

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Caliber North Dakota LLC
8-Inch Residue Gas Line – McKenzie County
Siting Temporary Approval

Case No. PU-21-406

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th day of November 2021** she deposited in the United States Mail at Bismarck, North Dakota, one envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

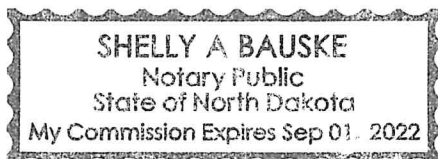
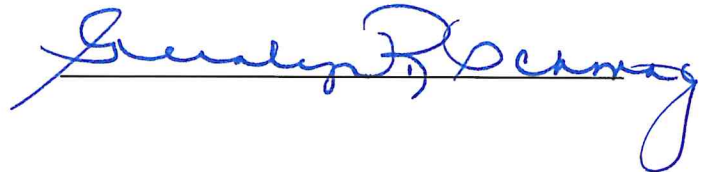
- **Corrected Order**

The envelope was addressed as follows:

Casey Furey
Crowley Fleck PLLP
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 7020 1290 0000 1334 4031

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **19th day November 2021**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
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CORRECTED ORDER

November 17, 2021

Preliminary Statement

On October 15, 2021, Caliber North Dakota LLC (Caliber) filed with the Commission, an application for temporary operation of facilities and facility modifications of a residue gas pipeline in McKenzie County, North Dakota (Application).

On November 3, 2021, the Commission adopted an Order approving Caliber's Application.

On November 5, 2021, Caliber filed a Notice of Correction to correct the legal description it provided on page 2 of its Application.

Discussion

Caliber's October 15, 2021, Application stated that it owns and operates a 2.62-mile long, 8-inch diameter residue gas pipeline located in Township 150 North, Range 101 West, Section 36 and Township 150 North, Range 100 West, Sections 29 and 32, McKenzie County, North Dakota. The pipeline was constructed in August 2014 and does not have a siting certificate or permit as required under NDCC chapter 49-22.1. The pipeline provides a connection from Caliber's Hay Butte Plant for delivery to the Northern Border Pipeline.

Caliber's Notice of Correction states that the Application inadvertently references Section 29 instead of Section 31 and the project description should be a 2.62-mile long, 8-inch diameter residue gas pipeline located in Township 150 North, Range 101 West, Section 36 and Township 150 North, Range 100 West, Sections 31 and 32, McKenzie County, North Dakota.

Caliber requests the Commission issue temporary approval authorizing the existing pipeline's continued operation and authorizing modifications to the pipeline facility at the existing interconnection with Northern Border to allow gas to flow bi-directionally on the pipeline facility. Facility modifications would allow transport of gas from Northern Border to a truck loading facility adjacent to Caliber's Hay Butte Plant. The trucks would

transport compressed natural gas to North Dakota production facilities for use as fuel in hydraulic fracturing operations.

Caliber will install approximately 10 to 20 feet of above-ground piping, three connection valves and one pressure regulator and a pipe tee.

North Dakota Century Code section 49-22.1-23 provides that the Commission may approve temporary operation of facilities or a temporary variance from approved construction, operation, or maintenance of facilities upon a showing of good cause and receipt of a utility certification that the activities will have no adverse impacts upon the welfare of the citizens of this state or the environment.

Caliber requests temporary approval, as soon as possible, for continued operations of the existing pipeline and for placing facility modifications in service by November 1, 2021, in advance of the winter season.

Continued operation and modification of the pipeline facility supports operations in the Bakken, minimizes flaring from the state's oil and gas production, and replaces diesel fuel used as fuel for hydraulic fracturing equipment with clean burning compressed natural gas.

Caliber's October 15 filing includes a certification of Daniel Werth, President for Caliber North Dakota LLC d/b/a Caliber Midstream North Dakota LLC, that states the activities will have no adverse impacts upon the welfare of the citizens of North Dakota or the environment.

Activities to install the facility modifications will take place on land owned by Caliber.

Caliber anticipates it will file a siting application for the pipeline facility on or before November 30, 2021.

Based upon the application for temporary operation, minimal anticipated adverse impacts, and the benefits cited to support meeting state gas capture goals and minimize flaring, Commission finds there is good cause for temporary operation of the described residue pipeline until there is an opportunity for the Commission to review the project under the requirements of the Siting Act. The Commission also finds that permission for temporary operation terminates upon an order approving or denying a corridor certificate or route permit.

Having considered this matter, the Commission issues the following:

Order

The Commission orders:

1. Caliber North Dakota LLC shall file a siting application for the pipeline facility on or before November 30, 2021.
2. Caliber North Dakota LLC's application for temporary approval of the operation of facilities and facility modifications of the 2.62-mile long, 8-inch diameter residue gas pipeline located in Township 150 North, Range 101 West, Section 36 and Township 150 North, Range 100 West, Sections 31 and 32, McKenzie County, North Dakota is APPROVED.
3. This temporary approval shall terminate upon an order approving or denying a corridor certificate and route permit.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner