

Presented by: Illona Jeffcoat-Sacco, General Counsel
Public Service Commission

Before: Administrative Rules Committee
The Honorable Jerry Klein, Chairman

RE: Request for an extension under N.D.C.C. § 28-32-07

Date: June 10, 2010

TESTIMONY

Mr. Chairman and committee members, my name is Illona Jeffcoat-Sacco, General Counsel for the Commission. Thank you for the extension granted at the December 10, 2009 meeting. I am here requesting an additional extension under N.D.C.C. section 28-32-07 for three new rules pending before the Commission.

Rules implementing 2009 Senate Bill 2140 concerning Revegetation on Lands Permitted for Surface Coal Mining, were submitted to the federal Office of Surface Mining in November 2009 for approval as State Program Amendment XXXVIII. On May 12, 2010, staff from the federal Office of Surface Mining indicated to Jim Deutsch, Director of the Public Service Commission's Reclamation Division, that the draft Federal Register notice for approving the changes should be going out to the regional Solicitor's Office for review by the end of May. Following the review, the draft notice will go to the federal Office of Surface Mining headquarters for additional review before it is sent to the Federal Register for publication. We estimate it will take another two to three months before the rules changes are approved by the federal Office of Surface Mining.

Once approved by the federal Office of Surface Mining, the Commission can adopt the rule changes and send them to the Legislative Council for review by the Administrative Rules Committee and publication in the North Dakota Administrative Code.

Rule changes that may be necessary to implement the closing of the Metrology Lab (required by our budget bill, 2009 House Bill 1008) were finally proposed at the Commission's regular meeting on June 2, 2010, and Notices were issued. A hearing will be held July 14, 2010. We hope these rules can be finalized in time for filing with the Legislative Council by August 15, 2010.

Implementation of the requirement in 2009 House Bill 1449 (N.D.C.C. § 49-02-27), that the Commission's wind farm decommissioning rules address present and future natural resource development, were finally proposed at the Commission's regular meeting on June 2, 2010, and Notices were issued. A hearing will be held July 14, 2010.

I provided copies of these proposed rules with my letter of May 24, 2010, to John Walstad. If you need additional copies, I will provide them. Attached to this testimony is a copy of the formal Notice of Intent to Amend Administrative Rules and Notice of Public Hearing.

We respectfully request an additional extension of the statutory time frame for the rules specified above. Thank you for your consideration of this request.

Mr. Chairman, this completes my testimony. I would be happy to answer any questions the committee might have.

**Public Service Commission
Weights and Measures
Rulemaking**

Case No. WM-10-63

**Public Service Commission
Siting
Rulemaking**

Case No. PU-10-128

**Public Service Commission
Electric
Rulemaking**

Case No. PU-10-129

**Public Service Commission
Decommissioning
Rulemaking**

Case No. PU-10-159

**Public Service Commission
Practice and Procedure
Rulemaking**

Case No. AD-10-167

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

June 2, 2010

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the North Dakota Administrative Code. The hearing will be held at 1:30 p.m., on **July 14, 2010, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota**. The proposed revisions to the North Dakota Administrative Code are:

Weights and Measures: Case No. WM-10-63

The North Dakota Metrology Laboratory will officially close on June 30, 2010 and all of the proposed rule changes are related to that closing.

Siting - Case No. PU-10-128

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent.

5 PU-10-159 Filed 06/02/2010 Pages: 2
Notice of Intent to Amend Admin. Rules
and Notice of Hearing
Public Service Commission

4 AD-10-167 Filed 06/02/2010 Pages: 2
Notice of Intent to Amend Admin. Rules
and Notice of Hearing
Public Service Commission

5 WM-10-63 Filed 06/02/2010 Pages: 2
Notice of Intent to Amend Admin. Rules
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4 PU-10-128 Filed 06/02/2010 Pages: 2
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4 PU-10-129 Filed 06/02/2010 Pages: 2
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Electric: Case No. PU-10-129

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers.

Decommissioning: Case No. PU-10-159

The proposed rule implements the requirement in 2009 House Bill 1449 (N.D.C.C. § 49-02-27) that the commission's wind farm decommissioning rules address present and future natural resource development.

Practice and Procedure: Case No. AD-10-167


The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

All of the proposed rule changes and the 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 the statements 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 the Commission's 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 July 26, 2010 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 at 701-328-2400, Relay North Dakota TTY: 1-800-366-6888, or dnitschk@nd.gov.

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