



Public Service Commission

State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
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Fax 701-328-2410
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January 11, 2008

The Honorable Wayne Stenehjem
North Dakota Attorney General
State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0040

RE: Public Service Commission
Gas Safety
Rulemaking
Case No. GS-06-510

Dear Attorney General Stenehjem:

The North Dakota Public Service Commission requests your opinion of the attached proposed changes to the North Dakota Administrative Code. The proposed rules have been approved by the Public Service Commission. In accordance with N.D.C.C. § 28-32-14, the Public Service Commission requests your examination of these rules so they may be considered for formal adoption and publication in the North Dakota Administrative Code. The time for review of these rules should be recorded under 03-31 and 03-106.

Attached for purposes of review is a copy of:

1. Copy of Order Submitting Rules to Attorney General dated December 31, 2007;
2. Copy of proposed rules (no changes were made to the proposed rules after the Notice was sent to the Legislative Council);
3. Copy of the Statement on Regulatory Analysis and Takings Assessment & Statement on Small Entity Regulatory Analysis, both available on December 27, 2007;
4. Copy of both full and abbreviated Commission's Notice of Intent to Amend Administrative Rules and Notice of Public Hearing dated November 26, 2007, and abbreviated notice of intent to adopt;

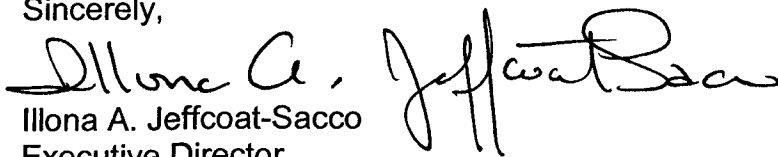
5. Proof of publication showing where and when the Notice was published including a copy of the actual Notice as published;
6. Proof of filing the Notice and proposed rules with Legislative Council; and
7. Copy of the Testimony of Alan Moch before the Public Service Commission.

The proposed rules are not implementing legislation enactment during the most recent legislative session. The only comment or testimony (written/oral) was by commission staff. Lastly, a statement concerning the small entity economic impact is included in the Statement on Small Entity Regulatory Analysis, although under N.D.C.C. Chapter 28-32-08.1 the small entity economic impact is not required because the rules are mandated by federal law.

If you have any questions, please do not hesitate to contact us.

Thank you for your attention in this matter.

Sincerely,


Illona A. Jeffcoat-Sacco
Executive Director

Enclosures

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-06-510

ORDER ADOPTING RULES

December 31, 2007

Appearances

Commissioners Susan Wefald, Kevin Cramer, and Tony Clark.

William Binek, Chief Counsel, as Hearing Officer

Preliminary Statement

On October 3, 2007, the North Dakota Public Service Commission (Commission) issued a formal Notice of Proposed Rulemaking and an Abbreviated Notice proposing to revise section 69-09-03 of the Administrative Code relating to the Commission's Gas Safety Program.

The Commission proposed to adopt by reference the 2006 federal Gas Pipeline Safety rule amendments. Generally, these proposed changes relate to certain integrity management standards for gas transmission lines, a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations, the establishment of safety rules for certain onshore gathering lines in rural areas, revisions to current rules for certain onshore gathering lines in non-rural areas; and the incorporation by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices.

Public Hearing

A public hearing on the proposed rule changes was noticed for and held at 1:00 p.m. November 26, 2007. The hearing was held in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

The Abbreviated Notice was published once in all official county newspapers. The notices were also forwarded to the Legislative Council for publication at least 30 days in advance of the hearing.

The Commission allowed, after the conclusion of the rulemaking hearing, a comment period until December 6, 2007, during which data, views, or oral arguments concerning the proposed rulemaking could be received by the Commission and made a part of the rulemaking record to be considered by the Commission.

The only written comments filed and the only testimony received at the hearing were those of Commission staff. Staff testified that the proposed changes were intended to incorporate into state rules changes in federal rules that must also apply to the state program. These are:

1. **49 CFR Part 192 - Amendment No. 101** - Under federal regulations governing integrity management of gas transmission lines, if an operator uses direct assessment to evaluate corrosion risks, it must carry out the direct assessment according to existing federal corrosion standards. The new federal rule broadens the application of federal assessment requirements by prescribing similar standards operators must meet when they use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines. We agree that broadening the application of direct assessment standards will enhance public confidence in the use of direct assessment to assure pipeline safety, and we agree.
2. **49 CFR Part 192 - Amendment No. 102** – This rule adopts a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations. In addition, it establishes safety rules for certain onshore gathering lines in rural areas and revises current rules for certain onshore gathering lines in non-rural areas. Operators will now use a new risk-based approach to determine which onshore gathering lines are subject to federal gas pipeline safety rules and which of these rules the lines must meet. We agree that this action will reduce disagreements over classifications of onshore gathering lines, increase public confidence in the safety of onshore gathering lines, and provide safety rules consistent with the risks of onshore gathering lines.
3. **49 CFR Part 192 - Amendment No. 103** – This rule updates the pipeline safety regulations to incorporate by reference all or parts of new editions of voluntary consensus technical standards. State rules should reflect these updates because they enable pipeline operators to utilize current technology, materials, and practices.


Order

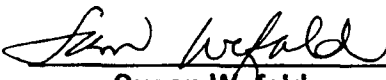
The Commission orders:

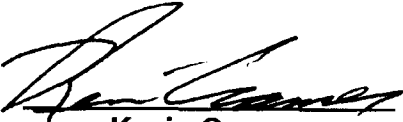
1. The proposed changes to Section 69-09-03 of the North Dakota Administrative Code, as attached to and made a part of this order, are adopted contingent upon approval by the Attorney General;

2. The proposed rules, as attached to and made a part of this order, shall be submitted to the Attorney General for an opinion as to legality.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan Wefald
President


Kevin Cramer
Commissioner

GAS SAFETY PROPOSED RULES FOR 2006

69-09-03-02. Adoption of regulations. The following parts of title 49, Code of Federal Regulations in effect as of ~~October 1, 2005~~ December 31, 2006, are adopted by reference:

1. Part 190 - Department of Transportation Pipeline Safety Enforcement Procedures.
2. Part 191 - Department of Transportation Regulations for Transportation of Natural Gas by Pipeline; Reports of Leaks.
3. Part 192 - Transportation of Natural Gas and Other Gas by Pipeline: Minimum Safety Standards.
4. Part 199 - Control of Drug Use in Natural Gas; Liquefied Natural Gas and Hazardous Liquids Pipelines.

Copies of these regulations may be obtained from:

**Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480**

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002, November 1, 2003; May 1, 2005, July 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

State of North Dakota

Public Service Commission

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-06-510

Statement on Small Entity Regulatory Analysis

December 15, 2006

The purpose of the 2006 Gas Pipeline Safety rule amendments, enacted by the federal government and to be adopted by reference into state administrative rule, consist of the following: prescribes similar standards as the current standards governing integrity management of gas transmission lines that operators must meet when they use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines; adopts a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations, and establishes safety rules for certain onshore gathering lines in rural areas and revises current rules for certain onshore gathering lines in non-rural areas; and, updates the pipeline safety regulations to incorporate by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices.

Although this small entity regulatory analysis is not required under Chapter 28-32-08.1, N.D.C.C. because the proposed amendments to existing rules are mandated by federal law, we do not believe that these proposed rules will have an adverse regulatory affect on any small entity. On the contrary, all of the above amendments contribute to an increase in public safety.

State of North Dakota

Public Service Commission

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-06-510

Statement on Regulatory Analysis and Takings Assessment

December 27, 2006

The purpose of the 2006 Gas Pipeline Safety rule amendments, enacted by the federal government and to be adopted by reference into state administrative rule, consist of the following: prescribes similar standards as the current standards governing integrity management of gas transmission lines that operators must meet when they use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines; adopts a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations, and establishes safety rules for certain onshore gathering lines in rural areas and revises current rules for certain onshore gathering lines in non-rural areas; and, updates the pipeline safety regulations to incorporate by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices.

Regulatory Analysis

North Dakota Century Code Section 28-32-08 requires an agency to prepare a regulatory analysis if the proposed rule is expected to have an impact on the regulated community in excess of fifty thousand dollars. The analysis must contain:

- a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
- b. Description of the probable impact, including economic impact, of the proposed rule;
- c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
- d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.

Individuals within this State who may be affected by these proposed federal amendments consists of both intrastate and interstate natural gas operators.

None of the above proposed federal amendments are expected to have an impact on the State's regulated community in excess of fifty thousand dollars.

Any costs associated with the enforcement of the above proposed federal amendments will be taken from the Commission's ongoing gas pipeline safety budget with little or no affect upon that budget.

The Commission acts as agent for the U.S. Department of Transportation, PHMSA, in the enforcement of the minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities within the State. This is accomplished by entering into a 601055(a) Title 49 agreement with the U.S. Department of Transportation which requires North Dakota to adopt all of the Federal gas safety standards, along with any future amendments to those standards. This rulemaking is a part of that ongoing agreement.

Takings Assessment

North Dakota Century Code Section 28-32-09(1) requires an agency to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The assessment must:

- a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
- b. Clearly and specifically identify the purpose of the proposed rule.
- c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
- d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
- e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
- f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.

None of the above proposed federal amendments will have any affect on takings.

The purpose of the proposed federal amendments are clearly stated above

We do not expect any impact on private property owners as a result of the proposed federal amendments.

We do not expect the proposed federal amendments to constitute a taking; therefore, there should be no cost to the state.

Subsection e. is not applicable because the proposed federal amendments will not limit the use of private real property.

Subsection f. is not applicable because the proposed federal amendments will not limit the use of private real property.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Public Service Commission Accounting, Electric and Gas Rulemaking	Case No. PU-06-486
Public Service Commission Public Utilities - Electric Rulemaking	Case No. PU-06-490
Public Service Commission Public Utilities - Siting Rulemaking	Case No. PU-06-501
Public Service Commission Gas Pipeline Safety Rulemaking	Case No. GS-06-510
Public Service Commission Reclamation Rulemaking	Case No. RC-07-163
Public Service Commission Weights and Measures Rulemaking	Case No. WM-07-203
Public Service Commission EPAct Section 1252 Smart Metering Standard Rulemaking	Case No. PU-07-641
Public Service Commission Wind Turbine Decommissioning Rulemaking	Case No. PU-07-642

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

October 3, 2007

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, November 26, 2007,**

12	PU-06-486	Pages: 5	6	GS-06-510	7	PU-07-641
8	PU-06-490	Pages: 5	8	RC-07-163	8	PU-07-642
7	PU-06-501	Pages: 5	10	WM-07-203		Full Notice of Intent and N Hearing

in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. The proposed revisions to the North Dakota Administrative Code are as follows:

Accounting, Electric and Gas: Case No. PU-06-486

The proposed electric and gas accounting rules will require regulated gas and electric companies to use a standard system of accounts prescribed by the Federal Energy Regulatory Commission and will limit the amount a utility can capitalize for the cost of funds used during the construction of assets. These proposed rule changes are not expected to have an impact on the regulated community in excess of fifty thousand dollars.

Public Utilities – Electric: Case No. PU-06-490

The proposed rule change in Case No. PU-06-490 would amend section 69-09-02-35 of the North Dakota Administrative Code to adopt by reference the 2007 version of the National Electric Safety Code for the installation and maintenance of electric supply and communication lines. This proposed rule change is not expected to have an impact on the regulated community in excess of fifty thousand dollars.

Public Utilities – Siting: Case No. PU-06-501

The proposed rule in Case No. PU-06-501 is intended to set out a process for refunding to an applicant the portion of the applicant's statutory siting application fee that is not used in processing the case. While the rule may impact the regulated community in amounts greater than \$50,000, this impact is only positive. Siting applicants will get refunds of a substantial portion of their respective siting fees that previously went to the state's general fund.

Gas Safety – Gas Pipeline Safety: Case No. GS-06-510

The Commission proposes to adopt by reference the 2006 federal Gas Pipeline Safety rule amendments. Generally, these proposed changes prescribes similar standards as the current standards governing integrity management of gas transmission lines that operators must meet when they use direct assessment use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines; adopts a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations, and establishes safety rules for certain onshore gathering lines in rural areas and revises current rules for certain onshore gathering lines in non-rural areas; and, updates the pipeline safety regulations to

incorporate by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices. None of the proposed gas safety changes is expected to have an impact on the regulated community in excess of fifty thousand dollars.

Reclamation: Case No. RC-07-163

A few changes are proposed to rules for the coal mining and reclamation regulatory program. The most significant change pertains to the self-bonding provisions, and it will allow the Commission to accept, in addition to Moody's Investors Service and Standards and Poor's ratings, bond ratings from other national recognized rating organizations for companies that guarantee self-bonds. Another change updates the terminology used for native grassland descriptions that are required as part of the pre-mine land use information in permit applications. The other change corrects a cross reference error in the permit approval criteria. These proposed rule changes are not expected to have an impact on the regulated community in excess of fifty thousand dollars.

Weights and Measures – Case No. WM-07-203

Amendments to CHAPTER 69-10-01:

Add the word "permit" to match recent legislative changes in the North Dakota Century Code; clarify who may recertify commercial devices; whose responsibility it is to insure the devices are recertified; how often the devices must be recertified; and what type of enforcement actions will take place if the rule is violated; delete the address requirement on the adhesive stickers used as part of the sealing process; add the word "or" to clarify that it references two different device types; delete any reference to the use of a LPG master meter as a standard; repeal 69-10-01-07 in order to allow any operator to sell refined fuels through a temperature compensated meter; add the term "1999 edition" to clarify which NIST handbook 44 is used in ND; and, lower by one month the time limit registered service companies have to test a commercial device under contract.

Amendments to CHAPTER 69-10-02:

Add the word "permit" to match recent legislative changes in the North Dakota Century Code; repeal 69-10-02-08 and 69-10-02-11, combine them in the new rule 69-10-01-17 which includes all weighing and measuring devices; change the word "weighman" to non gender specific "scale operator"; add "on commercial scales after"; change "audit" to "audit trail"; change "recall" to "recalled"; add the term "portable wheel-load scale" to clarify that both permanent axel load scales and portable wheel-load

scales are included in the rule; and, provide for the design and access requirements for all new large hopper scales installed after January 1, 2008, and new modification requirements to all existing large hopper scales.

Amendments to CHAPTER 69-10-03:

Add the word "permit" to match recent legislative changes in the North Dakota Century Code; amend subsection 69-10-03-02 to clarify that an up to date copy of the metrology certificate of traceability for all standards be on file with the commission; change the requirement for the recertification of automatic bulk-weighing system standards to once every 5 years; disallow the use of LPG master meters as testing standards; allow that any standard may be recertified sooner if inspection shows a need; clarify how to properly make a metrology appointment; replace the word "accredited" with the word "recognized" in order to match current terminology used by the U.S. Department of Commerce National Institute of Standards and Technology; and, clarify the design leveling requirements of a prover.

Amendments to CHAPTER 69-10-04:

Clarify what type of registered service person test must be taken; where the test questions are taken from; and, change where the test may be administered by replacing the phrase "metrology lab" with the phrase "a state facility".

Except for changes to North Dakota Administrative Code Sections 69-10-02-26 and 69-10-03-02, the rules are not expected to impact the regulated community in excess of \$50,000. For changes proposed in North Dakota Administrative Code Sections 69-10-02-26 and 69-10-03-02, a regulatory analysis has been prepared and is available from the Commission.

Public Utilities – EPA Act Section 1252 Smart Metering Standard: Case No. PU-07-641

The proposed rule would establish a new section within chapter 69-09-02 of the North Dakota Administrative Code to require regulated electric utilities to offer retail electric rates for commercial and industrial customers that vary according to the time of use. This proposed rule is not expected to have an impact on the regulated community in excess of fifty thousand dollars.

Public Utilities – Wind Turbine Decommissioning: Case No. 07-642

The proposed rule would establish a new chapter to Article 69-09 of the North Dakota Administrative Code setting forth procedures and requirements to ensure proper decommissioning of commercial wind energy production facilities when they reach the end of their useful life. This proposed rule could have an impact on the regulated community in excess of fifty thousand dollars. A regulatory analysis has been prepared and is available from the Commission



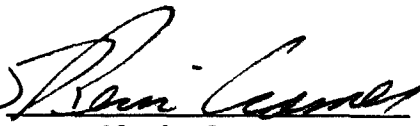
All of the proposed rule changes and any statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes, or any statements concerning the Regulatory Analyses, Small Entity Analyses and Takings Assessments contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or 701-328-2400. The proposed rule changes and any statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments 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 Director, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

Written or oral comments on the proposed rules sent to the above address or telephone number and received by December 6, 2007, will be considered.

If individuals require any auxiliary aids or services, such as readers, signers, or braille materials, please notify, Illona A. Jeffcoat-Sacco, Executive Director, at least 24 hours prior to the hearing on November 26, 2007. She can be contacted at the following numbers: 701-328-2400 and Relay North Dakota TTY: 1-800-366-6888.

PUBLIC SERVICE COMMISSION

 _____ Tony Clark Commissioner	 _____ Susan E. Wefald President	 _____ Kevin Cramer Commissioner
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**NOTICE OF INTENT TO ADOPT, AMEND or REPEAL ADMINISTRATIVE RULES
AND NOTICE OF PUBLIC HEARING**

October 3, 2007


PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to electric and gas public utility accounting; adoption of current National Electrical Safety Code; energy conversion and transmission facility siting fee refunds; adoption of federal gas safety provisions; provisions for reclamation self-bonds, terminology update and cross-reference correction; weights and measures; electric commercial and industrial time of use tariffs; and wind turbine decommissioning at 1 p.m., CST, November 26, 2007, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

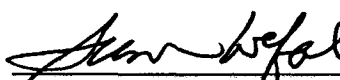
The proposed rule changes and any statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed changes or any statements, contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, or view them at <http://www.psc.state.nd.us> (see Formal Actions: Notices).

Written comments should be filed with Illona A. Jeffcoat-Sacco, Executive Director, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480. by December 6, 2007.

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

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
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Kevin Cramer
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13 PU-06-486 Pages: 1
9 PU-06-490 Pages: 1
8 PU-06-501 Pages: 1
GS-06-510 Pages: 1

9 RC-07-163 Pages: 1
11 WM-07-203 Pages: 1
8 PU-07-641 Pages: 1
9 PU-07-642 Pages: 1



North Dakota Newspaper Association

1435 Interstate Loop
 Bismarck, ND 58503-0567
 Ph (701) 223-6397 • Fax (701) 223-8185

INVOICE

Order **24107-07105PP0**

Invoice # **96575**

November 7, 2007

Attn: **ILLONAA. JEFFCOAT-SACCO**
PUBLIC SERVICE COMMISSION
600 E. BOULEVARD AVE.
STATE CAPITOL
BISMARCK, ND 58505

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7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Beach Golden Valley News (Beach ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Bismarck Tribune (Bismarck ND)							
7.00	SPR1	10.30	72.10	0.00	Public Service Comm		10/15/07
Bottineau Courant (Bottineau ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/16/07
Bowbells Burke County Tribune (Bowbells ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Bowman County Pioneer (Bowman ND)							
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Cando Towner Co Record Herald (Cando ND)							
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Carrington Foster Co Independent (Carrington ND)							
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Carson Press (Elgin ND)							
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Cavalier Chronicle (Cavalier ND)							
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Center Republican (Washburn ND)							
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Cooperstown Griggs County Courier (Cooperstown ND)							
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Crosby The Journal (Crosby ND)							
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Devils Lake Daily Journal (Devils Lake ND)							
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Dickinson Press (Dickinson ND)							
7.00	SPR1	7.00	49.00	0.00	Public Service Comm		10/14/07
Elgin Grant County News (Elgin ND)							
7.00	SPR1	5.15	Did Not Run	0.00	Public Service Comm		10/17/07

<i>Ad Size</i>	<i>Rate Type</i>	<i>Rate</i>	<i>Total</i>	<i>Discount (%)</i>	<i>Caption</i>	<i>Page</i>	<i>Run Date</i>
COUNTY							
Elgin Grant County News (Elgin ND)							
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Ellendale Dickey Co Leader (Ellendale ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Fargo, The Forum (Fargo ND)							
7.00	SPR1	10.30	Did Not Run	0.00	Public Service Comm		10/15/07
Fargo, The Forum (Fargo ND)							
7.00	SPR1	10.30	72.10	0.00	Public Service Comm		10/29/07
Finley Steele County Press (Finley ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/19/07
Garrison McLean Co Independent (Garrison ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Grafton * Walsh County Record (Grafton ND)							
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Grand Forks Herald (Grand Forks ND)							
7.00	SPR1	10.30	72.10	0.00	Public Service Comm		10/16/07
Harvey The Herald-Press (Harvey ND)							
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Hazen Star (Hazen ND)							
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Hettinger Adams Co Record (Hettinger ND)							
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Jamestown Sun (Jamestown ND)							
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Killdeer Dunn County Herald (Killdeer ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/19/07
Lakota American (Lakota ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
LaMoure Chronicle (LaMoure ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Langdon Cavalier Co Republican (Langdon ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/15/07
Linton Emmons County Record (Linton ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Lisbon Ransom County Gazette (Lisbon ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/15/07
Mandan News (Mandan ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/19/07
Mayville * Traill County Tribune (Mayville ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/20/07
McClusky Gazette (McClusky ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Medora Billings County Pioneer (Beach ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/18/07
Milnor The Teller (Milnor ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/19/07
Minnewaukan Benson Co Farmers Press (Minnewaukan ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Minot Daily News (Minot ND)							
7.00	SPR1	10.30	72.10	0.00	Public Service Comm		10/14/07

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
COUNTY							
Mohall Renville County Farmer (Mohall ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Napoleon Homestead (Napoleon ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
New England The Herald (New England ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/19/07
New Rockford Transcript (New Rockford ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/15/07
Rolla Turtle Mountain Star (Rolla ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/15/07
Rugby Pierce County Tribune (Rugby ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/20/07
Stanley Mountrail Co Promoter (Stanley ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Steele Ozone & Kidder Co. Press (Steele ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Towner Mouse River Journal (Towner ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Valley City Times-Record (Valley City ND)							
7.00	SPR1	7.00	49.00	0.00	Public Service Comm		10/15/07
Wahpeton Daily News (Wahpeton ND)							
7.00	SPR1	7.00	49.00	0.00	Public Service Comm		10/14/07
Watford City McKenzie Co Farmer (Watford City ND)							
7.00	SPR1	5.15	36.05	0.00	Public Service Comm		10/17/07
Williston Herald (Williston ND)							
7.00	SPR1	7.00	49.00	0.00	Public Service Comm		10/14/07

Gross Advertising	2,096.50	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	2,096.50	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	2,096.50

Your payment is due upon receipt. Thank you in advance for your prompt payment!

1/4 to
 2000
 7200 - R030-07(61) /
 7100
 8000 R03408(61)

Kent, Paula F.

From: Kent, Paula F.
Sent: Wednesday, October 03, 2007 3:33 PM
To: Jeffcoat-Sacco, Illona
Subject: revised email to Colleen Parks
Attachments: image001.gif

Colleen,

Please send the enclosed public notice to each official county newspaper for publication one time by November 3, 2007. Note that the publication of the notice must be in a display-type format with a minimum width of one column of approximately 2 inches [5.08 centimeters] and a depth between three inches [7.62 centimeters] and four inches [10.16 centimeters]. Please also note that the notice must include a headline describing the general topic of the proposed rules.

Please send the billing along with the Affidavit of Publication and tear sheets to the Public Service Commission, 600 East Blvd., Dept. 408, Bismarck, ND 58505-0480.

If you have any questions, please contact me.

Paula Kent
Assistant to Commissioner Susan Wefald
and the Public Utilities Division

pfkent@nd.gov
Public Service Commission
600 East Boulevard
Bismarck, ND 58505
701-328-4076
fax 701-328-2410

**NOTICE OF INTENT TO
ADOPT, AMEND
OR REPEAL
ADMINISTRATIVE
RULES**

relating to electric and gas public utility accounting; adoption of current National Electrical Safety Code; energy conversion and transmission facility siting fee refunds; adoption of federal gas safety provisions; provisions for reclamation self-bonds; terminology update and cross-reference correction; weights and measures; electrical commercial and industrial time of use tariffs; and wind turbine decommissioning.

**Public Service
Commission**

will hold a public hearing to address proposed amendments to the N.D. Admin. Code.

**Commission Hearing Room
12th Floor, State Capitol
Bismarck, ND
Mon., Nov. 26, 2007
1:00 p.m. CST**

The proposed rule changes and any 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 changes or any statements, contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, or view them at <http://www.psc.state.nd.us> (see Formal Actions: Notices).

Written comments should be filed with Ilona A. Jeffcoat-Sacco, Executive Director, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, by December 6, 2007.

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

Tony Clark Susan E. Wefald Kevin Cramer
Commissioner President Commissioner

- 15 PU-06-486** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Ilona Mil
- 11 PU-06-490** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Ilona
- 10 PU-06-501** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 C: Comm Legal, Ilona Pat, Jerr
- 9 GS-06-510** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Al Illo
- 11 RC-07-163** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Ji
- 13 WM-07-203** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Al Illk
- 10 PU-07-641** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Ilona Je
- 11 PU-07-642** Pages: 1
notice of intent to adopt, amend, repeal administrative rules
by North Dakota Advertising Service, Inc.
10/08/2007 CC: Comm Legal Ilona Je



Public Service Commission
State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.nd.gov/psc
e-mail: ndpsc@nd.gov
TTY 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

October 3, 2007

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, North Dakota 58505-0360

Re: Notice of Intent to Adopt, Amend, and Repeal Administrative Rules
Case Nos. PU-06-486, PU-06-490, PU-06-501, GS-06-510, RC-07-163,
WM-07-203, PU-07-641, and PU-07-642.

Dear Mr. Walstad:

The Public Service Commission's full Notice of Intent to Adopt, Amend or Repeal Administrative Rules and Notice of Hearing for the captioned cases, together with an abbreviated Notice for publication, both required by N.D.C.C. § 28-32-10(1), and a copy of each of the proposed rule changes, are enclosed.

- 4 RC-07-163 Pages: 1
- 7 WM-07-203 Pages: 1

Sincerely,

Cover letter to legislative council w/motion, full noticed & abbreviated notice by Public Service Commission
10/03/2007 CC: Comm Legal AI Illona.

Illona A. Jeffcoat-Sacco
Executive Director

Enclosure

Received in the office of Legislative Council this 3rd day of October 3, 2007.

- 4 PU-07-641 Pages: 1
- 5 PU-07-642 Pages: 1
- 9 PU-06-486 Pages: 1
- 5 PU-06-490 Pages: 1
- 4 PU-06-501 Pages: 1
- 3 Pages: 1

By:

Cover letter to legislative council w/motion, full noticed & abbreviated notice by Public Service Commission
10/03/2007 CC: Comm Legal AI Illona.

**TESTIMONY OF ALAN MOCH
BEFORE THE PUBLIC SERVICE COMMISSION
Case No. GS-06-510
Gas Pipeline Safety Rulemaking**

November 26, 2007

Good afternoon! My name is Alan Moch. I am employed by the Public Service Commission as Director of its Testing and Safety Division. I am also designated as one of the State's two Gas Pipeline Safety Inspectors.

The North Dakota Public Service Commission participates in, and receives some funding from the Federal/State Gas Pipeline Safety Program. The Commission acts as agent for the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), in the enforcement of the minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities within the State. This is accomplished by entering into an agreement with the U.S. Department of Transportation which requires North Dakota to adopt all of the Federal gas safety standards, along with any future amendments to those standards. The initial adoption took place on June 1, 1984, with additional rulemaking proceedings, such as this, held annually, if necessary, to continue to amend the standards. The rules offered here today come to the Commission as Final Rules from the U.S. Department of Transportation, Pipeline and Hazardous Material Safety Administration's Office of Pipeline Safety rulemaking proceedings.

The 2006 Gas Pipeline Safety rule amendments enacted by the federal government and to be adopted by reference into state administrative rule, consist of the following changes to the federal gas safety standards:

49 CFR Part 192 - Amendment No. 101 - Under current regulations governing integrity management of gas transmission lines, if an operator uses direct assessment to evaluate corrosion risks, it must carry out the direct assessment according to PHMSA standards. In response to a statutory directive, this Final Rule prescribes similar standards operators must meet when they use direct assessment on certain other onshore gas, hazardous liquid, and carbon dioxide pipelines. PHMSA believes broader application of direct assessment standards will enhance public confidence in the use of direct assessment to assure pipeline safety. This Final Rule took effect on November 25, 2005.

49 CFR Part 192 - Amendment No. 102 – This action adopts a consensus standard to distinguish onshore gathering lines from other gas pipelines and production operations. In addition, it establishes safety rules for certain onshore gathering lines in rural areas and revises current rules for certain onshore gathering lines in non-rural areas. Operators will use a new risk-based approach to determine which onshore gathering lines are subject to PHMSA's gas pipeline safety rules and which of these rules the lines must meet. PHMSA intends this action to reduce disagreements over classifications of onshore gathering lines, increase public confidence in the safety of onshore gathering lines, and provide safety rules consistent with the risks of onshore gathering lines. This final rule took effect on April 14, 2006.

49 CFR Part 192 - Amendment No. 103 – This final rule updates the pipeline safety regulations to incorporate by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices. This final rule took effect on July 10, 2006.

Since the adoption of the above Amendments is mandated by Federal law, no Regulatory Analysis, Takings Assessment, or Small Entity Regulatory Analysis is required for this rule adoption. However, a Regulatory Analysis Statement and Takings Assessment, and a Small Entity Regulatory Analysis was prepared and submitted on December 15, 2006, for this gas pipeline safety rulemaking proceeding. A preliminary analysis of the Amendments, as outlined above, showed that the impact to the State's regulated community would be less than \$50,000, and have no affect on takings.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions on the above rules at this time.