

PUBLIC SERVICE COMMISSION

Policy Memorandum

DATE: 03/18/2020

SUBJECT: Compliance Waiver

N.D.C.C. section 49-22-03(3) and N.D.C.C. section 49-22.1-01(3) govern the process for facility additions, improvements or facility capacity changes within the geographic boundaries of a previously issued certificate, or within a geographic boundary granted by statute. In consideration of N.D.C.C. section 49-22-03(3) and N.D.C.C. section 49-22.1-01(3), and upon a utility's certifications in writing under N.D.C.C. section 49-22-03(3) or N.D.C.C. section 49-22.1-01(3), the Commission generally waives compliance with the following provisions adopted in past orders:

- Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversion facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Approval may be granted after notice and opportunity for hearing.
- Company understands and agrees that in the event Company desires to construct, within any site granted by a Certificate of Site Compatibility in this proceeding, an energy conversion facility that was not requested in Company's application in this proceeding, Company shall apply for a Certificate of Site Compatibility for the facility.

If, upon review of a certification, Staff finds an addition, improvement, modification, or issue does not require Commission involvement, Staff will waive compliance the listed provisions. In the event that Staff believes that Commission involvement may be required, Staff will communicate its concern and request additional guidance from the Commission.