

July 21, 2022

*Via Electronic Mail & Hand Delivery*

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

**In re: Expedited Request for Approval of Temporary Facility Operations  
Tesoro Great Plains Gathering & Marketing LLC  
Our File No. 090532-000007**

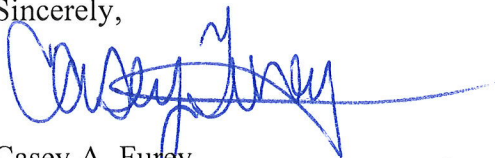
Dear Mr. Kahl:

Please find enclosed the original plus four copies of the following documents for filing with the Commission:

- Tesoro Great Plains Gathering & Marketing LLC's Expedited Request for Approval of Temporary Facility Operations and corresponding Exhibits A-C;
- Notice of Appearance designating Casey A. Furey and Wade C. Mann, Crowley Fleck PLLP, as attorneys of record for Tesoro Great Plains Gathering & Marketing LLC in the above-referenced matter.

Please feel free to contact me with any questions. Thank you.

Sincerely,



Casey A. Furey

1 PU-22-328 Filed 07/21/2022 Pages: 11  
Expedited Request for Approval of Temporary Facility Operations with supporting documentation  
Tesoro Great Plains Gathering and Marketing LLC  
Casey Furey, Crowley Fleck, PLLP

CAF/lh  
Enc.

cc: John Schuh (via email)                      Darren Snow (via email)  
      Brian Johnson (via email)                Cris Castillo (via email)  
      Victor Schock (via email)                Wade Mann (via email)

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

**Tesoro Great Plains Gathering & Marketing LLC  
6-inch Renewable Diesel Pipeline – Stark County  
N.D.C.C. § 49-22.1-23 Request**

**Case No. PU-22-\_\_\_**

**TESORO GREAT PLAINS GATHERING & MARKETING LLC'S  
EXPEDITED REQUEST FOR APPROVAL OF TEMPORARY FACILITY  
OPERATIONS**

Pursuant to North Dakota Century Code section 49-22.1-23, Tesoro Great Plains Gathering & Marketing LLC (“Tesoro Great Plains”), through its undersigned counsel, hereby submits this Expedited Request for Approval of Temporary Facility Operations seeking Commission approval for temporary transmission facility operations and modifications as more particularly discussed herein.

1. Background

Tesoro Great Plains is a limited liability company formed under the laws of Delaware with its principal office located at 200 East Hardin Street, Findlay, OH 45840-3299. Tesoro Great Plains is authorized to do business in the state of North Dakota and is in good standing with the North Dakota Secretary of State as evidenced by the attached Certificate of Good Standing issued by the North Dakota Secretary of State and marked as Exhibit A hereto.

Tesoro Great Plains is engaged in the business of oil and gas midstream operations including gathering, processing, marketing, and transporting products via pipeline and rail.

2. Description of Facility

By way of a purchase and sale agreement Tesoro High Plains Pipeline Company LLC, an affiliate of Tesoro Great Plains, acquired an existing approximate 2.4-mile long, six-inch diameter, pipeline located in Township 139 North, Range 97 West across Section 15: N1/2; Section 14:

NW1/4; and Section 11: S1/2 in Stark County, North Dakota (the “Pipeline”). Effective July 1, 2022, Tesoro Great Plains acquired the Pipeline from affiliate Tesoro High Plains Pipeline Company LLC. When Tesoro Great Plains’ affiliate acquired the line, the Pipeline was not in operation and had been purged and filled with nitrogen. The Pipeline originates at parent company Marathon Petroleum Corporation’s Dickinson Renewable Fuels Facility and terminates at the Tesoro Great Plains Patterson Rail Terminal. Tesoro Great Plains proposes to utilize the Pipeline to transport renewable diesel directly from the Dickinson Renewable Fuels Facility to the Patterson Rail Terminal for transloading into rail cars for further delivery to U.S. markets.

The Pipeline is comprised of three segments that were constructed at various intervals between 1995 and 2014.<sup>1</sup> The first segment of the Pipeline extending from the Dickinson Renewable Fuels Facility is approximately 3,476 feet and was installed in 2014. The second segment is approximately 3,469 feet and was installed in 1995, and the third segment, ending at the Patterson Rail Terminal, is approximately 5,331 feet and was installed in 2011. Currently, renewable diesel is delivered to affiliate Dakota Prairie Refining, LLC’s Dickinson Rail Terminal (south of Patterson Rail Terminal) by way of an existing pipeline connecting the Dickinson Renewable Fuels Facility and Dickinson Rail Terminal. The loaded renewable diesel rail cars are then moved (switched) north by Burlington Northern Santa Fe Railway (“BNSF”) to the Patterson Rail Terminal for aggregation into a 108-rail car unit train which BNSF then picks up and transports to market(s). Utilizing the Pipeline as proposed herein will provide a more direct connection to rail cars at the Patterson Rail Terminal and will reduce train crossing traffic and redundancies associated with rail cars having to be switched from the Dickinson Rail Terminal to

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<sup>1</sup> A portion of the Pipeline was included in a siting application previously submitted before the Commission in Case No. PU-18-405 however the siting application was subsequently withdrawn, and the line was purged. *See* Case No. PU-18-405, Docket No. 1, Siting Application; Docket No. 61, Amended Application; Docket No. 72, Notice of Withdrawal.

the Patterson Rail Terminal. This switching currently occurs via BNSF and can cross both 115<sup>th</sup> Ave SW and 116<sup>th</sup> Ave SW roadways (in Stark County) which are utilized by the public. Once operational, the Pipeline is anticipated to transport approximately 12,000 barrels per day of renewable diesel for loading into rail cars at the Patterson Rail Terminal. A map providing additional information regarding the Pipeline's location is attached hereto as Exhibit B.

### 3. Scope of Request

Tesoro Great Plains submits this request in compliance with the provisions of N.D.C.C. ch. 49-22.1. Section 49-22.1-23, N.D.C.C., permits the temporary operation of facilities upon Commission approval. Specifically,

[t]he 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 a utility certification that the activities will have no adverse impacts upon the welfare of the citizens of this state or the environment. The commission may issue a temporary approval or variance without the necessity of notice, publication, or public hearing . . .

N.D.C.C. § 49-22.1-23. In accordance with the foregoing, Tesoro Great Plains respectfully requests the Commission issue interim approval authorizing the Pipeline's operation as proposed.

Reconfiguration of the existing Pipeline does not require construction of a new pipeline and requires only minor activities. The Pipeline is located on land entirely owned by Tesoro Great Plains and affiliate Dakota Prairie Refining, LLC, thus there will be no impact to landowners. To facilitate Pipeline operations, Tesoro Great Plains will need to modify an existing meter skid at the Dickinson Renewable Fuels Facility to include heat trace and insulation, controls and communication, and the installation of electrical equipment. Similar equipment will also be installed at the Patterson Rail Terminal and activities will include the removal of an above ground valve. An existing concrete pad will be utilized at the terminal for the relocation and installation

of a new meter skid which will connect to existing electrical and controls conduit. Earth disturbing activities for installation of the associated facilities will be minimal.

To place the Pipeline in service, Tesoro Great Plains will run multiple cleaning/brush pigs through the line and will subsequently dry the line by utilizing foam drying pigs. Activities will be completed in compliance with all applicable state and federal rules and regulations. Once the line is dry, renewable diesel will be pumped into the line from the Dickinson Renewable Fuels Facility. Tesoro Great Plains proposes to begin purging the line of nitrogen and cleaning the line in early August and anticipates placing the line in service by the end of August 2022. Tesoro Great Plains will own the Pipeline and affiliate Tesoro Logistics Operations LLC will operate the line pursuant to a contractual agreement.

The Pipeline will be incorporated into the MPLX Northern Great Plains Pipeline Onshore Spill Response Plan and subject to oversight by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”). The Pipeline will be operated, monitored, and inspected pursuant to PHMSA regulations. The Pipeline will have a supervisory control and data acquisition (“SCADA”) system to monitor line operations and will utilize a line balancing system for leak detection.

#### 4. Demonstration of Good Cause

Approval of Tesoro Great Plains’ request is in the public interest. The Pipeline’s operation supports efficient operations at the Dickinson Renewable Fuels Facility while reducing existing rail traffic at the crossings located at 115<sup>th</sup> Ave. SW and 116<sup>th</sup> Ave. SW. Additionally, the Pipeline’s operation facilitates more timely and efficient delivery of renewable diesel to U.S. markets. Interim approval is necessary to ensure renewable diesel is delivered to the Patterson Rail Terminal in the most efficient manner. Operating the Pipeline as proposed, by transporting product directly to the Patterson Rail Terminal, will reduce emissions associated with current rail

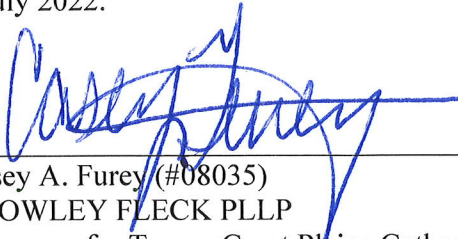
locomotive switching, and will reduce existing rail crossing traffic at public crossings. Tesoro Great Plains respectfully requests interim approval be granted as soon as possible so that testing operations may begin in early August to further the above objectives, and to meet in-service dates and contractual obligations with BNSF.

In accordance with N.D.C.C. § 49-22.1-23(a), a utility certification in support of this request is attached hereto as Exhibit C. The Pipeline is not anticipated to adversely affect the environment or the citizens of North Dakota. The Pipeline is comprised of existing infrastructure and is located within a previously disturbed and developed industrial area that houses the Dickinson Renewable Fuels Facility, Patterson Rail Terminal, and other associated facilities on land entirely owned by Tesoro Great Plains and its affiliates. Activities for the Pipeline's operation are minor in nature and include installation of primarily above-ground infrastructure. Furthermore, the entire line was hydrotested in September 2020 and test results did not identify any integrity concerns with the Pipeline. Thus, Pipeline operations will have negligible impact.

Tesoro Great Plains is in the process of retaining an environmental consultant to evaluate and study the Pipeline and draft a siting application pursuant to the Commission's siting criteria and applicable regulations and rules set forth in N.D.C.C. ch. 49-22.1 and N.D. Admin. Code art. 69-06. Tesoro Great Plains will diligently work with its consultant to complete the necessary studies, surveys, and agency consultations to submit a siting application in a timely and expeditious manner. The Commission's interim approval is requested in advance of the Pipeline's forthcoming siting application. Tesoro Great Plains will notify the Commission once it has formally retained an environmental consultant and will simultaneously provide an update regarding anticipated filing timeframe at that time.

For the reasons set forth herein, approval of Tesoro Great Plains' request is warranted. Therefore, Tesoro Great Plains respectfully requests the Commission: 1) Grant this Expedited Request for Approval of Temporary Facility Operations authorizing Pipeline operations as discussed herein and 2) Grant any such other relief as the Commission deems just and proper.

Signed this 21<sup>st</sup> day of July 2022.



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Casey A. Furey (#08035)  
CROWLEY FLECK PLLP  
Attorneys for Tesoro Great Plains Gathering & Marketing LLC  
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P.O. Box 2798  
Bismarck, North Dakota 58502-2798  
Phone: (701) 223-6585  
cfurey@crowleyfleck.com

# *State of North Dakota* SECRETARY OF STATE



## **Certificate of Good Standing of TESORO GREAT PLAINS GATHERING & MARKETING LLC**

**SOS Control ID#: 0000109200**

**Certificate #: 022060618-1**

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

**TESORO GREAT PLAINS GATHERING & MARKETING LLC**

a Limited Liability Company - Business - Foreign was formed under the laws of DELAWARE and filed with this office effective August 9, 2011. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

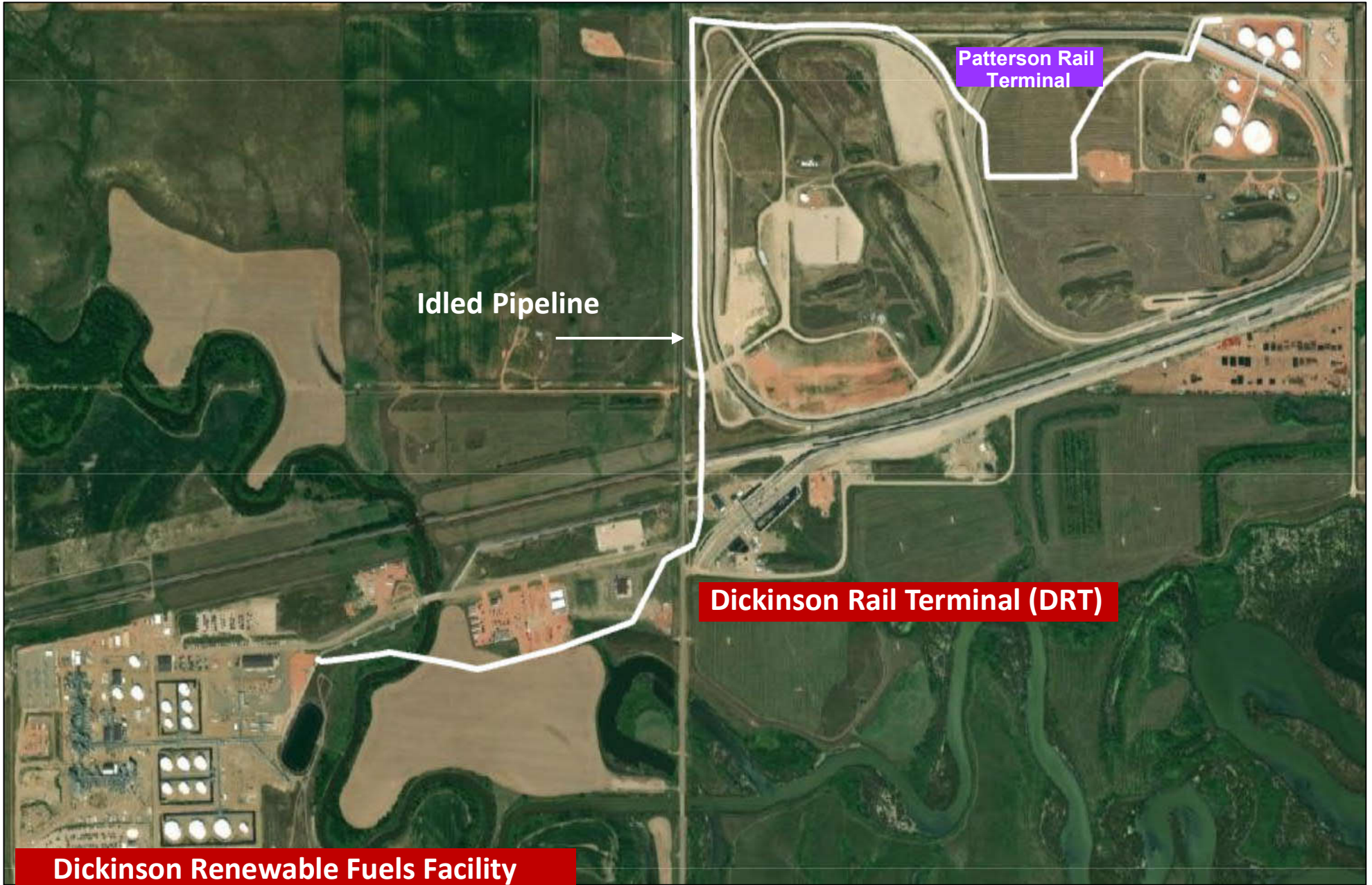
**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

**DATE:** July 11, 2022

Handwritten signature of Alvin A. Jaeger in black ink.

Alvin A. Jaeger  
Secretary of State







Subscribed and sworn to before me this 21 day of July, 2022.

*Ladonna Emineth*

Notary Public

My Commission Expires: 1-29-2024

