

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Public Utilities
Rulemaking**

Case No. PU-12-162

**Public Service Commission
Siting
Rulemaking**

Case No. PU-12-165

**Public Service Commission
Reclamation
Rulemaking**

Case No. RC-12-166

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

May 30, 2012

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to North Dakota Administrative Code Article 69-05.2. The hearing will be held at **10:00 a.m., on July 12, 2012, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The proposed revisions to the North Dakota Administrative Code are as follows:

Public Utilities - Case No. PU-12-162

Discovery Response Time - Section 69-02-05-12

The Commission is proposing a new section to Chapter 69-02-05 relating to discovery response time in public utility cases. The rule addition requires that interrogatory responses and objections be received in ten business days.

National Electrical Safety Code - Section 69-09-02-35

The proposed change to North Dakota Administrative Code section 69-09-02-35 adopts by reference the current National Electrical Safety Code, the 2012 Edition.

Master Metering - Section 69-09-02-37

The proposal repeals North Dakota Administrative Code section 69-09-02-37 that prohibits master metering of electric service in certain multi-tenant commercial or residential buildings unless a waiver is granted. Master metering is the practice of metering all electric service through a single meter instead of requiring separate meters and separate bills for each tenant. Landlords choosing to master meter would pay one

electric bill for their entire building such that tenants in the building would not receive an electric bill from the distribution utility.

Siting - Case No. PU-12-165 - Article 69-06

The revisions to North Dakota Administrative Code Article 69-06, Energy Conversion and Transmission Facility Siting, update the process for processing siting applications by the North Dakota Public Service Commission and clarify what is required in each siting application. Items that are currently included in commission guidelines are incorporated into the rules. The resulting rules also address issues specific to wind energy conversion facilities and the new lower jurisdiction threshold for wind energy conversion facilities.

Reclamation - Case No. RC-12-166 - Article 69-05.2

Several changes are proposed to North Dakota Administrative Code Article 69-05.2 pertaining to surface coal mining and reclamation operations. The federal Office of Surface Mining is requiring that provisions be added for the Commission's use of the Applicant Violator System prior to the approval of mining permits, renewals and certain revisions. The Applicant Violator System is a national database of mining companies that have unabated violations or unpaid civil penalties. A mining company that is linked to an entity in this database may be ineligible to receive a new mining permit, renewal, or revision that proposes to permit or mine additional lands. The proposed rules also contain procedures for companies to use if they want to challenge information or links in the Applicant Violator System. Two other rule changes are also being proposed. One adds a new subsection to an existing rule on the format of electronic permit applications and the other modifies an existing provision to make it consistent with another rule that was previously amended. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

Two other rule changes are recommended by staff. One adds a new subsection to an existing rule with general requirements for the format of electronic applications. The other change will make a minor correction to a provision that should have been changed more than fifteen years ago when another rule was modified to no longer require the renewal of a permit once lands in that permit are no longer being mined or used in support of mining.

The proposed rule changes and the statements concerning the Regulatory Analysis, Small Entity Regulatory Analysis and Economic Impact, and Takings Assessment 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 under "Formal Actions/Case Search".

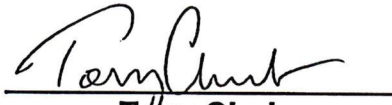
Interested persons may submit written comments on the proposed rules. Written comments should be filed with Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or NDPSC@ND.gov. The comment period closes 10 days after the hearing. Comments must be received by the close of business on July 23, 2012.

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.

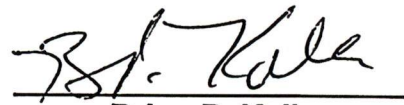
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