

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

Before: Administrative Rules Committee
Senator Jerry Klein, Chairman

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

Date: December 10, 2009

TESTIMONY

Mr. Chairman and committee members, my name is Illona Jeffcoat-Sacco, General Counsel for the Commission. I am here regarding the Commission's request for an extension of the nine-month time frame imposed on agencies by N.D.C.C. section 28-32-07 for certain new rules under consideration by the Commission, more specifically set out below:

1. Rules implementing 2009 Senate Bill 2140, concerning Revegetation on Lands Permitted for Surface Coal Mining (PSC Case No. RC-09-543) have been proposed, a hearing was held, and we have received the Attorney General's approval on the rules. However, reclamation rules need to be approved by the federal Office of Surface Mining prior to final adoption, and that approval is pending. We anticipate that approval by the Office of Surface Mining will extend beyond the deadline.
2. Rule changes that may be necessary to implement the closing of the Metrology Lab (required by our budget bill, 2009 House Bill 1008) will be proposed in the future with an effective date consistent with when the lab is to be closed. The bill specifies that the Commission discontinue

metrology services between July 1, 2009 and June 30, 2011. This time frame is outside the nine month requirement of Section 28-32-07.

3. Implementation of the requirement in 2009 House Bill 1449, that the Commission's wind farm decommissioning rules address present and future natural resource development, are under consideration by Commission staff as part of a larger project dealing with a review of all existing siting rules and guidelines, as well as the Commission's procedural rules and filing instructions. We expect this project will extend well into 2010, especially given the number and variety of interested stakeholders, the potential federal stimulus impacts, and the importance of this topic to North Dakota and the country.

We respectfully request an 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 respond to any questions the committee might have.