



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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13 August 2009

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-09-67 and RC-09-543

Dear Mr. Walstad:

Enclosed please find:

- Commission Motion Proposing Amendments, Scheduling Hearing, Issuing Notice of Intent to Amend Rules and Notice of Hearing, and Issuing an abbreviated Notice
- Notice of Intent to Amend Administrative Rules and Notice of Hearing
- Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Hearing
- Proposed Gas Pipeline Safety administrative rule changes
- Proposed Reclamation administrative rule changes

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

Best Regards,

Illona A. Jeffcoat-Sacco
General Counsel

Enclosures

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
2009 Gas Pipeline Safety Rules
Rulemaking**

Case No. GS-09-67

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-09-543

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

August 12, 2009

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to three sections of the North Dakota Administrative Code. The hearing will be held at **10:00 a.m., on September 16, 2009, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota**. The proposed revisions to the North Dakota Administrative Code are as follows:

Reclamation: Case No. RC-09-543

The surface coal mining and reclamation law was amended by the 2009 Legislature to reduce the revegetation responsibility period from ten years to five years for eligible lands that are re-mined. The proposed changes to the North Dakota Administrative Code Sections 69-05.2-09-02 and 69-05.2-22-07 will amend permit application requirements and revegetation success standards to reflect this statutory change. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

Gas Safety – Gas Pipeline Safety: Case No. GS-09-67

In order to continue the Commission's role as an agent for the federal pipeline safety program, the proposed change to the North Dakota Administrative Code Section 69-09-03-02 adopts by reference changes made to federal pipeline safety regulations since December 31, 2006. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

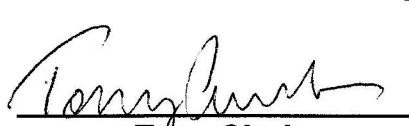
All of the proposed rule changes and any statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the

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 any statements concerning the Regulatory Analyses, Small Entity Analyses and Takings Assessments contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or 701-328-2400, toll free 1-877-245-6685. This information is also available to view on our web site at www.psc.state.nd.us under Formal Actions/Case Search.

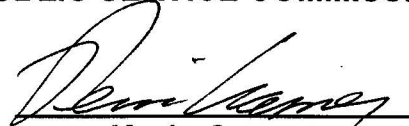
Interested persons may submit written comments on the proposed rules. Written comments should be filed with Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480. The comment period closes 10 days after the hearing. Comments received by September 26th will be considered.

If individuals require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify, Darrell Nitschke, Executive Secretary, at least 24 hours prior to the hearing. He can be contacted at the following numbers: 701-328-2400 and Relay North Dakota TTY: 1-800-366-6888.

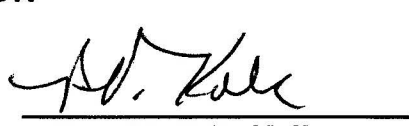
PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner

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

August 12, 2009

TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to surface coal mining and reclamation permit application requirements and revegetation success standards, and the adoption by reference of federal gas safety requirements, at 10:00 a.m., September 16, 2009, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

A copy of the proposed rules may be obtained by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480 or by calling 701-328-2400, toll free 1-877-245-6685 or Relay North Dakota TTY: 1-800-366-6888. This information is also available to view on our web site at www.psc.state.nd.us under Formal Actions/Case Search. Also, written comments may be submitted to the Public Service Commission at the above address, until September 26, 2009.

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

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner