

N.D. Cent. Code, § 49-22.1-06

Current through all legislation from the 68th Legislative Assembly - Special Session (2023).

**North Dakota Century Code Annotated > TITLE 49 Public Utilities (Chs. 49-01 — 49-24) >
CHAPTER 49-22.1 Energy Conservation and Transmission Facilities (§§ 49-22.1-01 — 49-22.1-24)**

**49-22.1-06. Application for a certificate — Notice of filing — Amendment —
Designation of a site or corridor.**

1. An application for a certificate must be in the form prescribed by the commission containing the following information:
 - a. A description of the size and type of facility.
 - b. A summary of any studies that have been made of the environmental impact of the facility.
 - c. A statement explaining the need for the facility.
 - d. An identification of the location of the preferred site for any gas or liquid energy conversion facility.
 - e. An identification of the location of the preferred corridor for any gas or liquid transmission facility.
 - f. A description of the merits and detriments of any location identified and a comprehensive analysis with supporting data showing the reasons why the preferred location is best suited for the facility.
 - g. A description of mitigative measures that will be taken to minimize all foreseen adverse impacts resulting from the location, construction, and operation of the proposed facility.
 - h. An evaluation of the proposed site or corridor with regard to the applicable considerations set out in [section 49-22.1-09](#) and the criteria established pursuant to [section 49-22.1-03](#).
 - i. Any other information as the applicant considers relevant or the commission may require.
2. After determining the application is complete, the commission shall serve a notice of filing of the application on those persons and agencies the commission deems appropriate and shall publish a notice of filing of the application in the official newspaper of each county in which any portion of the site or corridor is proposed to be located.
3. A copy of the application must be furnished to any person or agency, upon request to the commission within thirty days of either service or publication of the notice of filing.
4. An application for an amendment of a certificate must be in the form and contain the information as the commission prescribes.
5. The commission may designate a site or corridor for a proposed facility following the study and hearings provided for in this chapter. Any designation must be made in accordance with the evidence presented at the hearings, an evaluation of the information provided in the application, the criteria established pursuant to [section 49-22.1-03](#), and the considerations set out in [section 49-22.1-09](#) in a finding with reasons for the designation, and must be made in a timely manner no later than six months after the filing of a completed application for a certificate of site compatibility or no later than three months after the filing of a completed application for a certificate of corridor compatibility. The time for designation of a site or corridor may be extended by the commission for just cause. The failure of the commission to act within the time limits provided in this section does not operate to divest the commission of jurisdiction in any certification proceeding. The commission shall indicate the reasons for any refusal of designation. Upon designation of a site or corridor, the commission shall issue a certificate of site compatibility or a certificate of corridor compatibility with the terms, conditions, or modifications deemed necessary.

History

[S.L. 2017, ch. 328, § 24](#), effective July 1, 2017.

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