

August 8, 2025

Via Electronic Mail & Hand Delivery

Mr. Steve Kahl
North Dakota Public Service Commission
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Bismarck, ND 58505-0480
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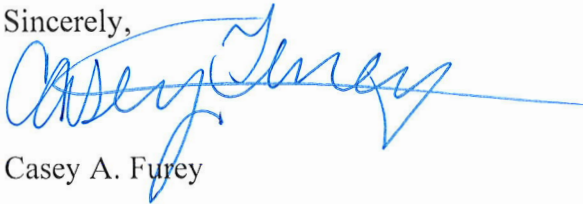
In re: ONEOK Bakken Pipeline, L.L.C.
Tioga Extension Pipeline Project - Williams County
Siting Application
Case No. PU-25-172
OAH File No. 20250163
Our File No. 072591-000011

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter, please find eight copies of the Proposed Findings of Fact, Conclusions of Law and Order.

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

Sincerely,



Casey A. Furey

CAF/lh
Enc.

cc: ALJ Hope Hogan (via email)
Michael Dailey (via email)
Bill Miller (via email)

Christopher Hanson (via email)
Brian Johnson (via email)
Wade Mann (via email)

BEFORE THE STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

ONEOK Bakken Pipeline, L.L.C.
6-Inch NGL Pipeline Project - Williams County
Siting Application

Case No. PU-25-172

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

August __, 2025

Appearances

Wade Mann, Attorney at Law, Crowley Fleck PLLP, 100 West Broadway, Suite 250, Bismarck North Dakota 58501, on behalf of ONEOK Bakken Pipeline, L.L.C.

Brian Johnson, Special Assistant Attorney General, 314 E. Thayer Ave., Bismarck, ND 58501, as Counsel for the North Dakota Public Service Commission.

Hope L. Hogan, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58503, as Substantive Hearing Officer.

Preliminary Statement

On April 28, 2025, ONEOK Bakken Pipeline, L.L.C. (ONEOK) filed with the North Dakota Public Service Commission (Commission), a consolidated application for a certificate of corridor compatibility and route permit (Application) concerning the location of a 6-inch natural gas liquids (NGLs) transmission pipeline, and associated facilities in Williams County, North Dakota (Project).

On June 3 and June 11 2025, the Commission provided notification of the application to the townships, cities, and counties in which any part of the proposed Project corridor would be located.

On June 4, 2025, the Commission deemed the consolidated application complete, designated the Administrative Law Judge to serve as a substantive hearing officer, and issued a Notice of Filing and Public Hearing (Notice), scheduling a public hearing for July 30, 2025, at 9:00 a.m. Central Standard Time, at Nessel Consulting Service, 6844 State Hwy 40, Tioga, ND 58852. The Notice identified the following issues:

1. Will the location and operation of the proposed facility produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On July 22, 2025, ONEOK filed a Supplemental Application Summary (Application Supplement) with the Commission. The Application Supplement contained minor in-corridor route modifications, results of the natural resources surveys conducted by ONEOK in May and June 2025, and updated agency correspondence.

On July 30, 2025, the hearing was held as scheduled. Exhibits 1 through 4 were admitted at the hearing.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes its:

Findings of Fact

1. ONEOK Bakken Pipeline, L.L.C. is a Delaware limited liability company authorized to do business in the State of North Dakota, as evidenced by the corporate papers filed with the Commission on April 16, 2025, in Case No. PU-13-739.

Size, Type, and Preferred Location of Facility

2. The Project consists of approximately 7.6 miles of steel pipeline, located in Williams County, North Dakota. The Project includes one pig launcher facility, one pig receiver facility, one custody transfer metering skid, and one electrical control building.

3. The Project will originate at the Argent Midstream County Line Plant and terminate at the ONEOK meter site within the Hess Tioga Plant Site.

4. The Project will consist of 6.625-inch outside diameter steel pipe with a general wall thickness of 0.154 inches or greater (0.188-inch at road crossings and 0.250-inch at railroad crossings). The Project has a maximum operating pressure of 1,480 pounds per square inch gauge (psig) and maximum operating temperature of 115 degrees Fahrenheit. The Project will operate at 900 psig and 90 degrees Fahrenheit under normal conditions.

5. The Project will have an installed capacity of 9,000 barrels per day (bpd) of NGLs per day with maximum design capacity of 40,000 bpd.

6. The Project corridor is generally 200 feet wide and extends up to 360 feet wide. The proposed route is equivalent to the Project centerline plus 25 feet on either side to allow for minor

shifts during construction. The proposed route identified in the initial Application was modified slightly in four locations to avoid potential suitable habitat for the Dakota skipper and to avoid preexisting utilities. The final proposed Project route are identified in Exhibit A.2 of the Application Supplement presented as Hearing Exhibit 2 at the hearing.

7. Seventy-six percent of the project is co-located with existing linear infrastructure corridors.
8. The estimated cost of the Project is \$13 million dollars.
9. ONEOK anticipates a fourth quarter 2025 in-service date for the facility.

Study of Preferred Location

10. ONEOK conducted a Class I cultural resource literature review and desktop analysis for wetlands, waterbodies, woodlands, and other sensitive environmental resources across a one-mile-wide area centered on the Project route (Study Area).

11. The Project corridor and route are located 98% entirely within previously cultural resource surveyed areas and the remaining 2% of the corridor has been previously disturbed by past infrastructure construction. The co-location is such that cultural resources of significance and unevaluated resources will be avoided.

12. ONEOK utilized the data from the recently approved infrastructure projects, along with input from the North Dakota State Preservation Office (NDSHPO), North Dakota Game and Fish Department (NDGFD), and U.S. Fish and Wildlife Service (USFWS) at in-person meetings regarding ONEOK's methods to identify potential resource issues.

13. ONEOK used data available from state and federal agency databases, peer-reviewed articles and internet research, survey and impact assessment data from prior approved projects located within the Study Area, and input from the appropriate agencies, to assess the Project's impact upon wetland, waterbodies, and habitat assessment for state-and federally listed species.

14. ONEOK submitted a formal Project notification letter and the Class I report to the North Dakota State Historic Preservation Office (NDSHPO) on March 12, 2025. In responses dated March 18, 2025 and April 3, 2025, NDSHPO concurred with ONEOK that the Project would avoid impacts to significant sites. ONEOK will implement construction buffers and fencing during construction.

15. In May of 2025, ONEOK conducted field surveys to identify potential habitat for sensitive species, noxious weed locations, wetland boundaries, topsoil depth, and trees and shrubs. The results of the surveys were filed with the Commission on July 22, 2025, as part of the Application Supplement and presented at the hearing as Exhibit 2.

16. ONEOK initiated correspondence seeking comments from the following federal, state, and

local agencies regarding the Project:

- a. Federal: (1) U.S. Fish and Wildlife Service; (2) U.S. Army Corps of Engineers; (3) U.S. Department of Agriculture, Natural Resources Conservation Service; (4) U.S. Department of Agriculture, Farm Service Agency; (5) U.S. Department of Defense; (6) Bureau of Land Management; and (7) Federal Aviation Administration.
- b. State: (1) North Dakota Attorney General; (2) North Dakota Department of Agriculture; (3) North Dakota Aeronautics Commission; (4) North Dakota Department of Health; (5) North Dakota Department of Human Services; (6) North Dakota Department of Labor and Human Rights; (7) North Dakota Department of Career and Technical Education; (8) North Dakota Department of Commerce; (9) North Dakota Energy Infrastructure and Impact Office; (10) NDGFD; (11) North Dakota Industrial Commission; (12) North Dakota Governor's Office; (13) North Dakota Department of Transportation; (14) NDSHPO; (15) North Dakota Indian Affairs Commission; (16) Job Service North Dakota; (17) North Dakota Department of Trust Lands; (18) North Dakota Parks and Recreation Department; (19) North Dakota Department of Water Resources (formerly State Water Commission); (20) North Dakota Transmission Authority; (21) North Dakota Pipeline Authority; (22) North Dakota Department of Environmental Quality; and (23) North Dakota Geological Survey; and (23) North Dakota Forest Service.
- c. Local: (1) Williams County Commission; (2) Williams County Planning and Zoning; (3) Williams County Water Resource District; (4) Williams County Weed Control Board; (5) Tioga Township; (6) Lindahl Township; (7) City of Tioga; and (8) Western Area Water Supply Authority.

Siting Criteria

17. The Commission has established criteria pursuant to North Dakota Century Code Section 49-22.1-03 to guide the site, corridor, and route suitability evaluation and designation process. The criteria, as set forth in North Dakota Administrative Code Section 69-06-08-02, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

18. ONEOK evaluated the Project for the Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria of the Commission.

19. An Exclusion Area is a geographic area that must be excluded in the consideration of a route for a transmission facility. An Exclusion Area may be located within a corridor, but at no given point may such an area or areas encompass more than fifty percent of the corridor unless there is no reasonable alternative. A transmission facility route must not be sited within an Exclusion Area.

20. ONEOK's studies identified state archaeological and cultural heritage sites as the only

potential Exclusion Areas located within the Project corridor but not crossed by the Project's route.

21. The NDSHPO concurred the Project would not affect the identified archaeological and cultural heritage sites. ONEOK will implement construction buffers and fencing during construction when working near the identified sites.

22. An Avoidance Area is a geographical area that may not be considered in the routing of a transmission facility unless the applicant demonstrates that under the circumstances, there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources and alternative routes. Economic consideration alone will not justify approval of these areas.

23. ONEOK's studies identified two Avoidance Areas located within the Study area but are not located within the Project corridor or Project route.

24. In accordance with the Commission's Selection Criteria set forth in North Dakota Administrative Code Section 69-06-08-02(3), a transmission facility corridor or route shall be approved only if it is demonstrated that any significant adverse effects that will result for the location, construction, and maintenance of the transmission facility will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum. ONEOK has analyzed the impacts of the Project in relation to all relevant Selection Criteria.

25. Wetlands are a Selection Criteria. ONEOK testified that any impacts to wetlands will be temporary in nature and wetlands will be returned to pre-construction contours. Horizontal directional drilling may be used where appropriate. Where necessary, ONEOK has modified the route to avoid wetlands and will install fencing around any wetlands within the workspace.

26. Impacts upon agricultural production and family farms and ranches is a Selection Criteria. ONEOK will restore any right-of-way to its original, pre-construction elevation and contours. Any impacts to agricultural land will be minimal and landowners will be able to resume agricultural and ranching operations.

27. The Project will have no significant adverse effects on the Commission's Selection Criteria.

28. The Commission's Policy Criteria is set forth in North Dakota Administrative Code Section 69-06-08-02(4). The Commission may give preference to an applicant demonstrating certain benefits from the proposed transmission facility. ONEOK's testimony demonstrated it has maximized the benefits that result from implementing various policies and practices set forth under the Commission's Policy Criteria applicable to the Project.

Additional Measures to Minimize Impact

29. Seventy-six percent of the Project will be co-located within the corridor of existing pipeline infrastructure.
30. ONEOK has developed Project control documents that will be utilized during construction activities to minimize and mitigate impacts on environmental resources.
31. ONEOK will participate in the North Dakota One-Call Excavation Notice System.
32. ONEOK will comply with all applicable safety laws and standards.
33. The Project will be designed, constructed, maintained, and inspected in accordance with U.S. Department of Transportation regulations governing the transportation of hazardous liquids by pipeline, which are set forth in 49 CFR 195.
34. A Supervisory Control and Data Acquisition (SCADA) system will allow ONEOK to monitor the Project 24 hours a day, 7 days a week, and 365 days a year by trained controls personnel. The system will monitor the flow and pressure of the system, and the system will allow ONEOK to identify and respond to situations outside normal operating conditions.
35. ONEOK will employ environmental inspectors and third-party inspectors to monitor construction activities and ensure activities are in compliance with company processes and practices.
36. ONEOK will conduct environmental training for all Project personnel and contractors who will be working in the field.
37. ONEOK testified it has annual meetings to educate local emergency response officials and sends mailings to local response officials providing emergency contact information and details regarding leak identification and response procedures. ONEOK further testified its emergency response group is actively coordinating with the Williams County Emergency Officials to discuss emergency preparedness and response with respect to the Project.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over ONEOK and over the subject matter of the Application under North Dakota Century Code chapter 49-22.1.
2. ONEOK is a utility as defined in North Dakota Century Code section 49-22.1-01(14).
3. The Project is a transmission facility as defined in North Dakota Century Code section 49-

22.1-01(7).

4. The construction, operation, and maintenance of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The Project is compatible with the environmental preservation and the efficient use of resources.
6. The construction, operation, and maintenance of the Project minimizes adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

From the foregoing Findings of Fact and Conclusions of Law, the Commission makes the following order:

Order

The Commission orders:

1. Certificate of Corridor Compatibility No. _____ is issued to ONEOK Bakken Pipeline, L.L.C., designating a corridor for the construction, operation, and maintenance of approximately 7.6 miles of 6-inch diameter natural gas liquids pipeline and associated facilities in Williams County, North Dakota. For purposes of this Certificate, the designated corridor generally consists of a 200-foot-wide area, up to 360-foot wide, centered on the designated route as depicted in Exhibit A.2 of the Application Supplement, Hearing Exhibit 2.
2. Route Permit No. _____ is issued to ONEOK Bakken Pipeline, L.L.C., designating a route for the construction, operation, and maintenance of approximately 7.6 miles of 6-inch diameter natural gas liquids pipeline and associated facilities in Williams County, North Dakota. For purposes of this Permit, the designated route is the route of the Project as depicted in Exhibit A.2 of the Application Supplement, Hearing Exhibit 2. The designated route includes a route construction buffer of 25 feet on each side of the designated route within the designated corridor, contingent upon not impacting an Avoidance Area unless such impact is approved by the Commission in writing prior to conducting any construction activities, unless such impact is otherwise authorized under law. Construction activities must not impact an exclusion area.
3. The Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, executed by ONEOK on July 24, 2025, is incorporated by reference and attached to this Order.
4. To the extent there are any conflicts or inconsistencies between ONEOK’s Application and the Certification, the Certification provisions control.
5. ONEOK shall obtain all other necessary licenses and permits prior to commencing

construction on such portion of the Project for which the license and/or permit is required, and shall provide copies to the Commission prior to construction.

6. If a spill by ONEOK requires notification to any other state or federal agency, ONEOK will also inform the Commission of such spill within 24 hours of occurrence by leaving a message at the Commission's Toll-Free Number, with a follow-up email to the Commission Executive Secretary.

7. ONEOK is required to comply with all applicable laws, rules, and regulations in the event it desires to construct another or a different transmission pipeline facility than was specified in the Application within the corridor designated in this proceeding.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart
Commissioner

Randy Christmann
Chairman

Jill Kringstad
Commissioner