

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

WBI Energy Transmission, Inc.

Docket No. CP23-35-000

NOTICE OF REQUEST UNDER BLANKET AUTHORIZATION AND  
ESTABLISHING INTERVENTION AND PROTEST DEADLINE

(December 30, 2022)

Take notice that on December 22, 2022, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and WBI Energy's blanket certificate issued in Docket No. CP82-487-000, for authorization to construct and operate 15.3 miles of natural gas lateral pipeline, a new receipt station and other associated facilities in Dunn County, North Dakota, and to construct a new interconnect<sup>1</sup> with Big Horn Gas Gathering, LLC (Big Horn Gas) and other associated facilities in Campbell and Sheridan Counties, Wyoming in support of its Grassland South Expansion Project (Project).

More specifically, the Project will provide 94,000 equivalent dekatherms per day (Dth/day) of firm natural gas transmission capacity from ONEOK Rockies Midstream, LLC's (ONEOK) Bear Creek natural gas processing facility (Bear Creek Plant) in Dunn County, North Dakota to a new interconnect with Big Horn Gas in Sheridan County, Wyoming. The Project will include constructing approximately 15.3 miles of 12-inch-diameter natural gas lateral pipeline from the Bear Creek Plant to WBI Energy's existing Manning Compressor Station with one valve setting midway between the two locations. WBI Energy will also construct a new receipt station at the Bear Creek Plant, a new interconnect with Big Horn Gas, and make other existing facility modifications, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the Federal Register, the

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<sup>1</sup> WBI Energy acknowledges via a supplemental information filing to their prior notice request that its new proposed interconnect with Big Horn Gas in Sheridan County is referenced in an Abbreviated Joint Application for a Certificate of Public Conveniences and Necessity and Related Authorizations filed with the Commission by Wyoming Interstate Company, LLC, Fort Union Gas Gathering, LLC and Big Horn Gas, LLC on September 8, 2022 in Docket No. CP22-508-000.

Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this prior notice request should be directed to Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., P.O. Box 5601, Bismarck, North Dakota 58506, at (701) 530-21563, or by email to [lori.myerchin@wbienergy.com](mailto:lori.myerchin@wbienergy.com).

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure<sup>2</sup>, within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### **PUBLIC PARTICIPATION**

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on **February 28, 2023**. How to file protests, motions to intervene, and comments is explained below.

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<sup>2</sup> 18 CFR (Code of Federal Regulations) §157.9.

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>3</sup> any person<sup>4</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>5</sup> and must be submitted by the protest deadline, which is **February 28, 2023**. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>6</sup> and the regulations under the NGA<sup>7</sup> by the intervention deadline for the project, which is **February 28, 2023**. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information

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<sup>3</sup> 18 CFR 157.205.

<sup>4</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>6</sup> 18 CFR 385.214.

<sup>7</sup> 18 CFR 157.10.

about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### **Comments**

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before **February 28, 2023**. **The filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding.

### **How to File Protests, Interventions, and Comments**

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number **CP23-35-000** in your submission:

- (1) You may file your protest, motion to intervene, and comments by using the Commission's [eFiling](#) feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). New eFiling users must first create an account by clicking on "[eRegister](#)." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or <sup>8</sup>

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<sup>8</sup> Additionally, you may file your comments electronically by using the [eComment](#) feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to [Documents and Filings](#). Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

- (2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number **CP23-35-000**.

To mail via USPS, use the following address:  
Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

To mail via any other courier, use the following address:  
Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
12225 Wilkins Avenue  
Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., P.O. Box 5601, Bismarck, North Dakota 58506, or email (with a link to the document) at: [lori.myerchin@wbienergy.com](mailto:lori.myerchin@wbienergy.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

### **TRACKING THE PROCEEDING**

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to

the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Kimberly D. Bose,  
Secretary.