

Introduced by

Representatives Novak, D. Anderson, Hagert, Heinert

1 A concurrent resolution urging the Southwest Power Pool and Midcontinent Independent  
2 System Operator to take prompt and decisive actions to maintain the reliability of the Bulk  
3 Power System by correcting market failures that have allowed capacity retirements to outpace  
4 replacement.

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

7 **WHEREAS**, the North American Electric Reliability Corporation's 2022 long-term reliability  
8 assessment shows several United States regions with serious generation capacity shortfalls  
9 and a failure to meet established reliability criteria, and the Midcontinent Independent System  
10 Operator (MISO) and the Southwest Power Pool (SPP), which serve North Dakota, have  
11 experienced multiple maximum generation alerts in recent years and load-shedding events to  
12 address capacity shortfalls; and

13 **WHEREAS**, the Legislative Assembly is greatly concerned about the ability of regional grid  
14 operators to meet peak demand during extreme weather events because dispatchable thermal  
15 generation resources are retiring much faster than generating capacity is being replaced, and  
16 this gap will continue to widen as weather-dependent generation saturates the grid; and

17 **WHEREAS**, the trend of announced dispatchable generation retirements is scheduled to  
18 increase in the 15-state MISO to more than 30 gigawatts by 2030, not including retirements  
19 caused by new Environmental Protection Agency rules; and

20 **WHEREAS**, electric power markets are distorted significantly by direct and indirect  
21 subsidies that erode the economics of dispatchable thermal electric power plants and increase  
22 the likelihood of early retirement of the power plants; and

23 **WHEREAS**, state and federal renewable energy mandates further drive investment  
24 decisions toward weather-dependent generation without considering the full impacts to the  
25 system; and

1       **WHEREAS**, the Biden Administration's 2035 clean energy mandate fails to consider the  
2 land use impacts, permitting processes, supply chains, and construction time lines necessary to  
3 build new generation and transmission infrastructure needed to meet the goals and reliably  
4 operate the Bulk Power System; and

5       **WHEREAS**, North Dakota supports developing thermal and renewable resources in tandem  
6 as well as new technologies, such as hydrogen and carbon capture and storage to maintain an  
7 affordable, reliable, and resilient grid that is essential to a strong economy, safe communities,  
8 and geopolitical security;

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

11       That the Sixty-eighth Legislative Assembly urges the SPP and MISO to take prompt and  
12 decisive actions to maintain the reliability of the Bulk Power System by correcting market  
13 failures that have allowed capacity retirements to outpace replacement; and

14       **BE IT FURTHER RESOLVED**, because North Dakota does not have renewable energy  
15 mandates that drive policies at the regional transmission organization level but has aggressive  
16 carbon neutral goals by 2030 which involve commercializing carbon capture storage technology,  
17 the Public Service Commission and North Dakota Transmission Authority are urged to advocate  
18 at MISO and SPP for policies that fairly compensate dispatchable energy resources, properly  
19 value all generators based on their contributions to grid reliability, and ensure the availability of  
20 generation resources at all hours to meet demand; and

21       **BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution  
22 to the Federal Energy Regulatory Commission, Public Service Commission, North Dakota  
23 Transmission Authority, North Dakota Congressional Delegation, [MidwestMidcontinent](#)  
24 Independent System Operator, and Southwest Power Pool.