

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Public Service Commission Gas Pipeline Safety Rulemaking	Case No. GS-05-341
Public Service Commission Public Utilities - Electric Rulemaking	Case No. PU-05-364
Public Service Commission Public Utilities - Telephone Rulemaking	Case No. PU-05-575
Public Service Commission Reclamation Rulemaking	Case No. RC-05-591
Public Service Commission Licensing – Grain Buyer Rulemaking	Case No. GE-05-594
Public Service Commission Public Utilities – Siting Rulemaking	Case No. PU-05-602

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

November 22, 2005

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to several articles of the North Dakota Administrative Code. The hearing will be held **at 1:00 p.m., CST, January 4, 2006, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Gas Pipeline Safety: Case No. GS-05-341

The Gas Pipeline Safety Federal rules to be adopted by reference will amend the state pipeline safety regulations to: require gas operators to prepare and follow procedures for periodic inspections of pipeline facilities located in the Gulf of Mexico

and its inlets in waters less than 15 feet deep; codify new program requirements concerning personnel training, notice of program changes, government review and verification of programs, and use of on-the-job performance as a qualification method; amend the requirements for pipeline operators to develop and implement public awareness (also known as public education) programs; revise all references to the former Research and Special Programs Administration in 49 CFR parts 190 through 199 to reflect the creation of Pipeline and Hazardous Materials Safety Administration.

Public Utilities – Electric: Case No. PU-05-364

Proposed rules for establishing or participating in a program to track, record and verify the trading of credits for electricity generated from renewable electricity sources among electric generators, utilities, and other interested entities within this state and with similar entities in other states as authorized and defined by newly-enacted North Dakota Century Code Sections 49-02-24 through 26.

Public Utilities – Siting: Case No. PU-05-602

Proposed changes to North Dakota Administrative Code Subsections 69-06-08-01(4) and 69-06-08-02(4) add to the policy criteria used in evaluating energy conversion and transmission facility siting applications an indication that the Commission may give preference to applicants that maximize the interstate benefits of proposed projects.

Public Utilities – Telephone: Case No. PU-05-575

Case No. PU-05-575 consists of proposals concerning telecommunications registration, eligible carrier applications and advertising, and interconnection agreement filings.

Proposed changes to North Dakota Administrative Code Section 69-09-05-02 implement new North Dakota Century Code Section 49-03.1-09 which was designed to streamline the regulatory process for telecommunications companies that are not incumbent local exchange companies. The proposed changes also clarify the definition of prepayment, and set forth the performance bond and escrow account requirements for resellers.

Proposed changes to North Dakota Administrative Code Section 69-09-05-12 concern the application requirements for a telecommunications company seeking designation as an eligible carrier for purposes of receiving federal universal service funding, annual reporting requirements of designated eligible carriers, and the criteria to be considered by the Commission in designating an eligible carrier.

New North Dakota Administrative Code Section 69-09-05-14 is being proposed for the purpose of formalizing existing Commission procedures for processing

negotiated telecommunications carrier to carrier interconnection agreements filed for Commission approval under 47 USC Section 252(e).

Reclamation: Case No. RC-05-591

Several changes are proposed to rules that pertain to the coal mining and reclamation regulatory program. The changes will allow some lease documents to be deleted from a mining permit once mining is completed or when a lease is otherwise terminated; dropping the name of the United State Geological Survey map containing the permit area and not listing the names of subsurface owners who are not affected by mining activities in newspaper notices for permit applications; adding a cross reference to another rule for information that must be submitted with bond release applications; clarifying inspection requirements for sedimentation ponds and other impoundments; and modifying data requirements for proving reclamation success and adding new language to revegetation success standards on the counting of volunteer trees and shrubs. A cross reference error is also being corrected in the general requirements for roads. These proposed rule changes are not expected to have an impact on the regulated community in excess of fifty thousand dollars.

Licensing – Grain Buyer: Case No. GE-05-594

On October 7, 2005, the North Dakota Dry Pea and Lentil Association formally asked the Commission to consider a change to North Dakota Administrative Code Section 69-07-01-14. The North Dakota Dry Pea and Lentil Association proposes to change the existing rule to exempt a grain buyer from the licensing requirement when the grain buyer purchases dry peas, lentils or chickpeas owned by a licensed entity. The current rule exempts a grain buyer from the licensing requirement when purchasing any grain that is owned by a licensed entity and also has been substantially altered by processing or blending, or cleaned and bagged for consumption.

The Notice of Intent to Adopt and Amend Administrative Rules and an abbreviated notice were issued on November 17, 2005. Late that afternoon the North Central Bean Dealers Association filed in support of the existing proposal and formally asked the Commission to consider an additional change in the proposed rule to exempt a grain buyer from the licensing requirement when the grain buyer purchases dry edible beans owned by a licensed entity. The proposed rule itself has not been revised at this time to incorporate this request, but this amended notice is being issued to notify interested parties of the possible inclusion of dry edible beans in the exemption. The abbreviated notice was also revised prior to publication to indicate the support of the North Central Bean Dealers Association.

All of the proposed rule changes and any statements concerning Regulatory Analyses and Takings Assessments, and Small Entity Regulatory Analyses 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 Regulatory Analyses and Takings Assessments, and Small Entity Regulatory Analyses, contact the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400. The proposed rule changes and any statements concerning Regulatory Analyses and Takings Assessments, and Small Entity Regulatory Analyses may be viewed at <http://www.psc.state.nd.us> (see Formal Actions: Notices).

Interested persons may submit written data, views, arguments, or appear in person or through counsel concerning the proposals. Written comments should be filed with Illona A. Jeffcoat-Sacco, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

The Commission will allow after the conclusion of the rulemaking hearing, a comment period until January 17, 2006, during which data, views, or oral arguments concerning the proposed rulemaking will be received by the Commission and made a part of the rulemaking record to be considered by the Commission.

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

PUBLIC SERVICE COMMISSION

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