



Public Service Commission

State of North Dakota

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February 6, 2008

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

RE: Public Service Commission
Reclamation
Rulemaking
Case No. RC-07-163

Public Service Commission
Public Utilities – Electric
Rulemaking
Case No. PU-06-490

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 as to their legality 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 in case RC-07-163 is a copy of:

1. Copy of Order Submitting Rules to Attorney General dated January 16, 2008 which includes proposed rules;
2. (N/A);
3. Copy of both full and abbreviated Commission's Notice of Intent to Amend Administrative Rules and Notice of Public Hearing dated December 6, 2007, and abbreviated notice of intent to adopt;
4. Proof of publication showing where and when the Notice was published including a copy of the actual Notice as published;
5. Proof of filing the Notice and proposed rules with Legislative Council; and
6. Copy of the Statement on Regulatory Analysis and Takings Assessment for mining & reclamation rule changes proposed, available on September 13, 2007;
7. Copy of the Testimony of Jim Deutsch before the Public Service Commission.
8. Copy of the letter filed by the North American Coal Corporation.

Attached for purposes of review in case PU-06-490 is a copy of:

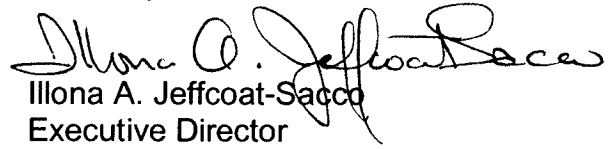
1. Copy of Order Submitting Rules to Attorney General dated January 16, 2008 which includes revised proposed rules;
2. Copy of the original proposed rules;
3. Copy of both full and abbreviated Commission's Notice of Intent to Amend Administrative Rules and Notice of Public Hearing dated December 6, 2007, and abbreviated notice of intent to adopt;
4. Proof of publication showing where and when the Notice was published including a copy of the actual Notice as published;
5. Proof of filing the Notice and proposed rules with Legislative Council; and
6. Copy of the Statement on Regulatory Analysis and Takings Assessment & Statement on Small Entity Regulatory Analysis, both available on October 2, 2007;
7. Copy of the Testimony of Jerry Lein before the Public Service Commission.

The proposed rules are not implementing legislation enactment during the most recent legislative session. The only comments or testimony (written/oral) were by commission staff and the North American Coal Coporation in case RC-07-163.. Lastly, a statement concerning the small entity economic impact is included in the Statement on Small Entity Regulatory Analysis for case PU-06-490, 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