

## Thompson, Pamela J.

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**From:** Thompson, Pamela J.  
**Sent:** Wednesday, September 13, 2023 4:39 PM  
**To:** Nisbet, Alex J; Jacobson, Travis; 'Stuart D. Tommerdahl'; cstephenson@otpc.com  
**Cc:** Johnson, Brian L.  
**Subject:** ND PSC Proposed Rules  
**Attachments:** Proposed Administrative Rules.pdf; Full Notice.pdf

*RE: Proposed Rules PU-23-264  
Emerging Threats*

Attached are the proposed administrative rules; and Full Notice approved by the Public Service Commission during the 06 September Commission Meeting.

This proposed rulemaking is for implementation of HB 1353 enacted during the most recent legislative session.

Best regards,

**Pamela Thompson**  
*Executive Assistant*

701.328.4096 • [pthompson@nd.gov](mailto:pthompson@nd.gov) • [www.psc.nd.gov](http://www.psc.nd.gov)

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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**Emerging Threats**  
**Rulemaking**

**Case No. PU-23-264**

CHAPTER 69-09-12

RESOURCE PLANS AND ~~CYBERSECURITY~~SECURITY

Section

69-09-12-01 Definitions

69-09-12-02 Resource Plan Procedure

69-09-12-03 Resource Plan Attributes

69-09-12-04 Filing Requirements

69-09-12-05 Security

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.

5. "Security" means physical security and cybersecurity.

History: Effective January 1, 2023; amended effective \_\_\_\_\_.

General Authority: NDCC 49-02-04

Law Implemented: NDCC 49-05-04.4, 49-05-17

69-09-12-05. Security.

1. An electric public utility shall meet with the commission annually to report on ~~cybersecurity~~security preparedness.

2. The report must provide:

a. Information on the policies, procedure, and process used to inform the management of ~~cybersecurity~~security 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~~security 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~~security 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~~security incident, contain impacts, limit potential damage, and manage consequences of a ~~cybersecurity~~security incident;

i. Information on any plans to maintain resilience and business continuity, timely recovery to normal operations, and corrective actions after occurrence of an incident;

j. Information or plans for asset sharing with other electric public utilities and electrical cooperatives to maintain services in the event of a security incident;

k. Information on tabletop and field training exercises regarding security;

3. The commission may close the meeting to discuss the cybersecurity report, unless the commission orders otherwise.

History: Effective January 1, 2023: amended effective \_\_\_\_\_.

General Authority: NDCC 49-02-04

Law Implemented: NDCC 49-05-17

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Pipeline Safety  
Rulemaking

Case No. GS-23-289

Public Service Commission  
Emerging Threats  
Rulemaking

Case No. PU-23-264

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

September 6, 2023

PLEASE TAKE NOTICE that the North Dakota Public Service Commission will hold a public hearing to address proposed amendments to N.D. Admin. Code **69-09-12**, and N.D. Admin. Code **69-09-03**.

A public hearing will be held on the proposed rules at **10:30 a.m. Central Time on October 10, 2023, 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 **October 20, 2022**.

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

**Case No. GS-23-289 - Section 69-09-03-01 and Section 69-09-03-02 – Pipeline Safety**

The purpose of this amendment is to adopt by reference the most recent amendments to pipeline safety regulations adopted by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA). This rule change adopts amendments to safety regulations that have been adopted by PHMSA since December 1, 2021, current to September 6, 2023. The proposed change is not expected to have an impact on the regulated community in excess of \$50,000.

**Case No. PU-23-264 - Section 69-09-12-01 and Section 69-09-12-05 – Resource Plans and Cyber Security**

3 GS-23-289 Filed 09/06/2023 Pages: 2  
(Full) Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing  
Public Service Commission

3 PU-23-264 Filed 09/06/2023 Pages: 2  
(Full) Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing  
Public Service Commission

The purpose of this amendment is to change cybersecurity to Security which means physical and cyber security. The proposed change is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements House Bill 1353 enacted by the 68<sup>th</sup> Legislative Session, relating to Resource Planning and the annual reporting requirements an electric public utility shall report each year to include physical security as well as cyber security.

The proposed rules and amendments may be reviewed at the Public Service Commission's offices on the 12<sup>th</sup> floor of the State Capitol, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rules or amendments and/or a regulatory analysis may be requested by writing the above address, emailing [ndpsc@nd.gov](mailto: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](http://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 **October 20, 2023**, 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**

  
\_\_\_\_\_  
Sheri Haugen-Hoffart  
Commissioner

  
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Randy Christmann  
Chair

  
\_\_\_\_\_  
Julie Fedorchak  
Commissioner