



# Public Service Commission

## State of North Dakota

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7 January 2011

Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

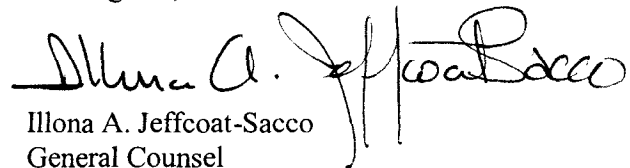
RE: Siting, Electric, and Practice & Procedures Rulemakings  
Case No. PU-10-128, Case No. PU-10-129, and Case No. AD-10-167

Dear Mr. Walstad:

In my letter to you dated 29 November 2010, I wrote that the only comments filed were those of Commission Staff and were received at the hearing.

I apologize for not including those comments. I have enclosed them with this letter along with a copy of my 29 November 2010 letter.

Best regards,

  
Illona A. Jeffcoat-Sacco  
General Counsel

attachments

- 23 AD-10-167 Filed 01/07/2011 Pages: 8  
Letter to Legislative Council enclosing staff testimony from formal hearing  
Public Service Commission  
Illona Jeffcoat-Sacco
- 24 PU-10-129 Filed 01/07/2011 Pages: 8  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**Siting**  
**Rulemaking**

**Case No. PU-10-128**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 14, 2010**

I am Jerry Lein, Public Utilities Analyst with the Public Service Commission.

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent to file an application.

The minor change related to determining corridor size is proposed for section 69-06-04-02(1)(b), which currently specifies a minimum corridor size "unless approved by the Commission." The proposed change would substitute the language "otherwise determined" for the word "approved" to clarify that the Commission can designate a smaller corridor without first receiving a request from the applicant.

The rest of the proposed changes to the siting rules are intended to separate requests for jurisdictional determination from the letter of intent process. Language allowing a letter of intent to include a request for jurisdictional determination would be removed from section 69-06-03-01 and

instead there would be a new chapter 69-09-02.1 to specify the information required when asking for a jurisdictional determination.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Siting rulemaking proceeding.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions at this time.

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

**Public Service Commission  
Electric  
Rulemaking**

**Case No. PU-10-129**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 14, 2010**

I am Jerry Lein, Public Utilities Analyst with the Public Service Commission.

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers.

N.D.C.C. section 49-02-34 requires electric retail service providers to report annually through June 30, 2016 on previous year's energy sales. The statute specifies that the report must include information regarding qualifying electricity delivered and renewable energy and recycled energy certificates purchased and retired as a percentage of annual retail sales and a brief narrative report that describes steps taken to meet the objective over time and identifies any challenges or barriers encountered in meeting the objective. Proposed rule changes to chapter 69-09-08 of the N.D. Admin. Code would simply state that the report must be filed in the form and detail the commission may require.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Electric rulemaking proceeding.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions at this time.

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

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-10-167**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 1, 2010**

I am Illona A. Jeffcoat-Sacco, General Counsel with the Public Service Commission.

The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

I will not be available to attend the hearing on the proposed change. Please accept this written testimony as staff testimony on this rule.

The area of attorney practice outside one's home jurisdiction is, in today's global environment, an area of complexity and change. The North Dakota Admission to Practice Rules govern the practice of law in North Dakota, and the Commission's procedural rules should not include any language that might conflict with those Admission to Practice rules or confuse persons who are investigating how to legally practice in North Dakota. For this reason, staff recommends the conflicting language be deleted from the Commission procedural rules.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Practice and Procedure rulemaking proceeding.

As of the date of filing this testimony, the Commission has not received any written comments concerning this proceeding.

This concludes my testimony. Thank you.



Public Service Commission  
State of North Dakota

NOV 29 2010

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29 November 2010

Mr. John Walstad  
Code Revisor  
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600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

RE: Siting, Electric, and Practice & Procedures Rulemakings  
Case No. PU-10-128, Case No. PU-10-129, and Case No. AD-10-167

Dear Mr. Walstad:

Enclosed for publication in the North Dakota Administrative Code please find a copy of amendments to N.D. Admin. Code Article 69-06 relating to Energy Conversion and Transmission Facility Siting, Chapter 69-09-06 relating to Renewable Electricity and Recycled Energy Tracking System, and Section 69-02-01-06 relating to Practice before the Commission.

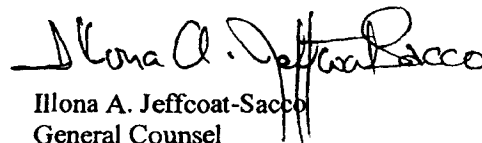
In support of this filing, enclosed please find copies of:

- 24 November Public Service Commission Motion with the amendments as adopted and approved;
- Letter from the Attorney General dated 29 October 2010 approving the proposed rules as to legality;
- The Public Service Commission's 22 September 2010 Order Submitting Rules to Attorney General, which includes a summary of all comments and is the written record of the agency's consideration of all comments for the captioned cases; and
- Comments.

The only comments filed were those of Commission staff and were received at the hearing.

Thank you for your attention to this matter.

Best regards,

  
Illona A. Jeffcoat-Sacco  
General Counsel

attachments

- 22 AD-10-167 Filed 11/29/2010 Pages: 20  
Letter to Legislative Council Enclosing Proposed Rules for Publication  
Public Service Commission
- 23 PU-10-129 Filed 11/29/2010 Pages: 20  
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