

JAN 06 2016



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

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

6 January 2016

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

Re: Notice of Intent to Amend Administrative Rules
PSC Case No. GS-15-187 and Case No. RC-15-737

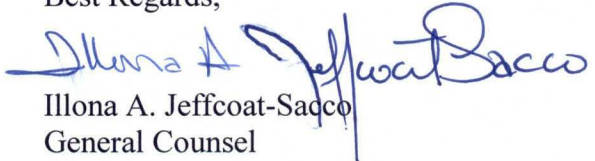
Dear Ms. Richter:

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

- Commission Motion Proposing Amendments, Scheduling Hearing, Issuing Notice of Intent to Amend Rules and Notice of Public Hearing, and Issuing an abbreviated Notice
- Proposed rule changes that were the subject of the Motion:
 - Chapter 69-09-03, Pipeline Safety, Section 69-09-03-02, Adoption of Regulations
 - Article 69-05.2, Surface Coal Mining and Reclamation Operations
- Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- 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 January, 2016
By: _____

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-15-187

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-15-737

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

January 5, 2016

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to North Dakota Administrative Code Section 69-09-03-02 and Article 69-05.2. The hearing will be held at **10:00 a.m., CST on February 18, 2016, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Gas Pipeline Safety – Case No. GS-15-187 – Section 69-09-03-02

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 November 6, 2014, current to December 31, 2015.

For Title 49 Code of Federal Regulations Part 194 – Response Plans for Onshore Oil Pipelines, the Public Service Commission currently has statutory authority concerning pipeline safety of hazardous liquids pipelines, but hasn't initiated that safety program agreement with PHMSA. In order to implement such a program, the Public Service Commission must adopt all pipeline safety rules adopted by PHMSA. The Commission is proposing to adopt all PHMSA regulations for hazardous liquids pipeline safety in effect as of December 31, 2015, including adoption of Part 194.

Reclamation - Case No. RC-12-166 - Article 69-05.2

Numerous provisions of North Dakota Administrative Code Article 69-05.2 pertaining to surface coal mining and reclamation operations must amended as a result of statutory changes made during the 2015 Legislative session by Senate Bill No. 2377. The statutory changes added a definition of "commercial leonardite" to the list of definitions in the code, and also added this phrase to other sections of the reclamation law as appropriate. In addition, the statutory changes excluded leonardite, an oxidized form of lignite, from the definition of "coal." Due to these statutory changes, numerous changes need to be made throughout the Commission's surface coal mining and reclamation rules.

The proposed rule changes primarily consist of adding the phrase "or commercial leonardite" immediately after the word "coal" when commercial leonardite is not part of a definition or a phrase that doesn't otherwise include commercial leonardite. No new or additional requirements are proposed for these or other mining activities.

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 February 29, 2016.

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


Julie Fedorchak
Chairman


Brian P. Kalk
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Gas Pipeline Safety
Rulemaking

Case No. GS-15-187

Public Service Commission
Reclamation
Rulemaking

Case No. RC-15-737

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
NOTICE OF PUBLIC HEARING

January 5, 2016

TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the North Dakota Administrative Code relating to gas pipeline safety and surface coal mining and reclamation operations.

The public hearing will be held at **10:00 a.m., CST on February 18, 2016, 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 February 29, 2016.

A copy of the proposed rules and statements concerning the Regulatory Analysis, Small Entity Regulatory Analysis and Economic Impact, and Takings Assessment 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 Notices".

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