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United States Senate

WASHINGTON, DC 20510

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URBAN AFFAIRS
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GOVERNMENTAL AFFAIRS
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SMALL BUSINESS AND ENTREPRENEURSHIP

November 9, 2015

Dear Friends,

Thank you to Dave Glatt and the North Dakota Health Department for holding these public hearings on the EPA's Clean Power Plan and for allowing me to make this brief statement.

These public hearings are a critical component of the state's process in developing a State Implementation Plan – and in doing so laying out the potential harm to North Dakota residents, businesses, and utilities that would come from trying to meet the final standard in the timeline proposed. EPA's final CPP rule requires emissions reductions four times higher for North Dakota than were required by the proposed rule – even after North Dakota's utilities spent considerable time and resources working in good faith with the EPA on meeting the goal in the proposed rule.

While the state and the federal delegation continue to look at all options available, it is imperative that we have a viable plan to submit – both to avoid a federal implementation plan from an agency that clearly has no understanding of North Dakota's electrical generation and transmission capabilities and needs, and to show the EPA that the state is willing to make tough choices to reduce emissions but not at the expense of reliability and affordability.

Coal-fired power plants generate about one-third of the country's electricity, and almost 80 percent of North Dakota's electricity. Coal supports over 13,000 jobs in North Dakota and has an economic impact of \$3.5 billion per year. And, just as important, coal-fired power provides good paying jobs and affordable, reliable electricity to rural communities throughout the state. We need workable solutions for North Dakota utilities, as well as for a viable path forward for coal to guarantee our state's families and small businesses have affordable and reliable power. We are living in an increasingly carbon constrained world and must continue to adapt and innovate in order to maintain a diverse energy mix and keep coal as a viable energy resource. There are certainly some tough decisions to be made in terms of emissions reductions, regardless of how this process shakes out in the end – but taking on new energy efficiency initiatives, increasing wind and solar capacity, bringing on more natural gas, and new technologies for utilizing coal more efficiently and cleaner are all steps that North Dakota has already begun to take. The efforts already undertaken should provide a path for a tough – but realistic goal for the state.

Along with Senator Shelley Moore Capito from West Virginia, I have introduced a resolution of disapproval under the Congressional Review Act to stop the EPA from moving forward with its Clean Power Plan regulations for existing power sources. I have also received a commitment from EPA for technical staff to work closely with Dave Glatt and his team and our states utilities – including coming out to North Dakota to sit across the table from our folks and understand the impossible challenge of meeting this goal without serious disruption and cost. North Dakota families and businesses should know they can get the affordable, reliable electricity they need. Unlike many other states, our regulators and utilities have been some of – if not the most – constructive and innovative when it came to working on the proposed rule. This should come as no surprise given their history of sitting down and working through challenges in the past – and the process taking place today shows that once again North Dakota's regulators and utilities will act constructively and comprehensively to address this issue.

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Given the uncertainty of litigation, defunding, and legislative repeal – it is imperative that at both the state and federal level we work towards a better outcome for North Dakota. I have already started discussions with colleagues on both sides of the aisle – assuming the CPP or some version of it is upheld – on how we can begin to provide flexibility, longer timelines, increased options and flexibility for coal. In particular, we must work to avoid stranded assets and allow for utilization during a reasonable “useful life”, reduce or eliminate regulatory and bureaucratic barriers as utilities look to make retro-fits and build-out new infrastructure to meet a plan, credits for previously installed renewables, and various other options that will allow North Dakota to maintain our fleet and provide reliable and affordable power.

I will continue to work with my colleagues in the Senate, as well as leaders in North Dakota and our energy industry to do everything I can to find workable solutions for North Dakota utilities and consumers through any and all available options.

Again, thank you for your work on this effort and for allowing me to share these comments.

Sincerely,



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