

House Energy & Natural Resources Committee

Thursday, February 4, 2021

Testimony in Opposition to House Bill No. 1455

Wind Industry of North Dakota (WIND) opposes HB 1455 as introduced. WIND is a coalition of wind industry members who believe North Dakota should harness its abundance of wind for the continued benefit of its communities and residents. WIND's members include American Clean Power Association (formerly the American Wind Energy Association), Apex Clean Energy, Capital Power, EDF Renewables, Enel North America, Invenergy, NextEra Energy Resources, and Orsted. WIND shares the goal of a reliable and affordable power grid, along with an all-of-the-above energy strategy. Working with all North Dakota stakeholders, we believe friendly amendments to HB 1455 will achieve this goal.

Section two of the bill, as introduced, creates new regulation relating to the retirement of electric energy conversion facilities, including wind projects. WIND supports the amendments advanced by Utility Working Group, which attempt to take the intentions of section two of the bill and place it into existing law regarding ten-year plans filed with the PSC.

As to section three of the bill, relating to site reclamation and bonding, the legislature and PSC have already passed laws and regulations regarding the decommissioning of wind (and solar) projects in North Dakota. NDCC 49-02-37 delegates rulemaking authority to the PSC to adopt rules governing the decommissioning of wind projects, and the PSC implemented the law in NDAC 69-09-09, including owner responsibilities, timelines for decommissioning, decommissioning specifications, requirements to provide financial assurances, and penalties for failure to decommission a project as required by law. The PSC updated these rules in 2017. It's worth noting that in 2019, the legislature also extended decommissioning rulemaking authority to the PSC for commercial-scale solar projects. The PSC's rules, codified at NDAC 69-09-10, include many of the same and many similar requirements for decommissioning and financial assurance that are required of wind projects.

WIND respectfully urges a DO NOT PASS recommendation as introduced, and it supports the amendments of the Utility Working Group.

Please feel free to contact any of us for continued discussion.

American Clean Power Association

Jeff Danielson
jdanielson@cleanpower.org

Apex Clean Energy

Chris Kunkle
chris.kunkle@apexcleanenergy.com

Capital Power

Jon Sohn
jsohn@capitalpower.com

EDF Renewables

Adam Sokolski
adam.sokolski@edf-re.com
Represented by GA Group, PC
landrist@gagroup.law
acleary@gagroup.law

Enel North America

Gina Mace
gina.mace@enel.com
Represented by Olson Effertz
kayla@olsoneffertz.com
Represented by The Harms Group
robert@harmsgroup.net

Invenergy

Dan Litchfield
dlitchfield@invenergy.com

NextEra Energy Resources

Julie Voeck
julie.voeck@nexteraenergy.com
Represented by Olson Effertz
john@olsoneffertz.com
Represented by Odney
dlarson@odney.com
sgoettle@odney.com
landerson@odney.com

Orsted

Francesca Martella Kehl
FRKEH@orsted.com

