



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Randy Christmann  
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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 be "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

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Rulemaking

Case No. PU-23-264

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

September 6, 2023

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

A public hearing will be held on the proposed rules at **10:30 a.m. Central Time on October 10, 2023, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota**. Written comments may be submitted to the Public Service Commission until the close of business on **October 20, 2022**.

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

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

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

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

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

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

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

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

The proposed rules and amendments may be reviewed at the Public Service Commission's offices on the 12<sup>th</sup> floor of the State Capitol, 600 East Boulevard Ave, Dept. 408, Bismarck, North Dakota. A copy of the proposed rules or amendments and/or a regulatory analysis may be requested by writing the above address, emailing [ndpsc@nd.gov](mailto:ndpsc@nd.gov), or calling 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY 1-800-366-6888. This information is also available on the Commission's web site at [www.psc.nd.gov](http://www.psc.nd.gov) under "Formal Actions/Case Search".

Interested persons may attend and submit comments at the hearing. Oral or written comments on the proposed rules may be submitted to the above address, email and phone numbers. Oral and written comments received by the close of business on **October 20, 2023**, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please notify the Public Service Commission at the above telephone number or address at least 24 hours prior to the public hearing.

**PUBLIC SERVICE COMMISSION**

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

  
\_\_\_\_\_  
Randy Christmann  
Chair

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