

Comments of Curtis Jundt

Before the ND Legislative Senate Natural Resources Committee

In support of SCR4015 (Sponsor Senator Magrum, et al)

Purpose: To expand the NDPSC from three members to Five (5) Commissioners elected from five distinctly delineated Districts comprised of 9 to 10 Legislative Districts each.

February 14, 2025 9:00AM CST

Good morning Senate Committee Chair Patten and Legislative Committee Members:

My name is Curtis Jundt. I am here today to respectfully request your support for SCR 4015 before you to expand the ND Public Service Commission from three to FIVE (5) Commissioners to be elected from five (5) newly established, distinctly delineated, “Regulatory Districts” comprised of 9 to 10 Legislative Districts each. This change is necessary to achieve a more just and equitable regulatory representation of all ND citizens across the State versus decades of three Commissioners either being appointed and/or elected from the Capitol City political and bureaucratic system.

Background and Justification for moving forward with SCR4015:

On October 24, 2022, Summit Carbon Solutions LLC (Summit) filed its Application before the NDPSC. One week later, one of three elected PSC Commissioners, Julie Fedorchak, recused herself due to her family having done a deal with Summit during the previous year. The remaining two elected PSC Members, through whatever process (and potentially involving anyone else unbeknownst to the Citizens they represent), chose a substitute “Decision-Maker” to sit in for recued, elected Commissioner Fedorchak to make a PSC decision on what turned out to be the most highly Citizen contested, technically involved, attorney-involved pipeline siting Application in the history of the State and the NDPSC. Nevertheless, this move left just TWO elected PSC Commissioners and a third “Decision-Maker” not elected by the Citizens and

who nearly 100% of the Citizens opposing the Summit Application had never heard of before. This was unjust to not only the substitute “Decision-Maker” - having no experience as a PSC Commissioner - but to the Citizens as well. The resultant three-seated-member PSC heavily influenced by the ND Capitol political system where it was, and still is, being made very clear through speeches, LTE’s to ND’s largest newspapers, Conferences, Radio and TV interviews, Press Releases, etc. that ND’s elected Federal and State Politicians, and the State Bureaucratic system, all support the Summit Application. The former Governor made it perfectly clear he was all-in on the CO2 pipeline and CCUS and was the one who initially appointed Commissioner Haugen-Hoffert to the NDPSC and where the chosen “Decision-Maker” was essentially an employee accountable to the Governor’s office. So it can be easily concluded that the Citizens opposing Summit’s Application (for valid concerns for their health, safety, financial and economic wellbeing) were not only at a disadvantage to Summit and its litany (army) of attorneys but a political regime who had made it very clear (and still do make it very clear) they want the Summit pipeline Application approved and for the CO2 pipeline to be constructed. Its not unreasonable to conclude the two elected NDPSC Commissioners and the State Government Employee substitute “Decision Maker”, along with the entire NDPSC Staff, had tremendous political pressure put on them by the State Capitol politicians and bureaucracy where they live and work.

This is not just about how the Summit Application turned out but rather an example of how unjust it was to the Citizens to have only two elected PSC Commissioners looking out for their valid concerns (And I am quite confident that time will unfortunately show sooner than later that ALL the Citizen concerns have been valid!). This is about a regulatory process that is comprised of just three members coming from the Bismarck political system and often times being first appointed by the Governor; then using their time as a NDPSC Commissioner as a springboard to higher political office. And what happens when one or two recuse themselves due to conflicts? The Citizens have NO say in who the substitute replacement regulatory commissioners will be. Having

FIVE (5) elected PSC Commissioners and a process for the Legislative Districts within one of the Five newly formed “Regulatory Districts” to choose the “substitute Decision-Maker” would be more just and fair regulatory representation of Citizens from across ND; not just from Bismarck’s State Government/Political system.

I encourage this Committee to Approve SCR4015. My hope would be we could get candidates who actually have some industry experience in the areas regulated by the NDPSC that include: Abandoned Mine Lands, Coal Mining, Electric and Gas, Pipelines, Railroads, Siting, Telecommunications, Weights and Measures to name the most significant.

(End Comments of Curtis Jundt)