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OFFICE OF ATTORNEY GENERAL

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OPINION

April 26, 2017



Mr. John Schuh
Public Service Commission
600 E. Boulevard Ave Dept 408
Bismarck, ND 58505

Dear Mr. Schuh:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. §§ 69-06-08-01 and 69-09-02-35 (Case No. PU-16-775) concerning energy conversion facility siting criteria and the National Electrical Safety Code, and the proposed amendments to N.D.A.C. ch. 69-09-09 (Case No. PU-17-23) concerning wind facility decommissioning, 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 prepared, 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,

Troy Seibel
Chief Deputy Attorney General

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cc: Vonette Richter, Legislative Council

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Letter approving administrative rules

North Dakota Attorney General
Troy Seibel, Chief Deputy

48 **PU-16-775** Filed: 4/26/2017 Pages: 1
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