



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Tony Clark  
Brian P. Kalk  
Kevin Cramer

Executive Secretary  
Darrell Nitschke

Administrative Code  
REMOVED

Administrative Code  
REMOVED

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

22 September 2011

The Honorable Wayne Stenehjem  
North Dakota Attorney General  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0040

RE: Gas Safety Rulemaking  
Case No. GS-11-79

Dear Attorney General Stenehjem:

Enclosed please find proposed amendments to the North Dakota Administrative Code by the North Dakota Public Service Commission. In accordance with N.D.C.C. § 28-32-14, the North Dakota Public Service Commission requests your examination of these rules as to their legality so they may be considered for formal adoption and publication in the North Dakota Administrative Code.

Attached for purposes of review is a copy of each of the following:

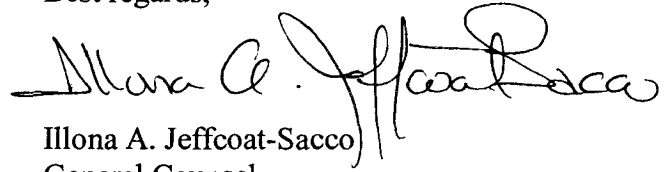
- The proposed rule changes as ordered by the Commission (no change from the rules as originally proposed);
- Full Notice of Intent to Amend Administrative Rules;
- Abbreviated Notice of Intent to Amend Administrative Rules;
- Affidavit of Publication from the North Dakota Newspaper Association;
- North Dakota Newspaper Association invoice showing the names of the newspapers where the abbreviated Notice was published;
- A copy of one of the actual notices, as published (others are available if you want them);
- A copy of the cover letter filing the Notice and Administrative Rules with the Legislative Council with the filing acknowledgment;
- Notice to sponsors - N/A. The proposed rules do not implement legislation enacted during the most-recent legislative session;
- A statement regarding the required regulatory analysis, takings assessment, and small entity regulatory analysis;
- Staff testimony. No other comments were received at the hearing or in writing; and

The Honorable Wayne Stenejem  
22 September 2011  
Page 2

- The 20 September 2011 Public Service Commission Order Submitting Rules to the Attorney General, which summarizes the comments and the Commission's consideration of them.

Thank you for your consideration of the rules. If you have any questions please do not hesitate to call or email.

Best regards,



Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

**PROPOSED RULE**

**69-09-03-02. Adoption of regulations.** The following parts of title 49, Code of Federal Regulations in effect as of ~~August 1, 2009~~ June 22, 2011 are adopted by reference:

1. Part 190 - Department of Transportation Pipeline Safety Enforcement Procedures.
2. Part 191 - Department of Transportation Regulations for Transportation of Natural Gas by Pipeline; Reports of Leaks.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards.
4. Part 199 - Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquids Pipelines.

Copies of these regulations may be obtained from:

Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**History:** Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002, November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008, \_\_\_\_\_.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 49-02-01.2

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
2011 Gas Pipeline Safety Rules  
Rulemaking**

**Case No. GS-11-79**

**Public Service Commission  
Reclamation  
Rulemaking**

**Case No. RC-11-236**

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

**June 22, 2011**

**PLEASE TAKE NOTICE** that the Public Service Commission will hold a public hearing to address proposed amendments to section 69-09-03-02 and 69-05.2-12-04 of the North Dakota Administrative Code. The hearing will be held at **10:00 a.m., on August 9, 2011, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

**Gas Safety - Gas Pipeline Safety: Case No. GS-11-79**

In order to continue the Commission's role as an agent for the federal pipeline safety program, the proposed change to North Dakota Administrative Code Section 69-09-03-02 adopts by reference changes made to federal pipeline safety regulations in effect as of June 22, 2011. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**Reclamation - Case No. RC-11-236**

The Commission is proposing to amend the collateral bond provisions for surface coal mining and reclamation operations under North Dakota Administrative Code Section 69-05.2-12-04. The proposed amendment relates to letters of credit that are pledged as collateral and to the financial information and notices that banks issuing a letter of credit must provide to the Commission. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

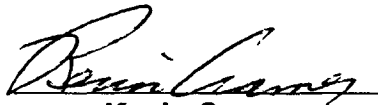
All of the proposed rule changes and the statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck,

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, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY 1-800-366-6888, or NDPSC@ND.gov. 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, or NDPSC@ND.gov. The comment period closes 10 days after the hearing. Comments must be received by the close of business on August 19, 2011.

If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

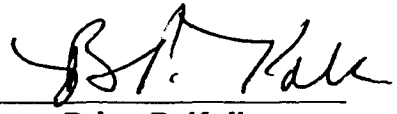
**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**

**NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES  
NOTICE OF PUBLIC HEARING  
RECLAMATION AND GAS PIPELINE SAFETY**

**June 22, 2011**

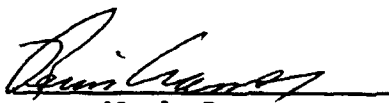
TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to the adoption by reference of federal gas safety requirements and to the requirements for collateral bonds for surface coal mining and reclamation operations.

The public hearing will be held at 10:00 a.m., August 9, 2011, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. Written comments may be submitted to the Public Service Commission until the close of business on August 19, 2011.

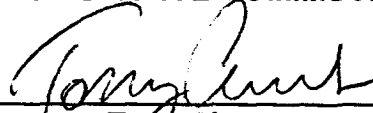
A copy of the proposed rules may be obtained from the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or [NDPSC@ND.gov](mailto:NDPSC@ND.gov). This information is also available to view on the Public Service Commission's web site at [www.psc.state.nd.us](http://www.psc.state.nd.us) under "Formal Actions/Case Search".

If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**



# Affidavit of Publication

RECEIVED

JUL 18 2011

PUBLIC SERVICE COMMISSION

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **Public Service Commission – Administrative Rules relating to Reclamation and Gas Pipeline Safety**; 1 time(s) as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

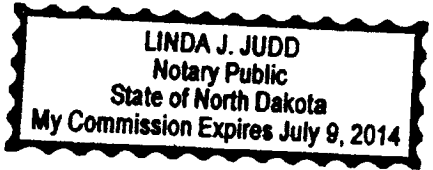
Signed: Colleen Park

State of NORTH DAKOTA

County of BURLEIGH

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 20 11.

Linda J. Judd





North Dakota Newspaper Association  
 1435 Interstate Loop  
 Bismarck, ND 58503-0567  
 Ph (701) 223-6397 • Fax (701) 223-8185

**RECEIVED**

JUL 18 2011

**INVOICE**

**PUBLIC SERVICE COMMISSION**

Order **29405-11072PP0**

Invoice # **147614**

July 15, 2011

Attn: **TIM OSWALD**  
**PUBLIC SERVICE COMMISSION**  
**600 E. BOULEVARD AVE.**  
**STATE CAPITOL**  
**BISMARCK, ND 58505**

Advertiser: **Public Service Commission**

P.O.#:

Amount Due **\$1,978.68**

Amount Paid

Voice: 701-328-4076

*Please detach and return this portion with your payment*

When placing an administrative rule notice, please fax or email your request. Regular mail is not always reliable when a deadline must be met. Thank you.

Public Service Commission Invoice# 29405-11072PP0-147614

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
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**COUNTY**

<b>Ashley Tribune (Ashley ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Beach Golden Valley News (Beach ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Bismarck Tribune (Bismarck ND)</b>							
6.00	SPR1	11.45	68.70	0.00	Reclamation ... Safety		07/02/11
<b>Bottineau Courant (Bottineau ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/05/11
<b>Bowbells Burke County Tribune (Bowbells ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Bowman County Pioneer (Bowman ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Cando Towner Co Record Herald (Cando ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/02/11
<b>Carrington Foster Co Independ (Carrington ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/04/11
<b>Carson Press (Elgin ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Cavalier Chronicle (Cavalier ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Center Republican (Hazen ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Cooperstown Griggs County Courier (Cooperstown ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Crosby The Journal (Crosby ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Devils Lake Daily Journal (Devils Lake ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/05/11

<i>Ad Size</i>	<i>Rate Type</i>	<i>Rate</i>	<i>Total</i>	<i>Discount (%)</i>	<i>Caption</i>	<i>Page</i>	<i>Run Date</i>
<b>COUNTY</b>							
<b>Dickinson Press (Dickinson ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/03/11
<b>Elgin Grant County News (Elgin ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Ellendale Dickey Co Leader (Ellendale ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Fargo, The Forum (Fargo ND)</b>							
6.00	SPR1	11.45	68.70	0.00	Reclamation ... Safety		07/04/11
<b>Finley Steele County Press (Finley ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Garrison McLean Co Independ (Garrison ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Grafton * Walsh County Record (Grafton ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Grand Forks Herald (Grand Forks ND)</b>							
6.00	SPR1	11.45	68.70	0.00	Reclamation ... Safety		07/05/11
<b>Harvey The Herald-Press (Harvey ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/02/11
<b>Hazen Star (Hazen ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Hettinger Adams Co Record (Hettinger ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Jamestown Sun (Jamestown ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/02/11
<b>Killdeer Dunn County Herald (Killdeer ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Lakota American (Lakota ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>LaMoure Chronicle (LaMoure ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Langdon Cavalier Co Republican (Langdon ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/04/11
<b>Linton Emmons County Record (Linton ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Lisbon Ransom County Gazette (Lisbon ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/04/11
<b>Mandan News (Bismarck ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Mayville * Traill County Tribune (Mayville ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/02/11
<b>McClusky Gazette (McClusky ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Medora Billings Co Pioneer (Beach ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/07/11
<b>Milnor Sargent County Teller (Milnor ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>Minnewaukan Benson Co Farmers Press (Minnewaukan ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Minot Daily News (Minot ND)</b>							
6.00	SPR1	11.45	68.70	0.00	Reclamation ... Safety		07/03/11

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
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**COUNTY**

<b>Mohall Renville County Farmer (Mohall ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Napoleon Homestead (Napoleon ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>New England The Herald (New England ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/08/11
<b>New Rockford Transcript (New Rockford ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/04/11
<b>Rolla Turtle Mountain Star (Rolla ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/04/11
<b>Rugby Pierce County Tribune (Rugby ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/02/11
<b>Stanley Mountrail Co Promoter (Stanley ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Steele Ozone &amp; Kidder Co. Press (Steele ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Towner Mouse River Journal (Towner ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Valley City Times-Record (Valley City ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/05/11
<b>Wahpeton Daily News (Wahpeton ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/03/11
<b>Watford City McKenzie Co Farmer (Watford City ND)</b>							
6.00	SPR1	5.65	33.90	0.00	Reclamation ... Safety		07/06/11
<b>Williston Herald (Williston ND)</b>							
6.00	SPR1	7.78	46.68	0.00	Reclamation ... Safety		07/03/11

Gross Advertising	1,978.68	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	1,978.68	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	1,978.68

Your payment is due upon receipt. Thank you in advance for your prompt payment!

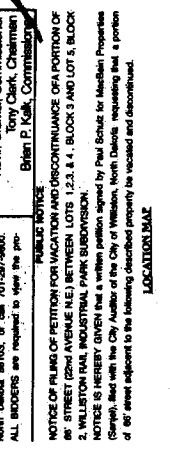
Act 176006 on the applicant's Project...  
Interested parties should contact...  
CITY OF WILLISTON, NORTH DAKOTA

**NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES**  
relating to  
Reimbursement and  
Gas Payment Safety.  
**Public Service Commission**  
will hold a public hearing to address proposed changes to the N.D. Admin. Code.  
**Commission Hearing Rm. 12th Floor  
State Capitol  
Bismarck, ND  
Tues., Aug. 9, 2011  
10:00 a.m.**

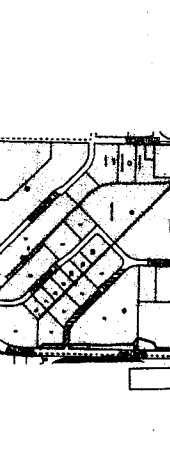
A copy of the proposed rules may be obtained by visiting the Public Service Commission, 600 E. Boulevard Ave., Dept. 406, Bismarck, ND 58505-0460, or by calling (701) 238-3400, toll free 1-877-245-6685 or Relay North Dakota TTY: 1-800-395-6688 or NDPS-@nd.gov. This information is also available to view on our web site at [www.nd.gov](http://www.nd.gov).  
Written comments may be submitted to the Public Service Commission at the above address, until September 26, 2009. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Public Service Commission by telephone or by writing to the address above at least 24 hours prior to the address above at the hearing.  
Kevin Cramer, Commissioner  
Amy Clark, Chairman  
Brian P. Kase, Commissioner

**ADVERTISEMENT FOR BIDS FOR**  
Bismarck River Construction  
Williston, North Dakota  
Notice is hereby given that sealed bids for the Bismarck River Construction for the City of Williston, North Dakota, will be received at the City of Williston, in the Williston City Clerk's Office, until 3:00 P.M., Central Daylight Saving Time, on July 27, 2011. At that time, the bids will be opened at the City Commission Meeting Room at the Williston City Hall, 22 East Broadway, Williston, North Dakota, and read aloud.  
The project consists of the following approximately 175 linear feet of 18-inch HOPE pipe, 215 linear feet of 3-inch HOPE, removal of existing 18' station pumping canal, and all other items necessary to complete the project.  
The work shall be completed by October 16, 2011.  
To order specifications or plans or for further information, contact Wendt Associates, Inc. at 3310 Fishaker Drive, Suite 110, Fargo, North Dakota 58103, or call 701-307-7800. ALL BIDDERS are required to view the project.

**NOTICE OF FILING OF PETITION FOR VACATION AND DISCONTINUANCE OF A PUBLIC RIGHT-OF-WAY**  
WEST OF LOT 22, BLOCK 1, UNITS 1 AND 2, WILLETTON PARK SUBDIVISION  
NOTICE IS HEREBY GIVEN that a written petition signed by Paul Schultz for Median Properties (Schultz), filed with the City Auditor of the City of Williston, North Dakota, requesting that a portion of 60' street adjacent to the following described property be vacated and discontinued.  
**LOCATION MAP**

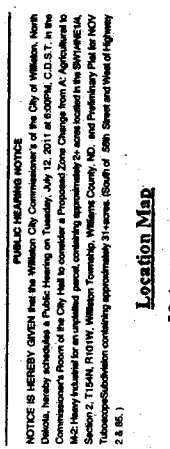


**NOTICE OF FILING OF PETITION FOR VACATION AND DISCONTINUANCE OF A PUBLIC RIGHT-OF-WAY**  
LOT 2, BLOCK 1, UNITS 1 AND 2, WILLETTON PARK SUBDIVISION  
NOTICE IS HEREBY GIVEN that a written petition signed by Paul Schultz for Median Properties (Schultz), filed with the City Auditor of the City of Williston, North Dakota, requesting that a portion of 60' street adjacent to the following described property be vacated and discontinued.  
**LOCATION MAP**



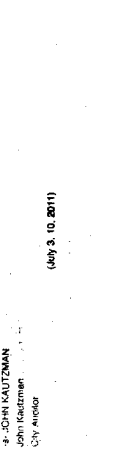
A Plan of the Property, together with the aforementioned Petition to which it is attached, showing the property proposed to be vacated and discontinued, is on file with the City Planner of the City of Williston, North Dakota, and may be examined by anyone wishing to do so.  
A hearing on the Petition will be held in the Commission Room, located in City Hall within the City of Williston, North Dakota, on the 28th day of July, 2011, at 6:00 P.M., CDSST, at which time any interested person or persons may appear and present or make objections to the vacation of the street described herein.  
Should you plan to attend and need special facilities or assistance relating to a disability, contact City Hall at (701) 977-5104 or through the TDD State Relay at 711.  
DATED AT WILLISTON, NORTH DAKOTA THIS 14th DAY OF JUNE  
John Kautzman  
City Auditor

**NOTICE OF FILING OF PETITION FOR VACATION AND DISCONTINUANCE OF A PUBLIC RIGHT-OF-WAY**  
LOT 2, BLOCK 1, UNITS 1 AND 2, WILLETTON PARK SUBDIVISION  
NOTICE IS HEREBY GIVEN that a written petition signed by Paul Schultz for Median Properties (Schultz), filed with the City Auditor of the City of Williston, North Dakota, requesting that a portion of 60' street adjacent to the following described property be vacated and discontinued.  
**LOCATION MAP**



A Plan of the Property, together with the aforementioned Petition to which it is attached, showing the property proposed to be vacated and discontinued, is on file with the City Planner of the City of Williston, North Dakota, and may be examined by anyone wishing to do so.  
A hearing on the Petition will be held in the Commission Room, located in City Hall within the City of Williston, North Dakota, on the 28th day of July, 2011, at 6:00 P.M., CDSST, at which time any interested person or persons may appear and present or make objections to the vacation of the street described herein.  
Should you plan to attend and need special facilities or assistance relating to a disability, contact City Hall at (701) 977-5104 or through the TDD State Relay at 711.  
DATED AT WILLISTON, NORTH DAKOTA THIS 28th DAY OF JUNE  
John Kautzman  
City Auditor

**NOTICE OF FILING OF PETITION FOR VACATION AND DISCONTINUANCE OF A PUBLIC RIGHT-OF-WAY**  
LOT 2, BLOCK 1, UNITS 1 AND 2, WILLETTON PARK SUBDIVISION  
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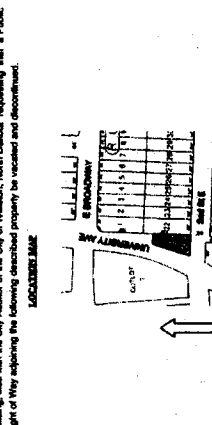
**PUBLIC HEARING NOTICE**  
NOTICE IS HEREBY GIVEN that the Williston County Planning & Zoning Commission hereby schedules a Public Hearing on Monday, July 18, 2011, at 6:00 P.M., CDSST, in the Commission Room of the City Hall to consider a Proposed Zoning Ordinance to amend the City of Williston Zoning Ordinance to consider a Proposed Zoning Ordinance to allow for a Major Subdivision for property located in N1/2 of the NE 1/4, Section 33, T156N, R10W, Missouri Ridge Township, Williston County, North Dakota, containing 90 acres, more or less.  
Maps of said property will be available to the public for inspection and copying on Monday, July 18, 2011, at 6:00 P.M., CDSST, in the Commission Room of the City Hall, located at 600 P.M., CDSST, at which time any interested person or persons may appear and present or make objections to the vacation of the street described herein.  
Should you plan to attend and need special facilities or assistance relating to a disability, contact City Hall at (701) 977-5104 or through the TDD State Relay at 711.  
DATED AT WILLISTON, NORTH DAKOTA THIS 14th DAY OF JUNE  
John Kautzman  
City Auditor

**PUBLIC NOTICE**  
FEMA-3318-BM-ND (Flooding)  
FEMA-1981-DR-ND (Severe Winter Storm)  
The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for the cost of certain public facilities damaged by flooding and winter storms beginning April 4, 2011, and continuing through September 30, 2011, and continuing through the end of the Federal Emergency Management Agency (FEMA) program.  
FEMA will provide additional public notices regarding the above-described public notices. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, 5200 Auth Avenue, South 26th Street, Bismarck, ND 58504, or by calling (701) 238-3400.  
For more information, contact the City Auditor, at the above address within 15 days of the date of this notice.  
(June 30, July 1, 2011)

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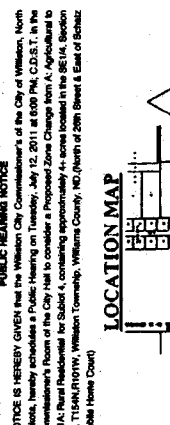
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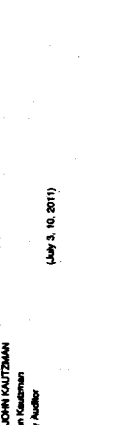
A Plan of the Property, together with the aforementioned Petition to which it is attached, showing the property proposed to be vacated and discontinued, is on file with the City Planner of the City of Williston, North Dakota, and may be examined by anyone wishing to do so.  
A hearing on the Petition will be held in the Commission Room, located in City Hall within the City of Williston, North Dakota, on the 28th day of July, 2011, at 6:00 P.M., CDSST, at which time any interested person or persons may appear and present or make objections to the vacation of the street described herein.  
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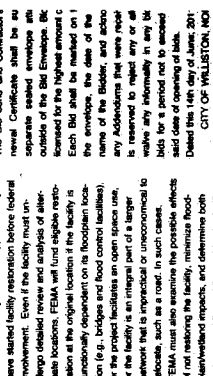
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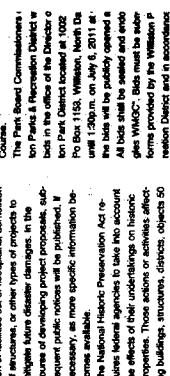


**REQUIREMENTS FOR BIDS**  
Notice is hereby given that sealed bids for the Bismarck River Construction for the City of Williston, North Dakota, will be received at the City of Williston, in the Williston City Clerk's Office, until 3:00 P.M., Central Daylight Saving Time, on July 27, 2011. At that time, the bids will be opened at the City Commission Meeting Room at the Williston City Hall, 22 East Broadway, Williston, North Dakota, and read aloud.  
The project consists of the following approximately 175 linear feet of 18-inch HOPE pipe, 215 linear feet of 3-inch HOPE, removal of existing 18' station pumping canal, and all other items necessary to complete the project.  
The work shall be completed by October 16, 2011.  
To order specifications or plans or for further information, contact Wendt Associates, Inc. at 3310 Fishaker Drive, Suite 110, Fargo, North Dakota 58103, or call 701-307-7800. ALL BIDDERS are required to view the project.

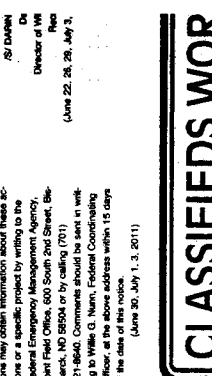
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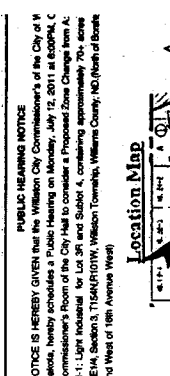
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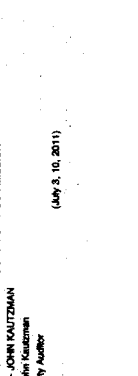


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Public Service Commission  
State of North Dakota

COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: www.nd.gov/psc  
E-mail: ndpsc@nd.gov  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

30 June 2011

Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Received in the office of the  
Legislative Council this 30 day of June, 2011  
By: ds

Re: Notice of Intent to Amend Administrative Rules  
Case No. GS-11-79 and Case No. RC-11-236

Dear Mr. Walstad:

Enclosed please find copies of:

- Commission Motion proposing amendments, scheduling a hearing, issuing a notice of intent to amend rules and notice of hearing, and issuing an abbreviated notice
- Proposed rule changes on the following:
  - Section 69-09-03-02, 2011 Gas Pipeline Safety, Case No. GS-11-79
  - Section 69-05.2-12-04, Reclamation, Case No. RC-11-236
- Notice of Intent to Amend Administrative Rules and Notice of Public Hearing
- Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing

If you have any questions please do not hesitate to call. Thank you.

Best Regards,

Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
2011 Gas Pipeline Safety  
Rulemaking**

**Case No. GS-11-79**

**Statement on Regulatory Analysis, Small Entity Analysis and Takings  
Assessment**

**June 22, 2011**

The purpose of this rulemaking is to adopt, by reference in state administrative rule, the most recent amendments to pipeline safety regulations adopted by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration. A summary/ explanation of the specific changes to be adopted by reference is attached.

**Regulatory Analysis**

N.D.C.C. § 28-32-08 requires an agency to prepare a regulatory analysis if the rule is expected to have an impact on the regulated community in excess of fifty thousand dollars. The law provides, in part:

2. The regulatory analysis must contain:
  - a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
  - b. A description of the probable impact, including economic impact, of the proposed rule;
  - c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
  - d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.

North Dakota individuals subject to Commission jurisdiction who may be affected by the federal amendments proposed to be adopted by reference for the state

gas pipeline safety program include intrastate natural gas transmission pipeline operators and intrastate natural gas distribution system operators.

The Commission acts as agent for the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), in the enforcement of the minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities within the state. This is accomplished by entering into a 601055(a) Title 49 agreement with the United States Department of Transportation which requires North Dakota to adopt all of the federal gas safety standards, along with any future amendments to those standards. This rulemaking is a part of that ongoing agreement.

The intrastate natural gas transmission pipeline operators and intrastate natural gas distribution system operators must comply with the federal amendments and therefore were impacted in excess of fifty thousand dollars when PHMSA adopted the amendments. Consequently, adoption of these amendments for the state gas pipeline safety program will have no additional impact on the regulated community.

### **Small Entity Regulatory Analysis**

N.D.C.C. § 28-32-08.1 requires that before adoption of any proposed rule, the adopting agency prepare a regulatory analysis in which the agency considers options to minimize adverse impact on small entities. The law provides, in part:

2. . . . The agency shall consider each of the following methods of reducing impact of the proposed rule on small entities:
  - a. Establishment of less stringent compliance or reporting requirements for small entities;
  - b. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small entities;
  - c. Consolidation or simplification of compliance or reporting requirements for small entities;
  - d. Establishment of performance standards for small entities to replace design or operational standards required in the proposed rule; and
  - e. Exemption of small entities from all or any part of the requirements contained in the proposed rule.

This regulatory analysis is not required under Chapter 28-32-08.1, N.D.C.C. because the proposed amendments to existing rules are mandated by federal law.

### **Takings Assessment**

N.D.C.C. § 28-32-09 requires an entity to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The law provides, in part:

1. . . . The agency's assessment must:
  - a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
  - b. Clearly and specifically identify the purpose of the proposed rule.
  - c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
  - d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
  - e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
  - f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.

None of the above proposed federal amendments will result in a regulatory taking.

The purpose of the proposed federal amendments is stated above.

We do not expect any impact on private property owners as a result of the proposed federal amendments. The proposed rules should not limit the use of private property.

The proposed amendments will not limit the use of private real property and estimated compensation costs will be zero.

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

**Public Service Commission  
Gas Pipeline Safety  
Rulemaking**

**Case No. GS-11-79**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**August 9, 2011**

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

The proposed change to North Dakota Administrative Code Section 69-09-03-02 adopts, by reference, changes made to federal pipeline safety regulations and in effect as of June 22, 2011.

The Commission acts as agent for the U.S. Department of Transportation, Pipeline and Hazardous Materials Administration (PHMSA) by entering into a federal/state agreement and receives federal funding for the enforcement of minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities within North Dakota. While all gas distribution and intrastate transmission facilities within North Dakota are required to comply with the federal minimum pipeline safety standards regardless of the state adoption of those standards, as a PHMSA agent, the state must be able to enforce the standards.

The federal/state agreement requires that North Dakota adopt the federal gas safety standards, along with any future amendments to those standards. The initial adoption took place on June 1, 1984, with additional rulemaking

proceedings, such as this one, held annually if necessary, to continue to adopt federal amendments to the standards. A summary of federal standards amended and effective from August 1, 2009 through June 22, 2011 is attached to this testimony.

All gas distribution and intrastate transmission facilities within North Dakota are required to comply with the federal minimum pipeline safety standards regardless of the state adoption of the federal standards. Therefore, there is no additional impact on the regulated community as a result of state adoption of the standards.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
2011 Gas Pipeline Safety Rules  
Rulemaking**

**Case No. GS-11-79**

**ORDER SUBMITTING RULES TO ATTORNEY GENERAL**

**September 20, 2011**

**Appearances**

Commissioners Tony Clark, Brian P. Kalk, and Kevin Cramer

**Preliminary Statement**

On June 22, 2011, the North Dakota Public Service Commission (Commission) issued a formal Notice of Proposed Rulemaking and an Abbreviated Notice proposing to revise Articles 69-09 of the Administrative Code. The proposed amendments relate to the adoption by reference of federal gas safety requirements.

In summary, in order to continue the Commission's role as an agent for the federal pipeline safety program, the proposed change to the North Dakota Administrative Code Section 69-09-03-02 adopts by reference changes made to federal pipeline safety regulations since February 17, 2009. The proposed amendment will not have an incremental impact on the regulated community in excess of \$50,000.

**Public Hearing and Comments**

The Abbreviated Notice was published once in all 52 official county newspapers the week of July 2 through July 8, 2011. The Notice of Intent to Amend Administrative Rules and Notice of Public Hearing and proposed rules were also sent to those identified as interested or affected parties. The notices were forwarded on June 30, 2011, to the Legislative Council for publication.

A public hearing on the proposed rule changes was noticed for and held at 10:00 a.m. August 09, 2011. The hearing was held in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. No one other than commission staff appeared at the hearing on this proposed rule. Commission staff testified at the hearing in support of the proposed rule.

The Commission allowed, after the conclusion of the rulemaking hearing, a comment period until August 19, 2011, during which data, views, or oral arguments concerning the proposed rulemaking could be received by the Commission and made a part of the rulemaking record to be considered by the Commission.

The only written comments filed were received at the hearing and were those of Commission staff.

### Discussion

Staff prepared and filed a statement regarding the required regulatory analysis, takings assessment, and small entity regulatory analysis.

Staff testified at the hearing that the proposed changes are intended to incorporate into state rules changes in federal rules that must also apply to the state gas pipeline safety program, and summarized these required changes.

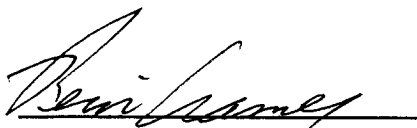
No other comments were received and no changes are being made to the rules as originally proposed.

### Order

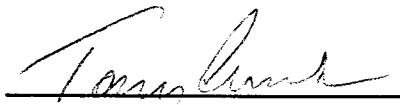
The Commission orders:

The proposed changes to Sections 69-09-03-02 of the North Dakota Administrative Code, as attached to and made a part of this order, be submitted to the Attorney General for an opinion that the rules are approved as to legality.

### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Tony Clark**  
Chairman



**Brian P. Kalk**  
Commissioner

**PROPOSED RULE**

**69-09-03-02. Adoption of regulations.** The following parts of title 49, Code of Federal Regulations in effect as of ~~August 1, 2000~~ June 22, 2011 are adopted by reference:

1. Part 190 - Department of Transportation Pipeline Safety Enforcement Procedures.
2. Part 191 - Department of Transportation Regulations for Transportation of Natural Gas by Pipeline; Reports of Leaks.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards.
4. Part 199 - Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquids Pipelines.

Copies of these regulations may be obtained from:

Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**History:** Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002, November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008.

**General Authority:** NDCC 28-32-02  
**Law Implemented:** NDCC 49-02-01.2