

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
2009 Gas Pipeline Safety Rules
Rulemaking

Case No. GS-09-67

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Shelly A. Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 14th day of **August, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, 7 envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy of:

**Notice of Intent to Amend Administrative Rules and
Notice of Public Hearing
Gas Safety Proposed Rules for 2009**

The envelopes were addressed as follows:

See attached list.

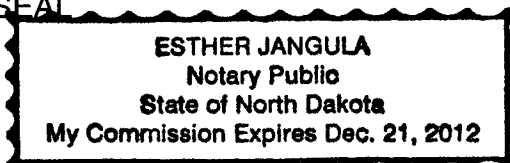
Each post office address shown is the respective addressee's last reasonably ascertainable post office address.

Shelly A Bauske

Subscribed and sworn to before me
this 14th day of **August, 2009**.

Esther Jangula
Notary Public

SEAL



**ND GAS OPERATORS AND THEIR ASSOCIATED UNITS:
As of August 2009**

Scott Bessmer
Montana Dakota Utilities Co.
Great Plains Natural Gas Co.
400 N. 4th St.
Bismarck ND 58501

Ron Jablinske
Northern States Power Co.
1206 5th Avenue So.
Fargo ND 58108

Bob Bachmeier
City of Granville
Box 39
Granville ND 58741

Richard Chaska
Bear Paw Energy
16001 Bennie Pierre Rd.
Sidney MT 59270

Clarence Winfrey
Dakota Gasification Co.
420 County Road 26
Beulah ND 58523

Richard Brierly
Whiting Oil and Gas Corp.
Robinson Lake Plant
4498 Highway #8
Newtown ND 58763

North Dakota One Call
PO Box 463
Steele ND 58482

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
2009 Gas Pipeline Safety Rules
Rulemaking**

Case No. GS-09-67

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-09-543

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

August 12, 2009

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to three sections of the North Dakota Administrative Code. The hearing will be held at **10:00 a.m., on September 16, 2009, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Reclamation: Case No. RC-09-543

The surface coal mining and reclamation law was amended by the 2009 Legislature to reduce the revegetation responsibility period from ten years to five years for eligible lands that are re-mined. The proposed changes to the North Dakota Administrative Code Sections 69-05.2-09-02 and 69-05.2-22-07 will amend permit application requirements and revegetation success standards to reflect this statutory change. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

Gas Safety – Gas Pipeline Safety: Case No. GS-09-67

In order to continue the Commission's role as an agent for the federal pipeline safety program, the proposed change to the North Dakota Administrative Code Section 69-09-03-02 adopts by reference changes made to federal pipeline safety regulations since December 31, 2006. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

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, toll free 1-877-245-6685. This information is also available to view on our web site at 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 September 26th 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. He 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



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner

**CHAPTER 69-09-03
GAS PIPELINE SAFETY**

69-09-03-02. Adoption of regulations. The following parts of title 49, Code of Federal Regulations in effect as of ~~December 31, 2006~~ August 1, 2009 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; April 1, 2008; _____, 2009.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2