



Public Service Commission

State of North Dakota

COMMISSIONERS

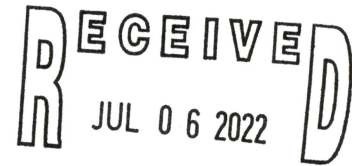
Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

via hand delivery

6 July 2022

The Honorable Drew Wrigley
North Dakota Attorney General
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0040



OFFICE OF
ATTORNEY GENERAL

Re: Proposed Amendments to Administrative Rules
PSC Case Numbers PU-22-163

Dear Attorney General Wrigley:

Enclosed please find proposed amendments to the North Dakota Administrative Code by the North Dakota Public Service Commission. In accordance with N.D.C.C. § 28-32-14, the North Dakota Public Service Commission requests your examination of these rules as to their legality so they may be considered for formal adoption and publication in the North Dakota Administrative Code.

I would like to highlight one item for your attention. The Minot Daily News failed to publish as requested. As a result, there was a period of 13 days between publication and the public hearing. To minimize impacts on an opportunity to comment, the Commission announced an extension to the allowed comment period from June 6, 2022 to June 16, 2022 during the public hearing.

Enclosed for purposes of review is a copy of each of the following:

- The 29 June 2022 Public Service Commission Order Submitting Rules to Attorney General, with the final proposed rules attached. The order summarizes the written and oral comments received, the Commission's consideration of the comments, and the Commission's conclusions.
- The 13 April 2022 Commission Motion proposing rules, with rules as originally proposed.
- Full Notice of Intent to Amend Administrative Rules;
- Abbreviated Notice of Intent to Amend Administrative Rules;
- Affidavit of Publication from the North Dakota Newspaper Association;
- Memorandum from NDNA regarding late publication to Minot Daily News;
- A copy of one of the actual notices, as published (others are available if you want them);

- North Dakota Newspaper Association invoice showing the names of the newspapers in which the abbreviated Notice was published;
- A copy of the cover letter filing the Notice and Administrative Rules with the Legislative Council, with filing acknowledgment date-stamp;
- A statement or analysis regarding the required regulatory analysis and takings assessments, small entity regulatory analyses, and economic impact statement and taking assessments;
- Email covers to SB-2313 bill sponsors and industry with copy of Notice (Notice not included);
- Testimony from the public hearing and other written comments received; and
- Fiscal Note anticipating no fiscal impact.

The amendments implement recently enacted legislation SB-2313.

Thank you for your consideration of the rules. If you have any questions, please do not hesitate to call or email.

Best regards,



John Schuh
Special Assistant Attorney General

enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Resource Plans and Cyber Security
Rulemaking**

Case No. PU-22-163

ORDER SUBMITTING RULES TO ATTORNEY GENERAL

June 29, 2022

Appearances

Commissioners Randy Christmann, Julie Fedorchak, and Sheri Haugen-Hoffart.

Preliminary Statement

On April 13, 2022, the North Dakota Public Service Commission (Commission) issued a formal Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing and an Abbreviated Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing, proposing to create a new Chapter 69-09-12 of the North Dakota Administrative Code.

On April 18 and April 19, 2022, the Commission forwarded the notices to the North Dakota Newspaper Association for publication at least 30 days in advance of the hearing and a copy of the Notices and the proposed Rules were sent to the Legislative Council, the Bill sponsors of SB 2313, and to interested stakeholders.

Also on April 19, 2022, Commission Staff (Staff) filed statements regarding the required regulatory analysis, small entity analysis, and takings assessments for the captioned case.

The Abbreviated Notice was published in each of the 50 official county newspapers in the state from April 18 through April 23, 2022. Minot Daily News failed to publish the administrative rules as described. The notice was published in the Minot Daily News on May 13, 2022.

On May 26, 2022, the Commission held the public hearing as noticed, beginning at 9:00 a.m. in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

The Commission extended the allowed comment period through June 16, 2022 to mitigate the possible impact of the failed publication. The Commission received and considered data, views, and written and oral comments concerning the proposed rulemaking as part of the rulemaking record.

The proposed rules and amendments are summarized as follows:

Case No. PU-22-163 – New Chapter 69-09-12 – Resource Plans and Cybersecurity

The purpose of this new Chapter is to guide the process of resource planning and annual cybersecurity report for investor-owned utilities in the state. The proposed rulemaking provides further clarification for the implementation of SB 2313 enacted during the most recent legislative session.

The proposed change is expected to have an impact on the regulated community in excess of \$50,000.

Public Hearing and Comments

The Commission reviewed and considered all comments. The written and oral comments that were received are summarized and discussed below.

Adam Renfandt, Public Utilities Analyst, testified and filed written comments on behalf of Staff to the effect of this proposed new Chapter.

John Nagel of BEK Communications and Cybernet Security by BEK testified in support of the proposed rules and provided recommendations regarding North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) and Federal Energy Regulatory Commission (FERC) requirements. He testified specifically to the consideration of low, medium, or high impact CIP designation requirements for the existing public utilities. Although Mr. Nagel stated that the proposed rules are a good start, he recommends that NERC CIP auditing requirements for high-impact designations be extended to all reporting utilities in the future. Mr. Nagel also recommended that cooperatives should be subject to the reporting requirements in addition to investor-owned utilities due to the interconnected nature of the grid and transmission.

Darcy Neigum of Montana-Dakota Utilities testified in support of the administrative rules as drafted. Mr. Neigum provided a response to Mr. Nagel's comments that a transmission operator by default the control room is a medium impact facility and if an electric utility has medium impact generator or transmission facilities, then the control room is elevated into the high category. As a result, all the CIP standards for a high-impact designation apply to Montana-Dakota Utilities.

David Sederquist and Farah Mandich of Northern States Power Company (NSP) testified in support of the proposed rules during the public hearing. They provided that the more formal process will lead to better understanding and helpful discourse. On June 16, 2022, NSP provided written comments supporting the resource planning process.

Otter Tail Power Company (Otter Tail) provided written comments prior to the hearing describing its current integrated resource plan and providing support for the rules as drafted. Nathan Jensen of Otter Tail Power Company testified in support of the administrative rules during the public hearing.

Discussion


The comments provided during the pendency of the administrative rulemaking support the current draft of proposed rules. Mr. Nagel's comments provided helpful discussion regarding cybersecurity requirements for public utilities, however, the Commission finds Mr. Nagel's recommendations extend beyond the legislative intent of SB 2313. As a result, the proposed rules are not revised to include cybersecurity reporting for cooperatives and will not require additional auditing beyond the electric public utility's existing NERC CIP designation.

Having reviewed the proposed rules and considered testimony and comments, the Commission finds good cause for submitting the proposed rules in Case No. PU-22-163, attached to and made a part of this order, to the Attorney General for an opinion as to legality.

ORDER

The Commission orders that the proposed rules in Case No. PU-22-163 attached and made part of this order be submitted to the Attorney General for an opinion as to their legality. Proposed rules and amendments shall be submitted to the administrative rules committee upon receipt of an Attorney General approval.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Sheri Haugen-Hoffart
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Resource Plans and Cyber Security
Rulemaking

Case No. PU-22-163

Chapter 69-09-12
Resource Plans and Cybersecurity

69-09-12-01. Definitions

1. “Resource Plan” means a set of resource options an electric public utility plans to use to meet the electric capacity and energy requirements of the utility’s customers over a planning horizon, including an explanation of the electric supply and demand circumstances when each resource option would be used to meet the capacity and energy needs in an adequate and reliable manner.
2. “Externality” means numerical costs or quantified values assigned to represent environmental costs that are not internalized in the cost of production, or the market price of electricity from a particular electric resource or the alleged costs of complying with future environmental laws or regulations that have not yet been enacted.
3. “Renewable Integration Cost” means the cost of measures to help meet the incremental needs of the system as more renewable energy is added to the resource mix.
4. “Unserved Energy” means the amount of end-customer demand measured in megawatt-hours that cannot be supplied due to a deficiency of generation either generated or imported by the electric public utility or transmission capacity.

69-09-12-02. Resource Plan Procedure

1. An electric public utility shall file a resource plan on a three-year cycle. The electric public utility may file a supplement to the plan with necessary updates and shall file a supplement upon commission request.
2. The commission may investigate a resource plan. Foregoing an investigation or inaction upon completion of an investigation does not bind the commission in the commission’s review of a resource plan in conjunction with a rate case or bind the commission for the purpose of setting rates.
3. The commission shall issue a notice of opportunity to comment on the resource plan when opening an investigation under subsection 2. The comment period must remain open for a period of sixty days, unless ordered otherwise by the commission.

4. During an investigation, an electric public utility may request a commission determination on any issue related to the resource plan. Approval, rejection, or modification of a resource plan, or a commission determination may be presented as prima facie evidence in other proceedings.
5. The commission shall designate by order the commencement of the cycle wherein a resource plan must be filed. The commission may allow for a variance from a filing requirement or procedure upon request.

69-09-12-03. Resource Plan Attributes

1. A resource plan must identify the resources needed to meet forecasted capacity and energy needs including a reserve requirement, subject to various objectives including reliability, planning, operational, and regulatory requirements. The resource plan must provide a North Dakota Preferred Plan.
2. If an electric public utility's existing resources are inadequate to meet forecasted capacity and energy requirements, the utility shall identify in the resource plan the proposed actions to meet current and future electric capacity and energy needs, including generating facility additions of various types, sizes, fuel types, any known new transmission facilities, life extensions of existing generation facilities, load-modifying equipment, sponsored conservation programs, market purchases, power purchases from other utilities, and contracted capacity.
3. All resources must be evaluated on a consistent and comparable basis, and the resource plan must describe, and select resources representing the least-cost plan for providing adequate, safe, and reliable service to ratepayers consistent with the public interest and North Dakota energy policy.
4. The resource plan must have a planning horizon of at least fifteen years detailing both supply-side and demand-side resources.
5. The resource plan must describe how the electric public utility intends to meet the forecasted capacity and energy needs within the next five years, along with construction and in-service timelines for generation and associated interconnection and network upgrade and new transmission facilities. The resource plan also must describe how the electric public utility intends to meet the forecasted energy and capacity needs for at least a fifteen-year planning horizon.
6. Except as otherwise required by law or by order of the commission, the North Dakota Preferred Plan must not select resources based on a carbon cost, greenhouse gas reduction goals, renewable energy standards, emissions goal, or other externalities.
7. The electric public utility may provide alternative scenarios with sensitivities based on proposed and current federal, state, and utility goals and mandates relating to carbon cost, emissions goal, or other externalities.

8. The electric public utility shall describe how scenarios and sensitivities influenced the selection of the North Dakota Preferred Plan. The scenarios and sensitivities must be evaluated on a consistent and comparable basis, and the utility shall identify and assess the risks of each scenario and sensitivity.

69-09-12-04. Filing Requirements

1. The resource plan must describe the:
 - a. Key data, assumptions, model inputs, information used in producing forecasts and models, and how uncertainties in assumptions were incorporated into the analysis;
 - b. Type, cost, and relevant operating characteristics of demand-side and supply-side resources considered and a description of the type and cost of additional transmission facilities necessitated by the resources;
 - c. Modeling and methodological approach to load forecasting, an assessment of load forecast uncertainty, and the cost and effectiveness of existing and future utility and state-sponsored conservation and load management efforts;
 - d. Projected load for the electric public utility over the planning horizon and the underlying assumptions for the projection. The information must be as geographically specific as possible and describe how the electric public utility will meet the projected load; and
 - e. Criteria used in determining the appropriate level of reliability, including any required reserve or capacity margin seasonal accreditation levels and how the determinations influenced the resource plan.
2. The resource plan must include:
 - a. A robust set of scenarios and sensitivities, including changes to the resource mix, fuel prices, load, resource costs, inflation, operating and maintenance costs, capital costs, transmission interconnection and network upgrade costs, congestion costs, renewable integration costs, and resource accreditation.
 - b. Reliability and resource adequacy assessments using quantitative metrics capturing the size, frequency, duration, and timing during extreme weather events and normal weather conditions for the fifth, tenth, and final year of the planning horizon. The assessment should include the annual expected unserved energy, the annual expected cost of unserved energy, peak seasonal capacity shortfall in megawatts, number of negative capacity shortfalls, average capacity shortfall in megawatts, longest hourly capacity

shortfall, and number of hours requiring the utility to use the maximum available energy imports during a capacity shortfall.

- c. Reliability and resource adequacy assessments using quantitative metrics including expected unserved energy during correlated natural gas-fired generation fuel delivery outages for the fifth, tenth, and final year of the planning horizon.
- d. A description of energy conversion facilities and associated interconnection and network upgrade and new transmission facilities the electric public utility intends to own and operate, or from which the utility intends to purchase energy output during the ensuing planning horizon, and the energy conversion facilities to be removed from service over the planning horizon.
- e. Plans for energy conversion facility retirements, asset extensions, de-rates, market purchases and sales, and how scenarios affect cost, affordability, reliability, and resiliency.
- f. To the extent possible, qualitative benefits and quantitative value of baseload and load-following generation resources and the value of proximity of such resources to load.
- g. The estimated annual and total revenue requirement broken out by new and existing resources by cost category such as generation, transmission, fuel, and energy efficiency.
- h. Any other information as may be requested by the commission.

3. The resource plan must include information on:

- a. Expansion of, improvements to, and more efficient use of existing electric public utility generation, distribution, and transmission facilities;
- b. Opportunities for energy conversion facilities, including economic opportunities to partner with other utilities in constructing and operating new facilities and extending the useful lives of existing facilities;
- c. Opportunities to pursue power purchase agreements with or develop baseload and load-following generation within the state;
- d. Opportunities to pursue power purchase agreements, demand or supply-side resources, or develop generation;
- e. Distributed generation, including generating capacity provided by co-generation, technologies relying on renewable resources, non-utility generation, and other sources;

- f. Recent or expected changes to generation dispatch across all generation technologies;
- g. Opportunities for existing and planned transmission facilities to reduce congestion, transmission line losses, energy costs, and to increase export or import capability;
- h. The accuracy of the peak demand and energy forecasts compared to the previous integrated resource plan forecasts and an explanation for the causes of any deviation from the previous integrated resource plan forecasts;
- i. The risk of fuel supply disruption due to extreme weather or market events; and
- j. How the electric public utility intends to reconcile potential jurisdictional differences in resource selection.

69-09-12-05. Cybersecurity

- 1. An electric public utility shall meet with the Commission annually to report on cybersecurity preparedness.
- 2. The report must provide:
 - a. Information on the policies, procedure, and process used to inform the management of cybersecurity risk;
 - b. Information on any critical technology, constraints related to procurement, supply chain risk, impact of compromise to the supply chain, and controls to manage risk associated with dependency on external entities;
 - c. An assessment of emerging threats and efforts taken by the electric public utility to implement cybersecurity measures;
 - d. A description of the process used to support compliance with applicable standards, laws, regulations, and best practices;
 - e. A description of the policies and protections used to ensure the security of information and operational systems and safeguard against loss of confidential information;
 - f. Information on activities to monitor, detect, and analyze information related to cybersecurity threats;
 - g. Information on the systems used for collaboration and communication of information and intelligence sharing;

- h. Information on activities used to address a detected cybersecurity incident, contain impacts, limit potential damage, and manage consequences of a cyber incident; and
 - i. Information on any plans to maintain resilience and business continuity, timely recovery to normal operations, and corrective actions after occurrence of an incident.
- 3. The commission shall close the meeting to discuss the cybersecurity report, unless the commission orders otherwise.

APPROVED

DATE: 04/13/2022
PST

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Resource Plans and Cyber Security
Rulemaking

Case No. PU-22-163

MOTION

April 13, 2022

I move the Commission propose a new chapter of 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, Resource Plans and Cyber Security, Rulemaking, PSC Case No. PU-22-163.

New Chapter 69-09-12

Resource Plans and Cybersecurity

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Resource Plans and Cyber Security
Rulemaking

Case No. PU-22-163

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- g. Opportunities for existing and planned transmission facilities to reduce congestion, transmission line losses, energy costs, and to increase export or import capability;
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69-09-12-05. Cybersecurity

- 1. An electric public utility shall meet with the Commission annually to report on cybersecurity preparedness.
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 - a. Information on the policies, procedure, and process used to inform the management of cybersecurity risk;
 - b. Information on any critical technology, constraints related to procurement, supply chain risk, impact of compromise to the supply chain, and controls to manage risk associated with dependency on external entities;
 - c. An assessment of emerging threats and efforts taken by the electric public utility to implement cybersecurity measures;
 - d. A description of the process used to support compliance with applicable standards, laws, regulations, and best practices;
 - e. A description of the policies and protections used to ensure the security of information and operational systems and safeguard against loss of confidential information;
 - f. Information on activities to monitor, detect, and analyze information related to cybersecurity threats;
 - g. Information on the systems used for collaboration and communication of information and intelligence sharing;

- h. Information on activities used to address a detected cybersecurity incident, contain impacts, limit potential damage, and manage consequences of a cyber incident; and
 - i. Information on any plans to maintain resilience and business continuity, timely recovery to normal operations, and corrective actions after occurrence of an incident.
- 3. The commission shall close the meeting to discuss the cybersecurity report, unless the commission orders otherwise.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Resource Plans and Cyber Security
Rulemaking

Case No. PU-22-163

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

April 13, 2022

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address a proposed new Chapter to North Dakota Administrative Code 69-09-12 regarding Resource Plans and Cybersecurity.

A public hearing will be held on the proposed rules at 9:00 a.m. Central Time on 26 May 2022, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. Written comments may be submitted to the Public Service Commission until the close of business on 6 June 2022.

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

Case No. PU-22-163 – New Chapter 69-09-12 – Resource Plans and Cybersecurity

The purpose of this new Chapter is to guide the process of resource planning and annual cybersecurity report for investor-owned utilities in the state. The proposed rulemaking provides further clarification for the implementation of SB 2313 enacted during the most recent legislative session.

The proposed change is expected to have an impact on the regulated community in excess of \$50,000.

The proposed rule 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 rule 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 "Formal Actions/Case Search".

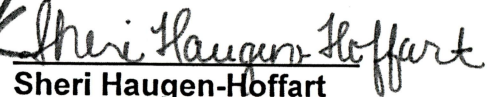
Interested persons may attend and submit comments at the hearing. Oral or written comments on the proposed rules may be submitted to the above address, email and phone numbers. Oral and written comments received by the close of business on **6 June 2022** will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please notify the Public Service 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
Chairman


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STATE OF NORTH DAKOTA
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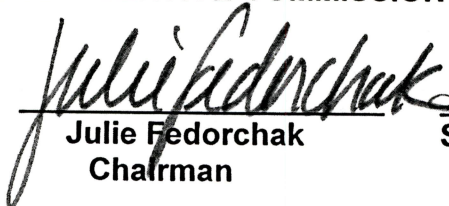
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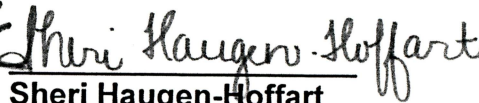
The proposed rule may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rule and/or a regulatory analysis may be requested by writing the above address, emailing ndpsc@nd.gov, 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 "Formal Actions/Case Search".

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

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chairman


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Commissioner



Affidavit of Publication

Hannah Hertz, being duly sworn, states as follows:

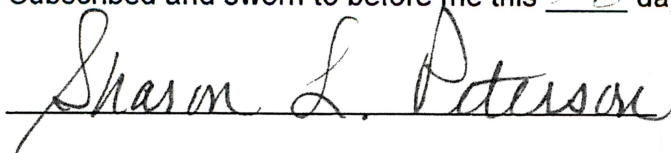
1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **Public Service Commission, Administrative Rules- Public Service Commission Case No. Pu-22-163, 1 time(s)** as required by law or ordinance with the exception of the Minot Daily News. The notice was scheduled but not published until May 13. Please see included memo.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: 

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 23 day of May, 2022.



SHARON L. PETERSON
 NOTARY PUBLIC
 STATE OF NORTH DAKOTA
 MY COMMISSION EXPIRES NOV. 08, 2025



Date: May 23, 2022

To: ND Public Service Commission

From: Hannah Hertz, Advertising and Public Notice Coordinator

Re: Publishing of public notice

As was requested, the North Dakota Newspaper Association scheduled and ordered the insertion of your public notice into the requested official county papers.

The Minot Daily News did not publish the administrative rules notice as requested on April 18, 2022. The notice was printed on May 13, 2022 but that is less than the 20 day period required.

Technically, you did your part by requesting the notice be published. NDCC 28-32-10 (a) states "the agency shall request publication. . ." The old language was "must be published". So, your department is covered according to the current law.

Please feel free to contact Sarah Elmquist Squires, NDNA Executive Director with any further questions.

Thank you.



ORGAN DONATION A GIFT FOR LIFE Type 1 diabetic suffers kidney failure

Continued from page 1

Jade Schroeder laughs easily enough, he just doesn't have much to laugh about.

He's accepted his fate, despite knowing a new kidney would give him a new lease on life, a dog and the opportunity to hunt again and possibly even travel a bit. It's a dream he's hoping to live someday.

His kidneys started to fail 20 years ago, a failure contributed to his diabetes and a fever that attacked his pancreas. He suffered a stroke along the way. Jade knows hardships, battled depression and suffered through an array of emotional issues.

Strapped to dialysis machine 10 hours a day is simply another issue he's had to deal with, yet there's no denying the physical and emotional toll it takes.

"I'll get through it, like I've got through everything in life. Considering what I've put my body through, I'm the luckiest I could ever imagine being."

"I'm still alive and kicking. It's a wonderful thing."

Type 1 diabetic

Jade Schroeder was 16 when he was diagnosed as a Type 1 diabetic.

A 1985 graduate of Harvey High School, Schroeder attended and graduated from Bismarck Junior College before going to work for DeS Auto and Trailer Sales in Mandan as a welder-fabricator.

He was running "the show in the shop, fixing everything that was broke."

Schroeder "cut his teeth" on welding and fabricating at Faul Manufacturing in Harvey, working under Steve Sherrock, when he was 15 years old.

He also worked for the Schroeder family furniture store, hauling furniture and laying carpet.

It was there where his grandfather, Gerald F. Schroeder, pushed him out the door with instructions to sweep the sidewalk and wash the windows.

"I was pretty little when he put me to work," Jade recalls.

"Those were the days, but I was taught how to do a good job."

Today, Jade Schroeder doesn't like having to choose between a half full cup or a half empty cup kind of guy.

"I have a cup, that's all I know."

He's hopeful of receiving a kidney, of course, preferably from a live donor. A kidney from a dead donor would give him a good 10 years, at the most.

Mother Sheila Schroeder is forever holding out hope.

"Yes, we're hoping there will be a donor one of these days."

We have to have hope, she intimated.

Jade tells of growing up in Harvey and knowing just about everyone in town.

"I've few know of him now, today."

"They don't hear or see,

Transplant donors needed

Jade Schroeder and Jason Anhorn, both of Harvey, are on waiting lists for kidneys. While both men are kept alive by dialysis, a 10-hour daily treatment that takes over for their failed kidneys, Jade and Jason know that a successful transplant offers a better quality of life.

Established in 2003, National Donate Life month is observed in April and helps encourage Americans to register as organ donors. March was National Kidney Month, a time when the nation focused its attention on kidney disease, empowering those at risk to prevent it and educating people with kidney disease on how they can manage it.

Registering to be a donor can be as easy as checking a box on your driver's license application.

Individuals interested in donating a kidney are urged to contact Sanford Hospital in Bismarck (701-323-2833) for more information.

Jason and Jade are hoping there's someone in the expanded readership of The Herald-Press who is interested in donating a kidney.

They can call Sanford in Bismarck or Fargo to begin the process. Testing can be done anywhere in the U.S.; actual surgeries are done in Fargo and Bismarck and of course the Mayo Clinic in Rochester, Minnesota.

The families of Jason Anhorn and Jade Schroeder are praying there are prospective donors who can help Jason and Jade.

"Thank you for considering the Gift of Life, you are my superhero."

anything of me. I'm here, in this apartment, connected to this contraption. My life is this apartment."

Meanwhile, fewer yet know that he needs a kidney.

He would like to announce to the world: "Here I am, I need your help. Can you help me?"

While he waits, memories and dreams occupy his thoughts. Dreams of hunting and fishing have become repetitive but remain exciting. The thought of seeing his sister's home in Hastings, Minnesota for the first time is at the top of his bucket list.

The dream Jade Schroeder cherishes the most has him "spreading his wings and experiencing life again."

With a dog at his side, preferably a yellow Lab, thank you.

PROCEEDINGS OF THE HARVEY CITY COUNCIL REGULAR MEETING Wednesday March 9, 2022 5:30 p.m. City Hall

Note: All motions unanimously passed unless otherwise stated.

Vote: M-Motion, MS-Motion Second, VV-Voice Vote, RCV-Roll Call Vote, MC-Motion Carried.

The Harvey City Council met at City Hall on Wednesday, March 9, 2022, at 5:30 p.m.

Present were Mayor Rick Eckart, Council Members Shelley Svoboda, Milo Baltusch, Chris Kara, and Ann Adams. Council Member Melissa Anderson was present via Zoom. Also present were Auditor Karen Nordby, Public Works Director Kenny Erickson, JDA Director Dr. Paul Gunderson, Police Chief Tony Webb, and Terri Powers. Council Member Susan Barry was absent.

VISITORS: Pastor Jeff Blomquist, Tammy and Abby Shank, Robert Shank, Heidi, Robert and Karla Luckick, Jess, Sarah, Grant, Carson, and Zoe Helmreich, Paul Neuharth, Maric Eckart, and Neil Nelson.

Mayor for the Day Abby Shank opened the Regular Council Meeting.

The Invocation was led by Pastor Jeff Blomquist.

JDA REPORT: Dr. Paul Gunderson's report was in the packet for the council review. Gunderson had a very busy February week with numerous entrepreneurs. He stated that the attendance for the first House Community Partnership meetings was low due to the weather and other activities going on. He's looking forward to the next two meetings.

POLICE REPORT: Chief Webb's report was in the packet for the council review. He reported the Council of Officer Blomquist's letter of resignation. March 20, 2022, will be his last day. Webb updated the Council on the progress of Officer Webb's employment. The new computer for the PD was presented with the updated information from West Associates. M by Svoboda, MS by Baltusch to approve the estimate for \$1200 to replace the computer. Upon VV, MC, Mr. Tony has moved all of his department's things to his new location on South Ave including the evidence room.

PUBLIC WORKS REPORT: Public Works Director Erickson's report was in the packet for the council review. He presented the Council with a quote from Stearns Controls Co. to do a Water Department Computer Controls Upgrade for \$128,200. M by Adams, MS by Svoboda to approve funding options for the upgrade. Upon VV, MC, M by Baltusch, MS by the upgrade. Upon VV, MC, M by Adams, MS by Svoboda to purchase the lighting, even if the city doesn't receive grant and cannot approve any portion of the cost.

AUDITOR REPORT: Nordby's report and the financials are in the packet for the council review. She reviewed Moore Engineering Engineer's Report with the Council. The Council discussed the options for Highway 52 bypass system. This Ordinance does not apply to the Council to write a letter of objection to the Alternates C. They feel that will be the best option for the City of Harvey.

MINUTES: M by Adams, MS by Kara to approve the minutes of the Regular Council Meeting on February 9th, 2021. Upon VV, MC.

CASH REPORT: M by Adams, MS by Baltusch to approve the Auditor's Cash Report as submitted with February's report of \$887,666.75. Upon RCV, MC.

VOUCHERS: M by Adams, MS by Baltusch to approve the vouchers with expenses of Alaska Solutions, Inc. 139.85, Aramark 257.74, West ND 1464.88, Black Mountain Postage 18651, Blue 560 Media 304.98, Central Concrete 180.00, North Dakota Family Physicians 108, City of Harvey 300, Cobblestone Inc 8, Sules 50, Creative Product Source, Inc. 137.02, D&B 100, Drive Chevrolet 567.29, Expressway Supplies 171.90, Farmer's Union 214, C. O'Brien 636.22, Excavating 6429.88, Ferguson Waterworks LLC 1251.09, Galla Inc. 432, Grand Forks Fire Equip. 2723.25, Harvey Park District 2048.73, HAVT Recycling 1808, HAVT Services 754, Hawkins Inc. 2442.47, High Plains Energy 666.97, Michaels Super Value 787.57, HomeTown Variety 135.98, Information Technology Dept. 86.45, Interstate Engineering, Inc. 8878.60, Jeanne Thompson 118.68, John Deere Financial 211.68, Keith Olson 3799.84, Lerner's Ace 193.24, Leo McGee 153.15, Lori Ketter 120, Martha Miranda 45, Napco Auto Parts 96.65, NAPS 39, ND TC 3126.57, ND Dept. of Health 154, ND League of Cities 30, Nova Fire Protection Inc. 155, Nuline Insurance 50, Nynas Law Firm 104.00, Ocular Care Co. 7853.82, Ocular Care Co. 7853.82, P. J. Spencer's Snow Removal 239, Rough Rider Industries 1374, S. Abaloski 1000.00, 3500, Puck's 113.24, Stewchra 1146, Subway 247.11, Swanson Equipment Corp. 780.26, The Radio Shop 401, Tony Webb 100.00, Tractor Supply Co. 184.44, Uram, Linc. Co. 206.88, USPS 265.51, Verendrye Electric Coop. 393, Weitzon 447.66, West 5210, West Associates 204.02, Water Environment/Federation 90, West Associates, LLC 6700.68, Woody's Service & Supply 100.00.

REPORT 20, Zions Bank 400, and February Payroll \$88,582.16. Upon RCV, MC.

UNRESOLVED BUSINESS: AFRANCHISE UPDATE: M by Erickson to report.

FARM LEASES: Kenny SCHWIG was in the office earlier in the week and asked Kara to approve the Council to allow his farmland to be used as last year. The Council stated that the amount of the \$600 per acre increase.

RECBOARD: M by Baltusch to approve to accept Mayor Eckart's appointment of Trista Zeno and to discuss to the Harvey City Council for three-year terms as at large members. Upon VV, MC.

BACKFLOW PREVENTION ORDINANCE: M by Adams, MS by Baltusch to dispense of reading the second reading of the ordinance and to dispense of the ordinance. M by Adams to adopt the 2nd reading of the Backflow Prevention Ordinance as presented in the council pack. Upon VV, MC.

ORDINANCE NO. 2022-01

AMENDING CHAPTER 7 OF THE HARVEY CITY ORDINANCES AS IT RELATES TO BACKFLOW PREVENTION PROVISIONS FOR THE CITY OF HARVEY THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

CHAPTER 7. THEREFOR, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF HARVEY, that:

1. The ordinance be amended to read as follows:

(1) Purpose: The purpose of this Ordinance is to protect the public water system from contamination that could enter the distribution system by backflow from a customer's water supply system through the service connection.

(2) Authority: The authority of this Ordinance is contained in the following documents:

a. North Dakota Administrative Code 33.1-17-01 Protection of Public Water Systems

b. 2018 North Dakota Plumbing Code

c. 2018 Uniform Plumbing Code

(3) Authority: The authority of this Ordinance is to enforce all service connections within the city of Harvey to determine if the connection is a cross-connection.

The public water system shall have the authority to control all service connections within the city of Harvey to determine if the connection is a cross-connection.

The public water system may control any service connections within the distribution system in lieu of a survey if the service connection is a cross-connection or reduced pressure zone backflow prevention assembly.

The public water system may collect fees for the installation, testing, and repair of backflow prevention assemblies installed for containment and protection by isolation purposes.

Except as otherwise provided herein, the public water system shall administer, implement and enforce all provisions of this Ordinance.

(3) Applicability: This Ordinance applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the City who are, by contract or agreement with the public water system, installing, testing, or repairing a service connection. This Ordinance does not apply to private residential service connections unless the public water system becomes aware of a cross-connection at the single-family connection.

(4) Definitions:

a. "ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

b. "AIR GAP" is a physical separation between water flowing discharge and a potable water supply pipeline and an open or non-pressure receiving vessel installed in a discharge line.

c. "BACKFLOW" means the undesirable return of flow of water or mixtures of water and other liquid, gasses, or vapors into the public water system distribution system by backflow or sources other than its intended source.

d. "BACKFLOW CONTAMINATION EVENT" means backflow into a service connection from an uncontrolled cross-connection such that the water quality no longer meets the North Dakota Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

e. "BACKFLOW PREVENTION ASSEMBLY" means any mechanical assembly installed at a service connection or at a plumbing fixture to prevent a backflow contamination event.

f. "BACKFLOW PREVENTION METHOD" means any method or non-testable device installed at a service line or at a plumbing fixture to prevent a backflow contamination event.

g. "CERTIFIED CROSS-CONNECTION CONTROL TESTER OR REPAIRER" means a person who has been certified by the Prevention Assembly Test Certification from one of the following approved organizations: American Backflow Prevention Association (ABPA), a certification has expired, the certi-

ication is invalid.

h. "CONTAINMENT" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system, location, facility, or area such that backflow from the service connection into the public water system is prevented.

i. "CONTAMINANT BY ISOLATION" means the installation of a backflow prevention assembly or a backflow prevention method at all cross connections identified within a customer's water system that backflow from a cross connection into the public water system is prevented.

j. "CONTROLLED" means having a properly installed, maintained, and tested backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

k. "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public.

l. "CROSS CONNECTION" means any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

m. "MULTI-FAMILY" means a single residential connection of the public water system distribution system from which two or more separate dwelling units are supplied water.

n. "MULTI-FAMILY DWELLING" means:

i. A single dwelling which is occupied by a single family and is supplied by a separate service line.

ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

iii. "UNCONTROLLED" means not having a properly installed and maintained and tested backflow prevention assembly or backflow prevention method, or the backflow prevention method does not prevent backflow through a cross connection.

iv. "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

a. Commercial, industrial and multi-family service connections shall be subject to a survey for cross-connections. If a cross-connection has been identified an appropriate backflow prevention assembly or backflow prevention method shall be installed within 60 days of its discovery. The assembly shall be installed by a certified cross-connection control technician at a location as deemed practical by the public water system. If the assembly or method is not installed within 60 days of the public water system must take action to correct or remove the cross-connection, suspended service, or non-compliance with the alternative compliance schedule from the North Dakota Department of Environmental Quality.

b. In an assembly or method that has connections or less between the meter and the containment device, the following shall apply:

i. In instances where a reduced pressure principle backflow preventer cannot be installed, a reduced pressure zone backflow prevention device or methods at all cross-connections within the owner's plumbing system.

ii. Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.

c. Provisions shall be made to provide access to the backflow preventer for testing and reduced pressure principle backflow preventers shall be conveyed through the meter which does not impact valves of the state.

d. All assemblies and methods shall be protected from tampering and the assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing.

e. Compliance:

i. Customers shall cooperate with the installation, inspection, testing, maintenance, and repair of backflow prevention assemblies and methods at all cross-connections. The public water system shall complete one of the following actions within 120 days:

i. Control the cross connection

ii. Remove the cross connection

iii. Suspend service to the cross connection

b. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public water system's distribution system through an uncontrolled cross-connection and to the owner of the order shall state that the owner must install a backflow prevention assembly or method at each cross-connection to the owner's water system to contain the water service. The notice and order will give the owner 30 days to make repairs.

i. In instances where a backflow prevention assembly or method cannot be installed, the owner must install a device to prevent cross-connections within the owner's water supply system. The notice and order will give the owner 30 days by which the owner must comply.

ii. Violations and Penalties.

a. Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.

i. Conflict with other codes

ii. In a dispute or conflict arises between the North Dakota Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

Introduction and first reading on: February 9, 2022

NEW BUSINESS: LETTER OF RESIGNATION FOR HARVEY CITY COUNCIL: Letter of Resignation from Council Member Susan Barry, M by Baltusch, MS by Svoboda to accept her resignation. Upon VV, MC.

LEMER'S GREENHOUSE: Lerner's Ace Hardware requested use of the parking lot at the corner of 10th Street and Linn Street to construct a greenhouse. M by Adams, MS by Svoboda to approve the rental of the lot April 29th, 2022, until June 11th, 2022. They will need to make sure the lot is cleaned, once the greenhouse is taken down. The deposit will be returned with the daily rental agreement. Upon VV, MC.

HARVEY AIRPORT AUTHORITY BOARD MEMBER: M by Adams, MS by Kara to accept the appointment of Dusty Buchhalter to the Harvey Airport Authority Board by Mayor Eckart. Upon VV, MC.

SITE AUTHORIZATIONS: M by Baltusch, MS by Anderson to approve the Site Authorization for the Wells Aerie #2000 FOC to conduct games at B-52 Roadhouse & Lanes, Krzyzowski Bar & Grill, and Harvey Eagles Club provided at the meeting. Upon VV, MC.

JD MINUTES: JDA Minutes from the February 2022 meeting was included in the packet.

HARVEY AIRPORT AUTHORITY MINUTES: Harvey Airport Authority Minutes from the March 3rd, 2022 meeting was included in the packet.

M by Baltusch, MS by Kara to accept from meeting. Upon VV, MC.

Rick Zastoy, Mayor
Karen Nordby, Auditor

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Public Service Commission
Resource Plans and Cyber Security
Reimbursement

Case No. PU-22-163

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

April 13, 2022

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to be held on the proposed rules at:

Commission Hearing Room
12th floor, State Capitol
Bismarck, North Dakota
9:00 a.m., Central Time
Thursday, May 26, 2022

Written comments may be submitted to the Public Service Commission until the close of business on June 2, 2022.

The proposed rule may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, 600 Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rule and/or a regulatory analysis may be requested by writing the above address, emailing adps@nd.gov, or calling 701-328-2400, toll free 1-877-245-6863. Reply North Dakota TTY 1-800-366-6888. This information is also available on the Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

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

PUBLIC SERVICE COMMISSION
Randy Christman, Commissioner
Julia Fedoruk, Chairman
Sheri Haugen-Hoffert, Commissioner

Notice to Creditors

NOTICE TO CREDITORS IN THE DISTRICT COURT OF WELLS COUNTY, STATE OF NORTH DAKOTA
Probate No. 92-2022-PR-0010
IN THE MATTER OF THE ESTATE OF CYNTHIA K. FAUL, DECEASED
NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the decedent are required to present their claims within three months after the date of the first publication or mailing of this notice or the claims will be forever barred. Claims must be presented to Nynas Law Firm, which represents the Personal Representative of this estate, or filed with the Court.
Dated this 14th day of April, 2022
Christopher A. Nynas, ND Id. No. 06229
Nathan F. Steinhilber, ND Id. No. 02008
NYNAS LAW FIRM
P.O. Box 2268
5115 E. Broadway Ave., Suite 101
Bismarck, ND 58502
701.751.2262
Attorneys for the Estate of Cynthia K. Faul
(4-23, 30, 9-5-2022)

North Dakota Newspaper Association

1435 Interstate Loop
Bismarck, North Dakota 58503
Phone: 1-701-223-6397 Fax: 1-701-223-8185

INVOICE

May 23, 2022

Order: 22044PP1

Invoice# 12177

Attn: Public Service Commission Contact	
Public Service Commission	
600 E. Blvd Ave. Dept 408	
Bismarck, North Dakota 58505	
Voice: 1-701-328-4076	Fax:

Advertiser: **Public Service Commission**

Brand:

Campaign:

Client Order Number:

Amount Due: \$4,619.64

Please detach and return this portion with your payment

Public Service Commission Invoice# 12177 P.O.#: Client Order Number:

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
Ashley Tribune (Ashley, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Beach, Golden Valley News (Beach, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Beulah, The Beacon (Beulah, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bismarck Tribune (Bismarck, North Dakota)									
04/22/2022	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Bottineau Courant (Bottineau, North Dakota)									
04/19/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bowbells, Burke County Tribune (Bowbells, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bowman County Pioneer (Bowman, North Dakota)									
04/22/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cando, Towner County Record Herald (Cando, North Dakota)									
04/23/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
Carrington, Foster County Independent (Carrington, North Dakota)									
04/18/2022	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
04/25/2022	12.00	Notice A Line	\$0.73		\$8.76	\$0.00	(0.00%)	\$8.76	
Caption: Administrative Rules- Public Service Commission Case No. PU-22-163									
Subtotal:	24.00		\$0.73	\$0.00	\$8.76	\$0.00		\$8.76	
Carson Press (Elgin, North Dakota)									
04/21/2022	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
04/28/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	24.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cavalier Chronicle (Cavalier, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Center Republican (Hazen, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cooperstown, Griggs County Courier (Cooperstown, North Dakota)									
04/22/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Crosby, The Journal (Crosby, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Devils Lake Journal (Devils Lake, North Dakota)									
04/19/2022	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
Dickinson Press (Dickinson, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Elgin, Grant County News (Elgin, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Ellendale, Dickey County Leader (Ellendale, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Fargo, The Forum (Fargo, North Dakota)									
04/20/2022	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Finley, Steele County Press (Finley, North Dakota)									
04/22/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Garrison, McLean County Independent (Garrison, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Grafton, Walsh County Record (Grafton, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.71		\$80.52	\$0.00	(0.00%)	\$80.52	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.71	\$0.00	\$80.52	\$0.00		\$80.52	
Grand Forks Herald (Grand Forks, North Dakota)									
04/20/2022	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Harvey, The Herald-Press (Harvey, North Dakota)									
04/23/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Hettinger, Adams County Record (Hettinger, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Jamestown Sun (Jamestown, North Dakota)									
04/20/2022	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
LaMoure Chronicle (LaMoure, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Lakota American (Lakota, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Linton, Emmons County Record (Linton, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Lisbon, Ransom County Gazette (Lisbon, North Dakota)									
04/18/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Mandan News (Mandan, North Dakota)									
04/22/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Mayville, Traill Co Tribune (Mayville, North Dakota)									
04/23/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:		12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
McClusky Gazette (McClusky, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Medora, Billings County Pioneer (Beach, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Milnor The Sargent County Teller (Milnor, North Dakota)									
04/22/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Minnewaukan Benson County Farmers Press (Minnewaukan, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Minot Daily News (Minot, North Dakota)									
04/18/2022	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
05/13/2022	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	24.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Mohall Renville County Farmer (Mohall, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Napoleon Homestead (Napoleon, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
New England, Hettinger County Herald (New England, North Dakota)									
04/21/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
New Rockford Transcript (New Rockford, North Dakota)									
04/18/2022	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
04/25/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	24.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Rolla Turtle Mountain Star (Rolla, North Dakota)									
04/18/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Rugby Pierce County Tribune (Rugby, North Dakota)									
04/23/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Stanley Mountrail County Promoter (Stanley, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Steele Ozone & Kidder County Press (Steele, North Dakota)									

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Towner Mouse River Journal (Towner, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Valley City Times-Record (Valley City, North Dakota)									
04/19/2022	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
Wahpeton, Daily News (Wahpeton, North Dakota)									
04/19/2022	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
Watford City, McKenzie County Farmer (Watford City, North Dakota)									
04/20/2022	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Williston Herald (Williston, North Dakota)									
04/20/2022	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: Administrative Rules- Public Service Commission Case No. Pu-22-163									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	

Gross Advertising	\$4,619.64	Total Misc	\$0.00	Amount Paid	\$0.00
Agency Discount	\$0.00	Tax	\$0.00	Adjustments	\$0.00
Other Discount	\$0.00	Total Billed	\$4,619.64	Payment Date	
Service Charge	\$0.00	Unbilled	\$0.00	Balance Due	\$4,619.64

If you'd like to pay your invoice online, go to www.ndna.com/billpay. We accept Visa/Mastercard. A 3% fee will automatically be added to your total. We also accept checks and ACH, with no additional fee added. Contact Rhonda at rhondaw@ndna.com or 701-595-7311 for ACH information. Thank you!



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

hand delivered

19 April 2022

APR 19 2022

Jill Grossman
Administrative Rules Code Reviser
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Re: Notice of Intent to Amend Administrative Rules
PSC Case Number PU-22-163

Dear Ms. Grossman:

The Public Service Commission recently passed a motion to propose changes to its administrative rules and issue notices.

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 contact me.

Best Regards,

John Schuh
General Counsel

attachments

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Resource Plans and Cyber Security
Rulemaking**

Case No. PU-22-163

**Statements on Regulatory Analysis, Small Entity Analysis,
and Takings Assessment**

April 19, 2022

The Commission is proposing a new Chapter to North Dakota Administrative Code, Chapter 69-09-12 regarding Resource Plans and Cybersecurity.

Regulatory Analysis

N.D.C.C. § 28-32-08 requires an agency to prepare a regulatory analysis if the rule is expected to have an impact on the regulated community in excess of fifty thousand dollars, or if one is requested as provided in the law. The law provides, in part:

The regulatory analysis must contain:

- a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
- b. A description of the probable impact, including economic impact, of the proposed rule;
- c. The probable costs to the agency or commission of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
- d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency or commission and the reasons why the methods were rejected in favor of the proposed rule.

N.D.C.C. § 49-05-17 provides that the Commission may require an electric public utility to pay a fee necessary to complete an evaluation of an integrated resource plan in an amount not to exceed \$250,000. The proposed rules implement the procedure and requirements to conduct an evaluation.

- a. The classes of persons that will be affected are North Dakota investor-owned utilities (IOUs) and the ratepayers that receive their service. The IOUs pay a fee for the commission to conduct the evaluation. The fee is ultimately paid for by the ratepayers. The evaluation of least-cost planning of generation resources is intended to ensure reliable and cost-effective service for the ratepayers.
- b. The probable economic impact of the fee will be negligible on an IOU and on an individual ratepayer basis.
- c. The authority to evaluate integrated resource plans existed within commission authority prior to the enactment of 49-05-17. There is no foreseeable impact on state revenues or costs to the agency from the implementation or enforcement of the proposed rules.
- d. The administrative rules were drafted with engagement from the IOUs. An alternative proposal would have resulted in the commission opening an investigation into every integrated resource plan. The commission opted to propose rules that would allow the commission to open an investigation and assess a fee as needed.

Takings Assessment

N.D.C.C. § 28-32-09 requires an entity to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property.

The proposed rules should have no constitutional takings implications or limit the use of private property.

Small Entity Regulatory Analysis

N.D.C.C. § 28-32-08.1 requires that before adoption of any proposed rule, the adopting agency prepare a regulatory analysis in which the agency considers options to minimize adverse impact on small entities. The law provides, in part:

The agency shall consider each of the following methods of reducing impact of the proposed rule on small entities:

- a. Establishment of less stringent compliance or reporting requirements for small entities;
- b. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small entities;
- c. Consolidation or simplification of compliance or reporting requirements for small entities;

- d. Establishment of performance standards for small entities to replace design or operational standards required in the proposed rule; and
- e. Exemption of small entities from all or any part of the requirements contained in the proposed rule.

The proposed rules impact three investor-owned utilities, Montana-Dakota Utilities Company, Otter Tail Power Company, and Northern States Power Company. No small businesses, organizations, or political subdivisions are impacted by the proposed rules.

Small Entity Economic Impact Statement

No adverse economic impact is expected for small entities, consumers or private persons, or state revenues.

Statement of No Fiscal Impact

The rules have no fiscal effect.

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, April 19, 2022 9:32 AM
To: Pollert, Chet A.; Wardner, Rich P.
Cc: Schuh, John M.; Schock, Victor F.
Subject: Proposed Rules from the North Dakota PSC
Attachments: Enrolled Senate Bill 2313.pdf; Attachment - Full Notice.pdf; Attachment - Rules as originally proposed.pdf

Senator Wardner and Representative Pollert,

Attached is the Notice and proposed Rules recently introduced by the Public Service Commission during our 13 April Commission meeting.

The purpose of proposed Rules are to produce a new Chapter to guide the process of resource planning and annual cybersecurity report for investor-owned utilities in the state.

This proposed rulemaking provides further clarification for the implementation of SB 2313 enacted during the most recent legislative session.

Best regards,
John

John G. Hamre
North Dakota Public Service Commission
600 E. Blvd. Ave.
Dept. 408
Bismarck, ND 58505-0480
701-224-8091
jghamre@nd.gov

Hamre, John G.

From: Hamre, John G.
Sent: Tuesday, April 19, 2022 1:42 PM
To: Dave Sederquist (dave.sederquist@xcelenergy.com); Travis Jacobson (travis.jacobson@mdu.com); 'Stuart Tommerdahl'
Cc: Schuh, John M.; Schock, Victor F.; Frank, Robert M.
Subject: ND PSC Proposed Rules
Attachments: Attachment - Full Notice.pdf; Attachment - Rules as originally proposed.pdf

RE:
Proposed Rules PU-22-163
Resource Plans and Cyber Security

Attached is the Notice and proposed Rules recently introduced by the Public Service Commission during our 13 April Commission meeting.

The purpose of proposed Rules are to produce a new Chapter to guide the process of resource planning and annual cybersecurity report for investor-owned utilities in the state. This proposed rulemaking provides further clarification for the implementation of SB 2313 enacted during the most recent legislative session.

Best regards,
John

John G. Hamre
North Dakota Public Service Commission
600 E. Blvd. Ave.
Dept. 408
Bismarck, ND 58505-0480
701-224-8091
jghamre@nd.gov

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Resource Plans and Cyber Security
Rulemaking**

Case No. PU-22-163

STAFF TESTIMONY

May 26, 2022

My name is Adam Renfandt. I am a public utility analyst with the Public Service Commission. The purpose of my testimony is to explain and provide support for a new Chapter to North Dakota Administrative Code 69-09-12 regarding resource plans and cybersecurity. The purpose of this new chapter is to guide the process of resource planning and annual cybersecurity reporting for investor-owned utilities in the state. The proposed rulemaking provides further clarification for the implementation of SB 2313 enacted during the most recent legislative session.

The proposed resource planning rules include a requirement that an investor-owned utility must file a resource plan on a three-year cycle that would identify the resources to meet its forecasted capacity and energy needs over a horizon of at least fifteen years. Such a requirement would provide a forward-looking and proactive opportunity for the Commission to assess and influence a utility's plan for power plant additions and retirements and a utility's plan for providing reliable and resilient electric service.

The proposed resource planning rules include a requirement that each utility shall identify a mix of supply- and demand-side resources that would comprise a North Dakota preferred resource plan. Such resources would be selected after weighing

several scenarios against one another and analyzing each one using a variety of sensitivities. The rules require that such a plan would be the least-cost plan for providing adequate, safe, and reliable electric service consistent with North Dakota energy policy. The proposed rules also require each utility to consider several types of generation along with the additional transmission facilities necessitated by such generation. Upon request of a utility, the Commission may approve, reject, or modify the resource plan, and if the Commission were to make such a determination, the decision could be presented as prima facie evidence in other proceedings.

The proposed resource planning rules also require a utility to assess new technologies, the availability of natural gas in meeting electricity demand, the ability to maintain system resilience and reliability, and opportunities to develop North Dakota's energy infrastructure. Furthermore, the rules require the utility to assess the reliability and resilience of its resources during extreme weather events and correlated outages of natural gas units.

The proposed resource planning rules would allow the Commission to determine the benefits and costs a resource plan offers ratepayers over several years, to participate in a utility's resource planning efforts that operate across several state jurisdictions, and to engage each utility in development of investment and retirement plans that are made years in advance.

Also included is a proposed rule requiring each utility to meet with the Commission annually to report on their cybersecurity preparedness. The report would detail information related to processes and procedures used to inform management of cybersecurity risks, activities to monitor, detect and analyze cybersecurity threats,

protections in place to secure informational and operational systems, and plans to limit potential damage while maintaining business continuity. The utility would deliver the report to the Commission in a closed meeting, unless the Commission orders otherwise.

This concludes my testimony. I would be happy to answer any questions at this time. Thank you.

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)



May 24, 2022

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Dept 408
Bismarck, ND 58505-0480

**RE: In the Matter of the Public Service Commission Resource Plans and
Cyber Security Rulemaking
Case No. PU-22-163
Comments**

Dear Mr. Kahl:

Thank you for the opportunity to comment on the rules proposed in Case No. PU-22-163. Commission staff involved us early in the process and we have previously provided written and verbal feedback. We support the rules as drafted and look forward to participating in the new Integrated Resource Planning process.

Our current resource plan was filed September 1, 2021.¹ This will confirm our understanding that the current resource plan will not be subject to the proposed rules. As a multi-jurisdictional utility, our company plans its resources on a system-wide basis serving 130,000 customers across North Dakota, South Dakota, and Minnesota. Our resource planning decisions consider requirements from all jurisdictions and work to put forth one system-wide resource plan which benefits all customers through numerous efficiencies and economies of scale.

By considering a variety of scenarios, our company's goal has always been to focus on least-cost resource planning, but to also consider qualitative risks inherent in any plan under the broadest range of possible futures. Therefore, it may be more accurate to say that we have focused on finding the "least-cost / least-risk" plan.

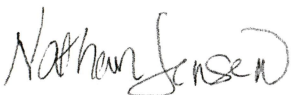
The proposed rules will require coordination with the Commission and staff to ensure a level of detail and analysis desired by the Commission in order to fulfill these new requirements.

¹ Otter Tail's September 1, 2021, filing *In the Matter of Otter Tail Power Company's Submittal of its 2022-2036 Integrated Resource Plan* in Case No. PU-21-380.

Mr. Kahl
May 24, 2022
Page 2

Please feel free to please contact me at njensen@otpc.com or (218) 739-8989 should you have any questions related to this letter.

Respectfully,



Nathan Jensen pp kw
Manager, Resource Planning

kaw
Enclosures
By electronic filing



2302 Great N. Drive
Fargo, North Dakota 58102
(701) 241-8632
dave.sederquist@xcelenergy.com

June 16, 2022

Steven M. Kahl, Executive Director
North Dakota Public Service Commission
State Capitol Building, Dept. 0408
600 East Boulevard
Bismarck, ND 58505-0480

Via U.S. and Electronic Mail

RE: IN THE MATTER OF THE PUBLIC SERVICE COMMISSION
RESOURCE PLANS AND CYBER SECURITY RULEMAKING
CASE NO. PU-22-163

Dear Mr. Kahl:

Thank you for the opportunity to comment on the proposed rules regarding Resource Plans and Cyber Security. We appreciate the willingness of Commission Staff to solicit feedback and engage with us during the development of the proposed rules. We support the proposed rules as drafted and look forward to further engagement with Commission Staff during the resource planning process.

Xcel Energy plans and operates an integrated Upper Midwest system that serves customers in five states. While we believe the integrated system provides benefits to our customers across the states we serve, in some instances we have procured resources that have not been accepted in all jurisdictions. We are hopeful that a North Dakota resource planning process will not only provide the Commission with information about our future plans, but also provide a forum to better identify and address Commission concerns in advance of resource acquisition decisions. Our resource plans provide a critical guide to achieving Company goals, procuring resources, and meeting our customers' needs safely and reliably. We believe the proposed rules will allow direction from the Commission to be better incorporated in our system plans.

Please contact me at (701) 241-8632 or via email at dave.sederquist@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

DAVID H. SEDERQUIST
SR. REGULATORY/FINANCIAL CONSULTANT
XCEL ENERGY

cc: Pat Fahn
Jack Schuh
Victor Schock
Adam Renfandt

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Comments
Northern States Power Company
David Sederquist

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Resource Plans and Cyber Security
Rulemaking**

Case No. PU-22-163

FISCAL NOTE

June 29, 2022

Adoption of the proposed rules in the captioned case is not expected to have a fiscal effect. North Dakota Century Code Section 49-05-17 provides that a fee may be assessed for the purpose of consulting or completion of an evaluation not to exceed two hundred fifty thousand dollars. As a result, no additional costs are anticipated to impact state revenue, expenditures, or agency funds.