

CHAPTER 69-06-04
CERTIFICATE OF SITE OR CORRIDOR COMPATIBILITY

Section

69-06-04-01

Application

69-06-04-02

Designation of Sites and Corridors

69-06-04-01. Application.

1. **Form.** All applications shall be in such form as the commission may prescribe.
2. **Filing.** The applicant shall file an original and ten copies of an application with the commission.
3. **Notice of filing.** The commission shall serve a notice of filing of a complete application on the following:
 - a. The chairman of the board of county commissioners and the auditor of each county in which any part of the site or corridor is proposed to be located.
 - b. The chief executive officer of each city in a county in which any part of an energy conversion facility is proposed to be located.
 - c. The chief executive officer of each city within a proposed corridor for a transmission facility.
 - d. The state agencies and officers entitled to notice as designated in section 69-06-01-05.
 - e. The state senators and representatives of each legislative district in which any part of the site or corridor is proposed to be located.
4. **Amendment of application.** The commission may allow an applicant to amend its application at any time during the pendency of an application. A rehearing may be required if the commission determines that a proposed amendment, which is received after the hearing process has been completed, materially changes the authority sought.
5. **Reapplication.** When a certificate is denied and the commission specifies a modification that would make it acceptable, the applicant may reapply. In a reapplication:
 - a. The reapplication shall be heard in the same manner as an original application.
 - b. The utility shall indicate its acceptance or rejection of the suggested modification.

- c. If a suggested modification is rejected by the applicant, it shall propose an alternative modification.
- d. No initial fee shall be required.
- e. Further additional fees may be required.
- f. Reapplication must be made within six months of the order denying an application.

History: Amended effective August 1, 1979.

General Authority: NDCC 49-22-18

Law Implemented: NDCC 49-22-08, 49-22-08.1

69-06-04-02. Designation of sites and corridors.

1. Requirements of order.

- a. An order approving the issuance of a certificate shall contain findings that the application, with modifications, if any, meets the site or corridor evaluation process requirements of the Act, and any special conditions the commission may require.
 - (1) Any modifications or special conditions required by the commission shall be deemed to be accepted unless the applicant petitions for a rehearing.
 - (2) If the applicant rejects any modifications or special conditions and proposes alternatives which it would accept, such a proposal shall be treated by the commission as an amendment to the application.
 - (3) If the applicant rejects any modifications or special conditions without either requesting a rehearing or proposing alternatives, the commission shall rescind its order and deny the application.
- b. The width of a corridor must be at least ten percent of its length, but not less than one mile [1.61 kilometers] or greater than six miles [9.66 kilometers] unless otherwise determined by the commission.
- c. An order denying the issuance of a certificate shall contain findings that state:
 - (1) The reason for such denial.
 - (2) What modification in the application would make it acceptable or that there is no modification that would be acceptable based upon the record before the commission.

2. **Issuance of a certificate.** When a site or corridor is approved, the commission shall issue a certificate in accordance with the order which shall:
 - a. Describe the authority granted.
 - b. Contain any special conditions that the commission may require.

History: Amended effective April 1, 2011.

General Authority: NDCC 49-22-18

Law Implemented: NDCC 49-22-08