

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Surface Coal Mining and Reclamation Operations  
Rulemaking

Case No. RC-21-329

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

November 17, 2021

**PLEASE TAKE NOTICE** that the Public Service Commission will hold a public hearing to address proposed changes to North Dakota Administrative Code to amend Section 69-05.2-01-02 and to amend Section 69-05.2-12-04. The proposed amendment is expected to have an impact on the regulated community in excess of \$50,000.

The Proposed rulemaking implements Senate Bill 2317 enacted from the 67<sup>th</sup> Legislative Session, concerning the establishment of a coal mine reclamation trust for reclamation of coal mines at the direction of the Public Service Commission by utilizing private assets pledged as collateral which may be used to fulfill performance bond obligations.

**A public hearing** will be held on the proposed rules at **1:30 p.m. Central Time on January 4, 2022, 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 **January 17, 2022.**

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

**Proposed Amendment to Section 69-05.2-01-02 Definitions** The purpose of this amendment is to add a perfected lien or security interest in real property to the definition of collateral bond.

**Proposed Amendment to Section 69-05.2-12-04 Performance bond - Collateral bond** The purpose of this amendment is to provide to provide conditions for acceptance of real property pledged as a collateral bond.

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, 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 **January 17, 2022** 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**

  
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**Randy Christmann**  
Commissioner

  
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**Julie Fedorchak**  
Chairman

  
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**Brian Kroshus**  
Commissioner