Prepared by the Legislative Council staff for
Representative Bosch
March 30, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2313

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 49-05 of the North Dakota Century Code, relating to resource planning, planning reserve margin, and reliable service obligation; to"

Page 1, line 3, remove "repeal chapter 17-01 of the North Dakota Century"

Page 1, line 4, replace "Code, relating to the 25x'25 initiative" with "provide a penalty"

Page 3, replace line 18 with:

"**SECTION 3.** A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Resource planning.

1. An integrated resource plan must include:

   a. The electric public utility's forecast of demand for electric generation supply over the planning period with recommended plans for meeting the forecasted demand plus an additional planning reserve margin for ensuring adequate and sufficient reliability of service; and

   b. Any additional information the commission requests related to how an electric public utility intends to provide sufficient electric generation service for use by retail customers within the state over the planning period.

2. An electric public utility shall include a least cost plan for providing adequate and reliable service to retail customers which is consistent with the provisions of this title and the rules and orders adopted and issued by the commission.

3. The commission may consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load.

4. The commission may contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The commission may require an electric public utility to pay a fee necessary for completion of an evaluation in an amount not to exceed two hundred fifty thousand dollars.

   a. If additional funds are necessary for completion of the evaluation, upon approval of the emergency commission, the electric public utility shall pay the additional fees reasonably necessary for the completion.

   b. If the evaluation applies to more than one electric public utility, the commission may assess each electric public utility the proportionate share of the fee.

5. An electric public utility shall report annually to the commission on cybersecurity preparedness, including an assessment of emerging threats and efforts taken by the electric public utility to implement cybersecurity measures. The commission may limit access to records and portions of a meeting relating to cybersecurity preparedness.

SECTION 4. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Planning reserve margin - Penalty.

The commission may require action, assess a disallowance or fine, or provide a penalty in accordance with chapter 49-07 if an electric public utility fails to meet the minimum capacity requirement and reserve margin. Unless otherwise set by the commission, the minimum capacity requirement and planning reserve margin is as set by the regional transmission organization to which the electric public utility belongs.

SECTION 5. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Reliable service obligation.

An electric public utility is responsible for ensuring reliable service. If an electric public utility fails to meet its obligation to provide reliable service to customers within the state, the commission may require action, assess disallowances or fines, or provide a penalty. The commission shall adopt rules and establish guidelines for assessment of penalties, fines, or disallowances which must take into consideration the nature, circumstances, and gravity of the violation, degree of culpability, history of prior outages, and good-faith attempts to ensure reliability."

Renumber accordingly