



Public Service Commission
State of North Dakota

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16 September 2009

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John Walstad
Code Revisor
Legislative Council
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Re: N.D.C.C. section 28-32-07 – extension of nine month time frame

Dear Mr. Walstad:

This letter is to request an extension of the nine month time frame imposed on agencies by N.D.C.C. section 28-32-07 for certain new rules under consideration by the Commission, more specifically as follows:

- PSC Case No. RC-09-543, rules implementing 2009 Senate Bill 2140, have been proposed and a hearing was held 16 September 2009, but we do not expect the rules to be finally promulgated by the nine month deadline. Reclamation rules need to be approved by the federal Office of Surface Mining prior to final adoption, and we anticipate that this approval will extend beyond the deadline.
- Rule changes that are necessary because of the closing of the PSC Metrology Lab (required by our budget bill, 2009 House Bill 1008) will be proposed in the future with an effective date consistent with when the lab is to be closed. The bill specifies that the Commission discontinue metrology services between 1 July 2009 and 30 June 2011. This time frame is outside the nine month requirement of Section 28-32-07.
- Rules implementing changes to the Energy Conversion and Transmission Facility Siting Act (N.D.C.C. Chapter 49-22) resulting from 2009 House Bill 1032 are under consideration by Commission staff as part of a larger project dealing with a review of all existing siting rules and guidelines, as well as the Commission’s procedural rules and filing instructions. We expect this project will extend well into 2010, especially given the number and variety of interested stakeholders, the potential federal stimulus impacts, and the importance of this topic to North Dakota and the country.

16 **LA-61-1449** Filed: 9/16/2009 Pages: 2
Letter Requesting Extension of Statutory Time
Frame for Rules

5 **LA-61-2140** Filed: 9/16/2009 Pages: 2
Letter Requesting Extension of Statutory Time
Frame for Rules

8 **LA-61-1032** Filed: 9/16/2009 Pages: 2
Letter Requesting Extension of Statutory Time
Frame for Rules

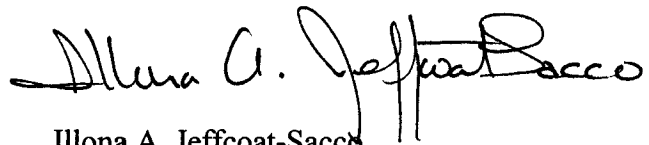
12 **RC-09-543** Filed: 9/16/2009 Pages: 2
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37 **LA-61-1008** Filed: 9/16/2009 Pages: 2
Letter Requesting Extension of Statutory Time
Frame for Rules

- Implementation of the requirement in 2009 House Bill 1449 that the Commission's wind farm decommissioning rules address present and future natural resource development will be addressed in the siting rules project, above.

We respectfully request an extension of the statutory time frame for the rules specified above. Thank you for your consideration.

Best Regards,

A handwritten signature in black ink, reading "Illona A. Jeffcoat-Sacco". The signature is written in a cursive style with a large, looped initial "I".

Illona A. Jeffcoat-Sacco
General Counsel