

**NORTH DAKOTA
2011 – 2014
ABANDONED MINE LANDS
RECLAMATION PROGRAM
GR107380**

**ABANDONED MINE LANDS
SIMPLIFIED GRANT APPLICATION**

March 1, 2011 - February 28, 2014

**PUBLIC SERVICE COMMISSION
Abandoned Mine Lands Division
State Capitol
Bismarck, North Dakota**

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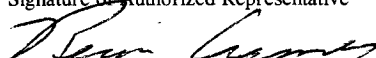
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PART I

Standard Form 424

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED 12/30/10	Applicant Identifier
1. TYPE OF SUBMISSION: <i>Application</i> <input checked="" type="checkbox"/> <i>Preapplication</i> <input type="checkbox"/>		3. DATE RECEIVED BY STATE	State Application Identifier ND101220-0500
<input checked="" type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier GR107380
5. APPLICANT INFORMATION			
Legal Name: Public Service Commission		Organizational Unit: AML Division	
Address (give city, county, state, and zip code) 600 E Boulevard Ave., Dept 408 Bismarck, ND 58505-0480 Burleigh County		Name and telephone number of the person to be contacted on matters involving this application (give area code) Jim Deutsch (701) 328-2251	
5. EMPLOYER IDENTIFICATION NUMBER (EIN): 45-0309764 Duns Number: 802-744-946		7. TYPE OF APPLICANT (enter appropriate letter in box) [A] A. State H. Independent School District B. County I. State Controlled Institution of Higher Learning	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If revision, enter appropriate letter(s) in box(es): [] [] A. Increase Award B. Decrease Award <input type="checkbox"/> Increase Duration D. Decrease Duration Other (specify):		C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 15 - 252		9. NAME OF FEDERAL AGENCY: U.S. OFFICE OF SURFACE MINING	
TITLE: ND Abandoned Mine Lands Program		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 2011-2014 North Dakota AML Simplified Grant	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.) Entire State			
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date 3/1/2011	Ending Date 2/28/2014	a. Applicant North Dakota	b. Project North Dakota
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	3,425,951	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE <u>12/20/2010</u>	
b. Applicant		b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED FOR STATE REVIEW	
c. State		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
d. Local		<input type="checkbox"/> Yes If "Yes," attach an explanation <input checked="" type="checkbox"/> No	
e. Other			
f. Program Income			
g. TOTAL	3,425,951		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Typed Name of Authorized Representative Kevin Cramer		b. Title Chairman, Public Service Commission	c. Telephone number 701-328-2400
d. Signature of Authorized Representative 		e. Date Signed December 30, 2010	

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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PART II

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Washington, DC 20240

Performance Report

Program Narrative Statement

1. Type of Program (Check Appropriate Box)

Abandoned Mine Lands Program

2. Grant Recipient

Type of Report: Grant Application GR107380

Public Service Commission
600 E Blvd Ave
13th Floor
Bismarck, ND 58505-0480

3. Project Title/Program GR007380
Abandoned Mine Lands Reclamation Grant

4. Performing Organization

SAME AS ABOVE

5. Program Narrative

The AML Division estimates that approximately \$3,950,000 will be spent for construction projects at abandoned coal mines during the grant period. The following sites are proposed for reclamation during the 2011 construction season:

Columbus – Phases 11 and 12: These two projects involve the elimination of about 2.5 miles of hazardous highwalls in an abandoned surface mine south of Columbus in Burke County. This AML site is characterized by unstable highwalls that are more than 70 feet high in some areas. Erosion features along the highwalls extend into the surrounding grassland. Surface mining activities in this area ended in the late 1950's. The proposed reclamation work involves backfilling the highwalls with material from adjacent spoil piles and the estimated cost is \$2,500,000.

Beulah/Zap – Phase 12: Proposed reclamation will involve drilling and pumping pressurized grout into collapsed underground mine workings under public roads north of Beulah. This project will consist of rotary drilling, casing drill holes where voids are found, pumping of grout, and grout testing. The project will include areas along State Highway 200 and some county roads north of Beulah. The estimated cost is \$1,000,000.

Although a majority of the 2011 construction costs will be paid from the 2011 grant about \$1,400,000 will be paid with the remaining funds in North Dakota's 2010 construction grant. Some of the available construction funds, estimated at \$450,000, will be used for maintenance work to backfill hazardous sinkholes and for exploratory drilling in areas where abandoned underground coal mines are located. If necessary, some of these funds may be used for emergency projects.

It should be noted that the \$3.95 million for new construction projects does not include the remaining \$825,000 that may be paid if the bonding company completes the Buechler/Velva Phase 1 project that began in 2010. The contractor left the project after about 40% of the work was completed. The AML Division has filed a claim on the performance bond and expects the surety to complete the project. However, it is possible that the contractor will pursue legal action in the matter and that could delay the project indefinitely. This project involves the elimination of approximately two miles of hazardous highwalls in an abandoned surface mine south of Sawyer, in Ward County.

OSM-51(12/80)

The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that "This information is being collected to determine how an applicant plans to spend Federal dollars of a grant or cooperative agreement. This information will be used to prepare budget analyses and forecasting. The obligation to respond is required to obtain a benefit.

2011 ADMINISTRATIVE AND CONSTRUCTION ACTIVITIES - OBJECTIVES AND NEED FOR THIS ASSISTANCE

This Grant will fund the administration and implementation of the approved North Dakota Abandoned Mine Lands Reclamation Program from March 1, 2011 to February 28, 2014.

The objectives for this grant are:

- Fund project design and engineering, NEPA compliance, cultural resources (Section 106 Compliance), and site monitoring;
- Keep the “Standard Specifications for AML Reclamation Projects” current;
- Cover any amendments to our State Program that might be warranted;
- Continue to add available data on all abandoned coal mines not yet on file into our inventory;
- Be a repository for information regarding abandoned mines;
- Investigate and design all new coal-related AML projects;
- Fund salaries for North Dakota AML personnel;
- Perform necessary travel to conduct state business, meet with OSMRE personnel, attend national conferences and meetings related to abandoned mine land reclamation;
- Fund travel for construction site inspections and site investigations;
- Obtain equipment necessary to efficiently implement the State AML Program;
- Continue to update position descriptions for each employee;
- Conduct staff performance appraisals once every twelve months;
- Contract for title memoranda and make eligibility determinations for abandoned coal mine sites;
- Contract for construction services on eligible and approved abandoned mine land sites; and,
- Continue development of the Geographic Information System (GIS) for AML sites and projects.

RESULTS OR BENEFITS EXPECTED FROM THESE OBJECTIVES

The North Dakota Public Service Commission AML Division, by operating under these objectives, will fulfill obligations to abate present hazards to public health, safety and general welfare and to the environment that presently exist because of abandoned mines in North Dakota. The AML Division will provide necessary reclamation planning specific to North Dakota's needs. All North Dakotans will benefit from this assistance by providing a safer and cleaner environment for everyone's enjoyment. The economy will benefit from jobs created through expenditures under this program. Documentation of available information for AML sites will benefit the public at large.

APPROACH

- a. The North Dakota AML Program, administered by the North Dakota Public Service Commission, will use staff expertise to identify, monitor, propose and design reclamation projects. Reclamation construction will be engaged through contracts with construction contractors who are qualified to complete approved coal reclamation and maintenance construction projects. The administration of these projects will be borne by this Consolidated Grant. The AML Division will contract for services or perform the following work:
 - Cultural resource evaluations and NEPA compliance;
 - Title searches, landowner right-of-entry acquisition, and eligibility determinations; and,
 - Development of construction design and specifications for individual project sites.
- b. The fieldwork for the following studies may be undertaken during the 2011 field season:
 - Cultural resource surveys;
 - Ground water and surface water monitoring;
 - Laboratory work, including analysis of soil, water and grout mix samples before, during and after reclamation; and,
 - Aerial photogrammetry.
- c. Data to be collected:
 - Cultural, historical and archeological resources;
 - Environmental assessment, investigation and analysis;

- Ground and surface water analysis;
 - Soil/grout mix testing;
 - Surface ownership documents; and,
 - Aerial photogrammetric surveys, including development of topographic maps.
- d. Experienced and competent firms will be awarded contracts for the following work:
- Cultural and historic resource survey work;
 - Aerial photogrammetry;
 - Title evaluations; and,
 - Construction services on approved abandoned mine sites.

Firms will be chosen according to established state procurement procedures. Firms selected will be awarded contracts funded by this Consolidation Grant.

GEOGRAPHIC LOCATION

The North Dakota Public Service Commission is located in Bismarck, North Dakota with reclamation projects in the western half of the State.

**PROJECT APPROVAL INFORMATION
FORM OSM-50A Item No.10**

<u>Grant No.</u>	<u>AML Program Name - 15-252</u>	<u>Status</u>	<u>Amount</u>
S5180028	Scranton Project - Phase I	Closed	5,507.11
C7000014	Scranton Project - Phase II	Closed	234,082.20
C5129381	Lehigh Mine Project	Closed	238,661.10
C5129382	Scranton Project - Phase III	Closed	412,834.95
P5190700	Bibliography of Source Materials	Closed	6,721.66
C7000023	Old Pittsburgh Mine Project	Closed	243,356.39
C7000038	Howie Mine Project	Closed	352,614.74
C5101059	National Inventory Project	Closed	108,270.55
C5101069	State Reclamation Plan	Closed	250,766.28
C5110070	First Annual Work Plan	Closed	454,536.28
G513738	1983 ND Reclamation-Admin.	Closed	463,796.44
G5137382	1983 ND Reclamation-Const.	Closed	1,170,142.83
G5137383	RAMP Program	Closed	433,679.09
G5147381	1984 ND Reclamation-Admin.	Closed	565,753.93
G5147382	Scranton Mine Reclamation	Closed	1,336,350.30
G5147383	1984 ND Reclamation-Const.	Closed	1,276,836.91
G5157381	1985 ND Reclamation-Admin.	Closed	239,577.57
G5157382	Lehigh Mine Grant Project	Closed	1,327,283.32
G5157383	Palaniuk Pilot Project	Closed	600,312.90
G5167381	1986 ND Reclamation-Admin.	Closed	207,680.20
G5167382	1986 ND Reclamation-Const.	Closed	126,408.45
GR797381	1987 ND Reclamation-Admin.	Closed	248,847.96
GR797382	Palaniuk Mine Site Project	Closed	906,824.94
GR897381	1988 ND Reclamation-Admin.	Closed	372,647.01
GR897382	1988 ND Reclamation-Const.	Closed	1,242,553.52
GR997381	1989 ND Reclamation-Admin.	Closed	385,521.31
GR997382	1989 ND Reclamation-Const.	Closed	1,549,841.28
GR097381	1990 ND Reclamation-Admin.	Closed	578,859.51

GR097380	1991 ND Reclamation-Admin.	Closed	486,663.60
GR097382	1991 ND Reclamation-Const.	Closed	4,654,460.73
GR197380	1992 ND Reclamation-Admin.	Closed	400,550.36
GR297381	1993 ND Reclamation-Admin.	Closed	532,261.00
GR397381	1994 ND Reclamation Admin.	Closed	336,529.98
GR399388	1994 ND Emergency	Closed	6,920.00
GR497380	1994-97 ND AML Simplified	Closed	3,570,357.41
GR597380	1995-98 ND AML Simplified	Closed	1,876,816.64
GR697380	1996-99 ND AML Simplified	Closed	1,673,306.88
GR707380	1997-2000 ND AML Simplified	Closed	1,862,002.54
GR807380	1998-2001 ND AML Simplified	Closed	1,620,539.00
GR907380	1999-2002 ND AML Simplified	Closed	1,495,267.42
GR007380	2000-2003 ND AML Simplified	Closed	1,600,000.00
GR107380	2001-2004 ND AML Simplified	Closed	1,806,390.00
GR207380	2002-2005 ND AML Simplified	Closed	1,679,202.00
GR307380	2003-2006 ND AML Simplified	Closed	1,643,013.00
GR407380	2004-2007 ND AML Simplified	Closed	1,629,220.00
GR300386	Coal Fire Suppression Grant	Closed	37,000.00
GR400386	Coal Fire Suppression Grant	Closed	27,000.00
GR600386	Coal Fire Suppression Grant	Closed	10,000
GR601381	Underground Mine Mapping	Closed	6,000
GR507380	2005-2008 ND AML Simplified	Closed	1,620,156
GR607380	2006-2009 ND AML Simplified	Closed	1,618,995
GR707380	2007-2010 ND AML Simplified	Closed	1,667,340
GR807380	2008-2011 ND AML Simplified	Closed	3,072,803
S08AP12917	Coal Fire Suppression Grant	Closed	40,000
S08AP12777	Underground Mine Mapping	Closed	14,887
GR907380	2009-2012 ND AML Simplified	Open	3,037,279
S10AB20007	Coal Fire Suppression Grant	Open	25,000
GR007380	2010-2013 ND AML Simplified	Open	3,498,697

PART III

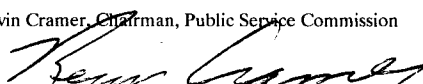
U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
Budget Information and Financial Reporting Form

OMB Approval No.: 1029-0059
 Exp. Date: 12/31/99

SECTION A. GENERAL				
Grantee: North Dakota Public Service Commission	Grant Title: FY 2010 ND AML Grant	Grant Number: GR107380	Grant Period: 3/01/2011 to 2/28/2014	

SECTION B. BUDGET AND FINANCIAL REPORT INFORMATION												
Budget/Cost Categories		Budget		Financial Status Report Cumulative Through ___/___/___			Financial Status Report Cumulative Through ___/___/___			Financial Status Report Cumulative Through ___/___/___		
Title	Number	Original/Prior Budget	Current Budget	Cumulative Obligations	Cumulative Expenditures	Rpt Ind	Cumulative Obligations	Cumulative Expenditures	Rpt Ind	Cumulative Obligations	Cumulative Expenditures	Rpt Ind
AML Non-Emergency Administrative Cost	38001	404,278										
AML Project Costs Construction	38003	3,021,673										
Total Grant		3,425,951										
Total Net Program Obligations/Expenditures				0.00	0.00		0.00	0.00		0.00	0.00	
Total Grant Amount		3,425,951										
Total Unobligated Balance				0.00			0.00			0.00		
Total Indirect Costs		194,409										
Total Program Income			0.00									

SECTION C. INDIRECT COST RATE INFORMATION		
Type Rate #1: Predetermined <input checked="" type="checkbox"/> Final <input type="checkbox"/> Provisional <input type="checkbox"/> Fixed - X <input type="checkbox"/> Indirect Rate Calc: Base \$170,763 Indirect Amount \$61,014 Rate 35.73% Period Covered by Rate: 3/1/11 to 6/30/2011	Type Rate #2: Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Provisional - X <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Indirect Rate Calc: Base \$ 342,038 Indirect Amount \$133,395 Estimated Rate 39% Period Covered by Rate: 7/1/2011 to 2/29/2012	Type Rate #3: Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Provisional <input type="checkbox"/> Fixed <input type="checkbox"/> Indirect Rate Calc: Base \$ _____ Indirect Amount \$ _____ Rate ___% Period Covered by Rate: ___/___/___ to ___/___/___

SECTION D. SIGNATURES				
Name/Title and Signature of Authorized Official (Grant Application) Kevin Cramer, Chairman, Public Service Commission 	Date of Signature 12/30/2010	Signature of Authorized Official and Date First Annual Report Signed	Signature of Authorized Official and Date Second Annual Report Signed	Signature of Authorized Official and Date Third Annual Report Signed

BUDGET NARRATIVE

ADMINISTRATIVE

I. PERSONNEL

The North Dakota Public Service Commission (PSC) will use 2.35 full-time equivalents (FTE) to administer the approved North Dakota Abandoned Mine Lands (AML) Reclamation Program for the 12-month administrative grant period. It is projected a PSC attorney will devote about ten percent of his\her time to legal work associated with the AML program and that time will be a direct charge to the grant. Table 2 lists the annual salary and fringe benefit rates for these positions during the first year of the grant. The fringe benefit rate for permanent full time employees averages 36 percent of the direct salaries. Total salaries and fringe benefits for the administrative grant are budgeted at \$229,341.

II. FRINGE BENEFITS

The estimated fringe benefit costs for 2.35 positions for the 12-month administration period are \$60,708. Included under fringe benefits are: workers compensation, state retirement, FICA, hospital insurance, unemployment insurance, vacation, sick, jury, military and emergency leave. The fringe benefit rate averages 36 percent of the direct salaries.

III. TRAVEL

The AML Division estimates \$9,100 in travel expenditures for the administrative portion of the grant. These anticipated expenditures include staff travel to NAAML and IMCC meetings, other conferences, and in-state travel to AML sites by management staff.

The budget for meals and lodging costs is \$3,600. The State of North Dakota has established travel policies for meal and lodging reimbursement. In-state rates for meals are \$25 per day and about \$70 plus applicable tax per night for lodging. Out-of-state rates for meals are based on federal rates and lodging at actual cost.

Anticipated air transportation costs of \$4,000 are budgeted for trips to NAAML and IMCC meetings, other conferences and training seminars.

Motor pool costs for the administrative grant year are estimated at \$1,500, primarily for in-state travel to AML sites by management staff. The AML Division normally uses vehicles owned by State Fleet Services. The PSC pays a mileage rate that consists of operating costs and depreciation. Operating costs include: repair parts, fuel, insurance, licenses, direct labor, and shop overhead. Vehicle replacement charges by State Fleet Services are not charged against the grant and are paid for with state funds. Depreciation is the actual cost less salvage

value of the vehicles in the fleet spread over the estimated useful life of the vehicle. In case a privately owned vehicle is approved for use to conduct state business, the mileage reimbursement cannot exceed that set by state law.

IV. EQUIPMENT

The Federal Assistance Manual's definition of equipment is tangible, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. No equipment purchases of more than \$5,000 per unit are anticipated during the administrative grant year.

V. SUPPLIES

The Abandoned Mine Lands Division has estimated \$17,900 for the budget category "Supplies."

Reproduction/Printing costs are estimated at \$750, expenditures include: printing of bid documents, maps and plats, contract reporting forms, and other materials related to the AML program.

Office supplies and equipment are estimated at \$1,500.

The amount allocated toward Specialized Technical and GIS Software is \$3,500 and that will be used for specialized software that may be needed to support the ongoing development of a GIS and other needs specific to the AML program.

Expenditures of \$4,000 are anticipated for purchases of images for use in the GIS, engineering supplies, tool kits, hard-hats, steel-toed boots, stakes, ribbons, spray paint, and wet weather gear.

The estimated costs of specialized IT equipment, such as tablet PC's, GPS units, digital cameras, etc. is \$7,000.

Miscellaneous supplies are budgeted at \$1,150 during this grant period and include books, periodicals, technical subscriptions, and engineering equipment.

VI. OTHER

The AML Division has estimated \$61,000 for the budget category "Other."

Postage is estimated at \$750, and advertising (public notices) is \$2,000.

The cost of office rent in the Capitol for AML staff is estimated at \$17,000.

AML staff will be given the opportunity to participate in technical conferences and training seminars relative to each individual staff person's expertise. Registration and tuition costs for these conferences and seminars are estimated at \$2,250 for this grant period.

Equipment rental is \$500, which includes equipment rental by the AML Division, such as metal detectors to find previously cased holes.

Also included is \$18,000 for costs of miscellaneous fees and services such as freight, water and soil sample analyses, and other items. This also includes outside legal services, if needed, for a possible contract dispute involving the contractor for the 2010 Buechler/Velva project.

Central service costs charged by the State Office of Management and Budget and the cost of the next federal financial and compliance audit of North Dakota's AML program grants is estimated at \$7,500. The State Auditor's Office will perform the audit.

The AML Division's share of North Dakota's membership in the Interstate Mining Compact Commission is approximately \$8,000.

The estimated cost of four cell phones used by AML construction project staff to communicate with office staff and others while in the field and air cards for mobile computers is \$2,500.

The estimated cost of miscellaneous repairs is \$2,500 and this is also included in the "Other" category.

Several years ago, the PSC moved data processing services and telephone services to general office expenses. In addition, the PSC has also moved copier charges to general office expenditures. These costs are part of the indirect cost rate so no direct charges will be made to the grant for data processing services, telephone services or copier charges.

VII. TOTAL DIRECT COSTS

Total direct costs are \$317,341 for this grant period.

VIII. INDIRECT COST

The approved indirect cost rate that will be in effect for the first four months of the grant period, through June 30, 2011, is 35.73%. The estimated indirect cost rate for the remaining eight months is estimated at 39%. Total indirect costs for the administrative grant are estimated at \$86,946.

VIX. TOTAL COSTS

The total estimated budget for the 2010 AML North Dakota Reclamation Program Administrative Grant is \$404,287.

X. PROGRAM INCOME

No program income is expected during the grant period since the AML Division no longer charges potential bidders for copies of the bid plans and specifications. Most potential bidders are now able to view and download the project plans and specifications from the State Procurement Office's website.

BUDGET NARRATIVE - CONSTRUCTION

I. PERSONNEL and FRINGE BENEFITS

The PSC will use 2.4 full-time equivalents (FTE), plus two seasonal construction inspectors, for construction projects during the 36-month grant period. Table 2 lists the annual salary and fringe benefit rates for these positions during the first year of the grant. The fringe benefit rate for permanent full time employees averages 36 percent of the direct salaries and the fringe benefit rate for the seasonal construction inspectors is 20 percent. Total salaries and fringe benefits for the construction project staff during the one-year period is \$283,460 and indirect costs are estimated at \$107,463.

II. TRAVEL

The AML Division estimates approximately \$75,000 in travel expenses for construction projects. These anticipated expenditures are for staff travel to project sites during construction activities.

The budget for meals and lodging costs is \$20,000. The State of North Dakota has established travel policies. In-state rates for meals are \$25 per day and about \$70 plus applicable tax per night for lodging. State motor pool expenses are estimated at \$55,000 for project related work.

III. CONSTRUCTION PROJECTS

The AML Division estimates that approximately \$3,950,000, including about \$1,400,000 of carryover from the 2010-13 grant, will be available for major construction projects at abandoned coal mines for the grant period. The following major projects have been proposed for reclamation during the 2011 construction season:

Columbus – Phases 11 and 12: These two projects involve the elimination of about 2.5 miles of hazardous highwalls in an abandoned surface mine south of Columbus in Burke County. This AML site is characterized by unstable highwalls that are more than 70 feet high in some areas. Erosion features along the highwalls extend into the surrounding grassland. Surface mining activities in this area ended in the late 1950's. The proposed reclamation work involves backfilling the highwalls with material from adjacent spoil piles. The estimated cost of these projects is \$2,500,000.

Beulah/Zap – Phase 12: Proposed reclamation will involve drilling and pumping pressurized grout into collapsed underground mine workings under public roads north of Beulah. This project will consist of rotary drilling, casing drill holes where voids are found, pumping of grout, and grout testing. The project will include areas along State Highway 200 and some county roads north of Beulah. The estimated cost of this project is \$1,000,000.

Some of the 2011 construction funds, an additional \$450,000, will be used for small projects, for backfilling hazardous sinkholes, conducting exploratory drilling at abandoned underground coal mines, maintenance work, and if necessary, emergency projects.

It should be noted that the \$3.95 million for new construction projects does not include the remaining \$825,000 that will be paid if the bonding company completes the Buechler/Velva Phase 1 project that began in 2010. The contractor abandoned the project after about 40% of the work was completed. The AML Division has filed a claim on the performance bond and expects the surety to complete the project. However, it is possible that the contractor will pursue legal action in the matter and that could delay the project indefinitely. This project involves the elimination of approximately two miles of hazardous highwalls in an abandoned surface mine south of Sawyer in Ward County.

**2011 – 2014 AML ND Reclamation Program
Simplified Grant
Administrative Sub-Account
March 1, 2011 to February 28, 2012**

BUDGET

ADMINISTRATIVE

1.	Personnel – 2.35 FTE's	168,633	
2.	Fringe Benefits (36% of salary)	<u>60,708</u>	
	Total		229,341
3.	Travel		
	Meals & Lodging	3,600	
	Air Transportation	4,000	
	Motor Pool	<u>1,500</u>	
	Total Travel		9,100
4.	Equipment over \$5,000		0
5.	Supplies		
	Reproduction/Printing	750	
	Office Supplies & Equipment	1,500	
	Technical and GIS Software	3,500	
	Engineering and GIS Supplies	4,000	
	Tablet PC's, GPS units, cameras, etc	7,000	
	Miscellaneous	<u>1,150</u>	
	Total Supplies		17,900
6.	Other		
	Postage	750	
	Advertising (Public Notices)	2,000	
	Office Rent	17,000	
	Training/Professional Development	2,250	
	Equipment Rental	500	
	Miscellaneous	18,000	
	Central Services & Audit	7,500	
	IMCC Membership Dues	8,000	
	Cell Phones	2,500	
	Miscellaneous Repairs	<u>2,500</u>	
	Total Other		<u>61,000</u>
7.	Total Direct Costs		317,341
8.	Indirect Cost * on Salary & Fringe		<u>86,946</u>
9.	TOTAL ADMINISTRATIVE COSTS		\$404,287

* 35.73% indirect rate for the first four months of the grant period and a rate of 39% is estimate for the remaining eight months. Note: PSC legal services are a direct charge.

Table 2
2010 - 2013 AML ND Reclamation Program
Simplified Grant
Construction Sub-Account
March 1, 2011 to February 28, 2012

PROJECTS

1. Project Staff Salary – 2.4 FTE's plus 2 construction inspectors	215,956
2. Fringe Benefits – 36% of salary for 2.4 FTE's & 20% for Con. Insp.	<u>67,504</u>
Total Salary and Benefits	283,460
3. Travel	
Meals and Lodging	20,000
State Motor Pool	<u>55,000</u>
Total Travel	<u>75,000</u>
4. Total Direct Staff Salary, Benefits and Travel Costs	358,460
5. Indirect Costs @ 35.73% (4 months) & 38% (8 months)	<u>107,463</u>
Total Staff and Travel Expenses including indirect costs	465,923
6. Construction/Project Costs (major projects)	2,105,750
Earth Moving	
Underground Filling/Grout Injection	
Cultural Resource Surveys	
Drilling	
Title Memoranda	
Engineering Assessments	
Environmental Data Base	
Aerial Photography	
Tree/Seed Planting	
7. Small Projects and Maintenance Reserve	450,000
8. TOTAL Administrative expenses from Table 1	<u>404,278</u>
Grand Total for Administrative and Construction	3,425,951

PART IV


ASSURANCES—NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-2S5), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and 111 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-33.3), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		NAME AND TITLE	
		Kevin Cramer, Chairman, Public Service Commission	
APPLICANT ORGANIZATION		DATE SUBMITTED	
North Dakota Public Service Commission		December 30, 2010	

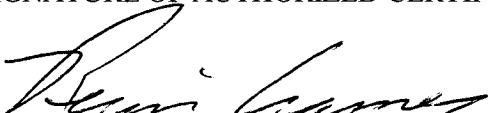
ASSURANCES - CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provision of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C.874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) regarding labor standards of federally assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, ■Audits of States, Local Governments, and Non-Profit Organizations.●
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	NAME AND TITLE Kevin Cramer, Chairman, Public Service Commission
APPLICANT ORGANIZATION North Dakota Public Service Commission	DATE SUBMITTED December 30, 2010

U.S. Department of the Interior
Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12.)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement, or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

1. The grantee certifies that it will or continue to 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 grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about –
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's 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 in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar 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, consistent with the requirements of the Rehabilitation Act of 1973, as amended; 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 may 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)

**North Dakota Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480**

_____ Check if there are workplaces on file that are not identified here.

**PART D: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

X CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Kevin Cramer, Chairman, Public Service Commission

TYPED NAME AND TITLE

December 30, 2010

DATE