



Steel Reef Burke LLC
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Mr. Steven Kahl, Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: Request for Jurisdictional Determination
Steel Reef Burke LLC
North Portal Pipeline

Dear Mr. Kahl:

Enclosed herewith, please find a request from Steel Reef Burke LLC (Steel Reef) for a jurisdictional determination pursuant to North Dakota Century Code (NDAC) Chapter 69-06-02.1 regarding the applicability of NDCC Chapter 49-22 (the "Siting Act") to an interstate hazardous liquids transmission pipeline. Steel Reef respectfully requests a jurisdictional determination that a route permit is not required under NDCC Chapter 49-22 for Steel Reef's conversion of service of an existing pipeline (North Portal Pipeline) described in the attached request.

Thank you for your assistance. Please do not hesitate to contact me at jodi.wilson@steelreef.ca or 403-461-7331, should you have any questions or concerns or if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jodi Wilson', written in a cursive style.

Jodi Wilson
Corporate Counsel

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

REQUEST FOR JURISDICTIONAL DETERMINATION

Steel Reef Burke LLC
North Portal Pipeline,
Burke County

Case No. _____

In the Matter of Steel Reef Burke LLC for a Determination of Jurisdiction Regarding the Applicability of NDCC Ch. 49-22

FACILITY DESCRIPTION

The North Portal Pipeline is an existing 8-inch line that crosses the US/Canada border in Burke County, North Dakota (Figure 1) (the "Pipeline"). The Pipeline starts at a riser site in North Dakota at Latitude 48.982517N, Longitude -102.522814W and ends at a riser site in Saskatchewan at Latitude 49.062036N, Longitude -102.514125W. We estimate the Pipeline crosses the border at Latitude 48.999074N, Longitude -102.520147W.

The Pipeline was originally developed by Interenergy Sheffield Processing Company in 1996 with the purpose to transport raw natural gas from Canada into the United States of America. As such, this Pipeline was considered a gas gathering line completely located in Class 1 areas, and thus not subject to US Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations. The Pipeline was developed under a Federal Energy Regulatory Commission (FERC) Presidential Permit for cross-border gas pipelines and has been out of service since 2012. Steel Reef purchased the pipeline in 2019.

Steel Reef intends to bring the Pipeline back into service and change its purpose from transporting raw gas to transporting natural gas liquids ("NGL") from the United States to Canada ("Conversion of Service"). Based on this intended usage, the Pipeline must be reclassified as a liquid transmission pipeline subject to 49CFR195. The Conversion of Service will place this Pipeline under the jurisdiction of PHMSA, and as such, Steel Reef has submitted a Conversion of Service Report and Request to PHMSA pursuant to the requirements outlined in 49CFR195.5.

Operation of the Pipeline will allow transportation of NGLs produced at Steel Reef's Lignite Gas Processing facility located in North Dakota, to Steel Reef's North Portal Energy Hub located in Saskatchewan, Canada

Steel Reef respectfully requests a jurisdictional determination that a route permit will not be required under NDCC Chapter 49-22 for Steel Reef's Conversion of Service based on the following:

49-02-01.2.1 The commission, by rule, may establish and enforce minimum safety standards for the design, construction, and operation of gas distribution facilities and intrastate pipeline facilities used for the distribution and **intrastate** transportation of gas, liquefied natural gas, or hazardous liquids, regardless of whether they are owned or operated by a public utility, in order to ensure the reasonable safety thereof. (Highlight added)

49CFR195.2 "Interstate hazardous liquid pipeline" means a hazardous liquid pipeline facility used to transport hazardous liquid in interstate or foreign commerce. "Intrastate pipeline" means a pipeline or that part of a pipeline to which this part applies that is not an interstate pipeline.

Based on the information presented above, the Pipeline is clearly an interstate pipeline not under the jurisdiction of NDCC Chapter 49-22. Therefore, Steel Reef respectfully requests expeditious treatment of this request for a jurisdictional determination regarding the applicability of the Siting Act.

Dated:

Respectfully submitted:


