

Thompson, Pamela J.

From: Johnson, Brian L.
Sent: Thursday, January 18, 2024 11:04 AM
To: Thompson, Pamela J.
Subject: FW: Proposed Rulemaking
Attachments: Request - Legality of Proposed Rules.pdf

From: Johnson, Brian L.
Sent: Tuesday, January 16, 2024 11:12 AM
To: -Info-Attorney General <ndag@nd.gov>
Subject: Proposed Rulemaking

Please review the attached rules for legality.

It is of note that the rules for PU-23-264 is due to legislation.

Please reach out with any questions or if any other information is required.

Brian Johnson
Special Assistant Attorney General
NORTH DAKOTA PUBLIC SERVICE COMMISSION

600 E Boulevard Ave. Dept 408 | Bismarck, ND 58505-0480
p: 701-328-2407 | <https://www.psc.nd.gov>

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- 26 PU-23-264 Filed 01/16/2024 Pages: 93
Request to Attorney General Regarding Legality of Proposed Rules
Public Service Commission
Brian Johnson, Legal Counsel
- 26 GS-23-289 Filed 01/16/2024 Pages: 93
Request to Attorney General Regarding Legality of Proposed Rules
Public Service Commission
Brian Johnson, Legal Counsel



Public Service Commission

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

via electronically to NDAG@nd.gov

16 January 2024

The Honorable Drew H. Wrigley
Attorney General
State Capitol
600 E. Boulevard Ave., Dept 125
Bismarck, ND 58505-0040

Re: Proposed Amendments to Administrative Rules
PSC Case Numbers PU-23-264 and GS-23-289

Dear Attorney General Wrigley:

Enclosed please find the proposed amendments North Dakota Administrative Code 69-09-12-01 69-09-12-05, and 69-09-03-01 and 69-09-03-02 by the North Dakota Public Service Commission. The proposed rules have been approved for adoption by the North Dakota Public Service Commission.

I would like to bring to your attention that the Abbreviated Notice was published in each of the official county newspapers in the state during the weeks of September 11 through September 28, 2023. The Williston Herald and the Center Republican failed to publish the administrative rules 20 days prior to the hearing. The Williston Herald published originally on September 28, 2023, and the Center Republican on September 28, 2023. The Williston Herald republished on November 15, 2023, and the Center Republican republished on December 7, 2023, with comments to remain open until 10 days after publication.

In accordance with N.D.C.C. § 28-32-14, we request 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.

Enclosed for purposes of review are copies of or, statements regarding, the following:

1. The 16 January 2024 Public Service Commission Motion and Order Submitting Rules to Attorney General, and upon approval from the Attorney General's office staff shall submit the rules as approved to Legislative Council;

2. The September 6, 2023, Public Service Commission Motion to propose revisions to ND Administrative Code and Issues Notices;
3. Full Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing;
4. Abbreviated Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing;
5. The 13 September 2023 Letter to Legislative Council enclosing Commission Motion, the Notice and Rules for publication on their website and email acknowledgement;
6. Proof of Publication
 - a. Letter/Affidavit confirming publication
 - b. A copy of the entire "billing"/publication list
 - c. A copy of ONE of the Abbreviated Notices as it was actually published
7. No oral or written comments were received on these rules. The rules for 69-09-12 were amended and changed a missed cyber security in 69-19-12-05 in the last paragraph.
8. No takings assessment was required because these rules do not limit the use of real property.
9. No regulatory analysis was required as the proposed rules are not expected to have an impact on the regulated community in excess of \$50,000, and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.
10. None of the proposed rules will have an adverse economic impact on small entities.
11. The adoptions of these rules will not have an adverse impact on small entities. None of the rule changes would negatively impact them in a way that would require the commission to establish less stringent requirements, consolidation or simplification of reporting, establishing separate performance standards or exemptions from the proposed rule.
12. A fiscal note was not required because these rules have no fiscal effect.
13. The rule amendments for 69-09-12-01 and 69-09-12-05 implement House Bill number 1353 from the most recent legislative session and the sponsors were each provided a copy of the full notice of intent and the proposed rules.
14. These are not emergency rules.

The Honorable Drew Wrigley
16 January 2024
Page 3

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

Best regards,



Brian Johnson
Special Assistant Attorney General

Enclosures

APPROVED
DATE: 1/16/2024
SAB

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

MOTION

January 16, 2024

I move the Commission adopt the Order Submitting Rules to Attorney General for an opinion as to legality in Public Service Commission, Pipeline Safety, Rulemaking, Case No. GS-23-289 and in Public Service Commission, Emerging Threats, Rulemaking, Case No. PU-23-264.

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

ORDER SUBMITTING RULES TO ATTORNEY GENERAL

January 16, 2024

Appearances

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

Preliminary Statement

On September 6, 2023, 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 proposed amendment to Article 69-09-03, and 69-09-12 of the North Dakota Administrative Code.

On September 6, 2023, the Commission forwarded the notices to the North Dakota Newspaper Association for publication at least 20 days in advance of the hearing.

On September 13, 2023, the notices, the commission motion, proposed rules and full motion were sent to Legislative Council.

The Abbreviated Notice was published in each of the official county newspapers in the state during the weeks of September 11 through September 28, 2023. The Williston Herald and the Center Republican failed to publish the administrative rules as described. The Williston Herald published originally on September 28, 2023, and the Center Republican on September 28, 2023. The Willison Herald republished on November 15, 2023, and the Center Republican republished on December 7, 2023, with comments to remain open until 10 days after publication.

On October 10, 2023, the Commission held the public hearing as noticed, beginning at 1:30 p.m. in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

No comments were received on the proposed rules, however commission staff noted there was a cybersecurity that was not changed to security. The rules were amended to correct this for continuity.

The proposed rules and amendments are summarized 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.

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

The purpose of this amendment is to change cybersecurity to security, which means physical and cyber security.

Public Hearing and Comments

No comments were made by industry or the public in either case during the hearing or during the following comment period.

Amendments to PU-23-264 were made after staff addressed a missed change of cyber security to security.

The Commission adopts N.D. Admin. Code § 69-09-03 and § 69-09-12 as amended.

Discussion

Having reviewed the proposed rules, and considered the testimony and comments received, the Commission finds good cause for submitting the proposed rule in Case No. GS-23-289 and PU-23-264 as revised after comment, 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 and amendments in Case No. GS-23-289 and PU-23-264, attached and made part of this order, be submitted to the Attorney General for an opinion that the rules are approved as to their legality, and upon approval from the Attorney General's office staff shall submit the rules as approved to Legislative Counsel.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

CHAPTER 69-09-03
PIPELINE SAFETY

Section
69-09-03-01 Safety
69-09-03-02 Adoption of Regulations

69-09-03-01. Safety.

Pipeline facilities used for the intrastate distribution and transmission of natural and other gas, liquefied natural gas, or hazardous liquids shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

History: Amended effective July 1, 1986; January 1, 1988; April 1, 2015;_____.

General Authority: NDCC 28-32-02, 49-02-04

Law Implemented: NDCC 49-02-01.2, 49-02-04

69-09-03-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations in effect as of ~~December 1, 2021~~ September 6, 2023, are adopted by reference:

1. Part 190 - Pipeline Safety Programs and Rulemaking Procedures.
2. Part 191 - Transportation of Natural Gas and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety-Related Condition Reports.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.
4. Part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards.
5. Part 194 - Response Plans for Onshore Oil Pipelines.
6. Part 195 - Transportation of Hazardous Liquids by Pipeline.

7. Part 199 - Drug and Alcohol Testing.

Copies of these regulations may be obtained from:

Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008; January 1, 2010; April 1, 2012; April 1, 2015; October 1, 2016; July 1, 2018; July 1, 2020; January 1, 2021; October 1, 2022;_____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

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~~security 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

APPROVED
DATE: 09/06/2023
DJT

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

MOTION

September 6, 2023

I move the Commission propose to adopt and amend the 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, Pipeline Safety, Rulemaking, Case No. GS-23-289, and Public Service Commission, Emerging Threats, Rulemaking, Case No. PU-23-264.

Section 69-09-03
Section 69-09-12

- 1 GS-23-289 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission
- 1 PU-23-264 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission

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 68th 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 12th 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, 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 **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



Randy Christmann
Chair



Julie Fedorchak
Commissioner

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
RELATING TO EMERGING THREATS REPORTING AND PIPELINE SAFETY
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, 2023**.


A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service 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



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

- 4 GS-23-289 Filed 09/06/2023 Pages: 1
(Abbreviated) Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing
Public Service Commission
- 4 PU-23-264 Filed 09/06/2023 Pages: 1
(Abbreviated) Notice of Intent to Adopt and Amend Administrative Rules and Notice of Public Hearing
Public Service Commission



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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

September 13, 2023

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to **Amend** Administrative Rules 69-09-03, and 69-09-12 and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "BJ", written over a horizontal line.

Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407

Enclosures

- 6 GS-23-289 Filed 09/13/2023 Pages: 8
Letter to Legislative Council Enclosing Commission Motion, Proposed Rules, and Full Notice
Public Service Commission
- 6 PU-23-264 Filed 09/13/2023 Pages: 8
Letter to Legislative Council Enclosing Commission Motion, Proposed Rules, and Full Notice
Public Service Commission

APPROVED
DATE: 09/06/2023
DJT

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

MOTION

September 6, 2023

I move the Commission propose to adopt and amend the 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, Pipeline Safety, Rulemaking, Case No. GS-23-289, and Public Service Commission, Emerging Threats, Rulemaking, Case No. PU-23-264.

Section 69-09-03
Section 69-09-12

- 1 GS-23-289 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission
- 1 PU-23-264 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

CHAPTER 69-09-03
PIPELINE SAFETY

Section
69-09-03-01 Safety
69-09-03-02 Adoption of Regulations

69-09-03-01. Safety.

Pipeline facilities used for the intrastate distribution and transmission of natural and other gas, liquefied natural gas, or hazardous liquids shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

History: Amended effective July 1, 1986; January 1, 1988; April 1, 2015;_____.

General Authority: NDCC 28-32-02, 49-02-04

Law Implemented: NDCC 49-02-01.2, 49-02-04

69-09-03-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations in effect as of ~~December 1, 2021~~ September 6, 2023, are adopted by reference:

1. Part 190 - Pipeline Safety Programs and Rulemaking Procedures.
2. Part 191 - Transportation of Natural Gas and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety-Related Condition Reports.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.
4. Part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards.
5. Part 194 - Response Plans for Onshore Oil Pipelines.
6. Part 195 - Transportation of Hazardous Liquids by Pipeline.

7. Part 199 - Drug and Alcohol Testing.

Copies of these regulations may be obtained from:

Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008; January 1, 2010; April 1, 2012; April 1, 2015; October 1, 2016; July 1, 2018; July 1, 2020; January 1, 2021; October 1, 2022;_____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

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 68th 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 12th 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, 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 **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



Randy Christmann
Chair



Julie Fedorchak
Commissioner

Thompson, Pamela J.

From: Johnson, Brian L.
Sent: Wednesday, September 13, 2023 9:38 AM
To: Thompson, Pamela J.
Subject: FW: Digital copy of rules submission

From: Fordahl, Liz <lfordahl@ndlegis.gov>
Sent: Wednesday, September 13, 2023 9:29 AM
To: Johnson, Brian L. <brljohanson@nd.gov>
Subject: RE: Digital copy of rules submission

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Brian,

Good morning. I have received the proposed rules and notice. Our office will post this information to our website.

Thank you,



Liz Fordahl

Counsel

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0160

701-328-2946
lfordahl@ndlegis.gov

From: Seifert, Kayla <kseifert@ndlegis.gov>
Sent: Wednesday, September 13, 2023 9:18 AM
To: Fordahl, Liz <lfordahl@ndlegis.gov>
Cc: Thompson, Emily <ethompson@ndlegis.gov>
Subject: FW: Digital copy of rules submission

From: Johnson, Brian L. <brljohanson@nd.gov>
Sent: Wednesday, September 13, 2023 9:16 AM
To: Seifert, Kayla <kseifert@ndlegis.gov>
Subject: Digital copy of rules submission

Here is the digital copy of the initial rules submission.

Thanks,

7 GS-23-289 Filed 09/13/2023 Pages: 10
Emails To and From Legislative Council
Public Service Commission

7 PU-23-264 Filed 09/13/2023 Pages: 10
Emails To and From Legislative Council
Public Service Commission

Brian Johnson
Special Assistant Attorney General
NORTH DAKOTA PUBLIC SERVICE COMMISSION

600 E Boulevard Ave. Dept 408 | Bismarck, ND 58505-0480
p: 701-328-2407 | <https://www.psc.nd.gov>

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Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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

September 13, 2023

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to **Amend** Administrative Rules 69-09-03, and 69-09-12 and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "BJ", written over a horizontal line.

Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407

Enclosures

APPROVED
DATE: 09/06/2023
DJT

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

MOTION

September 6, 2023

I move the Commission propose to adopt and amend the 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, Pipeline Safety, Rulemaking, Case No. GS-23-289, and Public Service Commission, Emerging Threats, Rulemaking, Case No. PU-23-264.

Section 69-09-03
Section 69-09-12

- 1 GS-23-289 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission
- 1 PU-23-264 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

CHAPTER 69-09-03
PIPELINE SAFETY

Section
69-09-03-01 Safety
69-09-03-02 Adoption of Regulations

69-09-03-01. Safety.

Pipeline facilities used for the intrastate distribution and transmission of natural and other gas, liquefied natural gas, or hazardous liquids shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

History: Amended effective July 1, 1986; January 1, 1988; April 1, 2015;_____.

General Authority: NDCC 28-32-02, 49-02-04

Law Implemented: NDCC 49-02-01.2, 49-02-04

69-09-03-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations in effect as of ~~December 1, 2021~~ September 6, 2023, are adopted by reference:

1. Part 190 - Pipeline Safety Programs and Rulemaking Procedures.
2. Part 191 - Transportation of Natural Gas and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety-Related Condition Reports.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.
4. Part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards.
5. Part 194 - Response Plans for Onshore Oil Pipelines.
6. Part 195 - Transportation of Hazardous Liquids by Pipeline.

7. Part 199 - Drug and Alcohol Testing.

Copies of these regulations may be obtained from:

Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008; January 1, 2010; April 1, 2012; April 1, 2015; October 1, 2016; July 1, 2018; July 1, 2020; January 1, 2021; October 1, 2022;_____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

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 68th 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 12th 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, 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 **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



Randy Christmann
Chair



Julie Fedorchak
Commissioner



Affidavit of Publication

Liz Prather, 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 – PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend, 1** time(s) as required by law or ordinance.

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.

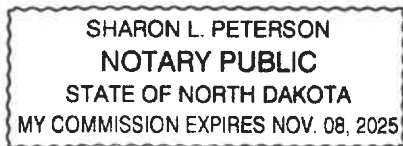
Signed: Liz Prather

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 6th day of October, 2023.

Sharon L. Peterson



13 PU-23-264 Filed 10/10/2023 Pages: 54
Affidavit of Publication with Tear Sheets
North Dakota Newspaper Association (NDNA)

14 GS-23-289 Filed 10/10/2023 Pages: 54
Affidavit of Publication with Tear Sheets
North Dakota Newspaper Association (NDNA)

North Dakota Newspaper Association

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

INVOICE

October 10, 2023

Order: **23093PP0**

Invoice# **13675**

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: \$4,810.68

Please detach and return this portion with your payment

Public Service Commission Invoice# 13675 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)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Beach, Golden Valley News (Beach, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bismarck Tribune (Bismarck, North Dakota)									
09/13/2023	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Bottineau Courant (Bottineau, North Dakota)									
09/12/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bowbells, Burke County Tribune (Bowbells, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Bowman County Pioneer (Bowman, North Dakota)									
09/15/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cando, Towner County Record Herald (Cando, North Dakota)									
09/16/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Carrington, Foster County Independent (Carrington, North Dakota)									
09/11/2023	12.00	Notice Display	\$0.00		CANCELLED	\$0.00	(0.00%)	\$0.00	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
09/18/2023	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: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	24.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Carson Press (Elgin, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cavalier Chronicle (Cavalier, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Center Republican (Hazen, North Dakota)									
09/14/2023	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
09/21/2023	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
09/28/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	36.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Cooperstown, Griggs County Courier (Cooperstown, North Dakota)									
09/15/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Crosby, The Journal (Crosby, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Devils Lake Journal (Devils Lake, North Dakota)									
09/12/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
09/19/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	24.00		\$19.34	\$0.00	\$232.08	\$0.00		\$232.08	
Dickinson Press (Dickinson, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Elgin, Grant County News (Elgin, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Ellendale, Dickey County Leader (Ellendale, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Fargo, The Forum (Fargo, North Dakota)									
09/13/2023	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Finley, Steele County Press (Finley, North Dakota)									
09/15/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									

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)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Grafton, Walsh County Record (Grafton, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.71		\$80.52	\$0.00	(0.00%)	\$80.52	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.71	\$0.00	\$80.52	\$0.00		\$80.52
Grand Forks Herald (Grand Forks, North Dakota)									
09/13/2023	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$14.24	\$0.00	\$170.88	\$0.00		\$170.88
Harvey, The Herald-Press (Harvey, North Dakota)									
09/16/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Hazen Star (Hazen, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Hettinger, Adams County Record (Hettinger, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Hillsboro Banner (Hillsboro, North Dakota)									
09/15/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Jamestown Sun (Jamestown, North Dakota)									
09/13/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$9.67	\$0.00	\$116.04	\$0.00		\$116.04
LaMoure Chronicle (LaMoure, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Lakota American (Lakota, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Linton, Emmons County Record (Linton, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Lisbon, Ransom County Gazette (Lisbon, North Dakota)									
09/11/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:			12.00	\$6.98	\$0.00	\$83.76	\$0.00		\$83.76
Mandan News (Mandan, North Dakota)									
09/15/2023	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: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
McClusky Gazette (McClusky, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Medora, Billings County Pioneer (Beach, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Milnor, The Sargent County Teller (Milnor, North Dakota)									
09/15/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Minnewaukan Benson County Farmers Press (Minnewaukan, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Minot Daily News (Minot, North Dakota)									
09/11/2023	12.00	Notice Display	\$14.24		\$170.88	\$0.00	(0.00%)	\$170.88	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$14.24	\$0.00	\$170.88	\$0.00		\$170.88	
Mohall Renville County Farmer (Mohall, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Napoleon Homestead (Napoleon, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
New England, Hettinger County Herald (New England, North Dakota)									
09/14/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
New Rockford Transcript (New Rockford, North Dakota)									
09/11/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Rolla Turtle Mountain Star (Rolla, North Dakota)									
09/11/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Rugby Pierce County Tribune (Rugby, North Dakota)									
09/16/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Stanley Mountrail County Promoter (Stanley, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
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
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Towner Mouse River Journal (Towner, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Valley City Times-Record (Valley City, North Dakota)									
09/12/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
Wahpeton, Daily News (Wahpeton, North Dakota)									
09/12/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	
Watford City, McKenzie County Farmer (Watford City, North Dakota)									
09/13/2023	12.00	Notice Display	\$6.98		\$83.76	\$0.00	(0.00%)	\$83.76	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	12.00		\$6.98	\$0.00	\$83.76	\$0.00		\$83.76	
Williston Herald (Williston, North Dakota)									
09/13/2023	12.00	Notice Display	\$0.00		DID NOT RUN	\$0.00	(0.00%)	\$0.00	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
09/22/2023	12.00	Notice Display	\$9.67		\$116.04	\$0.00	(0.00%)	\$116.04	_____
Caption: PSC Pipeline Safety, Case No. GS-23-289, Notice of Intent to Adopt and Amend									
Subtotal:	24.00		\$9.67	\$0.00	\$116.04	\$0.00		\$116.04	

Gross Advertising	\$4,810.68	Total Misc	\$0.00	Amount Paid	\$0.00
Agency Discount	\$0.00	Tax	\$0.00	Adjustments	\$0.00
Other Discount	\$0.00	Total Billed	\$4,810.68	Payment Date	
Service Charge	\$0.00	Unbilled	\$0.00	Balance Due	\$4,810.68

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 accounting@ndna.com for ACH information. Thank you!

Dickey Rural Telephone Cooperative seeking capital credit recipients

Listed below are the names of current or former members of Dickey Rural Telephone Cooperative who had capital credit checks mailed to them more than six years prior to June 13, 2023. These checks have been returned to Dickey Rural Telephone Cooperative (DRN) or have not been cashed. A further search by DRN personnel has not turned up the intended recipient's whereabouts. If you received telephone or other service from Dickey Rural Telephone Cooperative any time prior to this notice and your name is on this list, please contact DRN at 701-344-5000. If you know of the whereabouts of members on this list who received telephone or other service from DRN at any time please have them contact DRN at 701-344-5000. Please keep in mind that not all of the capital credit amounts are large. However, DRN desires to get the money due to those who earned it, and clear up DRN's records. DRN will redeem capital credits for those members on the following list who notify us on or prior to the 180th day after the first publication of this Notice. Notice is hereby given that any of the aforementioned unclaimed capital credits outstanding after the 180th day after the first publication of this Notice will be forfeited pursuant to Section 10-15-34.1 and 10-15-23 of the North Dakota Century Code. DRN shall publish this notice of redemption at least once a month for four months both in a publication circulated among members of cooperatives in the area, if any, and in a newspaper of general circulation in the area. The first publication occurred on July 19, 2023.

ALCO LIQUIDATING TRUST	BELDII KOSTIANTYN	CLARICE MAIRS
ALEX NITSCHKE	BENJAMIN ANDERSON	CLIFFORD DELCO
ALFRED SCHREINER	BETH & MIKE VAN STIPHOUT	CONNIE FABIAN
ALI & TROY GRABER	BETTY NELSON	COTTONWOOD APARTMENTS
ALICE LARSON	BLAINE LUNDGREN	DALE VOSBURG
ALLISON SCHUTT	BRAD FROEMKE	DARLENE OLSON
AMANDA HENNINGSEN	BUCK SCHULDHEISZ	DAVID MARTIN
AMIR IDOW	CARMINE JOHNSON	DAVID NEESER
AMY & PAUL OTTO	CATHERINE COLE	DAVID WIPF
ANDREW GERNER	CHARLOTTE MARUSKA	DAWN C GREGOR
ANNA LeBRUN	CHERYL MCAULEY	DELLA M JOHNSON
ARTHUR TRAUTMANN	CHRIS ANDERSON	DENNIS BERUBE
ARVIN ENDERSON	CHRISTINA & TODD MERRY	DERRICK NELSON
DONAVON BENDER	HELEN TANGEN	KRIVARCHKA DDS DR DUANE
DONNA LEPPERT	HELEN WILLPRECHT	LARRY JANSSEN
EHLEY'S BLACKSMITH	HENJUM PLUMBING & HEATING	LARRY SCHULTZ
ELLENDALE MOTORS	HOWARD SEEFELDT	LAWRENCE AMAN
EMMA HEIDINGER	IDA WEIGEL	LEE RIVERS
ENCORE	INFORMATION TECHNOLOGY DEPT	LEIGH HAMMOND

ERMA & DELBERT SCHRUM	IRVIN HUSETH	LEO PRITCHARD
ERVIN JOHNSON	ISABELLE BORK	LEROY RUFF
ERWIN MARTIN ESTATE	JAKE SCHRUM	LITCHVILLE ENTERPRISES
FARMERS UNION OIL CO-MILNOR	JAMES O ZIMBLEMAN	LITTLE GOLD MINE BAR
FARMS TIMBER CREEK BELL	JANEL ERICKSON	LORI DICK
FORT CAFD - TAMMY ANDERSON	JASON WINTER	LORI WIPF
FRANK RICHARDS	JEANNA & JOHN MCINTOSH	LOUISE GROETTUM
GARY W KELSEN	JERRY VAMPLE	LOUISE SMINESVIK
GEORGE DICK	JOAN OTTO	LUCILLE GROTELUESCHEN
GEORGE HANSON	JOCELYN BAILEY	LYNN NELSON
GLENNA REICH	JOEL E ROGERS	LYNNELL & DANNY PETERSON
GREG JENKINS	JOHN A ANDERSON	MABEL THOMASON
GWEN THOMPSON	JOHN C SIMEK	MARGARET SANDNESS
H DANIEL 'DAN' FROJEN	JUD FITNESS CENTER	MARION COMMUNITY CAFE
HAHNE'S HUNTING LODGE	KATHLEEN JENSEN	MARION NELSON
HAROLD FOSS	KEITH RAATZ	MARY J SMINESVIK
HASTINGS FIRE DEPT	KENNETH BOCKWOLDT	MARY KEIDEL
HEATHER BELL	KIM ERICKSON	MATT MEYERS
HEATHER HARDY	KLAUS MAREK	MELISSA OLSON
HEATHER LUND	KODJ RADIO	MERLE BENTSON
MICHAEL FURLONG	ROMAN BRASLAVSKYI	TRUE VALU OAKES
MICHAEL O'LEARY	RUTLAND GENERAL STORE	UMC PARSONAGE
MIKE LEONARD	RYAN VINE	VIOLA STROBEL
MILDRED WHEELER	SHAKE N BAKE	WALLACE SKOLD
MILTON MCLAEN	SHANE SEAVER	WANDA SCHREINER
MRS LORRAINE SEELIG	SHANNON JABLONSKY	WOODY NELSON
MYKOLA SUROVSKYI	SHARON AYRES	ZACKORY & JESSICA GARDNER
NATHAN HOLMGREN	SHARON MITZEL	ZIMBLEMAN DON SHOP
NORMAN HURT	SHAWN JOHNSON	
NORMAN WAHLUND	SHERI GLOVER	
ORLA & DUANE WAGNER	SHEYENNE SALOON	
PATSY HART	ST VINCENT	
PAUL GROETHE	STATE OF ND-ISD	
PAUL MARHULA	STATE OF ND-STATE HIGHWAY	
PHONETEL TECHNOLOGIES INC	STEVE MCAULEY	
REINHOLD BENEDEWALD	STEVEN D KOENIG	
RHONDA BETZ	TAMMY ANDERSON	
RICHARD A LARSON	TERESA GEMAR	

RICHARD CARNEY	TERRI KOTZ	
RICHARD D BELL	THE JUD BAR & GRILL, LLC	
RICHARD LELM	THE SHEYENNE SALOON	
ROBERT E STEHR	THOMAS KELSEN	
ROBERT J FAY	THOMAS L MAIER	
ROBERT J FORWARD	TIM BROWN	
ROBERT JORDHEIM	TIM CAVETT	
ROBERT MOELLENKAMP	TINA BEYER	
ROBERT SCHERR	TRACY D FORDE	
ROBIN HARMS	TRAVIS WALD	

Crop coverage workshop to be held at NDSU

Opportunities to incorporate winter cover crops, forages and perennials into various cropping systems will be the focus of a North Dakota State University (NDSU) field day on Tuesday, Sept. 19.

Presenters will demonstrate and discuss the benefits of cover crops, perennials and establishing alfalfa in a growing crop. Clair Keene, NDSU Extension agronomist, and Marisol Berti, NDSU Department of Plant Sciences professor are leading the field day.

"Participants will have the opportunity to learn about cover crops and new perennial crops such as Kernza," says Keene. "Attendees also will be able to connect with other participants who have experience in incorporating cover crops and forages into their farming systems."

The field day will start with registration at 9 a.m. at the Hickson research site. Participants are responsible for their own transportation to Hickson,

North Dakota, approximately 15 miles south of Fargo.

To access the Hickson research site, take I-29 south out of Fargo to Kindred Exit #48 then turn east. Turn left (north) onto County Road 81, then drive one-half mile until you see the field day flags. A free lunch will be provided to all those who register online by Sept. 12.

The lunch and afternoon session will be on the NDSU campus just east of the intersection of 15th Ave N and Dakota Drive. Look for the white tent in the field to the east of Dakota Drive and to the west of the Dalrymple Research Greenhouse. The afternoon program will have walking tours of the campus research plots and will conclude at 3:30 p.m.

Topics at the morning session in Hickson include:

- Corn-alfalfa and sorghum-alfalfa intercropping and biodiversity
- Sunflower sainfoin and alfalfa intercropping

•Evaluating crop rotations for cold climates and their impact on soil microbiota
Topics at the afternoon session in Fargo include.

- Freezing tolerance in winter camelina
- Alfalfa rhizobia research
- Perennial wheat and Kernza research in North Dakota

•Cover crops and forage sorghum

"I have researched various cover crops within many North Dakota cropping systems," says Marisol Berti, NDSU professor in forage, cover crops and biomass production. "Establishing alfalfa in corn, sunflower or sorghum has great potential to increase the profitability of forages."

To register for lunch and find more information about the field day, visit:

This field day is part of the outreach efforts associated with multiple grants from the U.S. Department of Agriculture - National Institute of Food and Agriculture awarded to North Dakota Agricultural Experiment Station scientists and USDA-ARS researchers.

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 RELATING TO EMERGING THREATS REPORTING AND PIPELINE SAFETY 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:

**Commission Hearing Room
12th floor, State Capitol
Bismarck, North Dakota
10:30 a.m. Central Time
October 10, 2023**

Written comments may be submitted to the Public Service Commission until the close of business on October 20, 2023.

A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service 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

**Sheri Haugen-Hoffart
Commissioner**

**Randy Christmann
Chair**

**Julie Fedorchak
Commissioner**

APPROVED
DATE: 11/08/2023
JS

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

MOTION

November 8, 2023

I move the Commission issue an extended comment period to be published in Hazen and Williston, in Public Service Commission – Pipeline Safety - Rulemaking, Case No. GS-23-289 and in Public Service Commission – Emerging Threats – Rulemaking, Case No. PU-23-264.

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
RELATING TO EMERGING THREATS REPORTING AND PIPELINE SAFETY
AND NOTICE OF PUBLIC HEARING

November 8, 2023

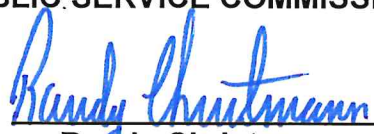
PLEASE TAKE NOTICE that the North Dakota Public Service Commission held a public hearing to address proposed amendments to N.D. Admin. Code **69-09-12**, and N.D. Admin. Code **69-09-03**.

A public hearing was 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**. Due to a delay in publishing the notice for the hearing, written comments may be submitted to the Public Service Commission until the close of business ten days after this publication. Comments received will be considered.

A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

Affidavit of Publication

Liz Prather, 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 – PSC, Case no GS-23-289, 1 time(s)** as required by law or ordinance.
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.

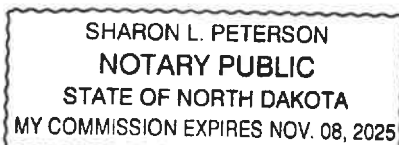
Signed: _____

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 21st day of November, 2023.

Sharon L. Peterson



Classified Marketplace

Land for Sale
ND FARM LAND
 Values surge upward. Are you selling or renting? Pifer's Auction and Farm Land Management. Bob Pifer 701-271-8538. Kevin Pifer 701-238-5810. Free valuation.

Antiques/Collectibles
FOR SALE
MONTANA AGATES BY THE POUND. ROUGH, SLAB, OR TUMBLED. AGATE & PETRIFFED ROCK.
 CALL 406-478-1892

TOT DIRTY DUCTS? GOT DIRT OF SNEEZING OR WHEEZING AT HOME OR WORK?
 CALL DICK SKY DUCT CLEANING & RESIDENTIAL SERVICES 406-480-2024

Public Notice
 ceeding in which a child is alleged to be delinquent, a child in need of services, or a child in need of protection if the child is of sufficient age and competency to assist counsel. Payment of reimbursement of counsel appointed pursuant to N.D.C.C. Section 27-20-12 is required from a person that has legal care, custody, and control of the child. If you, as parent or parents of the child subject to the proceedings identified in the attached Summons and Petition, are hereby given notice of the potential obligation to pay attorney's fees, at the attorney's usual hourly rate, if, after the appointment of counsel by the Court, it is determined that you are not eligible for court-appointed counsel. In the event of ineligibility, you will be billed for legal services. Date this 9th day of November 2023, Jaakna Williams, Jaakna Williams, ND ID #08937 Williams County State's Attorney P.O. Box 2047 Williston, ND 58802-0417. T. 701-577-4577 e-file: 53sa@co.williams.nd.us Legal # WHM000942 - Published November 15, 22 and 29, 2023

Public Notice
 Date this 9th day of November 2023, Jaakna Williams, Jaakna Williams, ND ID #08937 Williams County State's Attorney P.O. Box 2047 Williston, ND 58802-0417. T. 701-577-4577 e-file: 53sa@co.williams.nd.us Legal # WHM000942 - Published November 15, 22 and 29, 2023

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Public Notice
NOTICE TO CREDITORS
 Ryan Gehl #06992
 MacMaster, Gellert, & Stewart, Ltd.
 P.O. Box 547 Williston, 58801
 701-572-9121
 ryan@macmasterlaw.us
 Attorneys for Personal Representative

Public Notice
NOTICE OF HEARING
 Taylor D. Olson
 Furuseth Olson & Evert, PC
 P.O. Box 417 - 107 Main Street
 Williston ND 58802-0417
 (701) 774-0005 ID No. 06963
 taylor@furusethlaw.com
 Attorney for the Petitioner
 Probate No. 53-2023-PR-00308

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WHITE MOUNTAIN ELECTRIC INC.
 701-609-5676
 www.whitemountainelectric.com
 Licensed & Insured - ND Masters 2223
 LOCALLY OWNED & OPERATED

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Public Notice
 sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. DATED this 26th day of October, 2023.

SHERIFF OF WILLIAMS COUNTY
 Verlan Kvanode
 Mortgagor
 Sheriff / Deputy Sheriff of Williams

Halliday, Watkins & Mann, P.C.
 By /s/ Zachary Nesbit
 Zachary Nesbit
 Attorneys for Plaintiff
 376 East 400 South, Suite 300
 Sall Lake City, UT 84111
 Tel: 801-355-2986
 Email: zach@twmnaflawfirm.com
 Bar: 07555

Legal # WHM000905 - Published November 1, 8 and 15, 2023

PUBLIC HEARING
 NOTICE IS HEREBY GIVEN that the Williams County Planning and Zoning Commission of Williams County, ND has hereby scheduled a meeting on Thursday, November 16, 2023, at 6:00 PM in the Commission Room in the lower level of the Williams County Administration Building located at 206 E Broadway, Williston, ND. The Planning and Zoning Commission will consider the following applications:

LU-0057-23 Mike Wells with Wells Rentals LLC is requesting a Variance to construct an accessory building prior to a primary residence on subject property is within the Rural Residential zoning district. Location: 14500 E of Heavenly Hills Subdivision Resub of Lots 1-7, L-1, Lots 1-3 & 2 & Vacated Lake Lane Township; Nesson Valley Township.

LU-0058-23 Dylan Holien is requesting a Variance to construct an accessory building prior to a primary residence on a parcel of land within the Rural Residential zoning district. Location: 14500 E of Heavenly Hills Subdivision Resub of Lots 1-7, L-1, Lots 1-3 & 2 & Vacated Lake Lane Township; Nesson Valley Township; Tioga

ABBREVIATED NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
 RELATING TO THE North Dakota Native American Scholarship. **THE Native American Scholarship Board** will hold a public hearing to address proposed changes to the N.D. Admin. Code at **11:00am CST on Monday, December 18, 2023, at NDSR Capitol, Sheyene River Room, 600 E Boulevard Avenue, Bismarck, ND.**

A copy of the proposed rules may be obtained by writing to the North Dakota University System, State Capitol Building, Judicial Wing 1st Floor, Room 103, 600 E Boulevard Avenue, Dept. 21, Bismarck, ND 58505-0022 or writing to 600 E Boulevard Avenue, Dept. 21, Bismarck, ND 58505-0022 until December 18, 2023. If you wish to attend the public hearing and need special facilities or assistance relating to a disability, please contact the North Dakota University System at the above telephone number or address at least 7 days prior to the public hearing. **December 18, 2023.**
 Brenda Zastouf, Director
 Financial Aid
 North Dakota University System

ABBREVIATED NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
 RELATING TO N.D. exam requirements, passing conditions and fees; annual renewal dates; changes to retired and inactive status; disciplinary action hearings; CPE qualifications; and cleanup of old language and statutory citations.
 TAKE NOTICE THAT **The North Dakota State Board of Accountancy** will hold a public hearing to address proposed changes to the N.D. Admin. Code at **10:00 am on Wednesday, January 3rd, 2024, at Eide Ball, 4321 20th Ave. S, Fargo ND**

A copy of the proposed rules may be obtained by writing to the North Dakota State Board of Accountancy, 1401 20th Ave S STE 217, Grand Forks ND or calling 802-532-9840. If no written comments may be submitted to the address above or manyofar@nd.gov until January 3rd, 2024. If you wish to attend the public hearing and need special facilities or assistance relating to a disability, please contact the North Dakota Board of Accountancy at the above telephone number or address at least five days prior to the public hearing. **Dated this 7th day of November 2023.**
 Mandy Harlow
 Executive Director
 North Dakota Board of Accountancy

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION
 Case No. CS-23-280
 Public Service Commission Pipeline Safety Rulemaking

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION
 Case No. PU-23-264
 Public Service Commission Emerging Threats Rulemaking

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES RELATING TO EMERGING THREATS REPORTING AND PELLERIN SAFETY AND NOTICE OF PUBLIC HEARING
 November 8, 2023

PLEASE TAKE NOTICE that the North Dakota Public Service Commission held a public hearing to address proposed amendments to N.D. Admin. Code 60-09-02, and N.D. Admin. Code 60-09-03. A public hearing was held on the proposed rules at:
Commission Hearing Room 12th Floor, State Capitol Bismarck, North Dakota 58505-0001 10:30 a.m. Central Time October 10, 2023

Due to the failure in publishing the notice for the hearing, written comments may be submitted to the Public Service Commission until the close of business two days after this publication. Comments received will be considered. A copy of the proposed rules, analysis, and statements may be obtained at or by writing to the Public Service Commission, 600 E Boulevard Avenue, Bismarck, ND 58505-0001, 701-238-2400, toll free 1-877-243-6683, Relay North Dakota TTY: 800-368-7000. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

PUBLIC SERVICE COMMISSION
 Sheri Huggins-Hoff
 Commissioner
 Randy Christensen
 Chair
 Julie Federbach
 Commissioner

Affidavit of Publication

Liz Prather, 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, Public Service Commission, Case No. GS-23-289**, 1 time(s) as required by law or ordinance.
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: _____

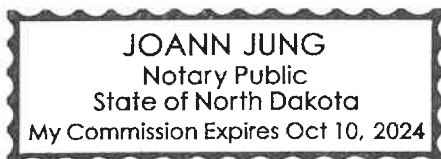
Liz Prather

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 11th day of January, 2024.

Joann Jung



- 23 GS-23-289 Filed 01/11/2024 Pages: 2
Affidavit of Publication with Tear Sheets
North Dakota Newspaper Association (NDNA)
- 23 PU-23-264 Filed 01/11/2024 Pages: 2
Affidavit of Publication with Tear Sheets
North Dakota Newspaper Association (NDNA)

CENTER REPUBLICAN PUBLIC NOTICES

NOTICE OF HEARING ON SPECIAL USE PERMIT APPLICATION

NOTICE IS HEREBY GIVEN that a Public Hearing shall be held pursuant to City of Center Zoning Ordinances Section 12.04(3) before the City of Center Planning & Zoning Commission, at the Betty Hagel Memorial Civic Center, 312, N. Lincoln Ave., Center, ND, on the 12th day of December 2023, at 6:00 p.m. CST, to consider the Special Use Permit Application submitted and described as follows: Hillside RV Park, rural Center, ND.
Project Name: RV Park; up to Project Type:
Anticipated Construction Schedule: To be completed in 2024.
Applicants: Brian Dresser/Scott Maier Center, ND 58530.
Proposed Lots affected: Lot F, in NW 1/4 of Sec. 14, T142-R84W, Oliver County Current Zoning: Agricultural Proposed Zoning: Agricultural Application for Special Use Permit-RV

Park.
Detailed Description of Special Use: Proposal is to construct an RV Park with up to 50 RV pads with water, electricity, and sewer, and possibly ten 1 and 2 bedroom cabins; more detailed plans are filed and may be viewed during business hours at the Center City Offices, 312 Lincoln Ave. N., Center, ND.
The hearing shall be open to the public for comment, subject to reasonable limitations required for public safety. Information on access availability and limitations can be obtained by calling the Center City Auditor's office, at (701) 794-3650.
Dated this 22nd day of November 2023.
Tammey Schutt
Center City Auditor
(11-30-2023)(12-07-2023)

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 RELATING TO EMERGING THREATS REPORTING AND PIPELINE SAFETY AND NOTICE OF PUBLIC HEARING November 8, 2023

PLEASE TAKE NOTICE that the North Dakota Public Service Commission held 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 was held on the proposed rules at:

**Commission Hearing Room
12th floor, State Capitol
Bismarck, North Dakota
10:30 a.m. Central Time
October 10, 2023**

Due to a delay in publishing the notice for the hearing, written comments may be submitted to the Public Service Commission until the close of business ten days after this publication. Comments received will be considered. A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search".

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart
Commissioner

Randy Christmann
Chair

Julie Fedorchak
Commissioner

NOTICE OF APPLICATION AND PUBLIC HEARING

LCC Telecom Services, agent on behalf of VB BTS II, LLC (Vertical Bridge) & T-Mobile, of 10700 W Higgins Rd., Suite 240, Rosemont, IL 60018, has applied for a conditional use permit to construct a telephone microwave transmitting tower within the SW 1/4 of Section 1, Township 142, Range 86 of Oliver County, North Dakota.
Take further notice that the Oliver County Planning and Zoning Commission pursuant to the provisions of Section 17.3, of the Oliver County

Zoning Ordinance, will hold a public hearing on the request.
The hearing will be held at 7:00 PM on Thursday, December 21, 2023, in the Meeting Room of the Oliver County Courthouse, in Center, North Dakota. Anyone wishing to respond to the applicant's request may do so at the time of the hearing.
John R. Wicklund
Oliver County
Land Use Administrator
(12-07-2023) (12-14-2023)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Oliver County Planning and Zoning Board will hold a public hearing on Thursday, December 21, 2023, at 7:00 p.m., in the Meeting Room of the Oliver County Courthouse, 115 W Main St, Center, North Dakota, to consider an amendment to the Oliver County Planning & Zoning Ordinances. The changes are to add a section

to include CO2 Sequestration and Facilities to the ordinance. To see any changes you can pick up a copy in the Auditor's Office at the Oliver County Courthouse.
The public may comment by attending the meeting or in writing to the Oliver County Planning & Zoning Board, PO Box 188, Center, ND 58530.
(12-07-2023) (12-14-2023)

ABBREVIATED NOTICE OF INTENT TO ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES

RELATING TO Department of Water Resources Operations
TAKE NOTICE that the
Department of Water Resources

will hold a public hearing to address proposed changes to the N.D. Admin. Code Title 89 at

9:30am on January 26, 2024, at 1200 Memorial Highway, Bismarck ND 58504. The Department will provide a link at www.dwr.nd.gov for online participation.

A copy of the proposed rules may be obtained by writing the Department of Water Resources at 1200 Memorial Highway, Bismarck ND 58504, calling 701-328-2795, or online at www.dwr.nd.gov. Also, written comments may be submitted to Department of Water Resources, 1200 Memorial Highway, Bismarck ND 58504, or via email to asebach@nd.gov with the subject "Administrative Code Comments," until 5 pm February 5, 2024. If any accommodations are needed related to this rule update or public hearing attendance, please contact the Department's Civil Rights Compliance Coordinator, Chris Kadmas, at 701-328-1956 or ckadmas@nd.gov at least 24-hours prior to the public hearing. Dated this 1st day of December, 2023.
/s/ Andrea Travnicek
Director - Department of Water Resources

ABBREVIATED NOTICE OF INTENT TO ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES

RELATING TO State Board of Water Well Contractors Operations
TAKE NOTICE that the

State Board of Water Well Contractors

will hold a public hearing to address proposed changes to the N.D. Admin. Code Title 90 at

10:30am on January 26, 2024, at 1200 Memorial Highway, Bismarck ND 58504. A link will be provided at www.dwr.nd.gov for online participation.

A copy of the proposed rules may be obtained by writing the Department of Water Resources at 1200 Memorial Highway, Bismarck ND 58504, calling 701-328-2795, or online at www.dwr.nd.gov. Also, written comments may be submitted to Department of Water Resources, 1200 Memorial Highway, Bismarck ND 58504, or via email to asebach@nd.gov with the subject "Administrative Code Comments," until 5 pm February 5, 2024. If any accommodations are needed related to this rule update or public hearing attendance, please contact the Department of Water Resources' Civil Rights Compliance Coordinator, Chris Kadmas, at 701-328-1956 or ckadmas@nd.gov at least 24-hours prior to the public hearing. Dated this 1st day of December, 2023.
/s/ Kati Arneson Administrative Assistant,
North Dakota State Board of Water Well Contractors

ABBREVIATED NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES

RELATING TO the North Dakota Racing Commission Rules
TAKE NOTICE that the

North Dakota Racing Commission

will hold a public hearing to address proposed changes to the ND Admin. Code articles 69.5-01-01, 69.5-01-02, 69.5-01-03, 69.5-01-04, 69.5-01-05, 69.5-01-07, 69.5-01-08, 69.5-01-09, 69.5-01-10, 69.5-01-11, and 69.5-01-12 at

10:00 am on January 5, 2024, at 4501 Coleman Street, Suite 100, Bismarck, North Dakota.

A copy of the proposed rules may be obtained by writing the North Dakota Racing Commission or calling 701-328-4633. Also, written comments may be submitted to the above address until January 15, 2024. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Racing Commission at the above telephone number or address at least 5 days prior to the public hearing. Dated this 4th day of December 2023.
Bruce Johnson
Executive Director NDRC

Search for missing man goes from 'proactive' to 'reactive'

Family loses Christmas spirit as holiday nears with no answer

BY KELLI AMELING
ASSOCIATE PUBLISHER

It has been about three weeks since a man went missing from Bismarck and was last seen in McLean County.

Daily organized searches have now been reduced to weekend attempts as the children of Lloyd Liken returned to work this week.

An alert was issued for Lloyd Liken, 81, of Bismarck, who was last seen Nov. 16 by family leaving the 4400 block of Turnbow Lane in Bismarck driving a gold Toyota Highlander with license plate number 745 BMN at about 8 p.m.

Liken is a 6-foot-tall white male, with grey hair and blue eyes, weighing about 200 pounds.

A confirmed sighting of his vehicle was seen at about 1 a.m. Nov. 18 traveling southbound on N.D. Highway 83 by mile marker 119 near Wilton.

For the first two weeks of his disappearance, Liken's daughter Lisa Liken-Monroe and her husband Chad have been holding daily searches throughout Central North Dakota with the help of Badlands Search and Rescue Service.

As of Dec. 4, the organized searches are now down to weekends as Lisa and Chad returned to work.

"The search for Lloyd Liken continues but it is taking a more reactive stance rather than being proactive," Lisa said. "This means that (we) are just waiting for any sort of tips to come in yet. The family will continue to search for Lloyd until he is found but their searching will be done on the weekends as time and weather allow."

Lisa said the family is battling the grieving cycle – trying to keep a glimmer of hope while going through all the steps that come with grief.

"(I am) seeing a counselor to help work things through as it is difficult to gain any type of closure when you don't have a definitive outcome yet," Lisa explained.

Lisa said her father has a love for Elvis, and with Christmas nearing with no answers, she described the holiday season as "a blue one."

The search for Lloyd began in Central North Dakota due to the confirmed sighting Nov. 18, but has now gone not just state-wide but the search is now ongoing in multiple states.

"(We are) pleading that any land owners in North Dakota, South Dakota or Iowa to please check their properties," she stressed.

Although she is not convinced her father left the state, Lisa said she has learned a lot about dementia through this experience and the neighboring states were added due to Lloyd's connection to them.

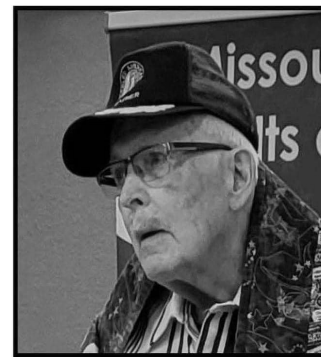
Anyone with information is asked to call the Bismarck Police Department at 701-223-1212 or 911.

For daily updates and search meetings, follow "Looking for Lloyd Liken" on Facebook.

MISSING PERSON

Lloyd Liken

81 years old, White Male,
6-0, 200 lbs, grey hair, blue eyes



745 BMN

Mr. Liken was last seen leaving the 4400 Blk of Turnbow Lane in his gold Toyota Highlander on November 16th, 2023, at around 8:00 p.m. Mr. Liken does not have a phone and his clothing description is unknown. He has gotten lost twice recently and was located by law enforcement. Currently any medical conditions are unknown. Mr. Liken does not meet the criteria for a Silver Alert.

If you have any information concerning Mr. Liken, please contact the Bismarck Police Department at 701-223-1212, Or your local law enforcement agency.



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 cybersecuritysecurity preparedness.

2. The report must provide:

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

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

October 10, 2023

The purpose of this rulemaking is to adopt, by reference in state administrative rule, 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. A summary/explanation of the specific changes to be adopted by reference for pipeline safety is attached.

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:

2. 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 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 and the reasons why the methods were rejected in favor of the proposed rule.

North Dakota system operators subject to Commission jurisdiction who may be affected by the federal regulations proposed to be adopted by reference for the state pipeline safety program include intrastate liquefied natural gas facility operators, intrastate natural gas distribution system operators, natural gas and hazardous liquid transmission pipeline operators, and certain natural gas and hazardous liquid gathering system operators.

The Commission acts as agent for the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), in the enforcement of the minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities and enforcement of safety standards on all liquefied natural gas facilities within the state. This is accomplished by entering into a 601055(a) Title 49 agreement with the United States Department of Transportation that requires North Dakota to adopt all the federal gas safety standards, along with any future amendments to those standards. This rulemaking is a part of that ongoing agreement.

The intrastate natural gas and hazardous liquid transmission pipeline operators, intrastate natural gas distribution system operators, and liquefied natural gas facility operators must comply with the federal amendments and therefore were impacted financially as a result of PHMSA's adoption of the amendments. Adoption of these amendments for the state pipeline safety program will have no additional impact on the regulated community.

A regulatory analysis has not been requested, and the proposal is not expected to impact the regulated community by an amount in excess of fifty thousand dollars (\$50,000.00). Consequently, no regulatory analysis is required.

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:

2. 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.

A small entity regulatory analysis is not required because the proposed amendments to the existing rule for both the natural gas and hazardous liquids pipeline systems are mandated by federal law.

Small Entity Economic Impact Analysis

A small entity economic impact statement is not required because the proposed amendments to the existing rule for both the natural gas and hazardous liquids pipeline systems are mandated by federal law.

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 not limit the use of private property so a takings assessment is not required.

PHMSA latest rulemakings effective date after December 1, 2021
 Summary as of September 6, 2023

Part affected	Amendment No.	Federal Register	Description	Effective date after December 1, 2021
190	No Number	86 FR 23241	Revisions To Civil Penalty Amounts	05/03/2021
190	No Number	87 FR 15839	Revisions To Civil Penalty Amounts	03/21/2022
190	No Number	87 FR 28779	Criminal Referrals	05/11/2022
190	No Number	88 FR 1114	Revisions To Civil Penalty Amounts	01/06/2023
191	31	87 FR 26296	Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion	05/16/2022
191	32	87 FR 35675	Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Technical Corrections	06/13/2022
192	130	87 FR 20940	Requirement of Valve Installation and Minimum Rupture Detection Standards	10/05/2022
192	131	87 FR 26296	Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments: Response to a Petition for Reconsideration; Technical Corrections; Issuance of Limited Enforcement Discretion	05/16/2022

192	132	87 FR 52224	Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	08/24/2022
192	132c	87 FR 64384	Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	05/24/2023
192	133	88 FR 24708	Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Technical Corrections; Response to Petitions for Reconsideration	05/24/2023
192	134	88 FR 50056	Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Technical Corrections	08/01/2023
195	104	86 FR 73173	Unusually Sensitive Areas For The Great Lakes, Coastal Beaches, And Certain Coastal Waters	02/25/2022
195	105	87 FR 20940	Requirement Of Valve Installation And Minimum Rupture Detection Standards	10/05/2022
195	106	88 FR 50056	Requirement Of Valve Installation And Minimum Rupture Detection Standards: Technical Corrections	08/01/2023

Part 190, Amendment #No Number, 86 FR 23241: REVISIONS TO CIVIL PENALTY AMOUNTS

In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2021 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In addition, this

rule amends the Federal Aviation Administration regulations to set forth the new civil penalties established in Division V, Title I of the Consolidated Appropriations Act, 2021. The rule also corrects a rounding error in an FAA penalty.

Part 190, Amendment #No Number, 87 FR 15839: REVISIONS TO CIVIL PENALTY AMOUNTS

This final rule provides the statutorily-prescribed 2022 adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In addition, this rule notes new DOT civil penalties authority provided in the Bipartisan Infrastructure Law (BIL, enacted as the Infrastructure Investment and Jobs Act).

Part 190, Amendment #No Number, 87 FR 28779: CRIMINAL REFERRALS

PHMSA is incorporating within its regulations language noting its employees' ability to refer actual or possible criminal activity in connection with PHMSA's jurisdictional statutes directly to the DOT Office of Inspector General (OIG).

Part 190, Amendment #No Number, 88 FR 1114: REVISIONS TO CIVIL PENALTY AMOUNTS

This final rule provides the statutorily-prescribed 2023 adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations.

Part 191, Amendment #31, 87 FR 26296: SAFETY OF GAS GATHERING PIPELINES: EXTENSION OF REPORTING REQUIREMENTS, REGULATION OF LARGE, HIGH-PRESSURE LINES, AND OTHER RELATED AMENDMENTS: RESPONSE TO A PETITION FOR RECONSIDERATION; TECHNICAL CORRECTIONS; ISSUANCE OF LIMITED ENFORCEMENT DISCRETION

PHMSA is alerting the public to its April 1, 2022, response denying a petition for reconsideration of the final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments." This final rule also makes clarifications and two technical corrections to that rulemaking. Lastly, this final rule memorializes a limited enforcement discretion in connection with that rulemaking's amendment of the regulatory definition of "incidental gathering."

Part 191, Amendment #32, 87 FR 35675: SAFETY OF GAS GATHERING PIPELINES: EXTENSION OF REPORTING REQUIREMENTS, REGULATION OF LARGE, HIGH-PRESSURE LINES, AND OTHER RELATED AMENDMENTS: TECHNICAL CORRECTIONS

PHMSA is issuing corrections of certain changes to incident and annual reporting requirements for offshore gathering pipelines in its November 15, 2021, final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments."

Part 192, Amendment #130, 87 FR 20940: REQUIREMENT OF VALVE INSTALLATION AND MINIMUM RUPTURE DETECTION STANDARDS

PHMSA is revising the Federal Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and hazardous liquid pipelines with diameters of 6 inches or greater. In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves (i.e., remote-control or automatic shut-off valves) or alternative equivalent technologies, and establishes minimum performance standards for those valves' operation to prevent or mitigate the public safety and environmental consequences of pipeline ruptures. This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. The final rule also requires operators of gas and hazardous liquid pipelines to contact 9-1-1 emergency call centers immediately upon notification of a potential rupture and conduct post-rupture investigations and reviews. Operators must also incorporate lessons learned from such investigations and reviews into operators' personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. PHMSA is promulgating these regulations in response to congressional directives following major pipeline incidents where there were significant environmental consequences or losses of human life. The revisions are intended to achieve better rupture identification, response, and mitigation of safety, greenhouse gas, and environmental justice impacts.

Part 192, Amendment #131, 87 FR 26296: SAFETY OF GAS GATHERING PIPELINES: EXTENSION OF REPORTING REQUIREMENTS, REGULATION OF LARGE, HIGH-PRESSURE LINES, AND OTHER RELATED AMENDMENTS: RESPONSE TO A PETITION FOR RECONSIDERATION; TECHNICAL CORRECTIONS; ISSUANCE OF LIMITED ENFORCEMENT DISCRETION

PHMSA is alerting the public to its April 1, 2022, response denying a petition for reconsideration of the final rule titled "Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments." This final rule also makes clarifications and two technical corrections to that rulemaking. Lastly, this final rule memorializes a limited enforcement discretion in connection with that rulemaking's amendment of the regulatory definition of "incidental gathering."

Part 192, Amendment #132, 87 FR 52224: SAFETY OF GAS TRANSMISSION PIPELINES: REPAIR CRITERIA, INTEGRITY MANAGEMENT IMPROVEMENTS, CATHODIC PROTECTION, MANAGEMENT OF CHANGE, AND OTHER RELATED AMENDMENTS

PHMSA is revising the Federal Pipeline Safety Regulations to improve the safety of onshore gas transmission pipelines. This final rule addresses several lessons learned following the Pacific Gas and Electric Company incident that occurred in San Bruno, CA, on September 9, 2010, and responds to public input received as part of the rulemaking process. The amendments in this final rule clarify certain integrity management provisions, codify a management of change process, update and bolster gas transmission pipeline corrosion control requirements, require operators to inspect pipelines following extreme weather events, strengthen integrity management assessment requirements, adjust the repair criteria for high-consequence areas, create

new repair criteria for non-high consequence areas, and revise or create specific definitions related to the above amendments.

Part 192, Amendment #132c, 87 FR 64384: SAFETY OF GAS TRANSMISSION PIPELINES: REPAIR CRITERIA, INTEGRITY MANAGEMENT IMPROVEMENTS, CATHODIC PROTECTION, MANAGEMENT OF CHANGE, AND OTHER RELATED AMENDMENTS

Correction: In Rule Document 2022-17031, appearing on pages 52224-52279, in the issue of Wednesday, August 24, 2022, a correction is made: On page 52267, in the third column, paragraph "(2)(i)" (of Sec. 192.3 Definitions.) is corrected.

Part 192, Amendment #133, 88 FR 24708: SAFETY OF GAS TRANSMISSION PIPELINES: REPAIR CRITERIA, INTEGRITY MANAGEMENT IMPROVEMENTS, CATHODIC PROTECTION, MANAGEMENT OF CHANGE, AND OTHER RELATED AMENDMENTS: TECHNICAL CORRECTIONS; RESPONSE TO PETITIONS FOR RECONSIDERATION

PHMSA is making necessary technical corrections to ensure consistency within, and the intended effect of, a recently issued final rule titled "Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments." PHMSA also alerts the public to its November 18, 2022, and April 19, 2023, responses to petitions for reconsideration of this final rule.

Part 192, Amendment #134, 88 FR 50056: PIPELINE SAFETY: REQUIREMENT OF VALVE INSTALLATION AND MINIMUM RUPTURE DETECTION STANDARDS: TECHNICAL CORRECTIONS

PHMSA is issuing editorial and technical corrections clarifying the regulations promulgated in its April 8, 2022, final rule titled "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards" for certain gas, hazardous liquid, and carbon dioxide pipelines. The final rule also codifies the results of judicial review of that final rule.

Part 195, Amendment #104, 86 FR 73173: UNUSUALLY SENSITIVE AREAS FOR THE GREAT LAKES, COASTAL BEACHES, AND CERTAIN COASTAL WATERS
PHMSA is amending the pipeline safety regulations to explicitly state that certain coastal waters, the Great Lakes, and coastal beaches are classified as unusually sensitive areas for the purpose of compliance with the hazardous liquid integrity management regulations. This amendment implements mandates contained in the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016, as amended by the PIPES Act of 2020. A hazardous liquid pipeline that could affect these newly designated areas must be included in an operator's integrity management program.

Part 195, Amendment #105, 87 FR 20940: REQUIREMENT OF VALVE INSTALLATION AND MINIMUM RUPTURE DETECTION STANDARDS

PHMSA is revising the Federal Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and

hazardous liquid pipelines with diameters of 6 inches or greater. In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves (i.e., remote-control or automatic shut-off valves) or alternative equivalent technologies, and establishes minimum performance standards for those valves' operation to prevent or mitigate the public safety and environmental consequences of pipeline ruptures. This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. The final rule also requires operators of gas and hazardous liquid pipelines to contact 9- 1-1 emergency call centers immediately upon notification of a potential rupture and conduct post-rupture investigations and reviews. Operators must also incorporate lessons learned from such investigations and reviews into operators' personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. PHMSA is promulgating these regulations in response to congressional directives following major pipeline incidents where there were significant environmental consequences or losses of human life. The revisions are intended to achieve better rupture identification, response, and mitigation of safety, greenhouse gas, and environmental justice impacts.

**Part 195, Amendment #106, 88 FR 50056: REQUIREMENT OF VALVE
INSTALLATION AND MINIMUM RUPTURE DETECTION STANDARDS: TECHNICAL
CORRECTIONS**

PHMSA is issuing editorial and technical corrections clarifying the regulations promulgated in its April 8, 2022, final rule titled "Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards" for certain gas, hazardous liquid, and carbon dioxide pipelines. The final rule also codifies the results of judicial review of that final rule.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Emerging Threats
Rulemaking**

Case No. PU-23-264

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

August 28, 2023

The Commission is proposing amendments to Article 69-09-12 of the North Dakota Administrative Code, Public Utility Division, Resource Plans and Cybersecurity. The purpose of the proposed amendments is to address emerging threats and address physical as well as cyber security.

The proposed rule is the result of new legislation and is not pursuant to emergency rulemaking.

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:

1. 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.

A regulatory analysis has not been requested, and the proposal is not expected to impact the regulated community by an amount in excess of fifty thousand dollars (\$50,000.00). The proposed rule amending cyber security to include physical security is not expected to add any additional costs. If any costs are added, the costs should not be over \$50,000 as most of the data required to be reported is already collected and reported by the Electric Public Utilities.

- a. The class that would be affected is Electric Public Utilities.

The class to benefit from this is the general public.

- b. The proposed rule would require data to be submitted in an annual report from data already collected by the public utility.
- c. There are no perceived costs to the agency or commission of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.
- d. No alternatives were considered or rejected.

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 amendments are not anticipated to 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:

2. 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.

Small Entity Economic Impact Statement

The adoptions of these rules will not have an adverse impact on small entities. None of the rule changes would negatively impact them in a way that would require the commission to establish less stringent requirements, consolidation or simplification of reporting, establishing separate performance standards or exemptions from the proposed rule.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

Fiscal Note

October 27, 2023

Adoption of the proposed rules in the captioned case are not expected to have any impact on State expenditures or revenues.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Emerging Threats
Rulemaking**

Case No. PU-23-264

FISCAL NOTE

October 27, 2023

Adoption of the proposed rules in the captioned case are not expected to have any impact on State expenditures or revenues.

Thompson, Pamela J.

From: Thompson, Pamela J.
Sent: Wednesday, September 13, 2023 10:00 AM
To: Satrom, Bernie L.; Karls, Karen; Klemin, Lawrence; Lefor, Mike; Monson, David C.; Conley, Cole
Cc: Johnson, Brian L.
Subject: Proposed Rules from the ND Public Service Commission
Attachments: 1353.pdf; Letter to HB 1353 Bill Sponsors.pdf; Letter to Legislative Council Enclosing Commission Motion, Proposed Rules, and Full Notice.pdf

Rep. Satrom, Rep. Karls, Rep. Klemin, Rep. Lefor, Rep. Monson, and Sen. Conley,

Attached are:

- Letter to HB 1353 Bill Sponsors
- Packet to the ND Legislative Council which includes:
 - Motion to propose to adopt and amend rules by the ND Public Service Commission during the 06 September Commission Meeting;
 - Proposed administrative rules; and
 - Full Notice.

Thank you,

Pamela Thompson

Executive Assistant

701.328.4096 • pthompson@nd.gov • www.psc.nd.gov

NORTH
Dakota | Public Service Commission
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- 8 GS-23-289 Filed 09/13/2023 Pages: 12
Email to Sponsors of HB 1353 with Letter, Motion, Proposed Rules and Notice
Public Service Commission
- 8 PU-23-264 Filed 09/13/2023 Pages: 12
Email to Sponsors of HB 1353 with Letter, Motion, Proposed Rules and Notice
Public Service Commission

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1353
(Representatives Satrom, Karls, Klemin, Lefor, Monson)
(Senator Conley)

AN ACT to amend and reenact section 49-05-17 of the North Dakota Century Code, relating to resource planning.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-05-17 of the North Dakota Century Code is amended and reenacted as follows:

49-05-17. Resource planning.

1. An integrated resource plan must include:
 - a. The electric public utility's forecast of demand for electric generation supply over the planning period with recommended plans for meeting the forecasted demand plus an additional planning reserve margin for ensuring adequate and sufficient reliability of service; and
 - b. Any additional information the commission requests related to how an electric public utility intends to provide sufficient electric generation service for use by retail customers within the state over the planning period.
2. An electric public utility shall include a least cost plan for providing adequate and reliable service to retail customers which is consistent with the provisions of this title and the rules and orders adopted and issued by the commission.
3. The commission may consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load.
4. The commission may contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The commission may require an electric public utility to pay a fee necessary for completion of an evaluation in an amount not to exceed two hundred fifty thousand dollars.
 - a. If additional funds are necessary for completion of the evaluation, upon approval of the emergency commission, the electric public utility shall pay the additional fees reasonably necessary for the completion.
 - b. If the evaluation applies to more than one electric public utility, the commission may assess each electric public utility the proportionate share of the fee.
5. An electric public utility shall report annually to the commission on ~~cybersecurity preparedness, including an assessment of~~ emerging threats and efforts taken by the electric public utility to implement physical security and cybersecurity measures. The commission ~~may~~shall limit access to records and portions of a meeting relating to physical security and cybersecurity preparedness.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reich
Chief Clerk of the House

Mandi Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1353.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 3:00 PM. on April 7, 2023.

Approved at 2:27 PM. on April 11, 2023.

Doug Burgum
Governor

Filed in this office this 12th day of April, 2023,

at 12:03 o'clock P. M.

Michael Howe
Secretary of State



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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September 13, 2023

Rep. Satrom, Rep. Karls, Rep. Klemin, Rep. Lefor, Rep. Monson, and Sen. Conley,

Re: Rulemaking driven by HB 1353

Dear Rep. Satrom, Rep. Karls, Rep. Klemin, Rep. Lefor, Rep. Monson, and Sen. Conley:

I am writing on behalf of the North Dakota Public Service Commission to thank you for introducing HB 1353 during the recent legislative session.

Enclosed is a copy of the revised rules our North Dakota Public Service Commission is proposing and a copy of the Full Notice indicating the date, time, and place for the hearing on these proposed rule changes.

Please do not hesitate to contact me should you have any further input or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407

Enclosures



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 13, 2023

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to **Amend** Administrative Rules 69-09-03, and 69-09-12 and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "BJ", written over a horizontal line.

Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407

Enclosures

APPROVED
DATE: 09/06/2023
DJT

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

MOTION

September 6, 2023

I move the Commission propose to adopt and amend the 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, Pipeline Safety, Rulemaking, Case No. GS-23-289, and Public Service Commission, Emerging Threats, Rulemaking, Case No. PU-23-264.

Section 69-09-03
Section 69-09-12

- 1 GS-23-289 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission
- 1 PU-23-264 Filed 09/06/2023 Pages: 1
Commission Motion to Propose Revisions to ND Admin. Code and Issue Notices
Public Service Commission

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

CHAPTER 69-09-03
PIPELINE SAFETY

Section
69-09-03-01 Safety
69-09-03-02 Adoption of Regulations

69-09-03-01. Safety.

Pipeline facilities used for the intrastate distribution and transmission of natural and other gas, liquefied natural gas, or hazardous liquids shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

History: Amended effective July 1, 1986; January 1, 1988; April 1, 2015;_____.

General Authority: NDCC 28-32-02, 49-02-04

Law Implemented: NDCC 49-02-01.2, 49-02-04

69-09-03-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations in effect as of ~~December 1, 2021~~ September 6, 2023, are adopted by reference:

1. Part 190 - Pipeline Safety Programs and Rulemaking Procedures.
2. Part 191 - Transportation of Natural Gas and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety-Related Condition Reports.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.
4. Part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards.
5. Part 194 - Response Plans for Onshore Oil Pipelines.
6. Part 195 - Transportation of Hazardous Liquids by Pipeline.

7. Part 199 - Drug and Alcohol Testing.

Copies of these regulations may be obtained from:

Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008; January 1, 2010; April 1, 2012; April 1, 2015; October 1, 2016; July 1, 2018; July 1, 2020; January 1, 2021; October 1, 2022;_____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

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 68th 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 12th 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, 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 **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



Randy Christmann
Chair



Julie Fedorchak
Commissioner

Bauske, Shelly A.

From: Bauske, Shelly A.
Sent: Wednesday, September 27, 2023 5:35 PM
Subject: ND Public Service Commission Pipeline Safety Rulemaking Notice of Public Hearing - Case No. GS-23-289 - Please See Attached
Attachments: Notice of Public Hearing and Proposed Rules - Pipeline Safety.pdf

Shelly Bauske
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
701-328-4070
701-328-2410 (fax)
sbauske@nd.gov

PU- RMB; PU- RML

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Bauske, Shelly A.

From: Microsoft Outlook
To: gnunez@paradigmmidstream.com; tjanik@paradigmmidstream.com
Sent: Wednesday, September 27, 2023 5:35 PM
Subject: Undeliverable: ND Public Service Commission Pipeline Safety Rulemaking Notice of Public Hearing - Case No. GS-23-289 - Please See Attached



Your message couldn't be delivered to multiple recipients.

The recipients weren't found at
paradigmmidstream.com.

sbauske	Office 365	Multiple recipients
Action Required		Recipients
Unknown To address		

Couldn't deliver the message to the following recipients:
gnunez@paradigmmidstream.com, tjanik@paradigmmidstream.com

How to Fix It

The address might be misspelled or might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message** - If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message** - If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of

Bauske, Shelly A.

From: Microsoft Outlook
To: aporter@calibermidstream.com; dwerth@calibermidstream.com
Sent: Wednesday, September 27, 2023 5:35 PM
Subject: Undeliverable: ND Public Service Commission Pipeline Safety Rulemaking Notice of Public Hearing - Case No. GS-23-289 - Please See Attached



Your message couldn't be delivered to multiple recipients.

The recipients weren't found at
calibermidstream.com.

sbauske

Office 365

Multiple recipients

Action Required

Recipients

Unknown To address

Couldn't deliver the message to the following recipients:
aporter@calibermidstream.com, dwerth@calibermidstream.com

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- **Remove the recipient from the recipient Auto-Complete List, then resend the message** - If you're using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of

Bauske, Shelly A.

From: Mail Delivery System <mailer-daemon@ppe-hosted.com>
To: bmcldowell@boemidstream.com
Sent: Wednesday, September 27, 2023 5:35 PM
Subject: Undeliverable: Undelivered Mail Returned to Sender

Delivery has failed to these recipients or groups:

bmcldowell@boemidstream.com

The address you sent your message to wasn't found at the destination domain. It might be misspelled or it might not exist. Try to fix the problem by doing one or more of the following:

1. Send the message again, but before you do, delete and retype the address. If your email program automatically suggests an address to use, don't select it.
2. Clear the recipient AutoComplete cache in your email program by following the steps in this article: [Status code 5.1.1](#). Then resend the message, but before you do, be sure to delete and retype the address.
3. Contact the recipient by some other means (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

The following organization rejected your message: mx1.smtp.exch080.serverdata.net.

Diagnostic information for administrators:

Generating server: dispatch1-us1.ppe-hosted.com

bmcldowell@boemidstream.com
mx1.smtp.exch080.serverdata.net
Remote server returned '554 5.1.1 <mx1.smtp.exch080.serverdata.net #5.1.1 smtp; 550 5.1.1 <bmcldowell@boemidstream.com>: Recipient address rejected: User unknown in relay recipient table>'

Original message headers:

Return-Path: <sbauske@nd.gov>
Received: from us3-mdac22-33.ut7.mdlocal (unknown [10.7.66.143])
by dispatch1-us1.ppe-hosted.com (PPE Hosted ESMTTP Server) with ESMTTP id E64DE200CB
for <bmcldowell@boemidstream.com>; Wed, 27 Sep 2023 22:34:49 +0000 (UTC)
Authentication-Results: ppe-hosted.com; spf=pass smtp.mailfrom=nd.gov;
dkim=pass header.d=nd.gov header.s=selector1; dmarc=pass header.from=nd.gov
header.policy=none;
X-Virus-Scanned: Proofpoint Essentials engine
Received: from mx1-us1.ppe-hosted.com (unknown [10.7.64.105])

Bauske, Shelly A.

From: postmaster@enbridge.onmicrosoft.com
To: michael.mcgrath@alliancepipeline.com
Sent: Wednesday, September 27, 2023 5:35 PM
Subject: Undeliverable: [External] ND Public Service Commission Pipeline Safety Rulemaking Notice of Public Hearing - Case No. GS-23-289 - Please See Attached

Delivery has failed to these recipients or groups:

michael.mcgrath@alliancepipeline.com

Your message was rejected by the recipient email server. Please check the recipient's email address and try resending your message, or contact the recipient directly. For more tips to help resolve this issue, see [DSN code 5.1.0 in Exchange Online - Office 365](#). If the problem continues, contact your email admin.

Diagnostic information for administrators:

Generating server: SA3PR13MB6441.namprd13.prod.outlook.com

michael.mcgrath@alliancepipeline.com

Remote server returned '554 5.1.0 < #5.1.10 smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient michael.mcgrath@alliancepipeline.com not found by SMTP address lookup>'

Original message headers:

ARC-Seal: i=2; a=rsa-sha256; s=arcselector9901; d=microsoft.com; cv=fail;

b=jt2cGmD9OW3kJV0AF4mLdgqKGh7mxz9hxWkaZZpTlzMMWRp3yrjNDzX1IHjYJmJOD10QoAqfZ3mmbwJcmUoKlMyF BgtRAeMY37OmGyk+k5a0m1OF72M19vhSI51I90YYRbhMDJGXKaeZAD88fRbb9xuHp80e81JmGOzqyIymSDMaP2bzz Ik3YalJopyRn0TsyliDC00HcyDNYTqYROhV4Xlqm01EmDw2Jv1Dhc0ADKCNjlZwM00MCQAaE32TmXHsOtiqX6LYg2 sVwCjHtw4QklG//Vc03ovU7NzR+KfUI/Km3mKq9007rNxxCdUqMOJzRXWeFIm25yWRiHIt3ckDJPg==

ARC-Message-Signature: i=2; a=rsa-sha256; c=relaxed/relaxed; d=microsoft.com; s=arcselector9901;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-AntiSpam-MessageData-ChunkCount:X-MS-Exchange-AntiSpam-MessageData-0:X-MS-Exchange-AntiSpam-MessageData-1;

bh=+xzrDahHw/Le7ML9VPDlmkvIrIthlMdB5po+VgQukQg=;

b=Ja9UDmDeWSDJx4zbQE+uESbt4Qy9VMZ36rI3C6RHvGWno0Faljc6n7/xxxXPo2R8A5YveR9Z9gWaiTQDi5AWXxb w5I2uKOLblft4kmsvvhvQYRsFT0Dfz8/dVlyAvTMSuTTmg2Ov8NtvkZFuOH3EuS7EJPwxTFGNSSNH93JiXFgUheCB9 pqNxiGHGGP6OakmCQBgnJtSDs5TLT7tdA/7Su4/5/16suc7oN4pEi7PCqu94Pd1kfNu28EPOS128ZLWql7/wtLyYe zK4Uz4hZpi7iHLd+lnD31D4ygbTpH0r7cwXMjLlW3QNPqny2ej0ju5zJHZOeNZTc+WV6JL2GydX0A==

ARC-Authentication-Results: i=2; mx.microsoft.com 1; spf=fail (sender ip is 205.220.182.187) smtp.rcpttodomain=alliancepipeline.com smtp.mailfrom=nd.gov; dmarc=fail (p=none sp=none pct=100) action=none header.from=nd.gov; dkim=fail (signature did not verify) header.d=nd.gov; arc=fail (47)

Received: from YT1P288CA0021.CANP288.PROD.OUTLOOK.COM (2603:10b6:b01::34) by

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

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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.

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PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Pipeline Safety
Rulemaking

Case No. GS-23-289

**CHAPTER 69-09-03
PIPELINE SAFETY**

Section
69-09-03-01 Safety
69-09-03-02 Adoption of Regulations

69-09-03-01. Safety.

Pipeline facilities used for the intrastate distribution and transmission of natural and other gas, liquefied natural gas, or hazardous liquids shall be designed, constructed, and operated to meet the safety standards set forth in regulations of the United States department of transportation adopted in section 69-09-03-02. The commission may require such proof of compliance as it deems necessary.

History: Amended effective July 1, 1986; January 1, 1988; April 1, 2015;_____.

General Authority: NDCC 28-32-02, 49-02-04

Law Implemented: NDCC 49-02-01.2, 49-02-04

69-09-03-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations in effect as of ~~December 1, 2024~~ September 6, 2023, are adopted by reference:

1. Part 190 - Pipeline Safety Programs and Rulemaking Procedures.
2. Part 191 - Transportation of Natural Gas and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety-Related Condition Reports.
3. Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.
4. Part 193 - Liquefied Natural Gas Facilities: Federal Safety Standards.
5. Part 194 - Response Plans for Onshore Oil Pipelines.
6. Part 195 - Transportation of Hazardous Liquids by Pipeline.

7. Part 199 - Drug and Alcohol Testing.

Copies of these regulations may be obtained from:

Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

History: Effective June 1, 1984; amended effective July 1, 1986; January 1, 1988; March 1, 1990; February 1, 1992; August 1, 1993; August 1, 1994; February 1, 1996; July 1, 1997; July 1, 1998; September 1, 1999; August 1, 2000; January 1, 2002; November 1, 2003; May 1, 2005; July 1, 2006; April 1, 2008; January 1, 2010; April 1, 2012; April 1, 2015; October 1, 2016; July 1, 2018; July 1, 2020; January 1, 2021; October 1, 2022;_____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 49-02-01.2

Thompson, Pamela J.

From: Thompson, Pamela J.
Sent: Wednesday, September 13, 2023 4:39 PM
To: Nisbet, Alex J; Jacobson, Travis; 'Stuart D. Tommerdahl'; cstephenson@otpco.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 • www.psc.nd.gov

NORTH
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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 68th 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.

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