In Reply Refer To:
Steppe Petroleum USA Inc.
Bakken Hunter, LLC
Docket No. CP17-61-000
Presidential Permit

The Honorable James N. Mattis
Secretary of Defense
Washington, DC  20301

Dear Mr. Secretary:

Pursuant to the provisions of Executive Order Nos. 10485 and 12038 of September 3, 1953 and February 3, 1978, respectively, and the Secretary of Energy’s Delegation Order No. 00-004.00A, effective May 16, 2006, enclosed herewith for your information and consideration is a copy of an application filed by Steppe Petroleum USA Inc. (Steppe)¹ and Bakken Hunter, LLC (Bakken)² (applicants) with the Federal Energy Regulatory Commission on February 14, 2017, in Docket No. CP17-61-000. Steppe seeks an order granting Natural Gas Act (NGA) section 3 authorization and issuance of a Presidential Permit to acquire, operate, and maintain a Border Crossing Facility, located between the United States and Canada in Divide County, North Dakota.³

¹Steppe is a Delaware corporation with its principal place of business in Alberta, Calgary, Canada. Steppe is a directly wholly owned USA subsidiary of Steppe Petroleum Inc., a Calgary company based in Calgary, Alberta, which is in turn a wholly owned subsidiary of Steppe Resources, Inc.

²Bakken is a wholly owned subsidiary of Blue Ridge Mountain Resources, Inc. (previously Magnum Hunter Resources Corporation), a Delaware corporation based in Irving, Texas.

³Applicants propose no construction or modification to the Border Crossing Facility in this application.
On April 24, 2014 in Docket No. CP14-24-000, the Commission authorized Bakken to site, construct, operate, and maintain a Border Crossing Facility for the importation of natural gas at the international boundary between Canada and the United States in Divide County, North Dakota.\(^4\) Beginning at an existing multi-well oil battery in Saskatchewan, Canada, the pipeline proceeds south-east before heading south towards the international border for approximately 9,190 feet. Once the international boundary (U.S.A./Canada border) is reached, the pipeline continues south, then south-east through previously disturbed farmland for approximately 5,372 feet before terminating at the ONEOK Custody Transfer location in North Dakota.\(^5\) The Commission order noted that the Secretaries of State and Defense had no objections to the requested authorizations.

Applicants state that Steppe acquired the Border Crossing Facility as part of an agreement entered into by Bakken and Steppe Petroleum, LLC.\(^6\) Therefore, Steppe requests authorization under NGA section 3 and issuance of a Presidential Permit to acquire, operate, and maintain the Border Crossing Facility. Currently, the cross-border pipeline and associated facilities are shut in with no flow of gas.

Also enclosed for your consideration is a draft copy of the proposed Presidential Permit to be issued to Steppe, if the Commission approves the application. The proposed Presidential Permit incorporates terms and conditions you and the Secretary of State have required in similar cases.

A similar letter, together with a draft of the proposed Presidential Permit and a copy of the application, is being sent to the Secretary of State. If the Secretary of State should make an unfavorable recommendation or propose any material change in the draft Presidential Permit, the Commission will immediately advise you.

The Commission would appreciate receiving your views regarding issuance of the proposed Presidential Permit in the name of Steppe Petroleum USA Inc. at your earliest

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\(^4\) Bakken Hunter, LLC, 147 FERC ¶ 61,065.

\(^5\) Id. at P 4.

\(^6\) NGA section 3 authorizations and Presidential Permits are non-transferable; therefore, Applicants’ request will be treated as a request by Steppe for a new section 3 authorization and a new Presidential Permit. As holder of the authorizations, Steppe will be the entity responsible for compliance with any conditions imposed in connection with their termination.
convenience. Please do not hesitate to contact me at (202) 502-8400, or Theodore Koroshetz at (202) 502-6155, if you need any further information.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

cc: The Honorable Rex W. Tillerson
Secretary of State

Attachments: Application of Steppe Petroleum USA Inc. and Bakken Hunter, LLC
Draft of Presidential Permit
Steppe Petroleum USA Inc. (Permittee) and Bakken Hunter, LLC filed on February 14, 2017, in Docket No. CP17-61-000, an application pursuant to the provisions of Executive Order Nos. 10485 and 12038 and the Secretary of Energy’s Delegation Order No. 00-004.00A, requesting that the Commission issue an order under section 3 of the NGA and a Presidential Permit authorizing Steppe Petroleum USA Inc. to acquire, operate, and maintain certain pipeline and related facilities, as described in Article 2 below, at a point on the international boundary between the United States and Canada.

By letter dated ______, 2017, the Secretary of State and by letter dated _______, 2017, the Secretary of Defense favorably recommend that this Permit be granted. The Federal Energy Regulatory Commission finds that the issuance of a Permit is appropriate and consistent with the public interest.

Pursuant to the provisions of Executive Order Nos. 10485 and 12038, dated September 1, 1953 and February 3, 1978, respectively, the Secretary of Energy’s Delegation Order No. 00-004.00A, effective May 16, 2006, and the Commission’s regulations, permission is granted to the Permittee to operate and maintain the natural gas facilities described in Article 2 below, upon the terms and conditions of the Permit.

Article 1. It is expressly agreed by the Permittee that the facilities herein described shall be subject to all provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States or the Federal Energy Regulatory Commission and may be amended by the Federal Energy Regulatory Commission upon proper application therefore.

Article 2. The following facilities are subject to this permit:

Once the pipeline crosses the international boundary (U.S.A./Canada border), it continues south, then south-east through previously disturbed farmland for an approximate distance of five thousand, three hundred and seventy two (5,372) feet
before terminating at the ONEOK Custody Transfer location, NEX Sec. 35-164N-97W North Dakota.

**Article 3.** The natural gas facilities subject to this Permit, or which may subsequently be included herein by modification or amendment, may be utilized for the transportation of natural gas between the United States and Canada only in the amount, at the rate, and in the manner authorized under section 3 of the Natural Gas Act.

**Article 4.** The operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of representatives of the United States. The Permittee shall allow officers and employees of the United States, showing proper credentials, free and unrestricted access to the land occupied by the facilities in the performance of their official duties.

**Article 5.** If in the future, it should appear to the Secretary of Defense that any facilities or operations permitted hereunder cause unreasonable obstruction to the free navigation of any of the navigable waters of the United States, the Permittee may be required, upon notice from the Secretary of Defense, to remove or alter the same so as to render navigation through such water free and unobstructed.

**Article 6.** The Permittee shall be liable for all damages occasioned to the property of others by the operation or maintenance of the facilities, and in no event shall the United States be liable therefore. The Permittee shall do everything reasonable within its power to prevent or suppress fires on or near land occupied under this Permit.

**Article 7.** The Permittee agrees to file with the Commission, under oath and in such detail as the Commission may require, such statements or reports with respect to the natural gas exported or imported, or the facilities described herein, as the Commission may, from time to time, request. Such information may be made available to any federal, state, or local agency requesting such information.

**Article 8.** Neither this Permit nor the facilities, nor any part thereof, covered by this Permit shall be voluntarily transferred in any manner, but the Permit shall continue in effect temporarily for a reasonable time in the event of the involuntary transfer of the facilities by operation of law (including transfer to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for a permanent Permit and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the involuntary transfer. The Permittee shall maintain the facilities in a condition of repair for the efficient transportation of natural gas and shall make all necessary renewals and replacement.
**Article 9.** Upon the termination, revocation, or surrender of this Permit, the Commission shall determine which of the authorized facilities shall be removed and which shall remain in place. The facilities authorized shall be removed within such time as the Commission may specify, and at the Permittee’s expense. Upon failure of the Permittee to comply with the Commission’s direction to remove any authorized facilities, or any portion thereof, the Commission may direct that possession of the same be taken and the facilities be removed at the Permittee’s expense, and the Permittee shall have no claim for damages by reason of such possession or removal.

**Article 10.** The Permittee agrees that when, in the opinion of the President of the United States, evidenced by a written order addressed to it as holder of this Permit, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any of the facilities, or parts thereof, maintained or operated under this Permit, and all contracts covering the transportation or sale of natural gas by means of said facilities, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the Permittee; and in the event that the United States shall exercise such right it shall pay the Permittee just and fair compensation for the use of said facilities upon the basis of a reasonable profit in time of peace, and the cost of restoring said facilities to as good condition as existed at the time of taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the Permittee.

**Article 11.** This Permit is subject to any action which the Government of the United States may in the future deem expedient or necessary to take in case any part of the aforesaid facilities comes into the control of any foreign government.

**Article 12.** The Government of the United States shall be entitled to the same or similar privileges as may by law, regulation, agreement, or otherwise, be granted by the Permittee to any foreign government.

By direction of the Commission.

Secretary.
IN TESTIMONY OF ACCEPTANCE of all the provisions, conditions and requirements of this Permit, the Permittee have caused their names to be signed by ______________, pursuant to a resolution of its Board of Directors duly adopted on the __ day of __________, ____, a certified copy of the record of which is attached hereto.

Steppe Petroleum USA
By___________________________

Bakken Hunter, LLC
By___________________________

(Attest)

Executed in triplicate