



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
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Sent via email only

18 August 2021

Vonette Richter
Code Reviser
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360
vrichter@nd.gov

Re: Notice of Intent to Amend Administrative Rules
PSC Case Numbers PU-21-360

Dear Ms. Richter:

The Public Service Commission recently passed a motion to propose changes to its administrative rules and issue notices. The rules are a result of legislative change that occurred in the passage of Senate Bill 2313 of the Sixty-seventh Legislative Session. Consequently, enclosed please find copies of:

- Commission Motion to Propose Revisions to the North Dakota Administrative Code and Issue Notices;
- Proposed rule changes that were the subject of the Motion; and
- Notice of Intent to Amend Administrative Rules and Notice of Public Hearing.

If you have any questions please do not hesitate to call.

Best Regards,

Brian Johnson
Legal Counsel

attachments

APPROVED

DATE: 08/18/2021
PJT

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Standards of Service - Electric
Rulemaking

Case No. PU-21-360

MOTION

August 18, 2021

I move the Commission propose to amend the North Dakota Administrative Code as attached, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Standards of Service - Electric, Rulemaking, Case No. PU-21-360.

Amend Section 69-09-02-06 Continuity of Service

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Standards of Service - Electric
Rulemaking**

Case No. PU-21-360

69-09-02-06. Continuity of Service.

1. An electric public utility is responsible for ensuring reliable service.
- ~~1.2.~~ Each utility shall make every reasonable effort to prevent interruptions of service, and when such interruptions occur shall endeavor to reestablish service within the shortest possible time. Whenever the service is necessarily interrupted or curtailed for the purpose of working on equipment, it shall be done at a time which, if at all practicable, will cause the least inconvenience to customers, except in cases of emergency.
- ~~2.3.~~ Each utility shall keep a record of all interruptions to service affecting the entire distribution system of any single community or an important division of a community, and include in the record the date and time of interruption, the date and time service was restored, and, if known, the cause of each interruption. Service interruption records shall be kept for a period of six years
4. If an electric public utility fails to meet its obligation to provide reliable service to customers, the commission may require action, assess disallowances or fines, or provide a penalty. A penalty, disallowance or fine, or action will take into consideration the nature, circumstances, and gravity of the violation, degree of culpability, history of prior service interruptions, and good faith attempts to ensure reliability.
5. By April 1 each year, each electric public utility shall file with the Commission the records required by this section. The commission may at any time, upon notice to the electric public utility, require a filing of the records required by this section for a specified time period or specific interruption.
6. Each electric public utility shall include in its annual April 1 filing, reliability statistics for the previous calendar year including Institute of Electrical and Electronics Engineers Standard 1366 indices system average interruption frequency index (SAIFI), system average interruption duration index (SAIDI), Customer average interruption duration index (CAIDI), customer total average interruption duration index (CTAIDI), customer average interruption frequency index (CAIFI), average service availability index (ASAI), customers experiencing multiple interruptions

(CEMI), average system interruption frequency index (ASIFI), average system interruption duration index (ASIDI), momentary average interruption frequency index (MAIFI), and customers experiencing multiple sustained interruption and momentary interruption events (CEMSMI). Each utility shall include with this filing the datapoints used to calculate each of the above indices, a detailed breakdown of each major event day (MED) and each of the indices listed above (SAIFI, SAIDI, CAIDI, CTAIDI, CAIFI, ASAI, ASIDI, MAIFI and CEMSMI with and without MED. These statistics will be compiled by each electric public utility for its North Dakota distribution system, for each single community, and for each important division of a community.

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Standards of Service - Electric
Rulemaking

Case No. PU-21-360

NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULES AND NOTICE OF
PUBLIC HEARING

August 18, 2021

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address a proposed amendment to Article 69-09-02 of the North Dakota Administrative Code concerning electric public continuity of service. The purpose of the proposed rule amendment is to address reporting requirements and criteria for a public utility's reliable service obligation pursuant to the passage of Senate Bill 2313 of the Sixty-seventh Legislative Assembly.

A public hearing will be held on the proposed rules at **1:30 p.m., Central Time on September 22, 2021 in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.** The public is also encouraged to view the hearing electronically via <https://psc.nd.gov/public/meetings/live.php> or listen telephonically by dialing 1-888-585-9008 with room code 259-316-322.

The proposed adoption and revisions to the North Dakota Administrative Code are as follows:

Case No. PU-21-360 - proposed Amdended Section 69-09-02-06 – Standards of Service - Electric

The purpose of the proposed new section in 69-09-02-06 is to establish rules and guidelines as directed by the Legislature for assessment of penalties, fines, or disallowances if an electric public utility fails to meet its obligation to provide reliable service to customers within the state. The proposed rules also clarify information required and the manner in which electric public utilities shall report records and statistics relating to reliable service to its customers.

The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rules or amendments and/or a regulatory analysis may

be requested by writing the above address, emailing ndpsc@nd.gov, or calling 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY 1-800-366-6888. This information is also available on the Commission's web site at www.psc.nd.gov under Case Search.

Oral or written comments on the proposed rules may be submitted to the above address, email, and phone numbers. Oral and written comments received by the close of business on October 4, 2021, will be fully considered.

Interested persons may attend and submit comments at the hearing.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please notify the Commission at the above telephone number or address at least 24 hours prior to the public hearing.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner