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OPINION

RECEIVED

OCT 24 2011

October 24, 2011

PUBLIC SERVICE COMMISSION

Ms. Illona A. Jeffcoat-Sacco
General Counsel
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck, ND 58508-0480

Dear Ms. Jeffcoat-Sacco:

The Office of Attorney General has examined the proposed amendment to N.D.A.C. § 69-09-03-02 concerning federal gas pipeline safety regulations (Case No. GS-11-79), along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was issued, 3) a takings assessment was prepared, 4) a small entity regulatory analysis and an economic impact statement were not prepared because the rules are required by federal law, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem
Attorney General

eee/vkk
cc: John Walstad, Legislative Council