



Public Service Commission
State of North Dakota

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Brian P. Kalk

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March 11, 2009

Ms. Gwendolyn M. Hill
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Pipeline Safety, PHP-50
1200 New Jersey Avenue, SE 2nd Floor E22-321
Washington, D.C. 20590

Dear Ms. Hill:

Enclosed is one executed copy of the 2009 Certification and Agreement as requested (an electronic copy was also submitted via FedStar on February 19, 2009).

A second executed copy of this agreement has been placed on file with the Commission.

If you have any questions or comments, please contact me at 701-328-2413.

Sincerely,

Alan G. Moch, Director
Testing and Safety Division

c: Commissioners Cramer, Clark, and Kalk
Darrell Nitschke, Executive Secretary
Gloria Geiger
Legal
file

4 **GS-09-68** Filed: 3/11/2009 Pages: 20
Letter Submitting the Executed 2009 Certification and Agreement

Public Service Commission

Alan G. Moch



U.S. Department
of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

1200 New Jersey Avenue SE
Washington DC 20590

Pipeline Safety

2009 Natural Gas Certification

for

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign the following pages:
 1. **Main application pages for Certification and/or Agreement, which follow this cover page**
 2. **Last Page, Attachment 9**
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Gwendolyn M. Hill
(202)366-4395**

**U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Pipeline Safety, PHP-50
1200 New Jersey Avenue, SE Second Floor E22-321
Washington, D.C. 20590**

FedSTAR Information

Electronic Submission Date: Feb 19 2009 10:49AM

3 **GS-09-68** Filed: 3/11/2009 Pages: 19
Pipeline Safety 2009 Natural Gas Certification

Public Service Commission



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

NATURAL GAS PIPELINE SAFETY PROGRAM

CERTIFICATION FOR CALENDAR YEAR 2009

This certificate (including attachments) is submitted by the NORTH DAKOTA PUBLIC SERVICE COMMISSION (the state agency) to the secretary of Transportation (the Secretary) under Section 60105 of Title 49, United States Code.)

Pursuant to Section 60105(a) of this Title, the state agency hereby certifies to the secretary that:

1. Except as set forth in Attachment 1, under the Constitution and laws of North Dakota it has regulatory jurisdiction over the safety standards and practices of all intrastate pipeline transportation within North Dakota as summarized on Attachment 1.
2. It has adopted, as of the date of this certification, each federal safety standard established under this Title that is applicable to the intrastate pipeline transportation under its jurisdiction as set forth in paragraph 1, or, with respect to each such federal safety standard established within 120 days before the date of the certification, is taking steps pursuant to state law to adopt such standard. (The adoption by a state agency of a safety standard that is additional to or more stringent than the applicable federal standard is compatible with the federal standards [see Section 60102(a)(1) of this Title] does not prohibit that state agency from certifying to the actions described in this paragraph.)
3. It is enforcing each standard referred to in paragraph 2.
4. It is encouraging and promoting programs designed to prevent damage to pipeline facilities as a consequence of demolition, excavation, tunneling, or construction activity.
5. It has authority to require each person who engages in the transportation of Natural Gas or who own or operates pipeline facilities subject to its jurisdiction as set forth in paragraph 1, to establish and maintain records, to make reports, and to provide information, and that this authority is substantially the same as the authority provided under Section 60117 of this Title.
6. It has authority to require each person who engages in the transportation of Natural Gas who owns or operates intrastate pipeline transportation facilities, subject to its jurisdiction as set forth in paragraph 1, to file with it for approval a plan for inspection and maintenance substantially as described under Section 60108(a) and (b) of this Title.
7. The laws of North Dakota provide for the enforcement of the safety standards referred to in paragraph 2 by injunctive and monetary sanctions substantially the same as those provided under Sections 60120 and 60122(a)(1) and (b)-(f) of this Title.

The state agency furthermore agrees to cooperate fully in a system of federal monitoring of the state program to assure the program is being carried out in compliance with this certification. The terms intrastate pipeline transportation, pipeline facilities, transportation of Natural Gas, and state, are used in certification as defined in this Title. This certification is subject to termination by the Secretary in accordance with Section 60105(f) of this Title if the Secretary Under Section 60105(f), the Secretary, on reasonable notice and after opportunity for hearing, may reject the certification or take such other action as deemed appropriate to achieve adequate enforcement including assertion of federal jurisdiction. Pipeline and Hazardous Materials Safety Administration, Pipeline Safety, 1200 New Jersey Ave, SE , Washington DC 20590.

In witness whereof, the hand and seal of the NORTH DAKOTA PUBLIC SERVICE COMMISSION is hereby affixed on 3/11/09.

Remi James

Signature

PRESIDENT

Title

3/11/09

Date



CERTIFICATION/AGREEMENT ATTACHMENTS (NATURAL GAS)

OMB Control No. 2137-0584

INSTRUCTIONS:

These attachments request information either for the entire calendar year (CY 2008: January 1 through December 31, 2008) or as of (or on) December 31, 2008. Please report actual as opposed to estimated numbers on the attachments. Be careful to provide complete and accurate information since the PHMSA Regional Director (or State Liaison) will be validating the attachments during the state's next annual evaluation.

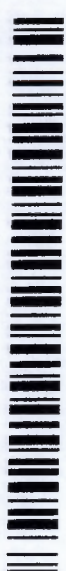
- **Attachment 1: State Jurisdiction and Agent Status Over Natural Gas Facilities.** Requires the state to indicate those pipeline operator types over which the state agency has jurisdiction under existing law. If the state does not have jurisdiction over an operator type, indicate why not in the column designated No, using the one alpha code (A through F) which best describes the reason. (Please note that F has been added for use where the state is currently not an interstate agent.) If the state agency has jurisdiction over an operator type, place an X in the column designated Yes and provide information on the number of operators, the number and percent of operators inspected, the number of inspection units, and the number and percent of inspection units inspected. If the jurisdiction over a type of operator is under a Section 60106 Agreement, indicate X/60106 in the column designated Yes. [If the same operator/inspection unit is visited more than once during the year, count only once under number of operators inspected/number of inspection units inspected on Attachment I. The multiple visits would, however, be reflected under total inspection person-days in Attachment 2.]
- **Attachment 2: Total State Field Inspection Activity.** Requires the state to indicate by operator type the number of inspection person-days spent during CY 2008 on inspections; investigating incidents; design, testing, and construction; and on-site operator training. High impact inspections can be reported under standard inspection activities. Attachment 2 should include drug and alcohol inspections. Counting In Office Inspection Time - An inspector may choose to review pipeline company procedure manuals or records away from the company facility in order to effectively use onsite inspection time. The amount of time spent reviewing procedures and records may be counted as part of the inspection process. It is important that an inspector only record time for activities that normally would be completed as part of an onsite inspection. For example, an inspector may attribute the three hours he or she spent reviewing a pipeline operator's procedure manual and records prior to an on site inspection towards the total inspection time. Each supervisor must carefully review the reported time to ensure the time attributed is consistent with the activity completed and is carefully delineated from normal office duties.
- **Attachment 3: Natural Gas Facility Subject to State Safety Jurisdiction.** Requires the business name and address of each person subject to the pipeline safety jurisdiction of the state agency as of December 31, 2008. Also indicate the operator type (e.g., intrastate transmission) consistent with the listing in Attachment I and include the number of inspection units in each operator's system.
- **Attachment 4: Natural Gas Pipeline Incidents.** Requires a list of incidents investigated by or reported to the state agency that involved personal injury requiring hospitalization, a fatality, property damage exceeding \$50,000, and other incidents otherwise considered significant by the state agency. Please also make an effort to clearly identify the cause of the incident using the one most appropriate alpha code footnoted in the attachment. We summarize this information for Congress by classifying the cause into one of five categories: (A) corrosion; (B) damage by outside forces; (C) construction defect or material failure; (D) other related cause (such as equipment operating malfunction, failure of mechanical joints, operator error, internal combustion) or undetermined cause; or (E) those incidents which were the result of suicide attempts. Please provide a summary or a report of incident investigations.

- **Attachment 5: State Compliance Actions.** Requires a summary of state pipeline inspection and compliance actions. [In the Number of Compliance Actions Taken column, keep in mind one compliance action can cover multiple probable violations. (In prior years, the term enforcement action was used; we are now using the term compliance action.)]
- **Attachment 6: State Record Maintenance and Reporting.** Requires a list of records and reports maintained and required by the state agency.
- **Attachment 7: State Employees Directly Involved in the Natural Gas Pipeline Safety Program.** Asks for a list by name and title of each inspector and supervisor directly involved in the Natural Gas pipeline safety program. Be sure to include the percentage of time each inspector and supervisor has been involved in the Natural Gas pipeline safety program during 2008. If an employee has not been in the Natural Gas pipeline safety program the full year of 2008, please note the number of months working on the program. Indicate a Qualification Category for each of the state's inspectors (see Attachment 7a). The categories are shown in descending order of education and experience. Please enter the number of the highest description applicable to each inspector. For each inspector and supervisor, indicate the month and year he/she last attended required training courses at the Office of Training and Qualifications in Oklahoma City. Finally, provide in summary form the number of all staff (inspectors, supervisors, and clerical) working on the Natural Gas pipeline safety program and the person-years devoted to Natural Gas pipeline safety. Person-years should be reported in hundreds (e.g., 3.25).
- **Attachment 8: State Compliance with Federal Requirements.** Requires the state to indicate whether it is in compliance with applicable federal requirements. If a particular requirement is not applicable to the state (e.g., offshore inspections), indicate NA in the column designated Y/N/NA. If a regulation has been adopted, indicate the date adopted (e.g., 05/01/04) in the appropriate column. If the regulation is applicable but has not been adopted, indicate N in the Y/N/NA column and explain why not in the appropriate column (e.g., requires legislative action). [Indicate civil penalty levels in effect in the state as of December 31, 2008. Note that at the end of Attachment 8 we are requesting each state to indicate the frequency its legislature meets in general session. This information will be taken into account when determining if applicable federal regulations have been adopted within 24 months of the effective date or two general sessions of the state legislature.]
- **Attachment 9: Certification Regarding Drug-Free Workplace Requirements.** Requires each state to certify that it will maintain a drug-free workplace as a precondition to receiving a federal grant. The certification requires signature by an authorized official.



DEFINITIONS

- **Inspection Unit.** An inspection unit is all or part of an operator's pipeline facilities that are under the control of an administrative unit that provides sufficient communication and controls to ensure uniform design, construction, operation, and maintenance procedures for the facilities. (See Glossary of Terms in Guidelines for States Participating in the Pipeline Safety Program for application of the inspection unit concept to transmission and hazardous liquid pipeline systems, distribution systems, liquefied natural gas systems, municipality, master meter system, regulated gathering pipeline systems, and propane-air systems/petroleum gas systems.)
- **Inspection Person-Day.** An inspection person-day is all or part of a day spent by a state agency representative including travel in an on site examination or evaluation of an operator or his system to determine if the operator is in compliance with federal or state pipeline safety regulations, in an on site investigation of a pipeline incident, or in job-site training of an operator. Time expended on such activities should be reported as one inspection person-day for each day devoted to safety issues, regardless of the number of operators visited during that day.
- **Probable Violation.** A probable violation is a non-compliance with any section or, where a section is divided into subsections (a), (b), (c), etc., any subsection of federal or state pipeline regulations. Each numbered section should be counted separately. Multiple non-compliances of a numbered section discovered on the same inspection should be counted as one probable violation with multiple pieces of evidence.
- **Compliance Action.** A compliance action is an action or series of sequential actions taken to enforce federal or state pipeline regulations. One compliance action can cover multiple probable violations. A compliance action may take the form of a letter warning of future penalties for continued violation, an administratively imposed monetary sanction or order directing compliance with the regulations, an order directing corrective action under hazardous conditions, a show-cause order, a criminal sanction, a court injunction, or a similar formal action.



Attachment 1 - Stats on Operators

STATE JURISDICTION AND AGENT STATUS OVER NATURAL GAS FACILITIES AS OF DECEMBER 31, 2008

Operator Type	State Agency Jurisdiction/ Agent Status		No. of Operators	Operators Inspected		No. of Inspection Units	Units Inspected	
	No ¹	Yes		#	%		#	%
Distribution								
Private		X/60105	3	3	100%	8	8	100%
Municipal		X/60105	1	1	100%	1	1	100%
Master Meter		X/60105	0	0	NA	0	0	NA
LPG		X/60105	0	0	NA	0	0	NA
LNG		X/60105	0	0	NA	0	0	NA
Other		X/60105	0	0	NA	0	0	NA
Transmission								
Intrastate		X/60105	2	2	100%	2	2	100%
Interstate	F		0	0	NA	0	0	NA
Interstate LNG	F		0	0	NA	0	0	NA
Direct Sales		X/60105	0	0	NA	0	0	NA
Other								
Gathering Lines (Jurisdictional)		X/60105	0	0	NA	0	0	NA
Offshore Facilities (State Waters)		X/60105	0	0	NA	0	0	NA
Total			6	6	100.0%	11	11	100.0%

¹No Codes: A - None in State B - State does not want jurisdiction; C - State intends to seek jurisdiction; D - State has taken action to obtain jurisdiction; E - State expects to obtain jurisdiction by the end of next calendar year; F - State is currently not an interstate agent.

Attachment 1 Notes:

2008 Certification Notes:

Distribution Private Notes: See Below.

Distribution Municipal Notes: The City of Granville Municipal LP System is listed under this section. The City of Fargo Municipal Methane Distribution System has an O&M contract with MDU ND and is inspected as part of their Dakota Heartland Region inspection unit.

Distribution LP Notes: MDU LP System in Hettinger is listed as an inspection unit under MDU ND (private LDC).

Distribution Master Meter Notes: Chance Trailer Court Bismarck which had an O&M contract with MDU ND and is listed as an inspection unit under MDU (private/distribution) closed in 2008.

Palmer's Trailer Court Minot has an O&M contract with MDU ND and is listed as an inspection unit under MDU (private/distribution).

NDSU Campus Housing Fargo has an O&M contract with NSP ND and is listed as an inspection unit under NSP (private/distribution).

Transmission Intrastate Notes: MDU Bismarck Line and MDU Hankinson Line are shorter transmission lines which are inspected as part of MDU's Dakota Heartland Region LDC Unit and Great Plains Natural Gas Co.'s LDC system.

Transmission Direct Sales Notes: Archer Daniels Midland has two lines ? one serving Velva and one serving Enderlin. ADM has an O&M contract with MDU ND's Dakota Heartland Region Unit and Badlands Region Unit. These lines are inspected as part of those LDC inspection units.

Gathering Lines Notes: Bear Paw Energy has both intrastate transmission lines and jurisdictional gathering lines both are counted once under intrastate transmission above.

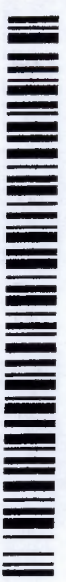
Attachment 2 - State Inspection Activity

TOTAL STATE FIELD INSPECTION ACTIVITY AS OF DECEMBER 31, 2008

Operator Type	Operation and Maintenance			Investigating Incident	Design, Testing and Construction	On-Site Operator Training	Total Inspection Person-Days
	Standard	Specialized	Follow-up				
Distribution							
Private	18	33	0	12	14	0	77
Municipal	1	5	0	0	0	0	6
Master Meter	3	1	0	0	0	0	4
LPG	0	0	0	0	0	0	0
LNG	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Transmission							
Intrastate	4	6	0	0	0	0	10
Interstate	0	0	0	0	0	0	0
Interstate LNG	0	0	0	0	0	0	0
Direct Sales	0	0	0	0	0	0	0
Other							
Gathering Lines (Jurisdictional)	0	0	0	0	0	0	0
Offshore Facilities (State Waters)	0	0	0	0	0	0	0
Total	26	45	0	12	14	0	97

Attachment 2 Notes

See Notes under Attachment One.



Attachment 3 - List of Operators

NATURAL GAS FACILITIES SUBJECT TO STATE SAFETY JURISDICTION AS OF DECEMBER 31, 2008

Operator Business Name Operator ID Address	Distribution (Operator type & Inspection Units)						Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)		
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Direct Sales	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)
Bear Paw Energy Inc. HC 56 - Box 6070, Sidney, MT 59270	0	0	0	0	0	0	1	0	0	0	0	0
City of Granville Box 39, 0 Granville, AK 58741	0	1	0	0	0	0	0	0	0	0	0	0
Dakota Gasification Co. 420 County Road 26, Beulah, ND	0	0	0	0	0	0	1	0	0	0	0	0
Great Plains Natural Gas Co. Box 845, 213 Dakota Avenue Wahpeton, ND 58074-0845	1	0	0	0	0	0	0	0	0	0	0	0
Montan-Dakota Utilities Co. (MDU) 400 North 4th Street, Bismarck, ND 58501	2	0	2	1	0	0	0	0	0	0	0	0
Northern States Power Co. (NSP) 2302 Great Northern Drive, Box 2747 Fargo, ND 58102	1	0	1	0	0	0	0	0	0	0	0	0



Operator totals by type	Distribution (Operator type & Inspection Units)					Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)			
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Direct Sales	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)
Total	4	1	3	1	0	0	2	0	0	0	0	0

Attachment 3 Notes:
See Notes under Attachment one.



Attachment 4 - Incidents\Accidents

SIGNIFICANT⁴ NATURAL GAS INCIDENTS\ACCIDENTS JANUARY 1, THROUGH DECEMBER 31, 2008

Date of Incident	Location - City/County/etc.	Injuries #	Fatalities #	Property Damage ³ \$	Cause Code ¹
01/27/2008	North Mandan ND	0	0	\$335,000.00	D
Name of Operator: Montana Dakota Utilities Co. ND					
Cause Reported by Operator (Describe) ²					
<p>It is difficult to impossible to determine the exact cause of the weld break, however, all of the alterations made to the original orientation of the pipe may have caused a change in the soil compaction around and below the area of the pipeline weld break, which in turn probably caused stress on the pipeline weld, causing it to break.</p> <p>Another possible contributing factor in addition to the construction activity, was frost heaving which also occurred in the area of the break.</p> <p>Another important factor contributing to the break is the age of the pipe (circa 1953) and type of weld used (oxyacetylene girth weld). This type of weld is no longer used on this size of steel pipe. No Notices of Violation were issued as a result of this investigation.</p>					
09/02/2008	South Fargo ND	4	0	\$152,000.00	D
Name of Operator: Northern States Power Co. ND					
Cause Reported by Operator (Describe) ²					
<p>A gas leak occurred underground at the edge of the socket fusion coupling located upstream of the riser assembly. Gas migrated into the building and was ignited by an unknown source. A determination as to the cause of the leak is still under investigation.</p>					

¹Cause Codes: A - Corrosion; B - Damage by outside forces (operator or other); C - Construction defect or material failure; D - Other and/or undetermined; E - Suicide; F - Natural Forces; G - Excavation; H - Equipment; I - Operations.

²Please attach a summary or report of the state agency's investigation of each of the above incidents.

³Interstate agents should use the 191.3 Incident definition for listing incidents investigated on interstate facilities.

⁴Significant: Investigated by or reported to the state agency, involving personal injury requiring hospitalization, fatality, property damage exceeding \$50,000 and other incidents otherwise considered significant which involved jurisdictional facilities.

Attachment 4 Notes

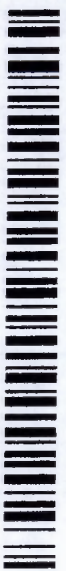
Attachment 5 - Stats on Compliance Actions

STATE COMPLIANCE ACTIONS -- CALENDAR YEAR (CY) 2008

Probable Violation Categories	Intrastate	Interstate	Interstate LNG
Number Carried over from previous CY (including carryover and long term)	0	0	0
Number Found During CY	11	0	0
Number submitted for DOT action [60106 Agreement agent only]	0	0	0
Number corrected during CY (including carry over from previous year)	11	0	0
Number to be corrected at end of CY (including carry over and long-term)	0	0	0
<hr/>			
Number of Compliance Actions Taken ² (see definition)	6		
Civil Penalties			
Number assessed during CY	0		
Dollars assessed during CY	\$0.00		
Number collected during CY	0		
Dollars collected during CY	\$0.00		

²Do not double count for a related series of actions.

Attachment 5 Notes



Attachment 6 - List of Records Kept

NATURAL GAS STATE RECORD MAINTENANCE AND REPORTING DURING CY 2008

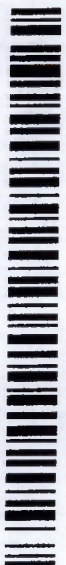
Records Maintained by the State Agency

Incoming and outgoing correspondence
inspection Reports and associated attachments
incident Reports and associated photos, correspondence, enforcement action, and field notes.
Electronic tallies of gas safety inspections by operator by year
gas safety personnel and seminar TSI training Records
gas safety enforcement dockets containing NOPVs, transmittal letters, commission orders, motions, evidence, and final
NAPSR/NARUC correspondence, Reports, etc.
copies of written warning letters and their responses from operators
Gas Pipeline Safety Inspection Plan
Damage Prevention Plan (currently a draft pending Commission Approval.

Reports Required from Operators

Copies of USDOT Annual Reports
Copies of USDOT Safety Related Condition Reports
Copies of USDOT Incident Reports
Copies and updates of all operator plans (O&M, Emergency, Drug & Alcohol, IMP and OQ)

Attachment 6 Notes



Moch Alan G. Director/Inspector	31	12	II	05/1989	05/1989	09/1999														
Hanson Kevin J. Assistant Director/Inspector	21	12	IV	08/2002	08/2002															
Clerical																				
Moch Alan G. Director/Inspector	14	12	II	05/1989	05/1989	09/1999														
Hanson Kevin J. Assistant Director/Inspector	3	12	IV	08/2002	08/2002															

Summary

<u>Employee Type</u>	<u>No. of Staff</u>	<u>Person-Years</u>
Supervisor	1	0.03
Inspector	2	0.52
Clerical	2	0.17
Total	5	0.72

Attachment 7 Notes



Attachment 8 - Compliance with Federal Regulations

STATE COMPLIANCE WITH FEDERAL REQUIREMENTS AS OF DECEMBER 31, 2008

No.	Effective Date	Impact	Adoption Date	Adoption Status
1		Maximum Penalties Substantially Same as DOT (\$100,000/\$1,000,000); Indicate actual amount in note.	07/1990	Adopted but different Dollar amounts
Note ²		10,000.00/500,000.00 :		
2		191.23 and 191.25 Safety-Related Conditions(through current amendment 191-14)	01/1990	Adopted
3		Part 192 Amendments		
01-90	Pre 2002	[All applicable amendments prior to and including 2002]	11/2003	Adopted
Note		Adoption dates are: 01/1979, 11/1996, 12/1997, 06/2000, and 11/2003		
91	4/23/2004	Definition of high consequence areas for gas transmission lines	11/2003	Adopted
92	9/4/2003	Procedures for Producer-operated outer continental shelf natural pipelines that cross directly into state waters	01/2005	Adopted
93	10/15/2003	various changes to gas pipeline safety standards from NAPSR recommendations	01/2005	Adopted
94	5/6/2005	Modification to the definition of a Transmission Line	01/2005	Adopted
95	5/26/2004	Pipeline integrity management for transmission lines in HCAs	01/2005	Adopted
96	9/14/2004	Pressure limiting and regulating stations	01/2005	Adopted
97	7/28/2004	Passage of internal inspection devices on new and retrofitted transmission pipelines	01/2005	Adopted
98	9/9/2004	Performance of periodic underwater inspections	07/2006	Adopted
99	6/20/2005	API RP 1162 Public awareness campaign	07/2006	Adopted
100	7/15/2005	PSIA Statutory changes to Operator Qualification Program	07/2006	Adopted
101	11/25/2005	Adoption of Nace Standard as a direct assesment standard	12/2007	Adopted
102	4/14/2006	Definition of a Gathering Line	12/2007	Adopted

103	7/10/2006	Incorporate by Reference various Standards	12/2007	Adopted
103a	2/1/2007	Update Incorporated by Reference and Correction	12/2007	Adopted
72 FR 20055	4/23/2007	Design and Construction Standards to Reduce Internal Corrosion in Gas Transmission Pipelines		Taking Steps to Adopt
104	5/23/2007	Integrity Management Program Modifications and Clarifications		Taking Steps to Adopt
105	12/13/2007	Applicability of Public Awareness Regulations to Certain Gas Distribution Operators		Taking Steps to Adopt
106	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)		Taking Steps to Adopt
107	10/17/2008	Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines (73 FR 62147)		Taking Steps to Adopt
108	12/24/2008	PA-11 Design Pressures (73 FR 79005)		Taking Steps to Adopt
4		Part 193 Amendments (applicable only where state has jurisdiction over LNG)		
01-17	Pre 2002	[All applicable amendments prior to and including 2002]		N/A
Note		No LNG in the State.		
18	4/9/2004	Updated LNG standards by section		N/A
Note		No LNG in the State.		
19	7/10/2006	Incorporate by Reference various Standards		N/A
Note		No LNG in the State.		
20	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)		N/A
Note		No LNG in the State.		
5		Part 199 - Drug Testing	03/1990	Adopted
6		Part 199 Amendments		
01-19	Pre 2002	[All applicable amendments prior to and including 2002]	11/2003	Adopted
Note		Adoption dates: 03/1990 to 11/2003		
20	3/12/2003	Definition of Administrator	11/2003	Adopted
21	12/31/2003	Instructions for Single Use Form for MIS	01/2005	Adopted
22	7/14/2004	New address for reporting	01/2005	Adopted

23	3/8/2005	Administration name change	07/2006	Adopted
24	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)		Taking Steps to Adopt
7		State Adoption of Part 198 State One-Call Damage Prevention Program		
a.		Mandatory coverage of areas having pipeline facilities	08/1995	Adopted
b.		Qualification for operation of one-call system	08/1995	Adopted
c.		Mandatory excavator notification of one-call center	08/1995	Adopted
d.		State determination whether calls to center are toll free	08/1995	Adopted
e.		Mandatory intrastate pipeline operator participation	08/1995	Adopted
f.		Mandatory operator response to notification	08/1995	Adopted
g.		Mandatory notification of excavators/public	08/1995	Adopted
h.		Civil penalties/injunctive relief substantially same as DOT (\$25000/\$500000)	08/1995	Adopted
Note		Legal experts have determined that the ND PSC did adopt this provision in 1985, and that it does have jurisdiction to impose civil penalties on any entity that violates the ND One Call Laws under Chapter 49, N.D.C.C.		

2 If Adoption Status is No, Please provide an explanation

State Attendance at 2008 NAPS Regional Meeting: Attended full time (Lead rep or alternative pipeline staff)
 Frequency of General Legislative Session: Biennially

Attachment 8 Notes

Regarding NAPS 2008 Regional meeting: Lead Rep unable to attend due to ongoing illness. Meeting was attended by assistant.

Attachment 9 - Drug Free Workplace

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS


INSTRUCTIONS FOR CERTIFICATION

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

- A. The grantee certifies that it will provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantees workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about—
 - (1)The danger of drug abuse in the workplace;
 - (2)The grantees policy of maintaining a drug-free workplace;
 - (3)Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1)Abide by the terms of the statement; and
 - (2)Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions within 30 days of receiving notice under subparagraph (d) (2) with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street address, city, county, state, zip code).



Ben Cunniff

SIGNATURE

PRESIDENT

TITLE

3/11/09

DATE

NORTH DAKOTA PUBLIC SERVICE COMMISSION

600 E Boulevard 12th Fl
Bismarck, ND 58505-0480

Attachment 9 Notes