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OPINION

April 25, 2018



Ms. Illona Jeffcoat-Sacco  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck, ND 58505-0480

Dear Ms. Jeffcoat-Sacco:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. title 69 concerning energy conversion facility siting and wind energy conversion facility lighting (Case No. PU-17-339), pipeline safety (Case No. GS-17-370) and wind energy conversion facility decommissioning (Case No. PU-17-371), 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 because the rules do not constitute a taking of real property, 4) a small entity regulatory analysis and an economic impact statement were not prepared because the rules are not expected to affect small entities, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in substantial compliance<sup>1</sup> 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

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cc: Vonette Richter, Legislative Council

<sup>1</sup> One weekly newspaper published notice of the hearing late, but still prior to the hearing date.