

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Energy Conversion Facility Siting Criteria  
Rulemaking**

**Case No. PU-20-422**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**November 24, 2020**

My name is Patrick Fahn. I am the Director of the Public Utilities Division of the Public Service Commission.

The purpose of this testimony is to describe several proposed administrative rule changes to North Dakota Administrative Code article 69-06 pertaining to energy conversion facility and transmission facility siting. The proposed rule changes implement North Dakota Century Code chapters 49-22 and 49-22.1.

The proposed change to 69-06-01-01. Definitions, is a housekeeping change necessitated by the 2017 Legislated split of the siting act under North Dakota Century Code chapter 49-22 into two chapters, namely 49-22 and 49-22.1. The proposed change to the definition of "Siting Rules," definition number 15, is to reference both siting act chapters 49-22 and 49-22.1.

This proposed change to 69-06-01-05. Designated agencies and officers, updates names and adds names of designated agencies entitled to notice from the Commission of an energy conversion facility or transmission facility siting application.

The proposed change to 69-06-01-06. Siting fee refund, simplify and clarify the timing for refund of unused siting application fee funds provided by an applicant for processing the siting application. The proposed change also eliminates the minimum amount for which a refund will be issued.

The proposed change to 69-06-02-02. Filing, eliminates the requirement that ten copies of a utility's ten-year plan must be filed with the commission

The proposed change to 69-06-04-01(2)(n). Application. Contents. Map and GIS requirements, clarifies that the maps and GIS filed in an energy conversion facility siting application must include the location of the proposed facilities, the proposed site, and the criteria evaluated.

The proposed change to 69-06-04-01(3). Application. Filing eliminates the requirement for filing paper copies of a siting application except upon Commission request.

The proposed change to 69-06-05-01(2)(q). Application. Contents. Map and GIS requirements, clarifies that the maps and GIS filed in a transmission facility siting application must include the location of the proposed facilities, the proposed corridor and route, and the criteria evaluated.

The proposed change to 69-06-05-01(3). Application. Filing, eliminates the requirement for filing paper copies of a siting application except upon Commission request.

The proposed change to 69-06-05-02 (5). Designation of Corridor and Route. Corridor Width, eliminates the requirement that a designated corridor

for a transmission facility must be at least ten percent of the facility length, but not less than one mile or greater than six miles unless otherwise determined by the commission. Current commission practice is to designate corridor widths much less than one-mile making this rule ineffectual.

The proposed change to 69-06-08-01(3)(g). Energy conversion facility siting criteria. Avoidance Areas, adds to the list of avoidance areas for an energy conversion facility, areas within 2 nautical miles of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.

The proposed change to 69-06-08-02(2)(e). Transmission facility corridor and route criteria. Avoidance Areas, clarifies that the avoidance area of five hundred feet from a residence, school, or place of business may be waived by either the property owner or the controlling entity. A waiver by the controlling entity is most likely to occur for business or school locations.

This concludes my testimony.

Thank you.