

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Thunder Butte Pipeline, LLC
Thunder Butte Pipeline Project
Siting Application

Case No. PU-24-86
OAH File No. 20240108

ORDER ON PROTECTION OF INFORMATION

December 19, 2024

Preliminary Statement

[1] On April 2, 2024, Thunder Butte Pipeline, LLC (TBPL) filed an Application to Protect Information und N.D.C.C. § 49-22-26 to protect certain information from public disclosure in this proceeding. TBPL seeks to protect from public disclosure cultural resource location information.

Discussion

[2] The information TBPL seeks to protect includes the location of cultural resources in the Cultural Resources Report located in Appendix E of the Consolidated Application and the associated GIS Shapefiles. TBPL requests this information be available only to the Commission, Commission counsel, Commission siting analysts, and the Administrative Law Judge.

[3] N.D.C.C. § 49-22-26 states, “the commission may limit access to, and release of, information that contains data that specifically identified the location of cultural, archaeological, historical, or paleontological sites.”

[4] North Dakota Administrative Code section 69-02-09-03 provides “the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection.”

[5] Commission staff filed a response to TBPL's application on June 25, 2024. Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

[6] TBPL's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

IT IS HEREBY ORDERED:

[7] The April 2, 2024 application of Thunder Butte Pipeline, LLC for protection of information is **GRANTED**.

Dated at Bismarck, North Dakota, this 19 day of December 2024.

State of North Dakota
Public Service Commission

By: 
Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street - Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER ON PROTECTION OF INFORMATION** was mailed, inside mail, at the State Capitol, on the 19 day of December 2024, to:

John Schuh
General Counsel
Public Service Commission
600 East Boulevard Avenue, Dept.
408Bismarck, ND 58505-0480

Brian Johnson
Legal Counsel
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Bismarck, ND 58505-0480

and that true and correct copies of the above document were mailed, regular mail, on the 19 day of December 2024, to:

Peter J. Breuer
Fredericks Law Firm LLC
601 S Washington St #332
Stillwater, OK 74074

Mitchell Armstrong
Special Assistant Attorney General
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P.O. Box 460
Bismarck, ND 58502-0460

OFFICE OF ADMINISTRATIVE HEARINGS
Hope L Hogan, Administrative Law Judge



Louise Wetzel