

PUBLIC SERVICE COMMISSION

FILING INSTRUCTIONS

POLICY 1-13-96 (1)

AUGUST 13, 2003

A. PURPOSE

To provide instructions to the public and regulated entities concerning filings made with the Public Service Commission. These instructions supplement and are not meant to replace the Commission's "Rules of Practice and Procedure" (North Dakota Administrative Code, Article 69-02).

B. POLICY

1. **Communications** - All written communications with the Commission must be addressed to the Executive Secretary, Public Service Commission, 600 East Boulevard Avenue-Dept 408, Bismarck, ND 58505-0480, unless otherwise directed. Filings which do not comply with the guidelines presented in this policy or with applicable statutes or rules may be returned.
2. **Office Hours** - Office hours are 8 a.m. to 5 p.m., Monday through Friday. Offices are closed on Saturdays and Sundays and on official state holidays in accordance with state law (N.D.C.C. §1-03-02).
3. **Docketing** - When a filing has been assigned a docket number, subsequent written communications related to that proceeding should refer to that docket number. An explanation of the docket numbering system follows:

Docket Number: PU-439-91-12

PU: Identifies the topic of the filing.

439: The number assigned to the company or the originator of the case.

91: Year in which case is initially docketed.

12: Sequential numbering of cases docketed in the year.

Topical areas identified in the docket number include:

AD = Administration

LG = Legal

AM = Abandoned Mine Lands

PU = Public Utilities

AU = Auctioneers/Clerks

RC = Reclamation

DP = Data Processing

RR = Railroad

GE = Grain Elevator

WM = Weights & Measures (Testing & Safety)

GS = Gas Safety (Testing & Safety)

Original documents involving formal and informal proceedings are placed in the official file. Copies are distributed to the Commission and appropriate staff.

4. **Transmittal Letter** - Each filing must contain a transmittal/cover letter which clearly summarizes the authorization, permission, or relief requested. The transmittal letter must include the name and address of the person making the filing and identify each item in the filing. When the filing is related to a matter that has been docketed by the Commission, the cover letter must identify the Commission case number.

5. **Tariff or Price Schedule Changes**

a. **Notice** - A utility filing a tariff or schedule change must give notice to the Commission as required by law. Notice is given by a utility delivering the filing and supporting documents as described in this "How to File" policy. The date the Commission receives the filing governs the notice period. In making application for permission to have tariff or schedule changes on shorter notice, the utility must state fully special or peculiar circumstances or conditions to show good cause for the shortened notice period.

b. **Form** - When a new or revised tariff or schedule is filed, the filing package must include the following:

- Name and address of the public utility;
- When a change is proposed on a utility tariff or schedule sheet, attention must be directed to the change by a character in the adjacent right margin of the tariff schedule sheet.
- Working papers clearly identifying the language that was added to or deleted from the tariff or schedule. The working paper notes must, in the right margin adjacent to the tariff or schedule changes, identify the following types of proposed changes:
 - Changed price, rule, or condition.
 - Discontinued listing, price, rule, or condition.
 - Material relocated from or to another part of tariff with no change in text, price, rule, or condition.
 - New listing, rate, rule, or condition.
 - Change in the wording of text with no change in the price, rule, or condition.

Working papers must also include:

- A detailed description of the change, referring to section and sheet number of the tariff schedule.
- A supporting reason for the change.
- The facts, expert opinions, documents, and exhibits which support the proposed changes.
- The reason why the change does not unreasonably discriminate or violate any other Commission laws and rules.

- An estimation of the number of customers whose cost of service will be affected and the annual amounts of increases or decreases, or both, in cost of service to those customers.
- The approximate annual amount of increase or decrease in revenue.

6. **Form of Document** - Except for Reclamation filings, documents filed with the Commission must be printed, typewritten, or otherwise mechanically reproduced. Papers must not exceed 8 1/2 inches by 11 inches in size. The left, top and bottom margins of all documents must be one inch deep on all pages. To allow for easier reference to documents top-fastened to files, information about the document may be placed in a footer on the left hand side of the one inch bottom margin of the document. The footer should indicate the party's name, document title, and page number. The right hand side of the bottom margin is reserved for Commission docketing information. Whenever practical, all exhibits should conform to these size requirements.

When possible, every filing should also be made in an electronic format.

7. **Number of Copies** - An original and seven copies of filings, including the cover letter, should be submitted. Subsequent information relating to filings should be submitted with an original and seven copies. Fewer copies may be submitted where permitted.
8. **Filings Including More than One Item** - When filing more than one item in a proceeding, the Commission requests the filing consist of complete collated sets and each set be in the same order.
9. **File Stamped Copies** - When requesting return of a file stamped copy, an extra copy must be included with the filing. If the copy to be returned is to be mailed, a self-addressed, stamped envelope must be included.

10. **Exceptions:**

- Public Utilities Division
 - Annual Reports –Submit Original
 - Ten Year Plans – Submit Original and 9 copies
 - Siting Applications - See the Commission's publication entitled "Energy Conversion and Transmission Facility Siting Guidelines" for specific filing instructions
- Reclamation Division (additional copies may be requested by staff):
 - New Permit Applications - Original and 3 copies.
 - Revision Applications - Original and 2 copies.
 - Revisions to Delete Undisturbed Land - Original and 2 copies.
 - Renewal Applications - Original and 2 copies.
 - Permit Transfer Applications - Original and 2 copies.
 - Bond Release Applications - Original and 2 copies.
 - Self-Bond Applications - Original and 2 copies.

- Collateral Bonds – Original and 3 copies; however, 3 originals of the escrow agreement are needed.
- Replacement Bonds - Original and 1 copy.
- Reclamation Period Extensions - Original and 1 copy.
- Licensing Division
 - Railroad Annual Reports and Uncontested Cases - Original.

11. **Filing Fees** - A fifty dollar filing fee payable to the Public Service Commission is required from a public utility for filings which are changes in gas and electric tariffs or schedules as defined in N.D.C.C. §49-05-05.

The following public utility filings do not require the filing fee:

- If a filing fee was already paid in the same docket.
- A filing that is a change in service (for example a request for Certificate of Public Convenience and Necessity or Certificate of Registration).
- Filings of telecommunications companies and any other companies are exempt from the application of N.D.C.C. §49-05-05.

12. **Confidential Materials** - If a filing contains information considered to be trade secret, the applicant may request that the information be given confidential treatment. The request for confidential treatment must be in the form of an application, must conform to the Commission's Rules of Practice and Procedure and must include at least the following:

- A general description of the nature of the information sought to be protected;
- An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons;
- An explanation of why the information is not readily ascertainable by proper means by other persons;
- A general description of the persons or entities that would obtain economic value from disclosure or use of the information;
- A specific description of known competitors, and competitors' goods and services that are pertinent to the tariff or rate filing; and
- A description of the efforts used to maintain the secrecy of the information.

When a filing is made, the confidential information included in the filing must be separately bound and placed in a sealed envelope or other appropriate sealed container which must be labeled: TRADE SECRET-PRIVATE. Sometimes it is necessary to put the entire original filing in the sealed container and file a public copy with the trade secret information erased.

Reclamation Filings - Confidential provisions for filings to the Reclamation Division are governed by N.D.C.C. §38-14.1-13.

13. **Intervention** - Intervenors are persons who, upon written petition, are permitted to formally participate in any proceeding before the Commission.

See North Dakota Administrative Code, Article 69-02 for instructions on how to participate in any proceeding before the Commission.

14. **Service of Documents** - When there are other parties to a proceeding, see North Dakota Administrative Code, Article 69-02 for instructions on how to properly serve documents on other participants.

REFERENCES

- (0) PSC Minutes, August 7, 1996
- (1) PSC Minutes, August 13, 2003