

Minutes of a Meeting of the Industrial Commission of North Dakota
Held on June 25, 2014 at 3:03 p.m.
Governor's Conference Room, State Capitol, Bismarck, ND

Present: Governor Jack Dalrymple, Chairman
Attorney General Wayne Stenehjem
Agriculture Commissioner Doug Goehring

Also

Present: Margaret Olson, Attorney General's Office
Tyler Hamman, Lignite Energy Council
Jerod Tufte, Governor's Office
Members of the Press

Governor Dalrymple called the Industrial Commission meeting to order at 3:03 p.m. and the Commission took up Lignite Research, Development and Marketing Program business.

Ms. Margaret Olson, Assistant Attorney General, presented draft comments for submission to the Minnesota Public Utilities Commission regarding their Investigation into Environmental and Socioeconomic Costs under Minn. Stat. § 216B.2422, Subd. 3. Docket No. E-999/CI-00-1636.

Ms. Olson stated last fall environmental groups had asked Minnesota Public Utilities Commission's (MPUC) to reopen the externalities docket and they are currently considering that motion. This spring, the MPUC had asked the Minnesota Department of Commerce and Minnesota Pollution Control Agency ("Agencies") to talk about what the scope of the proceedings should be. In early May the Industrial Commission submitted comments to those Agencies stating that the scope should not include North Dakota facilities. The Agencies made their recommendations to MPUC and MPUC is now asking for comments on those recommendations. The proposed brief comments reiterate that North Dakota is opposed to the scope of this proceeding including any issues that could affect North Dakota facilities.

Attorney General Stenehjem said we have no indication from Minnesota that they actually do intend to include North Dakota in the proceeding but we want to be clear on our position. We were opposed to the MPUC reopening the externalities docket. The MPUC reopened the docket and these brief comments state that the scope of this proceeding should not include any issues that could affect North Dakota facilities.

Ms. Olson stated the MPUC has clarified that they are not including North Dakota in the proceedings regarding CO₂ but they have been silent on other pollutants.

It was moved by Commissioner Goehring and seconded by Attorney General Stenehjem that the Industrial Commission approves the following comments in the Matter of the Investigation into Environmental and Socioeconomic Costs under Minn. Stat. § 216B.2422, Subd. 3., Docket No. E-999/CI-00-1636 and directs that the comments be submitted, over the Governor's signature, to the Minnesota Public Utilities Commission by June 26, 2014:

Dr. Burl Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East Suite 350
St. Paul, MN 55101

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Re: **In the Matter of the Investigation into Environmental and Socioeconomic Costs under Minn. Stat. § 216B.2422, Subd. 3**
Docket No. E-999/CI-00-1636

Dear Dr. Haar:

Thank you for the opportunity to provide comments on the report issued by the Minnesota Department of Commerce and the Minnesota Pollution Control Agency (“Agencies”) regarding the scope of the Minnesota Public Utilities Commission’s investigation into the environmental and socioeconomic costs under Minn. Stat. § 216B.2422(3).

Throughout this proceeding, North Dakota has opposed including in the scope any issues that could affect North Dakota facilities. Our concerns are discussed in our comments to the Agencies and in earlier comments submitted to the Commission. As explained in those comments, it is our understanding that the Commission is not considering including any issues affecting North Dakota facilities in the scope of this proceeding.

We ask that the Commission consider our previous comments before including any issues that could affect North Dakota facilities. Should the potential scope be expanded to include such issues, North Dakota respectfully requests the opportunity to provide additional comment.

Sincerely,

North Dakota Industrial Commission

Jack Dalrymple
Governor and Chairman

On a roll call vote, Governor Dalrymple, Attorney General Stenehjem and Commissioner Goehring voted aye. The motion carried unanimously.

Being no further Lignite Research, Development and Marketing Program business, Governor Dalrymple adjourned the meeting at 3:08 p.m.

INDUSTRIAL COMMISSION OF NORTH DAKOTA



Karlene Fine, Executive Director and Secretary