGN LIMITED LIABILITY COMPANY RECEIVED
SECRETARY OF STATE
SFN 51734 (09-2015)**

For Office Use Only

ID Number:
WO Nur For Office Use Only
Filed: -FILED-
SOS Control ID#: 0000127711
Date Filed: 1/21/2020
Signed Consent to Use Business Name and fee of \$10
Trade Name Registration and fee of \$25

JAN 16 2020

SEC. OF STATE

SEE INSTRUCTIONS FOR FEE, FILING AND MAILING INFORMATION

1A. The application **MUST** be accompanied by **ALL** of the following:

- Filing fee of \$50
- If amending the name, a **current Certificate of Fact** verifying the name change certified by the government officer of the state or country where articles of organization are filed

1B. The following **MAY** be required:

- Signed Consent to Use Business Name and fee of \$10
- Trade Name Registration and fee of \$25

TYPE OR PRINT LEGIBLY

For reference, see North Dakota Century Code, Section 10-32.1-77

2. Type of limited liability company applying for amended certificate of authority (check one)		3. Reason for amended certificate of authority	
<input checked="" type="checkbox"/> Foreign Business	<input type="checkbox"/> Foreign Professional	<input checked="" type="checkbox"/> Name Changed	<input type="checkbox"/> Correction
4. Name of limited liability company EXACTLY as currently authorized by the North Dakota Secretary of State Plains Terminals North Dakota LLC		5. Federal ID Number 46-2646400	
6. Name of limited liability company as amended (EXACTLY as it appears on Certificate of Fact from the state or country of origin) Eighty-Eight Terminals North Dakota LLC			
7. If applicable, provide the trade name and complete the Trade Name Registration form if selected trade name is not already registered in North Dakota. <u>Only provide the trade name in this line if:</u>			
<ul style="list-style-type: none"> a) The "new" limited liability company name is not in the form as required of limited liability companies in North Dakota. b) The Secretary of State has notified the limited liability company that its "new" name is the same or deceptively similar to a name already registered, and the limited liability company is unable to obtain Consent to Use Business Name from the previous filer or a certified copy of a final decree of a court of competent jurisdiction establishing prior right of this limited liability company to use of the name in North Dakota. c) The limited liability company does not wish to use or protect its "new" name in North Dakota and chooses to use a name other than its limited liability company name. 			
8. Complete address of principal executive office (Street/RR, PO Box, City, State, ZIP+4) Street address MUST be provided; may not be only a post office box. 455 North Poplar, Casper, WY 82602		9. State or Country Where Organized DE	
10. Limited liability company will expire in state or country of origin (check one)		11. Telephone Number	12. Toll Free Telephone Number
<input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> Expires - Specify date:		(307) 237-9301	
13A. Name of <u>commercial</u> registered agent in <u>North Dakota</u> Corporation Service Company		OR	
		13B. Name of <u>noncommercial</u> registered agent in <u>North Dakota</u>	
13C. Address of <u>noncommercial</u> registered agent in <u>North Dakota</u> (Street/RR, PO Box, City, State, ZIP+4) Street address MUST be provided; may not be only a post office box.			
14. Nature of business or activities the limited liability company conducts or intends to conduct in North Dakota crude oil pipeline transportation			
15. Managers and governors of the limited liability company (attach additional sheet, if necessary)			
MANAGERS		COMPLETE MAILING ADDRESS	
Manager also serves as Governor		Street/Rural Route Post Office Box City State ZIP+4	
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
Managing Member H.A. True III		455 North Poplar, P.O. Drawer 2360, Casper, WY 82602	
Managing Member			
16. "The undersigned has read the foregoing application, knows the contents, and believes the statements to be true. I further authorize the Secretary of State to correct numbers 4, 6, 9, 13A, 13B, and 13C if not correctly reflected. I understand that if I make a false statement in this document, I may be subject to criminal penalties."			
Signature 		Date 1-13-2020	
Name of Person to Contact About This Document Kevin C. Cook		Email Address kevin.cook@truecos.com	Daytime Telephone Number (307) 266-0318

B0251-5656 01/16/2020 Received by ND Secretary of State Alvin A. Jaeger

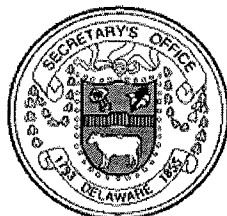
1-16-2020 BW

Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "EIGHTY-EIGHT TERMINALS NORTH DAKOTA LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FIFTEENTH DAY OF SEPTEMBER, A.D. 2020.



5318910 8300

SR# 20207263388

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203657453

Date: 09-15-20


**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: _____
Plains Terminals North Dakota LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the Company is "Eighty-Eight Terminals North Dakota LLC".

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 2nd day of December, A.D. 2019.

By:  _____
Authorized Person(s)

Name: H.A. True III
Print or Type