



Public Service Commission State of North Dakota

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Julie Fedorchak
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Darrell Nitschke

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4 December 2017

Re: Notice of Intent to Amend Administrative Rules
PSC Case Numbers PU-17-339, GS-17-370 & PU-17-371

Dear Ms. Richter:

The Public Service Commission recently passed a motion to propose changes to its administrative rules and issue notices. Consequently, enclosed please find copies of:

- Commission Motion to Propose Revisions to the North Dakota Administrative Code and Issue Notices;
- Proposed rule changes that were the subject of the Motion:
 - Section 69-06-08-01 Energy Conversion Facility Siting Criteria
 - Chapter 69-06-11 Wind Energy Conversion Facility Lighting Systems
 - Section 69-09-03-02 Adoption of Regulations
 - Section 69-09-09-10 Wind Energy Conversion Facility - Waiver
- Notice of Intent to Amend Administrative Rules and Notice of Public Hearing; and
- Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing.

If you have any questions please do not hesitate to call.

Best Regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosures

Received by the office of the Legislative Council this ____ day of
December, 2017

By: _____

APPROVED

DATE: 11/29/17
AH

MOTION

November 29, 2017

**Public Service Commission
Siting
Rulemaking**

Case No. PU-17-339

**Public Service Commission
Pipeline Safety
Rulemaking**

Case No. GS-17-370

**Public Service Commission
Wind Decommissioning
Rulemaking**

Case No. PU-17-371

I move the Commission propose the November 29, 2017, revisions to the North Dakota Administrative Code, and issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing and an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Siting, Rulemaking, Case No. PU-17-339, Public Service Commission, Pipeline Safety, Rulemaking, Case No. GS-17-370, and Public Service Commission, Wind Decommissioning, Rulemaking, Case No. PU-17-371.

Section 69-06-08-01	Energy Conversion Facility Siting Criteria
Chapter 69-06-11	Wind Energy Conversion Facility Lighting Systems
Section 69-09-03-02	Adoption of Regulations
Section 69-09-09-10	Wind Energy Conversion Facility - Waiver

- 1 PU-17-371 Filed 11/29/2017 Pages: 11
Commission Motion to propose revisions to ND Admin. Code and issue Notices Public Service Commission
- 1 GS-17-370 Filed 11/29/2017 Pages: 11
Commission Motion to propose revisions to ND Admin. Code and issue Notices Public Service Commission
- 1 PU-17-339 Filed 11/29/2017 Pages: 11
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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Siting
Rulemaking

Case No. PU-17-339

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-17-370

Public Service Commission
Wind Decommissioning
Rulemaking

Case No. PU-17-371

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES AND NOTICE OF
PUBLIC HEARING

November 29, 2017

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed changes to North Dakota Administrative Code to amend section 69-06-08-01, propose new Chapter 69-06-11, amend section 69-09-03-02, and proposed new section 69-09-09-10.

A hearing will be held on the proposed rules at **9:00 a.m. Central Time on January 3, 2018, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Case No. PU-17-339 - Section 69-06-08-01- Energy Conversion Facility Siting Criteria

The Commission is proposing to amend North Dakota Administrative Code section 69-06-08-01 to reflect changes to North Dakota Century Code section 49-22-05.1 enacted during the 2017 legislative session regarding setbacks from the property line of a nonparticipating landowner and from the inhabited residence of a nonparticipating landowner.

The proposed changes are not expected to have an impact on the regulated community in the excess of \$50,000.

- 3 PU-17-371 Filed 11/29/2017 Pages: 3
Notice of Intent to Amend Admin. Rules and Notice of Public Hearing
- 3 GS-17-370 Filed 11/29/2017 Pages: 3
Notice of Intent to Amend Admin. Rules and Notice of Public Hearing
- 3 PU-17-339 Filed 11/29/2017 Pages: 3
Notice of Intent to Amend Admin. Rules and Notice of Public Hearing

Case No. PU-17-339 – New Chapter 69-06-11 - Wind Energy Conversion Facility Lighting Systems

The Commission is proposing new Chapter 69-06-11 to implement 2017 House Bill 1378 enacted during the Sixty-fifth legislative session as North Dakota Century Code section 49-22-16.4, providing that the North Dakota Public Service Commission “shall adopt rules relating to the implementation of light-mitigating technology systems on wind energy conversion facilities.”

The addition of Chapter 69-06-11 is expected to have an impact in excess of \$50,000.

Case No. GS-17-370 – Section 69-09-03-02 - Pipeline Safety

The purpose of this rulemaking is to adopt by reference the most recent amendments to pipeline safety regulations adopted by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA).

This rule change adopts amendments to safety regulations that have been adopted by PHMSA since December 31, 2015, current to December 31, 2017.

For Title 49 Code of Federal Regulations Part 193 – Liquefied Natural Gas Facilities: Federal Safety Standards, the Public Service Commission currently has statutory authority concerning pipeline safety of liquefied natural gas (LNG) facilities and was recently informed of a jurisdictional LNG facility located in North Dakota. The Public Service Commission must adopt all pipeline safety rules adopted by PHMSA regarding LNG facilities and the Commission is proposing to adopt Title 49 Code of Federal Regulations Part 193 in effect as of December 31, 2017.

The proposed changes are not expected to have an impact on the regulated community in excess of \$50,000.

Case No. PU-17-371 - Section 69-09-09-10 - Wind Decommissioning

The purpose of the proposed rule is to add section 69-09-09-10 providing that the Commission may grant a waiver of requirements under N.D. Admin. Code Section 69-09-09-03, Section 69-09-09-06, and Section 69-09-09-08 for a commercial wind energy conversion facility with a nameplate generating capacity of no more than five megawatts of electricity upon a motion demonstrating good cause for the waiver.

The proposed rule is not expected to have an impact on the regulated community in excess of \$50,000.


The proposed rule changes, any Regulatory or other analyses, and the statements concerning the Regulatory Analysis, Small Entity Regulatory Analysis and Economic

Impact, and Takings Assessment may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes or the statements contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY 1-800-366-6888, or ndpsc@nd.gov. This information is also available on the commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

Interested persons may attend the hearing and may submit oral or written comments on the proposed rules. Oral or Written comments should be sent to Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or ndpsc@nd.gov. The comment period closes 10 days after the hearing. Comments must be received by the close of business on January 18, 2018.

If you plan to attend the public hearing and require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the commission at least 24 hours in advance.

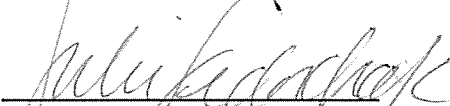
PUBLIC SERVICE COMMISSION



Brian Kroshus
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

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A public hearing will be held at 9:00 a .m. Central Time, January 3, 2018, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. Written comments may be submitted to the Public Service Commission until the close of business on January 18, 2018.

A copy of the proposed rules, analyses, and statements may be obtained from the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

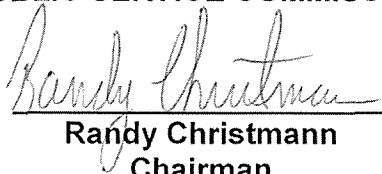
- 4 PU-17-371 Filed 11/29/2017 Pages: 2
Abbreviated Notice of Intent to Amend Admin. Rules and Notice of Public Hearing
Public Service Commission
- 4 GS-17-370 Filed 11/29/2017 Pages: 2
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PUBLIC SERVICE COMMISSION



**Brian Kroshus
Commissioner**



**Randy Christmann
Chairman**



**Julie Fedorchak
Commissioner**