

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Weights and Measures  
Rulemaking**

**Case No. WM-10-63**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 14, 2010**

I am Patrick Fahn, Director of the Compliance and Competitive Markets Division with the Public Service Commission.

The proposed amendments repeal language to directly or indirectly reflect action by the legislature in 2009 House Bill 1008 and in the Commission's 2009-2011 budget. The 2009 Legislature determined that the North Dakota Metrology Laboratory should be closed. Neither the Commission's proposed budget nor the Governor's 2009-2011 recommended budget included any funding for the state metrology program. The North Dakota Metrology Laboratory officially closed on June 30, 2010, and metrology services must be obtained elsewhere.

The amendment to section 69-10-04-02 (1) (b), which is unrelated to the laboratory closure, provides flexibility to administer written tests at Bismarck or another location. The intent is to allow scheduling of written testing by the Weights and Measures Program Coordinator/Inspector at a location and time that can be coordinated with the Inspector's other statewide duties. It is also the intention that administering tests at locations other than Bismarck not result in additional expense to the Commission.

In the amendment to section 69-10-04-06, the use of the word “may” is consistent with other permissive language of this section.

The language currently in section 69-10-04-06.1 is moved to new section 69-10-04-06.3 so that language concerning quality control failures follows the language concerning quality control evaluation. The new section includes more specific references to the North Dakota Century Code and North Dakota Administrative Code.

The language proposed in section 69-10-04-06.2 is intended to clarify the procedures the Commission is currently using for evaluating the work of registered service persons.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Weights and Measures rulemaking proceeding.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions at this time.