

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Public Utilities - Siting  
Rulemaking

Case No. PU-10-128

**CHAPTER 69-06-02.1**  
**REQUESTS FOR JURISDICTIONAL DETERMINATION**

Section

69-06-02.1-01      Filing  
69-06-02.1-02      Contents

**69-06-02.1-01. Filing.** A utility planning to construct an energy conversion or transmission facility may request a jurisdictional determination from the commission. A request for jurisdictional determination must be in writing.

**History:** Effective \_\_\_\_\_.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-07.1

**69-06-02.1-02. Contents.** A request for a jurisdictional determination must contain:

1. A description of the size of the facility,
2. A description of the type of the facility,
3. A description of the area to be served,
4. A map of the study area for the proposed site or corridor,
5. A description of the ownership and operation responsibility of the facility,
6. A description of the facilities and equipment that will be used and how they will be maintained,
7. A description of the owner's or operator's plans for selling, transmitting or distributing the output of the plant,
8. A description of how the facility will be physically and electronically interconnected with other energy conversion, transmission, and distribution facilities,

9. A description of the owner's and operator's economic evaluation of the facility, and
10. A description of how the site will be leased or other rights of access will be obtained.

**History:** Effective \_\_\_\_\_.

**General Authority:** NDCC \_\_\_\_\_

**Law Implemented:** NDCC \_\_\_\_\_

**CHAPTER 69-06-03  
LETTER OF INTENT**

Section	
69-06-03-01	Filing
69-06-03-02	Contents

**69-06-03-01. Filing.** Any utility planning to construct an energy conversion or transmission facility shall file a letter of intent with the commission at least one year prior to the filing of an application for a certificate unless a shorter period is requested in writing and approved by the commission. ~~A letter of intent may be filed for the sole purpose of seeking a determination of whether the commission has jurisdiction over a proposed facility.~~

**History:** Amended effective \_\_\_\_\_.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-07.1

**69-06-03-02. Contents.** ~~All letters~~ A letter of intent shall must contain the following:

1. A description of the size and type of facility, and the area to be served.
2. A map of the study area for the proposed site or corridor.
3. The anticipated construction and operation schedule.
4. An estimate of the total cost of construction.

**History:** Amended effective \_\_\_\_\_.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-07.1

## 69-06-04-02. Designation of sites and corridors.

### 1. Requirements of order.

- a. An order approving the issuance of a certificate shall contain findings that the application, with modifications, if any, meets the site or corridor evaluation process requirements of the Act, and any special conditions the commission may require.
  - (1) Any modifications or special conditions required by the commission shall be deemed to be accepted unless the applicant petitions for a rehearing.
  - (2) If the applicant rejects any modifications or special conditions and proposes alternatives which it would accept, such a proposal shall be treated by the commission as an amendment to the application.
  - (3) If the applicant rejects any modifications or special conditions without either requesting a rehearing or proposing alternatives, the commission shall rescind its order and deny the application.
- b. The width of a corridor must be at least ten percent of its length, but not less than one mile [1.61 kilometers] or greater than six miles [9.66 kilometers] unless ~~approved~~otherwise determined by the commission.
- c. An order denying the issuance of a certificate shall contain findings that state:
  - (1) The reason for such denial.
  - (2) What modification in the application would make it acceptable or that there is no modification that would be acceptable based upon the record before the commission.

2. **Issuance of a certificate.** When a site or corridor is approved, the commission shall issue a certificate in accordance with the order which shall:

- a. Describe the authority granted.
- b. Contain any special conditions that the commission may require.

**History:** Amended effective \_\_\_\_\_.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-08