

**2025 SENATE ENERGY AND NATURAL RESOURCES**

**SCR 4015**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

SCR 4015  
2/14/2025

Relating to the election of public service commissioners; to provide for application; and to provide an effective date.

9:00 a.m. Chairman Patten opened the meeting.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

### **Discussion Topics:**

- Change board membership
- Pipeline safety
- Equitable regulatory representation
- Representation issues
- Public Service Commissioner recusal
- Distinct regulatory districts

9:00 a.m. Senator Jeffery J. Magrum introduced the bill and submitted testimony in favor #37706.

9:32 a.m. Lanny D. Kenner testified in favor and submitted testimony #37544.

9:33 a.m. Jerol Gohrick testified in favor.

9:35 a.m. Curtin Jundt testified in favor and submitted testimony #37692.

### **Additional written testimony:**

Zachary D. Cassidy, Organizer of the DRC, submitted testimony in favor #37687.

Gaylynn Becker, PhD, submitted testimony in favor #37741.

9:50 a.m. Chairman Patten closed the hearing.

*Kendra McCann, Committee Clerk*

Lanny Kenner  
District 7

Chairman Patten and committee members.  
I am requesting yes votes on SCR 4015.

In order to have the voices heard from a larger variation of different parts of the state we need to have five districts with one Public Service Commissioner elected from each of the districts. The way it stands now all three commissioners are from an area with a diameter of roughly 70 miles.

In my opinion this needs to be changed to have the voices heard from all across the state.

For this reason I am requesting a  
DO PASS on HCR 4015.

Thank you for listening.

**Zachary Cassidy**

Organizer

Dakota Resource Council

Dear Chairman and member of the Committee,

I am Zachary Cassidy, writing to support SCR 4015. This bill would allow for the 3-person PSC to become a 5-person one. We believe that this makes good sense and allows for a more democratic Public Service Commission, and allow for more people's views to be heard on the commission.

As such we ask the committee to issue a DO PASS recommendation.

## 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 compromised 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" compromised 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)

<u>Service Commission</u>			by and with the advice and consent of the Senate	
<u>North Carolina Utilities Commission</u>	<u>7</u>	NC ST § 62-10	3 appointed by the Governor; 1 appointed by the General Assembly upon the recommen- dation by the Speaker of the House of Representa- tives; 1 appointed by the General Assembly upon the recommen- dation of the President Pro Tempore of the Senate	At-large
<u>North Dakota Public Service Commission</u>	<u>3</u>	ND CONST Art. 5, § 2	Elected by the qualified electors of the state	At-large



<u>Service Commission</u>		12 ST § 350.031	subject to confirmation by the Senate	
<u>Georgia Public Service Commission</u>	<u>5</u>	GA CONST Art. 4, § 1	Elected at general elections	5 districts
<u>Hawaii Public Utilities Commission</u>	<u>3</u>	HI ST § 269-2 HI ST § 26-34	Appointed by the Governor with the advice and consent of the Senate	At-large
<u>Idaho Public Utilities Commission</u>	<u>3</u>	ID ST § 61-201	Appointed by the Governor with the approval of the Senate	At-large
<u>Illinois Commerce Commission</u>	<u>5</u>	IL ST CH 200 § 5/2-101	Appointed by the Governor by and with the advice and consent of the Senate	At-large
<u>Indiana Utility Regulatory Commission</u>	<u>5</u>	IN ST 8-1-1-2	Appointed by the Governor	At-large

<u>Iowa Utilities Commission</u>	<u>3</u>	IA ST § 474.1	Appointed by the Governor and subject to confirmation by the Senate	At-large
<u>Kansas Corporation Commission</u>	<u>3</u>	KS ST 74-601	Appointed by the Governor subject to confirmation by the Senate	At-large
<u>Kentucky Public Service Commission</u>	<u>3</u>	KY ST § 278.050	Appointed by the Governor with the advice and consent of the Senate	At-large
<u>Louisiana Public Service Commission</u>	<u>5</u>	LA R.S. 45:1161.1	Elected from single-member districts	5 districts
<u>Maine Public Utilities Commission</u>	<u>3</u>	ME ST T. 35-A § 105	Appointed by the Governor subject to review by the joint standing committee of	At-large

			consent of the Senate	
<u>Minnesota</u> <u>Public</u> <u>Utilities</u> <u>Commission</u>	<u>5</u>	MN ST § 216A.03	Appointed by the Governor by and with the advice and consent of the Senate	At-large
<u>Mississippi</u> <u>Public</u> <u>Service</u> <u>Commission</u>	<u>3</u>	MS ST § 77-1-1	Elected from each of the three Supreme Court districts by the qualified electors of such district	3 districts
<u>Missouri</u> <u>Public</u> <u>Service</u> <u>Commission</u>	<u>5</u>	MO ST 386.050	Appointed by the Governor with the advice and consent of the Senate	At-large
<u>Montana</u> <u>Public</u> <u>Service</u> <u>Commission</u>	<u>5</u>	MT ST 69-1-103	Elected from a separate district of the state	5 districts
<u>Nebraska</u> <u>Public</u> <u>Service</u>	<u>5</u>	NE ST § 32-509	Elected on a partisan ballot at	5 districts

I'm testifying in support of SCR 4015 to expand the PSC to 5 members and 5 districts and Elected by the districts. This would provide for a fairer representation of the people as each part of the state would have a representative on the Public Service Committee.  
Let the decision be made by the people of North Dakota.

Thank you  
Gaylynn L Becker, PhD  
4608 Chamberlain Place  
Bismarck, ND 58503  
701 527-1720

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9:50 a.m. Chairman Patten opened the hearing.

Members present:

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### Discussion Topics:

- Public Service Commission structure
- Commissioner workload
- Cost implications of additional staff

9:50 a.m. Chairman Patten led committee discussion and reviewed the bill going over 5 commissioners versus 3 commissioners.

9:56 a.m. Senator Kessel moved a Do Not Pass.

9:56 a.m. Senator Beard seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

9:56 a.m. Senator Gerhardt will carry the bill.

9:56 a.m. Chairman Patten closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SCR 4015 ([25.3056.01000](#))**

**Energy and Natural Resources Committee (Sen. Patten, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SCR 4015 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.