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Sixty-seventh  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO. 4012**

Introduced by

Senator Wardner

Representative Pollert

1 A concurrent resolution to establish a state policy to support the reliability and resilience of the  
2 electric grid, ensure price transparency to consumers in electric markets, and incentivize carbon  
3 capture utilization and storage as an alternative to preserve dispatchable thermal electric  
4 generation and its associated benefits.

5 **WHEREAS**, the welfare of the citizens and economic security of this state depends on the  
6 reliability and resilience of electric power supply; and

7 **WHEREAS**, maintaining a reliable and resilient grid with a combination of resources that  
8 has dependence on thermal electric generation fueled by abundant domestic coal and natural  
9 gas is essential to domestic energy and geopolitical security; and

10 **WHEREAS**, the variability of nondispatchable energy that is subsidized presents major  
11 challenges to the independent system operators responsible for the bulk power system  
12 reliability and resilience as they have less dispatchable thermal electric generation available;  
13 and

14 **WHEREAS**, electric power markets have been distorted by direct and indirect subsidies  
15 which has resulted in the undervaluation of dispatchable thermal electric power plants that are  
16 now at risk of early retirement that will further erode electric grid reliability and resilience; and

17 **WHEREAS**, regional utilities have announced plans to retire coal-fired electric generation  
18 facilities located in North Dakota and the region before the facilities' <sup>useful life</sup> ~~established depreciable~~  
19 ~~lives~~ while simultaneously making significant investments in nondispatchable energy projects;  
20 and

21 **WHEREAS**, these announcements create an urgent need for North Dakota to take actions  
22 to make clear the value of dispatchable power and address market distortions created by  
23 production of nondispatchable power both locally and regionally; and

24 **WHEREAS**, in both the Southwest Power Pool and Midcontinent Independent System  
25 Operator, state and federal policies mandating and incenting the deployment of significant

1 nondispatchable energy are imposing reliability and resilience penalties on the bulk power  
2 system relied upon by the citizens and industries of North Dakota without due compensation for  
3 the true and total cost of those penalties; and

4 **WHEREAS**, planning by the Midcontinent Independent System Operator and the Southwest  
5 Power Pool includes major additions of transmission lines, synchronous condensers, static  
6 compensators, and other devices to provide grid attributes that are lost as dispatchable  
7 resources retire; and

8 **WHEREAS**, economics and scaling issues currently remain a challenge for energy storage  
9 technologies to provide sufficient capacity to replace dispatchable thermal electric generation  
10 and provide grid support; and

11 **WHEREAS**, North Dakota has long served as an energy producer and exporter for the  
12 Midwest and the nation and is situated uniquely to advance and benefit from carbon capture  
13 utilization and storage projects due to the state's significant lignite reserves and associated  
14 lignite-fired thermal electric generation and coal conversion facilities, geologic formations, the  
15 state's significant natural gas capture and electric power development opportunities, as well as  
16 the state's significant oil reserves that have high potential for enhanced oil recovery utilizing  
17 anthropogenic carbon dioxide captured from lignite- and gas-fired thermal electric generation;  
18 and

19 **WHEREAS**, developing carbon capture utilization and storage projects in North Dakota will  
20 result in significant state and local revenue and employment benefits by preserving lignite mines  
21 and associated thermal electric generation plants while creating new employment and revenue  
22 opportunities associated with the construction and operation of carbon capture, power plant,  
23 and enhanced oil recovery projects; and

24 **WHEREAS**, additional opportunities will be created by utilization of electricity onsite through  
25 both carbon capture utilization and installation of complimentary operations that use high  
26 amounts of electricity, creating products onsite not necessary to ship to market, further reducing  
27 capacity utilizing the transmission system, and creating space for additional technology neutral  
28 electric generation in future years; and

29 **WHEREAS**, by deploying carbon capture utilization and storage and other onsite electricity  
30 consumption projects in North Dakota using lignite, natural gas, power plant, and other  
31 cutting-edge technology and workers from North Dakota to produce reliable and affordable

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1 electric generation for its citizens and its industry, as well as other products, North Dakota not  
2 only will benefit in the short term economically, it will improve reliability and affordability  
3 throughout the Midwest and ensure the ability to be a world leader in deploying carbon capture  
4 utilization and storage projects globally, ensuring developing nations the ability to provide  
5 low-carbon, reliable energy to their citizens; and

6 **WHEREAS**, the system of regulatory oversight does not ensure sufficiently the reliability  
7 and resilience of the electric grid because of market distortion and unrealistic electricity  
8 production mandates from states, driving regional transmission operators in their dispatch  
9 policies; and

10 **WHEREAS**, the combination of direct and indirect subsidies are hidden in the cost to the  
11 ratepayer, preventing ratepayers from knowing the true and total cost of the electric power  
12 purchased; and

13 **WHEREAS**, the use of direct and indirect subsidies in the market have increased the cost  
14 of electricity to the ratepayer; and

15 **WHEREAS**, regional transmission operator policy decisions lead to premature retirement  
16 analyses that do not consider adequately the reliability and resilience penalties of renewable  
17 nondispatchable energy. Nor do they adequately scrutinize premature retirement decisions by  
18 requiring analysis and compensation for decarbonization by installation of carbon capture  
19 utilization and storage technologies, which help meet carbon reduction goals; allow additional  
20 energy generation to utilize the transmission system; and bring significant economic,  
21 employment, and energy security benefits to North Dakota and the United States; and

22 **WHEREAS**, robust and diverse production of all natural resources for electric generation  
23 within the state of North Dakota should be maintained while providing stable and affordable  
24 electricity benefits to North Dakota and its citizens, along with the electrical grid connected to  
25 the surrounding region; and

~~26 **WHEREAS**, power producers and developers of electric generating projects in the state  
27 should maintain access to reliable and cost-effective generation resources and ensure access  
28 to such resources, including coal, natural gas, hydroelectric, wind, solar, and battery technology  
29 and other future technologies; and~~

30 **WHEREAS**, priority should be given to industries working together to achieve overall best  
31 practices by integrating aspects of multiple industries to achieve the best overall results; and

1       **WHEREAS**, use of waste heat, carbon recycling, hybrid generation resources, energy  
2 storage, and new technologies that contribute to a reliable grid, overall energy efficiency, and  
3 reasonable cost are all part of this vision;

4       **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
5 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

6       That a state policy is established to support the reliability and resilience of the electric grid,  
7 establish inherent value of dispatchable energy, ensure price transparency to consumers in  
8 electric markets, and incentivize carbon capture utilization and storage as an alternative to  
9 preserve dispatchable thermal electric generation and its associated benefits; and

10       **BE IT FURTHER RESOLVED**, that the Public Service Commission shall coordinate with  
11 regional transmission organizations to ensure and develop policies reflected above which  
12 provide reliable, dispatchable power for the region in an effective and consistent manner,  
13 discourage premature retirement of our thermal electric power generation fleet, and encourage  
14 installation of carbon capture utilization and storage technologies to help meet decarbonization  
15 and reliability goals of the region in an effective and consistent manner; and

16       **BE IT FURTHER RESOLVED**, that the North Dakota Transmission Authority develop an  
17 ~~integrated resource plan~~ <sup>Comprehensive Report</sup> for North Dakota ~~every two years~~ <sup>annually</sup> by collecting publicly available  
18 information and other requested information from our state's utilities and utilize this information  
19 to coordinate with regional transmission organizations to ensure both local and regional grid  
20 reliability as well as to develop a plan to enhance and expand transmission within North Dakota  
21 to continue our strong tradition of being an energy exporter to our region and the United States;  
22 and

23       **BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution  
24 to the Public Service Commission; North Dakota Transmission Authority; North Dakota  
25 Congressional Delegation; Midwest Independent System Operator; and Southwest Power Pool.