



Public Service Commission

State of North Dakota

COMMISSIONERS

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North Dakota Legislative Council
State Capitol
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23 January 2017

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Bismarck, North Dakota 58505-0480
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Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
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Re: Notice of Intent to Amend Administrative Rules
PSC Case No. PU-16-775 and Case No. PU-17-23

Dear Ms. Richter:

On 20 January 2017 the Public Service Commission hand-delivered to you a proposed Rules package for the captioned two cases. Over the weekend, we discovered an error in our calculation of the end date for the comment period listed on the two Notices. I understand that, based on my e-mail request to you, the Legislative Council has withdrawn the 20 January 2017 filing and removed the hearing from the calendar. Thank you for your assistance in this regard.

Now that the Notices have been corrected, I am resubmitting the Rules package to you.

Enclosed please find copies of:

- The 18 January 2017 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
 - Section 69-09-02-35, Installation and maintenance - Conformance to National Electrical Safety Code
 - Chapter 69-09-09, Wind Turbine Decommissioning
- Corrected Notice of Intent to Amend Administrative Rules and Notice of Public Hearing; and
- Corrected Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing.

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

By: _____

Vonette Richter
Proposed Rules Case No.s PU-16-775 & PU-17-223
23 January 2017
Page 2

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

Best Regards,



Illona A. Jeffcoat-Sacco
General Counsel

enclosures

APPROVED

DATE: 1-18-17
[Signature]

MOTION

January 18, 2017

Public Service Commission
Public Utilities
Rulemaking

Case No. PU-16-775

Public Service Commission
Public Utilities - Wind Decommissioning
Rulemaking

Case No. PU-17-23

I move the Commission propose the attached revisions to the North Dakota Administrative Code, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue 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, Public Utilities, Rulemaking, Case No. PU-16-775 and Public Service Commission, Public Utilities - Wind Decommissioning, Rulemaking, Case No. PU-17-23.

Section 69-06-08-01 Energy conversion facility siting criteria.

Section 69-09-02-35 Installation and maintenance - Conformance to National Electrical Safety Code.

Chapter 69-09-09 Wind Turbine Decommissioning.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Public Utilities
Rulemaking**

Case No. PU-16-775

**Public Service Commission
Public Utilities - Wind Decommissioning
Rulemaking**

Case No. PU-17-23

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

January 18, 2017

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to North Dakota Administrative Code: Section 69-06-08-01, Section 69-09-02-35, and Chapter 69-09-09. The hearing will be held at **8:30 a.m., CST on February 27, 2017, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Public Utilities – Case No. PU-16-775 – Sections 69-06-08-01 and 69-09-02-35:

The Commission is proposing to amend North Dakota Administrative Code section 69-06-08-01 to add the impact on light sensitive land uses to the selection criteria, which must be at an acceptable minimum. The Commission is further proposing to add new policy criteria to allow preference to be given to wind energy projects that commit to installing aircraft detection and lighting systems subject to Federal Aviation Administration approval.

The Commission is proposing to amend North Dakota Administrative Code section 69-09-02-35 to adopt the 2017 update to the National Electric Safety Code.

Public Utilities - Wind Decommissioning – Case No. PU-17-23 – Chapter 69-09-09:

The Commission is proposing to amend North Dakota Administrative Code chapter 69-09-09 to strengthen decommissioning requirements and require decommissioning plans with financial assurances for decommissioning expenses be filed for Commission approval prior to construction.

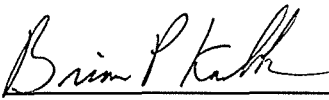
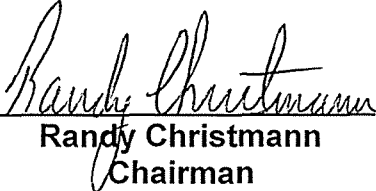

The proposed rule changes and the statements concerning the Regulatory Analysis, Small Entity Regulatory Analysis and Economic Impact, and Takings Assessment may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes or the statements contact the Public Service Commission at 600 East

Boulevard Avenue, Dept. 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 Commission's web site at www.psc.nd.gov under "Formal Notices".

Interested persons may submit written comments on the proposed rules. Written comments should be filed with 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 March 9, 2017.

If you 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 P. Kalk Commissioner	 _____ Randy Christmann Chairman	 _____ Julie Fedorchak Commissioner
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Public Utilities
Rulemaking

Case No. PU-16-775

Public Service Commission
Public Utilities - Wind Decommissioning
Rulemaking

Case No. PU-17-23

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

January 18, 2017

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code relating to selection and policy criteria regarding the impact of light sensitive land uses and the installation of aircraft detection lighting systems under the Siting Act, adopting the 2017 update to the National Electric Safety Code, and decommissioning and financial assurance requirements for commercial wind energy conversion facilities.

The **public hearing will be held at 8:30 a.m. CST, February 27, 2017**, 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 March 9, 2017.


A copy of the proposed rules 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.state.nd.us under "Formal Actions/Case Search".

If you 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 P. Kalk
Commissioner



Randy Christmann
Chairman



Julie Fedorchak
Commissioner