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OPINION

October 28, 2009

PUBLIC SERVICE COMMISSION

Ms. Illona A. Jeffcoat-Sacco
General Counsel
Public Service Commission
State Capitol
Bismarck, ND 58505

Dear Ms. Jeffcoat-Sacco:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. § 69-09-03-02 concerning gas pipeline safety (Case No. GS-09-67) and proposed amendments to N.D.A.C. art. 69-05.2 concerning mining and reclamation (Case No. RC-09-543), along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was not issued or requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were not prepared for the proposed amendments to N.D.A.C. § 69-09-03-02 because they are required by federal law and a small entity regulatory analysis and an economic impact statement were prepared for the proposed amendments to N.D.A.C. art. 69-05.2, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem
Attorney General

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cc: John Walstad, Legislative Council

19 RC-09-543 Filed: 10/28/2009 Pages: 1
Letter Approving Administrative Rules

24 GS-09-67 Filed: 10/28/2009 Pages: 1
Letter Approving Administrative Rules

Attorney General