



Public Service Commission  
State of North Dakota

JUN 03 2010

COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

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Bismarck, North Dakota 58505-0480  
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E-mail: ndpsc@nd.gov  
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3 June 2010

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

Re: Notice of Intent to Amend Administrative Rules  
Case Nos. WM-10-63, PU-10-128, PU-10-129, PU-10-159, and PU-10-167

Dear Mr. Walstad:

Enclosed please find copies of:

- 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 rule changes on the following:
  - Article 69-10, Testing and Safety Division
  - Article 69-06, Energy Conversion and Transmission Facility Siting
  - Chapter 69-09-06, Renewable Electricity and Recycled Energy Tracking System
  - Section 69-09-09-06, Decommissioning plan
  - Section 69-02-01-06, Practice before the commission

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

Best Regards,

Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

Received in the office of the  
Legislative Council this \_\_\_\_ day of June, 2010  
By: \_\_\_\_\_

APPENDED

DATE: 6-2-10



**MOTION**

**June 2, 2010**

**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**

I move the Commission propose the following amendments to the North Dakota Administrative Code, schedule a hearing for 1:30 p.m., on July 14, 2010, issue a Notice of Intent to Amend Administrative Rules and a Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law.

Article 69-10            Testing and Safety Division

Article 69-06            Energy Conversion and Transmission Facility Siting

Chapter 69-09-08        Renewable Electricity and Recycled Energy Tracking System

Section 69-09-09-06    Decommissioning plan

Section 69-02-01-06    Practice before the commission

3 AD-10-167 Filed 06/02/2010 Pages: 1  
Commission Motion Proposing  
Amendments, Scheduling Hearing, Issuing  
Notice of Intent to Amend Rules and Issuing  
Notice of Hearing  
Public Service Commission

4 PU-10-159 Filed 06/02/2010 Pages: 1  
Commission Motion Proposing  
Amendments, Scheduling Hearing, Issuing Notice  
of Intent to Amend Rules and Issuing Notice of  
Hearing  
Public Service Commission

**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  
and Notice of Hearing  
Public Service Commission

4 PU-10-128 Filed 06/02/2010 Pages: 2  
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and Notice of Hearing  
Public Service Commission

4 PU-10-129 Filed 06/02/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules  
and Notice of Hearing  
Public Service Commission

**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**

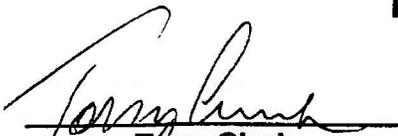
The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

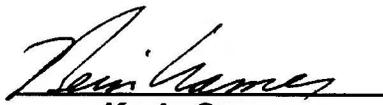
All of the proposed rule changes and the statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes or 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](http://www.psc.state.nd.us) under "Formal Actions/Case Search".

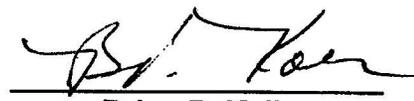
Interested persons may submit written comments on the proposed rules. Written comments should be filed with Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480. The comment period closes 10 days after the hearing. 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](mailto:dnitschk@nd.gov).

**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**

**June 2, 2010**

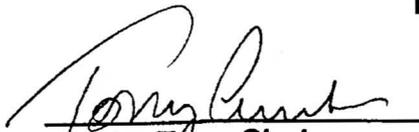
TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to closing the metrology laboratory, determining corridor size, letters of intent, and requests for jurisdictional determinations in energy conversion and transmission facility siting cases, standardizing the content and format of annual reports tracking renewable electricity and recycled energy, implementing the requirement that the commission's wind farm decommissioning rules address present and future natural resource development, and repealing inconsistent language regarding practice before the Commission.

The public hearing will be held at 1:30 p.m., July 14, 2010, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. Written comments may be submitted to the Public Service Commission until July 26, 2010.

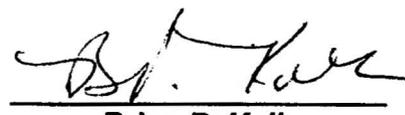
A copy of the proposed rules may be obtained from the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, or Relay North Dakota TTY: 1-800-366-6888. This information is also available to view on our web site at [www.psc.state.nd.us](http://www.psc.state.nd.us) under Formal Actions/Case Search.

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**

5 AD-10-167 Filed 06/02/2010 Pages: 1  
Abbreviated Notice of Intent to Amend Admin. Rules and Notice of  
Hearing  
Public Service Commission

5 PU-10-129 Filed 06/02/2010 Pages: 1  
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5 PU-10-128 Filed 06/02/2010 Pages: 1  
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