



# WESTERN DAKOTA ENERGY ASSOCIATION

March 9, 2023

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Testimony of:

Geoff Simon, Lobbyist #144

in support of HB 1315 – PSC Consideration of Grid Reliability  
Senate Energy & Natural Resources Committee

Chairman Patten and Committee members:

On behalf of the city, county and school district members of the Western Dakota Energy Association (WDEA), especially our members in Coal Country, we wish to express our strong support for the original intent of HB 1315 to make it clear the Public Service Commission must consider the impact on reliability on retail markets before issuing a certificate of site compatibility to new, non-dispatchable electric energy conversion facilities.

Discussion of the need for this provision in Century Code was brought to light in the PSC's recent decision in Case No. [PU-22-86](#), otherwise known as Badger Wind. The Commission approved on a 2-to-1 vote a Certificate of Site Compatibility for the 250 MW wind farm. Commissioner Randy Christmann deserves praise for his strongly-worded dissent pointing out the state's siting law directs the PSC to ensure that new energy facilities will produce minimal adverse effects on the environment **and** upon the welfare of the citizens of North Dakota. Christmann went on to point out the threat to reliability posed by "... this unbridled buildout of new generation facilities and the associated retirement of existing facilities," which he said is "threatening both the reliability and the affordability of electricity."

I would also call your attention the House pre-filed testimony of Joe Spiekermeier, a coal miner from Beulah, who writes of the "Fatal Trifecta" that will inevitably lead to failure and blackouts of the grids that serve North Dakota. Joe's testimony points out that both of the regional transmission organizations (RTOs) that deliver power to North Dakota (SPP and MISO) have succumbed to 1) Over-reliance on intermittent wind and solar, 2) Relying on just-in-time natural gas-fired generation, and 3) Over reliance on neighboring RTOs.

The Fatal Trifecta Joe describes is real. The grid operators know it's happening, the utilities in this room know it's happening, utility regulators know it's happening, federal regulators and members of Congress know it's happening, but with so many layers of accountability, one entity alone cannot prevent this advancing train wreck, which is driven by the belief of policy makers that carbon dioxide emissions cause bad weather.

The original language of HB 1315 would put into statute language that specifies the PSC must consider "evidence establishing the impact on the reliability, integrity, or resilience of the existing electric supply and distribution system" before issuing a certificate of site compatibility or certificate of corridor compatibility. A friendly amendment to the original bill would clarify that the PSC specifically require that any approval of a non-dispatchable generation facility be conditioned on the requirement that the applicant has a provider of dispatchable electricity to retail markets interested in buying power from the proposed non-dispatchable electric energy conversion facility.

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