

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Public Utilities - Decommissioning  
Rulemaking

Case No. PU-10-159

**AFFIDAVIT OF SERVICE BY REGULAR MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Shelly A. Bauske** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 7<sup>th</sup> day of **June, 2010**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed and containing a photocopy of:

**Notice of Intent to Amend Administrative Rules and  
Notice of Public Hearing  
Proposed Rule – 69-09-09-06**

The envelope was addressed as follows:

Representative Duane DeKrey  
4323 27<sup>th</sup> St SE  
Pettibone ND 58475-9357

Each address shown is the respective addressee's last reasonably ascertainable post office address.

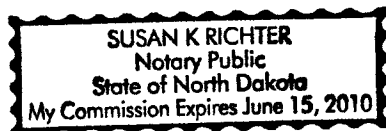
*Shelly A Bauske*

Subscribed and sworn to before me  
this 7<sup>th</sup> day of **June 2010**.

*Susan K Richter*

Notary Public

SEAL



Public Service Commission  
Weights and Measures  
Rulemaking

Case No. WM-10-63

Public Service Commission  
Siting  
Rulemaking

Case No. PU-10-128

Public Service Commission  
Electric  
Rulemaking

Case No. PU-10-129

Public Service Commission  
Decommissioning  
Rulemaking

Case No. PU-10-159

Public Service Commission  
Practice and Procedure  
Rulemaking

Case No. AD-10-167

**NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES  
AND NOTICE OF PUBLIC HEARING**

**June 2, 2010**

**PLEASE TAKE NOTICE** that the Public Service Commission will hold a public hearing to address proposed amendments to the North Dakota Administrative Code. The hearing will be held at **1:30 p.m., on July 14, 2010, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are:

**Weights and Measures: Case No. WM-10-63**

The North Dakota Metrology Laboratory will officially close on June 30, 2010 and all of the proposed rule changes are related to that closing.

**Siting - Case No. PU-10-128**

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent.

4 **AD-10-167** Filed: 6/2/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules and Notice  
of Hearing

4 **PU-10-129** Filed: 6/2/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules and Notice  
of Hearing

5 **WM-10-63** Filed: 6/2/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules and Notice  
of Hearing

5 **PU-10-159** Filed: 6/2/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules and Notice  
of Hearing

4 **PU-10-128** Filed: 6/2/2010 Pages: 2  
Notice of Intent to Amend Admin. Rules and Notice  
of Hearing

**Electric: Case No. PU-10-129**

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers.

**Decommissioning: Case No. PU-10-159**

The proposed rule implements the requirement in 2009 House Bill 1449 (N.D.C.C. § 49-02-27) that the commission's wind farm decommissioning rules address present and future natural resource development.

**Practice and Procedure: Case No. AD-10-167**

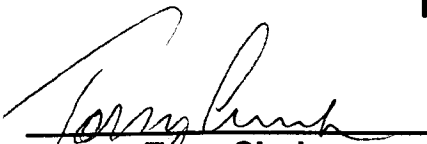
The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

All of the proposed rule changes and the statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes or the statements contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or 701-328-2400, toll free 1-877-245-6685. This information is also available to view on the Commission's web site at [www.psc.state.nd.us](http://www.psc.state.nd.us) under "Formal Actions/Case Search".

Interested persons may submit written comments on the proposed rules. Written comments should be filed with Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480. The comment period closes 10 days after the hearing. Comments received by July 26, 2010 will be considered.

If individuals require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify, Darrell Nitschke, Executive Secretary, at least 24 hours prior to the hearing at 701-328-2400, Relay North Dakota TTY: 1-800-366-6888, or [dnitschk@nd.gov](mailto:dnitschk@nd.gov).

**PUBLIC SERVICE COMMISSION**

  
**Tony Clark**  
Commissioner

  
**Kevin Cramer**  
Chairman

  
**Brian P. Kalk**  
Commissioner

STATE OF NORTH DAKOTA  
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Public Utilities - Decommissioning  
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**69-09-09-06. Decommissioning plan.** Prior to commencement of operation of a commercial wind energy conversion facility or wind turbine, the facility or turbine owner or operator shall file for commission review the estimated decommissioning cost per turbine, in current dollars at the time of filing, for the proposed facility or turbine and a comprehensive decommissioning plan that describes any expected effect on present and future natural resource development and how the facility or turbine owner or operator plans to pay for decommissioning the facility or turbine as required by section 69-09-10-05 at the appropriate time. The commission may at any time require the owner or operator of a commercial wind energy conversion facility or wind turbine to file a report with the commission describing how the facility or turbine owner or operator is fulfilling this obligation.

**History:** Effective October 1, 2008; \_\_\_\_\_.  
**General Authority:** NDCC 28-32-02, 49-02-27  
**Law Implemented:** NDCC 49-02-27