

SB 2069
Jean Schafer - Basin Electric Power Cooperative, March 14, 2025
House Political Subdivisions Committee

Chairman Longmuir and members of the House Political Subdivision Committee:

For the record I am Jean Schafer, and I serve as the Senior Legislative Representative for Basin Electric Power Cooperative (Basin Electric).

Basin Electric is a regional, consumer-owned, generation and transmission cooperative. As of the end of 2023, Basin Electric has over 8,112 MW of electric generating capacity, utilizing coal, wind, and natural gas. It supplies 139 rural electric cooperatives with wholesale power, who, in turn, serve approximately 3 million member-owners in a nine-state region. In addition, Basin Electric owns and maintains more than 5,000 miles of high-voltage transmission lines.

We submit this testimony in support of SB 2069 from the Public Service Commission (PSC). Unfortunately, I am here today because Basin Electric is a prime example why this bill is necessary.

Starting in 2021, Basin Electric began planning for a 162-mile 345-kV transmission line connecting Basin Electric's existing Leland Olds substation near Stanton to an existing substation near Tioga. This project completes a 345-kV transmission loop throughout northwest and north-central North Dakota.

Fast forward to today and the project is now at the point for public hearings. Two PSC hearings were scheduled for this project: the first in Underwood on Feb. 26 and the second in Stanley on March 6.

As most state agencies, the PSC is responsible for providing public notice of hearings, and the permit applicant does not have a role in that process. For these newspaper notices the PSC coordinates with the North Dakota Newspaper Association (Newspaper Association).

On Jan. 31 the PSC staff sent the hearing notices to the Newspaper Association along with instructions on which papers to publish in and the timing of the notices. For five of the newspapers, PSC staff instructed that the notice be published in the next issue and again between Feb. 23 and March 1.

On Feb. 26, the Newspaper Association informed the PSC that one of the newspapers had missed publication of the second notice. Since this newspaper publishes weekly every Thursday, missing the Feb. 27 issue meant the notice could not be published until the following week on March 6 – the same day as the second hearing in Stanley. As a result, the statutory requirement to publish the notice twice before the hearing could not be met.

Due to the failure to publish the hearing notice, the PSC was forced to cancel the Stanley hearing less than a week before the scheduled date. This means the PSC must reschedule the Stanley hearing and schedule an additional hearing to repeat the hearing in Underwood.

Rescheduling hearings delay the permitting process by a month or more, and the hearing notice must go through the publication process again without error. Delays in permitting can, in turn, delay multi-billion-dollar projects. Missing a construction season in North Dakota could delay a project by a year or more. In this case, if a permit cannot be obtained in time to start construction by early summer, Basin Electric will face significant costs to contractors and additional project delays.

Basin Electric, the PSC, and other stakeholders invested significant time in preparing for the Underwood hearing. Four Basin Electric staff participated as witnesses. The PSC can provide details on its staff count as well as commissioners' time commitments. According to the Underwood attendance sheet, more than 30 members of the public attended the three-hour hearing with two providing comments – and now the process must be repeated.

Mr. Chairman and members of the committee, this situation is the very reason this bill is before you today – to allow an additional publication option to meet statutory requirements and prevent entirely avoidable delays.

We understand an appropriation to the Secretary of State's office is also needed to implement the required upgrades to the existing online process, and we want to express support for that appropriation as well. If a state agency is legally required to publish hearing notices, in addition to using newspapers, an online notice published on a state agency site serves as a proper backstop.

Thank you for the opportunity to share our experience and perspective on this important issue.