



Public Service Commission State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

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

7 March 2012

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

RE: N.D.C.C. section 28-32-07 - Extension of time request

Dear Mr. Walstad:

The Public Service Commission respectfully requests an extension of time to promulgate rules implementing Senate Bill 2196 relating to the definition of a wind energy conversion facility.

The commission has been working with stakeholders to draft revisions to the siting rules and will soon be considering the working group's draft amendments. These will include a streamlined application process for small wind farms that are now jurisdictional under Senate Bill 2196.

A copy of the Bill is attached. Thank you for your consideration of this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Illona A. Jeffcoat-Sacco".
Illona A. Jeffcoat-Sacco
General Counsel

attachments

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2196
(Senators Wardner, Christmann, Lyson)
(Representatives Brandenburg, DeKrey, Porter)

AN ACT to amend and reenact subsection 5 of section 49-22-03 and subsection 1 of section 49-22-22 of the North Dakota Century Code, relating to the definition of energy conversion facility and to siting application fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

5. "Energy conversion facility" means any plant, addition, or combination of plant and addition, designed for or capable of:
 - a. Generation by wind energy conversion exceeding one-half megawatt of electricity;
 - b. Generation by any means other than wind energy conversion exceeding sixty-five megawatts of electricity;
 - ~~b.c.~~ Manufacture or refinement of one hundred million cubic feet [2831684.66 cubic meters] or more of gas per day, regardless of the end use of the gas;
 - ~~e.d.~~ Manufacture or refinement of fifty thousand barrels [7949.36 cubic meters] or more of liquid hydrocarbon products per day; or
 - ~~d.e.~~ Enrichment of uranium minerals.

SECTION 2. AMENDMENT. Subsection 1 of section 49-22-22 of the North Dakota Century Code is amended and reenacted as follows:

1. Every applicant ~~for a certificate of site compatibility under this chapter~~ shall pay to the commission an application fee in:
 - a. An applicant for a certificate of site compatibility shall pay an amount equal to five hundred dollars for each one million dollars of investment in the proposed facility as defined in the federal energy regulatory commission uniform system of accounts. ~~Every~~
 - b. An applicant for a certificate of corridor compatibility shall pay ~~to the commission an application fee in~~ an amount equal to five thousand dollars for each one million dollars of investment in the proposed facility as defined in the federal energy regulatory commission uniform system of accounts. ~~Every~~
 - c. An applicant for a waiver shall pay ~~to the commission an application fee in~~ the amount which would be required for an application for a certificate of site or corridor compatibility for the proposed facility. If a waiver is not granted for a proposed facility, such application fee paid shall be allowed as a credit against fees payable under this section in connection with an application under this chapter for a certificate or permit for the proposed facility.
 - d. An applicant for a transfer of a certificate or permit shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

- e. An applicant certifying to the commission under subsection 3 of section 49-22-03 shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.
- f. The application fee under this subsection shall not be less than five thousand dollars nor more than one hundred thousand dollars.