

[N.D. Cent. Code, § 49-22.1-07](#)

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)

49-22.1-07. Application for a permit — Notice of filing — Amendment — Designation of a route.

1. An application for a route permit for a gas or liquid transmission facility within a designated corridor must be filed no later than two years after the issuance of the certificate and must be in the form the commission prescribes, containing the following information:
 - a. A description of the type, size, and design of the proposed facility.
 - b. A description of the location of the proposed facility.
 - c. An evaluation of the proposed route 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](#).
 - d. 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.
 - e. A description of the right-of-way preparation and construction and reclamation procedures.
 - f. A statement setting forth the manner in which:
 - (1) The utility will inform affected landowners of easement acquisition, and necessary easement conditions and restrictions.
 - (2) The utility will compensate landowners for easements, without reference to the actual consideration to be paid.
 - g. Any other information the utility considers relevant or the commission requires.
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 designated corridor is 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 permit must be in the form and contain the information the commission prescribes.
5. The commission shall designate a route for the construction of a gas or liquid transmission facility following the study and hearings provided for in this chapter. This 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 49-22.1-06](#) 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. The time for designation of a route may be extended by the commission for just cause. The failure of the commission to act within the time limit provided in this section does not operate to divest the commission of jurisdiction in any permit proceeding. Upon designation of a route the commission shall issue a permit to the applicant with the terms, conditions, or modifications deemed necessary.

History

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

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