

Sixty-first
Legislative Assembly
of North Dakota

SENATE CONCURRENT RESOLUTION NO. 4015

Introduced by

Senator Mathern

Representatives Nelson, Zaiser

1 A concurrent resolution directing the Legislative Council to study the potential cost impact of
2 North Dakota Century Code Section 49-02-23 on the state's utility ratepayers and to the state's
3 renewable electricity generation potential.

4 **WHEREAS**, the Public Service Commission is entrusted with protecting the financial
5 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 Public
8 Service Commission from considering the potential cost impact of future carbon regulation and
9 other environmental externalities on North Dakota ratepayers; and

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

15 **WHEREAS**, in January 2009 the Minnesota Public Utilities Commission, as part of its
16 issuance of a certificate of need for construction and operation of the Minnesota portion of two
17 transmission lines and related facilities, required Otter Tail Power Corporation to limit what it
18 requests its Minnesota customers to pay for carbon dioxide emissions; and

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

21 **WHEREAS**, any electrical generation facility constructed may be expected to have a
22 lifetime of at least 50 years and permitting decisions that do not take into account all variables
23 may 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 49-02-23 on the state's utility ratepayers and to the state's renewable electricity
- 3 generation potential; and
- 4 **BE IT FURTHER RESOLVED**, that the Legislative Council report it finding and
- 5 recommendations, together with any legislation required to implement the recommendations, to
- 6 the Sixty-second Legislative Assembly.