

Sixty-first
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO.

Introduced by

Senator Mathern

1 A concurrent resolution directing the Legislative Council to study the potential cost impact of
2 North Dakota Century Code section 49-03-23 on the state's utility ratepayers and to the state's
3 renewable electricity generation potential.

4 **WHEREAS**, the North Dakota Public Service Commission is entrusted with protecting
5 the financial interests of North Dakota utility ratepayers; and

6 **WHEREAS**, North Dakota is currently a major supplier of electricity to the Midwest; and

7 **WHEREAS**, North Dakota Century Code Section 49-02-23 expressly forbids the North
8 Public Service Commission to consider the potential cost impact of future carbon regulation and
9 other environmental externalities to North Dakota ratepayers; and

10 **WHEREAS**, as part of a Certificate of Need proceeding before the Minnesota Public
11 Utilities Commission, the CEOs of Otter Tail Power Corporation, Great River Energy and
12 Montana Dakota Utilities--at one time all investors in the Big Stone II power plant--signed a
13 settlement agreement with the Minnesota Department of Commerce acknowledging a carbon
14 dioxide emissions cost of \$10 per ton; and

15 **WHEREAS**, in January of 2009, the Minnesota PUC, as part of its issuance of a
16 Certificate of Need for construction and operation of the Minnesota portion of two transmission
17 lines and related facilities, required Otter Tail Power to limit what it asks its Minnesota
18 customers to pay for carbon dioxide emissions; and

19 **WHEREAS**, studies reflecting the economic potential for mitigating global green house
20 gas emissions include carbon price estimates ranging from \$0 per ton to \$100 per ton; and

21 **WHEREAS**, any electrical generation facility constructed can be expected to have a
22 lifetime of at least 50 years and permitting decisions that do not take into account all variables
23 can result in a long-term disadvantage to families and businesses;

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

1 That the Legislative Council study the potential cost impact of North Dakota Century
2 Code section 49-03-23 on the state's utility ratepayers and to the state's renewable electricity
3 generation potential.

4 **BE IT FURTHER RESOLVED**, that the legislative council study the potential cost
5 impacts of North Dakota Century Code Section 49-02-03 to the state's utility ratepayers and to
6 the state's renewable electrical generation potential.