



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

Pipeline Safety

2013 Natural Gas Payment Agreement (Notice of Grant Award) and Certification Regarding Lobbying

for

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign the following pages:
 1. **Page 3, under State Agency.**
 2. **If your allocation is more than \$100,000 then you need to sign the Certification Regarding Lobbying, page 4.**
3. Scan all pages, including the cover page, and upload the document to FedSTAR.

7 **GS-12-744** Filed: 9/20/2013 Pages: 4
2013 Natural Gas Payment Agreement

Public Service Commission



PIPELINE SAFETY GRANT PROGRAM - CFDA 20.700

Base Grant Payment Agreement (Notice of Grant Award) Number DTPH5613GPHPG31
Grant Period: January 1, 2013 - December 31, 2013

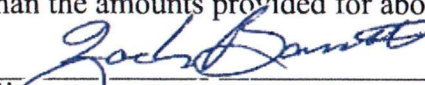
This agreement is between the Pipeline and Hazardous Materials Safety Administration (PHMSA) and *NORTH DAKOTA PUBLIC SERVICE COMMISSION* (State Agency)

PHMSA will reimburse the State Agency by one of the following options based on available funding:

- the lesser of \$145,294.00 ; or
- a percentage of the State Agency's actual approved cost and the exclusion of the State Agency's performance scores; or
- a percentage of the State Agency's actual approved costs and the "Percent Funding" indicated on the Scoring/Allocation Document.

The reimbursement option will be at PHMSA's discretion. The amount reimbursed under any of the options will not exceed 80 percent of the State Agency's actual approved cost.

Additionally, PHMSA may choose to allocate the available funding based on actual approved costs and the State Agency's performance scores or on actual approved costs without scoring, so as to reimburse the State Agency up to 80 percent of the State Agency's actual approved program costs, even if this amount is greater than the amounts provided for above. This option is contingent on adequate funding.



Signature

Associate Administrator for Pipeline Safety

Title

09/20/2013

Date

The State Agency (State) agrees to carry out the Pipeline Safety Program to meet the following terms and conditions:

1. State has entered into and maintains a 60105 certification and/or a 60106 agreement for the grant period.
2. State is responsible for ensuring that the *Guidelines for States Participating in the Pipeline Safety Program* manual (version effective to the grant period, incorporated into this agreement) are followed and program funds are accounted for under its provisions.

3. State must permit representatives of the Department of Transportation and other authorized Federal agencies to review their Pipeline Safety Program and to inspect records, invoices, and other relevant data pertaining to this payment agreement.
4. State signs and submits form "Certification Regarding Lobbying and Disclosure of Lobbying Activities" if grant award is estimated to be \$100,000 or more and form OMB SF-LLL, "Disclosure Form to Report Lobbying", if applicable.
5. State adheres to all terms and assurances within the application package.
6. State adheres to all terms and conditions of this Payment Agreement (Notice of Grant Award) as set forth in Appendix A of this Agreement.
7. State must ensure it will provide the remaining costs of their safety program per 49 USC 60107(b).
8. State total expenditures (excluding grants of the United States Government) for the safety program must at least equal the average amount spent for the three fiscal years prior to the fiscal year in which the Secretary makes the payment, as required in 49 CFR 60107(b) unless a waiver of 49 USC 60107(b) has been granted to the State.
9. State acknowledges that the indirect cost reimbursement is limited to 20% of the actual total direct program costs per the manual, *Guidelines for States Participating in the Pipeline Safety Program*.
10. State can be reimbursed twice a year, per the schedule described in the first paragraph of this agreement. In July, the state may be reimbursed for costs incurred during the first six months of the grant period (Mid-Year Payment Request). Participation in the Mid-Year Payment Request for Reimbursement is optional. Every State seeking reimbursement must submit a Year-End Payment Request for Reimbursement package; it is a mandatory program. Both the Mid-Year (optional) and Year-End payment requests are completed using FedSTAR with signed paper copies submitted to PHMSA.
11. State must review the list of parties excluded from Federal procurement or non-procurement programs located on the Excluded Parties List System (EPLS) website at <http://www.epls.gov/> before entering into an assistance sub-award.
12. State must inform the PHMSA Grant Officer when the State suspends or debar a contractor or awardee.

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Name of the State Agency

Patrick Zahn

Signature

Director, Compliance & Competitive Markets

Title

September 10, 2013

Date

CERTIFICATION REGARDING LOBBYING

Certification For Contracts, Grants, Loans, And Cooperative Agreements

- (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, an 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 and disclose 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.


Patrick John

Signature/Authorized Certifying Official

Director, Compliance and Competitive Markets

Printed Name and Title

NORTH DAKOTA PUBLIC SERVICE

Applicant/Organization

September 20, 2013

Date Signed