



Public Service Commission  
State of North Dakota

AUG 07 2019

COMMISSIONERS

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7 August 2019

Vonette Richter  
Code Reviser  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Re: Notice of Intent to Amend Administrative Rules  
PSC Case Numbers PU-19-122, GS-19-217, PU-19-290, and PU-19-291

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; and
  - New Chapter 69-09-10            Solar Facility Decommissioning
  - Section 69-09-03-02            Adoption of Regulations
  - Section 69-06-08-01            Energy Conversion Facility Siting Criteria
  - Chapter 69-09-09                Wind Facility Decommissioning
- 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,

John Schuh  
General Counsel

enclosures

Received by the office of the Legislative Council this \_\_\_\_ day of  
August 2019  
By: \_\_\_\_\_

**APPROVED**

*6 Aug. 2019*  
*[Signature]*

**STATE OF NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Solar Decommissioning  
Rulemaking**

**Case No. PU-19-122**

**Public Service Commission  
Pipeline Safety  
Rulemaking**

**Case No. GS-19-217**

**Public Service Commission  
Energy Conversion Facility Siting Criteria  
Rulemaking**

**Case No. PU-19-290**

**Public Service Commission  
Wind Decommissioning  
Rulemaking**

**Case No. PU-19-291**

**MOTION**

**August 6, 2019**

I move the Commission propose to adopt and amend the North Dakota Administrative Code as attached, 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, Solar Decommissioning, Rulemaking, Case No. PU-19-122, Public Service Commission, Pipeline Safety, Rulemaking, Case No. GS-19-217, Public Service Commission, Energy Conversion Facility Siting Criteria, Rulemaking, Case No. PU-19-290, and Public Service Commission, Wind Decommissioning, Rulemaking, Case No. PU-19-291.

**New Chapter 69-09-10    Solar Facility Decommissioning**

1 PU-19-291 Filed 08/06/2019 Pages: 2  
Commission Motion to propose revisions to ND Admin. Code and issue Notices  
Public Service Commission

1 PU-19-290 Filed 08/06/2019 Pages: 2  
Commission Motion to propose revisions to ND Admin. Code and issue Notices  
Public Service Commission

2 GS-19-217 Filed 08/06/2019 Pages: 2  
Commission Motion to propose revisions to ND Admin. Code and issue Notices  
Public Service Commission

1 PU-19-122 Filed 08/06/2019 Pages: 2  
Commission Motion to propose revisions to ND Admin. Code and issue Notices  
Public Service Commission

Section 69-09-03-02	Adoption of Regulations
Section 69-06-08-01	Energy Conversion Facility Siting Criteria
Chapter 69-09-09	Wind Facility Decommissioning

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

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Case No. PU-19-291

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

August 6, 2019

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address new proposed Chapter 69-09-10, to amend Section 69-09-03-02, to amend Section 69-06-08-01, and to amend Chapter 69-09-09.

A hearing will be held on the proposed rules at 1:30 p.m. Central Time on September 19, 2019, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

The proposed adoption and revisions to the North Dakota Administrative Code are as follows:

Case No. PU-19-122 - proposed New Chapter 69-09-10 - Solar Facility Decommissioning

The purpose of the proposed new chapter 69-09-10 is to implement changes from S.B. No. 2100 enacted during the most recent legislative session concerning renewable energy conversion facility decommissioning. The Commission is proposing to create a new chapter to the North Dakota Administrative Code, Chapter 69-09-10 regarding Solar



Facility Decommissioning. The proposed chapter is expected to have an impact on the regulated community in excess of \$50,000.

**Case No. GS-19-217 - proposed Amendments to Section 69-09-03-02**

The purpose of this amendment 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, 2017, current to July 31, 2019. The proposed change is not expected to have an impact on the regulated community in excess of \$50,000.

**Case No. PU-19-290 – Section 69-06-08-01 - Energy Conversion Facility Siting Criteria**

The purpose of the amendments are to address concerns related to the impact of energy conversion facilities on military and department of defense operations and to re-evaluate the acceptable sound level of a wind facility from an inhabited residence or community building that has not signed a waiver. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**Case No. PU-19-291 – Chapter 69-09-09 - Wind Facility Decommissioning**

The purpose of the amendments are to clarify that decommissioning and financial assurance requirements apply to all wind facilities generating more than five hundred kilowatts that have not been granted a waiver by the Commission. The proposed rule is expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules and amendments may be reviewed at the Public Service Commission's offices on the 12<sup>th</sup> floor of the State Capitol, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rules or amendments and/or a regulatory analysis may be requested by writing the above address, emailing [ndpsc@nd.gov](mailto:ndpsc@nd.gov), or calling 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY 1-800-366-6888. This information is also available on the Commission's web site at [www.psc.nd.gov](http://www.psc.nd.gov) under "Formal Actions/Case Search".

Interested persons may attend and submit comments at the hearing. Oral or written comments on the proposed rules may be submitted to the above address, email and phone numbers. Oral and written comments received by the close of business on September 30, 2019 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please notify the Commission at the above telephone number or address at least 24 hours prior to the public hearing.

PUBLIC SERVICE COMMISSION

  
Julie Fedorchak  
Commissioner

  
Brian Kroshus  
Chairman

  
Randy Christmann  
Commissioner