

**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
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**Public Service Commission
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**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, 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 axle 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 – EPart 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

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