



Public Service Commission

State of North Dakota

COMMISSIONERS

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Sent via email only

22 October 2020

Vonette Richter
Code Reviser
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360
vrichter@nd.gov

Re: Notice of Intent to Amend Administrative Rules
PSC Case Numbers PU-20-398 and PU-20-422

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
- 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

attachments

APPROVED

21 OCT 2020



STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Common Pipeline Carriers
Rulemaking

Case No. PU-20-398

Public Service Commission
Energy Conversion Facility Siting Criteria
Rulemaking

Case No. PU-20-422

MOTION

October 21, 2020

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, Common Pipeline Carriers, Rulemaking, Case No. PU-20-398 and Public Service Commission, Energy Conversion Facility Siting Criteria, Rulemaking, Case No. PU-20-422.

New Chapter 69-09-11 Common Pipeline Carriers

Article 69-06 Energy Conversion Facility Siting Criteria

1 **PU-20-422** Filed: 10/21/2020 Pages: 1
Commission Motion to propose revisions to ND
Admin. Code and issue Notices

Public Service Commission

2 **PU-20-398** Filed: 10/21/2020 Pages: 1
Commission Motion to propose revisions to ND
Admin. Code and issue Notices

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STATE OF NORTH DAKOTA

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

October 21, 2020

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed new Chapter 69-09-11 and proposed amendments to Article 69-06 of the North Dakota Administrative Code.

A public hearing will be held on the proposed rules at **10:00 a.m., Central Time on November 24, 2020 in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The public is also encouraged to view the hearing electronically via <https://psc.nd.gov/public/meetings/live.php> or listen telephonically by dialing 1-888-585-9008 with room code 259-316-322.

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

Case No. PU-20-398 - proposed New Chapter 69-09-11 - Common Pipeline Carriers

The purpose of the proposed new chapter 69-09-11 is clarify the manner in which common pipeline carriers maintain and file their tariffs pursuant to N.D.C.C. § 49-19-17.

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

Case No. PU-20-422 – Article 69-06 - Energy Conversion Facility Siting Criteria

The purpose of the proposed amendments to article 69-06 is minimize impacts on intercontinental ballistic missile facilities, launch control facilities and strategic defense operations. The proposed amendments also update noticed agencies, filing requirements, administration of siting fees, corridor width requirements, and clarify that an owner may waive having areas within 500 ft of a residence, school, or place of business as an avoidance area.

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

The proposed rules may be reviewed at the Public Service Commission's offices on the 12th 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, 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 under Case Search.

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 December 4, 2020, will be fully considered.

Interested persons may attend and submit comments at the hearing. If an interested person would like to provide remote input during the hearing, call 701-328-4081 to be placed on a list. On November 24, 2020, you will receive a call back in the order prescribed by the Commission.

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