

May 3, 2022

Via Hand Delivery & Electronic Mail

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

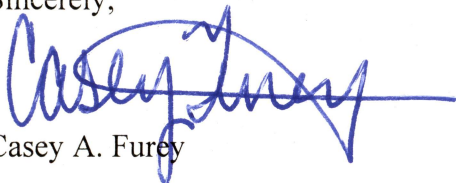
**In re: Bridger Pipeline LLC
16-inch South Bend Crude Oil Pipeline
Case No. PU-21-048
OAH File No. 20220094
Our File No. 016265-000018**

Dear Mr. Kahl:

Please find enclosed for filing five hard copies of Bridger Pipeline LLC's Sur-Reply in Opposition to LIUNA's Petition for Intervention in the above-referenced matter.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh

Enc.

cc: ALJ Timothy Dawson (via email & U.S. Mail)
Kevin Pranis (via email & U.S. Mail)
Adam Renfandt (via email)
Brian Johnson (via email)
Kevin Cook (via email)
Ken Dockweiler (via email)
Robert Stamp (via email)
Tom Litman (via email)

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Sur-Reply in Opposition to LIUNA's Petition for Intervention

Bridger Pipeline LLC

Casey Furey, Crowley Fleck, PLLP

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Bridger Pipeline LLC
16-inch Crude Oil Pipeline – McKenzie/Golden Valley
Siting Application

Case No. PU-21-048

BRIDGER PIPELINE LLC'S SUR-REPLY IN OPPOSITION TO
LIUNA'S PETITION FOR INTERVENTION

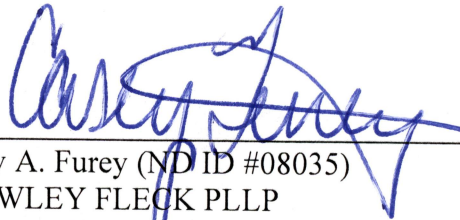
Instead of explaining why its Petition for Intervention complies with the Commission's rules governing party intervention, LIUNA's reply argues its Petition to Intervene should be granted because it was admitted as a party in separate siting proceedings. This argument fails. Notably, the applicants in the proceedings referenced by LIUNA either took no position on LIUNA's intervention requests, submitted no formal response, or did not object.¹ Regardless, Petitioner's involvement as a party in separate proceedings creates no binding precedent for the case at hand. Rather, Petitioner is required to independently follow the Commission's rules governing party intervention in each case that it seeks intervention. For the reasons set forth at length in Bridger's Response, LIUNA has failed to demonstrate a statutory right or legal interest that will be substantially affected by this proceeding, and this fact remains unchanged by LIUNA's Reply.

¹ Case No. PU-08-932, Docket No. 218 (no response or objection from Applicant filed in docket); Case No. PU-15-114, Docket No. 23, Order on Petition for Intervention ("The applicant, Sacagawea Pipeline Company, LLC has not submitted a response to LIUNA's petition for intervention in this matter."); Case No. PU-17-097, Docket No. 45, Order on Petition for Intervention (Applicant "did not object to the Petition [for Intervention]."); Case No. PU-19-028, Docket No. 45, Order on Petition for Intervention ("The applicant, Ruso Wind Partners, LLC, does not object to the intervention of LIUNA.") ("Commission Advocacy Staff took no position on the petition for intervention."); Case No. PU-19-376, Docket No. 43 & Case No. PU-19-377, Docket No 41, Order on Petition for Intervention ("Northern Divide Wind, LLC does not object to the intervention of LIUNA, Public Service Commission Advocacy Staff took no position on the petition for intervention."); Case No. PU-21-121, Docket No. 40 Order on Application for Intervention ("Applicant does not object to the intervention of Petitioner.").

LIUNA alleges there is no requirement to set forth its position and interest in the proceeding, the relief sought, or whether its position is in support or opposition to the relief sought by Applicant. This claim conflicts with the express language of the Commission's rules governing party intervention. *See* N.D. Admin. Code § 69-02-02-05. Furthermore, LIUNA's interpretation of the Commission's intervention rules is unfounded and conflicts with precedent before the Commission. A petitioner must present sufficient information to satisfy the intervention requirements, LIUNA has failed to do so. *See Ltd Broadband LLC Designated Eligible Carrier Application*, 2021 WL 5233410, at *1-2 (Oct. 11, 2021) (desire to aid the Commission in completion of its duty is not a substantial interest) (finding "[t]here is no particular relief sought in the Petition beyond the support of the Commission" and Petitioner had not presented sufficient information to satisfy intervention requirements); *Dakota Access, LLC Dakota Access Pipeline Pump Station - Emmons Cty. Siting Application*, 2019 WL 5788569, at *1-2 (Oct. 23, 2019) ("Even assuming the Petitioners have a substantial interest in the proceeding, "the Petition does not set forth the position and interest of the Petitioners in the proceeding" and "does not set forth the Petitioners' position with respect to the relief sought by the applicant." Therefore, the "Petitioner has not presented sufficient information to satisfy the statutory intervention requirements . . ."). The Commission's rules safeguard against a Petitioner asserting for the first time at hearing its position and interest in the proceeding and the relief sought. Such a last minute showing of cards would, without question, harm Applicant and threaten to unduly broaden the issues in this proceeding, cause delay, and impair the orderly and prompt conduct of the proceeding.

For the reasons set forth herein and in Bridger's Response in Opposition to Petitioner's intervention request, LIUNA's Petition to Intervene should be **DENIED**.

Dated this 3rd day of May, 2022.



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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Bridger Pipeline LLC for a Certificate of Corridor Compatibility and Route Permit for an 80-Mile Long 16-Inch Crude Oil Transmission Pipeline in McKenzie and Golden Valley Counties, North Dakota

Case No. PU-21-048

CERTIFICATE OF SERVICE

[¶1] I hereby certify that on the 3rd day of May, 2022, the following document:

1. Bridger Pipeline LLC's Sur-Reply in Opposition to LIUNA's Motion for Intervention

was filed with the North Dakota Public Service Commission and served via electronic mail and U.S. Mail, postage prepaid, directed to the persons to be served at their last known post office address as follows:

Kevin Pranis
LIUNA Minnesota & North Dakota
81 E. Little Canada Road
St. Paul, MN 55117
kpranis@liunagroc.com

[¶2] I also hereby certify that a copy of the same was served via electronic mail and hand delivery upon the following:

Timothy J. Dawson, Director
Office of Administrative Hearings
2911 N. 14th St., Suite 303
Bismarck, ND 58503
tjdawson@nd.gov

Dated this 3rd day of May, 2022.



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