



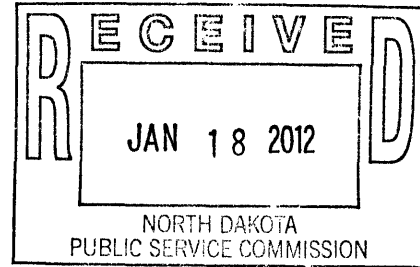
Wayne Stenehjem
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OPINION

January 17, 2012



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. § 69-05.2-12-04 concerning performance and collateral bonds related to surface coaling mining and reclamation operations (Public Service Commission Case No. RC-11-236), 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 not issued or requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were not prepared because the proposed rule changes do not impose any additional compliance or reporting requirements or performance standards on small entities, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in substantial 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