

NOV 10 2014



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

10 November 2014

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Re: Notice of Intent to Amend Administrative Rules
Case Nos. GS-14-761, AD-14-762, and GE-14-763

Dear Mr. Walstad:

Enclosed please find copies of:

- Commission Motion Proposing Amendments, Scheduling Hearing, Issuing Notice of Intent to Amend Rules and Notice of Hearing, and Issuing an abbreviated Notice
- Proposed rule changes on the following:
 - Sections 69-09-03-01 and 69-09-03-02, Pipeline Safety
 - Article 69-02, Practice and Procedure
 - Sections 69-07-02-02 and 69-07-02-02.1, Grain Warehouse and Grain Buyer Bonds
- Notice of Intent to Amend Administrative Rules and Notice of Hearing
- Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Hearing

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

Best Regards,

A handwritten signature in blue ink, appearing to read "Illona A. Jeffcoat-Sacco".

Illona A. Jeffcoat-Sacco
General Counsel

enclosures

Received by the office of the Legislative Council this ____ day of November, 2014
By: _____

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-14-761

**Public Service Commission
Practice and Procedure
Rulemaking**

Case No. AD-14-762

**Public Service Commission
Licensing
Rulemaking**

Case No. GE-14-763

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

November 6, 2014

PLEASE TAKE NOTICE that the Public Service Commission intends to amend its administrative rules with proposed amendments to the following parts of the North Dakota Administrative Code: Sections 69-09-03-01 and 69-09-03-02, Pipeline Safety (Case No. PU-14-761), Article 69-02, Practice and Procedure (Case No. AD-14-762), Sections 69-07-02-02 and 69-07-02-02.1, Grain Warehouse and Grain Buyer Bonds (Case No. GE-14-763).

The Public Service Commission will hold a public hearing to address the proposed amendments at **1:00 p.m. CST, on December 15, 2014, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.**

The proposed revisions to the North Dakota Administrative Code are:

Case No. GS-14-761

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

For gas pipeline safety, this rule change adopts amendments to safety regulations that have been adopted by PHMSA since June 22, 2011, current to November 6, 2014.

- 3 GE-14-763 Filed 11/06/2014 Pages: 3
Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- 4 AD-14-762 Filed 11/06/2014 Pages: 3
Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- 4 GS-14-761 Filed 11/06/2014 Pages: 3
Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
Public Service Commission

For hazardous liquids pipeline safety, the Public Service Commission currently has statutory authority concerning pipeline safety but hasn't initiated a safety program agreement with PHMSA.

Case No. AD-14-762

The proposed procedural rules consist of changes to the procedural rules in four areas: service of formal complaints; individual customer notice in utility rate related cases (bill stuffers); appearances at formal hearings, and protection of information.

The existing procedure when serving formal administrative complaints and notices related to those complaints is being clarified in the proposed rules, but not changed. One additional type of utility filing will be included with the existing types of filings for which individual utility customer notice is required. The requirement that staff who work on formal cases be noted as making a formal appearance is being deleted. The changes to the rules regarding when and how the Commission will protect information from general disclosure are the most comprehensive, but do not materially change the existing process, except to make protection of certain regularly filed information easier and less costly for everyone involved.

Case No. GE-14-763

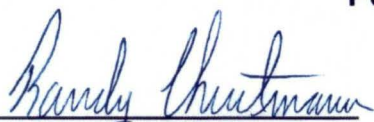
The proposed rules change the way the warehouseman bond is determined, including requiring additional bond coverage for newer licensees, and those with substantial annual purchase volume. A reduction is available for a licensee with a shorter scale ticket conversion policy. The proposed rules also change the way the bond is determined for a roving grain buyer.

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, 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 Commission's web site at www.psc.state.nd.us under "Formal Actions/Case Search".

Interested persons may attend the hearing and 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 December 26, 2014.

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



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Gas Pipeline Safety
Rulemaking

Case No. GS-14-761

Public Service Commission
Practice and Procedure
Rulemaking

Case No. AD-14-762

Public Service Commission
Licensing
Rulemaking

Case No. GE-14-763

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
NOTICE OF PUBLIC HEARING
November 6, 2014

TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to Gas Pipeline Safety, Practice and Procedure, and Licensing.

The public hearing will be held at **1:00 p.m., CST, on December 15, 2014, 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 **December 26, 2014.**

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".

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PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

- 4 GE-14-763 Filed 11/06/2014 Pages: 1
Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- 5 AD-14-762 Filed 11/06/2014 Pages: 1
Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- 5 GS-14-761 Filed 11/06/2014 Pages: 1
Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing

APPROVED

DATE: 11-6-14
A

MOTION

November 6, 2014

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-14-761

**Public Service Commission
Practice and Procedure
Rulemaking**

Case No. AD-14-762

**Public Service Commission
Licensing
Rulemaking**

Case No. GE-14-763

I move the Commission propose the attached 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, Gas Pipeline Safety, Rulemaking, Case No. GS-14-761, Public Service Commission, Practice and Procedure, Rulemaking, Case No. AD-14-762, Public Service Commission, Licensing, Rulemaking, Case No. GE-14-763.

Sections 69-09-03-01 and 69-09-03-02, Pipeline Safety

Article 69-02, Practice and Procedure

Sections 69-07-02-02 and 69-07-02-02.1, Grain Warehouse and Grain Buyer Bonds

- 2 GE-14-763 Filed 11/06/2014 Pages: 25
Commission Motion proposing rules, scheduling hearing, and issue Notices
Public Service Commission
- 3 AD-14-762 Filed 11/06/2014 Pages: 25
Commission Motion proposing rules, scheduling hearing, and issue Notices
Public Service Commission
- 3 GS-14-761 Filed 11/06/2014 Pages: 25
Commission Motion proposing rules, scheduling hearing, and issue Notices
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