



PO Box 1856
Bismarck, ND 58502
701-258-8864
1-800-981-5132
www.usnd.org

House Bill 1095 Testimony in Support

Senate Energy and Natural Resources Committee, Senator Kreun, Chair

March 4, 2021

Chairman Kreun, members of the committee, I am Carlee McLeod, president of the Utility Shareholders of North Dakota. USND supports this bill on behalf of its members which include ALLETE, Montana-Dakota Utilities, Otter Tail Power, and Xcel Energy. We come before you today to support HB 1095.

We appreciate the Public Service Commission's work to develop HB 1095. In a time when in-person meetings were not possible, the Commission and its staff afforded the public ways to participate in multiple discussions regarding this and other PSC bills. We are happy with the resulting language.

In particular, we support language on page 5, lines 21-22, and 26-27 regarding light mitigation technology. When this area of law was first proposed, we had concerns regarding the newness and availability of light mitigation technology. The companies developing this technology were few and only a handful of projects had been installed worldwide. In the US, only one or two projects had been approved by the FAA at the time, and we were concerned about requiring relatively untested technology with installation deadlines when we were at the mercy of the FAA for project-specific approval. In committee discussions, we were made a bit more comfortable with the understanding that the PSC would promulgate rules for the requirement consistent with the FAA requirements and dependent on FAA approval, meaning if the FAA didn't approve the technology, it wouldn't be required. Over the past four years, there has been a difference in interpretation of the language of the law, prompting this clarification. This language clarifies that the PSC has the authority to determine the appropriate project-specific action based on technical or economic feasibility considerations.

We fully support this clarification and ask for a DO PASS recommendation.

Thank you.