



**Senate Energy & Natural Resources Committee
Testimony in Opposition to HB 1503
March 17, 2023**

Chairman Patton & Members of the Senate Energy & Natural Resources,

My name is Lisa Feldner and I am here today on behalf of Enel North America. Enel North America is an energy company based in Andover, Massachusetts with an Italian minority interest. The company operates in 14 states and has had a presence in North Dakota since 2017. It has 2 operating wind farms near Tioga and 2 projects under development.

We do not believe that Enel would be considered a “covered person” under this definition because none of the ownership falls into the category of foreign adversary. However, section 2 of the bill, regulation of covered persons, may be problematic because Enel has not been operating in the state for 7 years.

Companies generally register **projects** (not the corporate holding entity) with the secretary of state. If this provision were adopted, and Enel created a new project in ND, we would register the project with the SOS; but, that project, by definition, would not have seven years of history as being in good standing in ND. This would discriminate against new projects. Also, Enel as a company would not meet the 7-year registration history even if this were specific to the Company and not the project.

Enel has not been approved by the Committee for Foreign Direct Investment in the US (CFDIUS) for any of its investments in the U.S. As a standard of practice,

CFDIUS investigates bad actors. Having an investigation would trigger concern, not confidence, in the investor and the company.

Our suggested amendments to Section 2, subsection 1(a), and subsection 5: remove “seven years or longer”, and replace with “is a duly registered business and has maintained a status of good standing with the secretary of state”.

Thank you.

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