



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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OPINION

Drew H. Wrigley
 ATTORNEY GENERAL

January 31, 2024

Mr. Brian Johnson, Special Assistant Attorney General
 Public Service Commission
 600 E. Boulevard Ave, Dept. 408
 Bismarck, ND 58504-0480

Dear Mr. Johnson,

The Office of Attorney General has examined the proposed amendments to N.D. Admin. Code chs. 69-09-03 and 69-09-12 concerning Pipeline Safety and Resource Plans and Security, along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency’s consideration of any comments to the proposed rules was not made because there were no comments, 2) a regulatory analysis was issued, 3) a takings assessment was prepared, 4) a small entity regulatory analysis and an economic impact statement were prepared, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in substantial compliance¹ with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Drew H. Wrigley
 Attorney General

copy Liz Fordahl, Legislative Council

¹ The Public Service Commission requested publication of an abbreviated Notice of Intent to Adopt Administrative Rules and Notice of Public Hearing (Notice) in each official county newspaper in a timely manner. However, publication of the hearing notice in the Center Republican and the Williston Herald did not allow 20 days between the date of publication and the hearing. The Commission republished the notice in these newspapers and left the comment period open for an additional 10 days. All other hearing notices allowed at least 20 days between the publication date and the hearing date.