

**Senate Bill 2091—Testimony in Support**

House Energy and Natural Resources, Chairman Porter

March 4, 2021

Chairman Porter, members of the committee, I am Carlee McLeod, President of the Utility Shareholders of North Dakota (USND), and I come before you to testify in support of SB 2091 on behalf of my members, including ALLETE, Montana Dakota Utilities, Otter Tail Power Company, and Xcel Energy.

This bill comes before you to clarify the definitions of “public electric utility” and “rural electric cooperative”, namely, to clarify that a person would not be considered a utility:

- 1) by reselling electricity;
- 2) if that electricity comes from the utility serving that area; and
- 3) if the resale of electricity is for charging electric vehicles exclusively.

This bill neither adds nor detracts from existing Public Service Commission jurisdiction or utility rights and obligations.

As the electric vehicle industry grows within the state, there have been concerns regarding the existing definitions and whether they preclude charging stations from offering electricity by the unit. To bypass any concern to date, charging stations have offered fees based on time of charging, which is less exact than kilowatt hour. This clarification would allow the more exact offer of kilowatt hour while respecting North Dakota’s electric territorial integrity.

As my colleagues will or have stated, serving electric customers requires significant capital investments for generation, transmission, and distribution systems, and this bill would not disrupt those efficiencies. Rather, it would allow the electric vehicle industry to blend seamlessly with existing utility regulations.

We ask for your support for this clarification.

Thank you.

