

# **North Dakota Association of Rural Electric Cooperatives**

## **2021 Resolutions**

### **Energy Policy**

A prosperous American economy requires a dependable, adequate, affordable, diverse and domestic supply of energy. We must promote domestic energy, using an all-of-the-above strategy with the goal of energy independence. We also support environmentally friendly programs and policies which will promote energy security, including comprehensive planning, research and development of new energy technologies, renewable energy, and energy efficiency and conservation. We urge the federal agencies to strive to accomplish their missions in a way that provides adequate timelines and reasonable regulatory certainty before imposing mandates.

### **Coal Policy**

#### **1. Coal resources**

Coal provides a significant portion of baseload electrical power generation in the United States. It is a resource that is abundant in our state and region and accounts for a majority of North Dakota's electrical generation. Coal has provided cooperative customers cost effective power that is not subject to large fluctuations in price. To provide affordable energy in the future, our national energy policy must include a path forward for coal as a necessary source of domestic energy.

#### **2. Support for new clean coal technologies**

North Dakota electric cooperatives have provided investment for a vast majority of the lignite coal burned in North Dakota. The lignite-fueled energy industry has provided low-cost electricity, jobs and revenues for the benefit of all of North Dakota and continues to be of great value to the region as well.

As North Dakota's existing electric power plants age, new technology is developed, and increased environmental regulations take effect, it is important to meet the challenges ahead. North Dakota electric cooperatives are leading the way to understanding carbon capture and storage and the beneficial use of carbon dioxide in enhanced oil recovery. In Project Tundra, Minnkota Power Cooperative has a vision of retrofitting the Milton R. Young Station with equipment to capture carbon dioxide emitted and sequester it in deep saline formations near the adjacent lignite mine. Potential exists in the future for the captured CO<sup>2</sup> to be used for enhanced oil recovery in North Dakota's oil fields. North Dakota's electric cooperatives are also researching the allam cycle, which uses and captures carbon dioxide in the combustion process rather than emitting it as a byproduct.

We urge the federal and state governments to adopt incentives to promote carbon capture, utilization and storage, and to stimulate the use of carbon dioxide in enhanced oil recovery. We believe that North Dakota electric cooperatives should continue to take an active role in developing and implementing new technology that will improve the efficiency and environmental operation of North Dakota's existing electric generation plants.

### **3. Support of Great Plains Synfuels Plant**

We support Basin Electric Power Cooperative's (Basin Electric) resolution to continue to make the necessary business decisions in order to eliminate Dakota Gas' adverse financial impacts on the Basin membership.

### **4. Federal Coal Leases**

We believe the federal coal leasing program is intended to fairly value an important public resource that generates substantial revenue. Increased royalty rates that negatively impact coal production will result in less return for the taxpayer, as well as increase electricity prices and potentially impact reliability.

In North Dakota, federal coal consists mostly of very small parcels comingled with private and state coal resources. Coal producers pursue federal parcels in order to provide a more efficient, continuous mine plan. The federal coal parcels need considerable environmental analysis under the National Environmental Policy Act before they can be leased, a process that has begun to take several years longer than state permitting processes for surrounding mine lands and at significant cost to coal producers and their customers. By streamlining the leasing process and improving access to federal coal parcels, the federal government can increase revenues, and ensure that it is upholding its statutory mandate to pursue multiple use of public resources in the interest of the taxpayer.

### **Hydropower Policy**

### **5. Hydropower development**

Our nation's resources must be used wisely. Our energy future depends, in part, on our ability and willingness to use this nation's hydropower resource efficiently. Hydropower is a renewable resource and should be treated as such with respect to federal and state energy policy.

The federal government should continue and enhance its efforts to maintain and repower the hydropower generators to maximize the production of this renewable generation.

## **6. Support for preference clause**

The principles establishing the preference clause for the disposition of federal hydropower are as sound today as they were when initiated. We will oppose any efforts to weaken the preference clause.

We strongly oppose changes in the allocation of federal preference power that would expand rights to this power to investor-owned utilities or power marketers. Any such proposed changes would have the unintended consequence of seriously upsetting an already delicate balance among many interests.

We believe the ability of private for-profit investor-owned utilities to obtain increased access to federal preference power through lease arrangements unintentionally encourages the export of low-cost private power resources in one region to customers outside the region. Such exports could easily threaten the stability of regional rates.

## **7. Hydropower rates**

We oppose increasing rates beyond cost-based pricing of hydropower. Any such attempt would be unfair and would play into the hands of those who seek to unjustly profit from this nation's energy needs. We support cost-based pricing of hydropower, and strongly oppose any violation of the long-standing covenants between the government and its citizens which clearly provide hydropower be sold at the lowest possible cost, consistent with sound business principles.

## **8. Power Marketing Administrations**

We believe Power Marketing Administrations (PMAs) or any assets of the PMAs should not be sold. Selling federal assets to reduce the national debt is not sound fiscal policy. Likewise, we oppose the privatization of power marketing agency maintenance contracts for federal dams. We believe the federal government is best suited to provide the maintenance for the dams they run and can provide the maintenance for a lower cost than private contractors. The power we receive from PMAs remains a vital component in continuing to ensure universal electric service remains at the lowest price possible.

## **9. Pick-Sloan benefits**

We recognize the water development benefits promised to Upper Missouri Basin states to compensate for Missouri River bottom land flooded to provide down-stream flood control as part of the Pick-Sloan Plan (1944 Flood Control Act).

Any changes from the original authorization for these federal projects should not jeopardize this region's hydroelectric users. We oppose changing preference clause provisions or raising hydroelectric rates to pay the debt obligation of the dams presently assigned to irrigation.

We urge the U.S. Congress to strongly resist any attempts to provide for repayment assistance to municipal and industrial water systems in hydropower rates contrary to the reclamation law. We oppose any attempt to alter the benefits to preference customers which would increase hydropower rates to subsidize an investment which is not the responsibility of hydroelectric consumers.

We believe the federal government should bear the costs of protecting federal hydropower and delivery facilities from acts of terrorism. Power customers should be responsible to pay only their obligations under the Safety of Dams Act.

### **Other Energy Policy**

#### **10. Domestic oil and gas exploration and transmission**

We support reasonable and responsible exploration, development and transmission of our domestic oil and gas reserves. We urge the U.S. Congress, the governor and the legislature to take an active role in promoting rail safety and additional pipeline and refinery capacity to bring North Dakota's oil and gas production to market safely and without discount or excess transportation charges.

#### **11. Nuclear power**

Nuclear power is the world's largest source of carbon-free electric energy. NDAREC supports the use of nuclear power in a safe and responsible manner and urges the U.S. Congress and federal officials to ensure plant safety and security; to develop secure, long-term storage of nuclear waste; and to develop the domestic capacity to reprocess spent nuclear fuel.

#### **12. Renewable energy and new technologies**

We support expanded research and greater development of renewable energy resources such as wind, water, solar, biomass, biofuels, recycled energy and geothermal. We support more research and development of improved methods for power generation, transmission, distribution, and storage.

We believe the electric industry should continue to respond to consumer interest in renewable energy and other electric technologies without the need for government mandates, such as renewable portfolio standard (RPS) proposals.

Should an RPS be considered, we believe that exemptions to the RPS should be based on utility size rather than type of utility ownership.

We believe that federal hydropower should be credited as a renewable form of energy for any RPS requirements. At a minimum, federal hydropower should not be counted against preference customers when determining the amount of renewable power needed to meet future RPS requirements.

We challenge our member cooperatives to continue to lead the electric industry in the promotion and development of our renewable resources based on sound economics.

We believe that any federal or state incentives that may be offered to promote renewable energy development should be offered on an equivalent value basis to both consumer-owned and investor-owned utilities.

### **13. Support for 25x'25 Alliance**

NDAREC shares the vision of the 25x'25 Alliance that America's farms, forests and ranches will provide 25 percent of the total energy consumed in the United States by 2025 from renewable resources such as solar, wind, hydroelectric, biofuels and biomass. We pledge to work toward making the 25x'25 Vision part of the energy policy of our nation.

### **14. Support for recycled energy systems**

North Dakota law defines recycled energy systems as systems producing electricity from unused waste heat resulting from combustion or other processes.

We believe this type of energy is renewable and qualifies for renewable energy credits. These types of generation systems, such as those added at natural gas compressor stations in North and South Dakota, Montana and Minnesota, capture energy that would otherwise be wasted, while creating no harmful emissions or other environmental problems.

### **15. Support of biofuels**

We support federal, state, and industry initiatives to promote the increased production and use of biofuels. We believe biofuels use promotes America's energy independence, protects the environment, and offers an additional market for our agricultural producers.

### **16. Use of ethanol and biodiesel**

We urge all our member cooperatives to use ethanol and biodiesel in their vehicles whenever such fuels are available and encourage their employees and members to do the same. We urge all our member cooperatives, when purchasing new vehicles, to purchase flexible fuel vehicles.

## **17. Support for Electric Vehicles (EV) and Plug-in Hybrid Electric Vehicles (PHEV)**

To help produce a cleaner environment and reduce carbon emissions, NDAREC supports development and deployment of many different technologies, including electric vehicles (EV), plug-in hybrid electric vehicles (PHEV), and EV charging infrastructure. The costs of electricity to power an EV or a PHEV is also considerably less than the cost of the equivalent amount of gasoline power.

We believe EV and PHEV owners should pay a fee to support highway construction and maintenance to recoup lost gas tax revenue. We support the development of infrastructure of charging stations for electric vehicles. We encourage member cooperatives who purchase electric vehicles to educate their members on the experience of owning and operating an electric vehicle. We believe that the operators of EV chargers should be allowed to sell electricity without being considered a utility, so long as that electricity is purchased from the incumbent utility.

## **18. Natural Gas Extension**

We encourage the extension of natural gas service to unserved areas; however, we do not believe state tax dollars should be used in providing such extensions. We do not support legislation that seeks to divert state tax dollars to create better profit margins for investor owned utilities who provide natural gas. If the state does provide incentives and assistance towards extending natural gas service, we believe that cooperatives should be allowed within their enabling acts to provide natural gas to its member owners as well.

## **19. Utility joint planning**

We encourage and commend joint planning and construction of utility transmission lines, gas and oil pipelines, water diversion pipelines and telecommunications services whenever possible. To this end we pledge to work with others in the utility industry.

## **20. Load management**

We encourage cooperative innovation in developing member electric use incentive programs compatible with load-management techniques. We should pursue a balanced approach which combines load-management objectives with the need to market surplus power, so plants can run efficiently.

We further support NRECA Cooperative Research Network efforts to develop appropriate load-management and smart grid technologies.

## **21. Net metering**

We oppose government mandated crediting owners of self-generated electricity systems through net metering of consumer-produced electricity for rural electric cooperatives whose rates and terms of service are established by consumer elected boards of directors. Member-elected boards of all electric cooperatives will continue to establish rates and terms of service that are fair and equitable to all members and member classes. We oppose efforts to mandate the shifting of costs from consumers who do install distributed generation at their residence or place of business onto the utility's other consumers.

## **22. Energy conservation and efficiency**

We urge co-ops to continue and expand their efforts to educate consumers about energy conservation options and the advantages of switching to more energy efficient lighting, appliances, and other technologies to reduce energy demand and save on energy costs.

We urge cooperatives to strongly promote the Touchstone Energy® Cooperatives' energy conservation and efficiency efforts campaigns. We urge the North Dakota Legislature to take a leadership role in incentivizing energy efficiency for consumers and promoting energy efficiency in publicly built and owned facilities.

## **23. Energy assistance program**

We encourage and support Low Income Home Energy Assistance Program, a program funded through general taxes and administered by a government agency to help those consumers in financial need.

## **24. Security of electric infrastructure**

Electric generation and transmission facilities are vulnerable to acts of terrorism or cyber-attacks.

Electric utilities are responsible for ensuring the security of the most critical electric infrastructure and cyber networks. The electricity sector is the only critical infrastructure sector with mandatory and enforceable cybersecurity standards in place through the North American Electric Reliability Corporation (NERC).

As the Department of Homeland Security, the United States Congress and the states look at other ways to protect critical public services from terrorist and cyber-attacks, we urge them to ensure they do not duplicate existing requirements and ensure affected industries are included in the development of any proposed security standards, including better information sharing between the federal government and industry regarding potential threats.

## **25. North Dakota One Call law**

We support the strengthening of the North Dakota One Call Law. We believe the law is important in promoting safety and maintaining reliable electric and other utility service to our members. We support efforts to enhance compliance with the North Dakota One Call law and promote active representation by cooperatives among One Call stakeholder groups.

## **26. Development of Renewable Energy**

NDAREC supports an all-of-the-above strategy with the goal of using the available resources in an economical and affordable way while maintaining stewardship of the environment. North Dakota's electric cooperatives have been leaders in developing renewable energy and entering into purchase power agreements with developers of renewable energy. Wind and large-scale solar projects have been proposed for which there were no purchasers of the power. While NDAREC encourages continued development, projects for which there is not a buyer of the power and a lack of local support can make it more difficult for existing and future projects. NDAREC urges developers of projects to secure a purchaser of the power as well as support from the local communities before seeking siting permits.

In addition, policies can make siting, financing and construction of renewable assets very difficult. For example, some wildlife advocates strongly believe that wind towers compromise avian and bat populations. In some cases, wind projects are being delayed and potentially derailed as state and federal agencies cite indirect impacts on wildlife during the siting process. Cooperatives should not be left in the middle of competing interests from developers and wildlife advocates, unable to progress on developing renewable energy when it is cost effective. NDAREC will work with lawmakers and government entities to recognize and solve these dilemmas.

## **27. Distributed Energy Resources**

Distributed energy resources (DER) are assets that may provide electric cooperatives and member-owners an alternative to power generation by large, central-station power and they may otherwise impact the operation of the system. DER includes energy efficiency, distributed generation such as solar photovoltaic panels and combined heat and power, demand response, electric vehicles, energy storage and microgrids. Cooperatives support utility-operated demand response programs because such programs can improve cooperatives' load profiles, reduce their exposure to market risks, and lower costs for all member-owners on the system. Energy storage can help overcome difficult technical problems caused by fast fluctuation of energy delivered to the grid from renewable resources. Electric cooperatives support energy efficiency investments that benefit co-op members.

Electric cooperatives are encouraged to develop policies regarding end-user DER and engineering requirements, including safety, reliability, costs and rates, and coordinated and integrated on a G&T or regional market-wide basis where applicable.

Electric cooperatives support the responsible development of DER. Care must be taken in the design of federal, state and local laws in order to preserve the safety, reliability, and affordability of energy services that cooperatives provide to their member-owners. Federal and state programs that either mandate DER implementation or specific compensation and cost-recovery mechanisms can undermine cooperatives' ability to continue to affordably and reliably meet the needs of all members. Likewise, federal efforts, such as FERC Orders 719 and 841 and state efforts to allow retail member-owners and third parties to sell DER to other consumers or into markets, thereby bypassing cooperatives, may result in degradation of system reliability, negatively affect long-range planning and the ability to provide affordable, reliable service to all members. Such efforts can pose a threat to the viability of the cooperative business model and the G&T-member-owner relationship. NDAREC urges that the "relevant electric retail regulatory authority," be it the local governing board of a cooperative or the state public utility commission, is best positioned to decide whether to authorize third-party DER aggregators to transact with retail consumers.

### **Electric Industry Policy**

#### **28. Electric Service on Indian Reservations**

We recognize that providing electric service on Indian reservations has resulted in territorial disputes between utilities and jurisdictional issues involving state and tribal authorities. We urge NDAREC and its member cooperatives to work with tribal leaders, legislators, state officials and other utilities to develop and support policies that promote fair and predictable electric utility regulations on Indian reservations. We support working toward greater educational efforts and maintaining and improving relationships between cooperatives and the tribes.

#### **29. Public Service Commission Jurisdiction**

As consumer-owned organizations, we oppose any attempts to place North Dakota electric cooperatives under rate and service jurisdiction of the North Dakota Public Service Commission (PSC). PSC regulation would duplicate the oversight already provided by democratically elected co-op boards of directors, impose on co-ops unnecessary regulatory compliance costs, and undermine local consumer control of co-op rates and service.

We believe the PSC should still be the watchdog for consumers who get their power from for-profit stock companies or other sources in which the consumer is not a member/owner.

### **30. Territorial Integrity Act**

We believe the North Dakota Territorial Integrity Act serves the best interest of both rural and urban consumers and electric power suppliers.

The Territorial Integrity Act is needed to ensure orderly development of the state's electric infrastructure to deliver electricity without wasteful duplication. The Act is fair and it has worked well since it was passed in 1965. It has minimized disputes over service areas. NDAREC will strongly oppose any legislative, regulatory, or other effort to abolish or weaken the provisions of the Territorial Integrity Act.

### **31. City franchises**

North Dakota's Constitution gives the governing boards of cities the right to franchise public utilities and similar services. We support the right of city governing boards to make such franchise decisions, provided they do not cancel or revoke existing franchise rights without cause or unreasonably deny franchise applications. In granting franchise rights, cities should avoid unnecessary duplication of utility investments in expensive electric infrastructure.

We commend those electric cooperatives and investor-owned utilities that have entered into service area agreements authorized by section 49-03-06 of the North Dakota Century Code, and we encourage efforts to negotiate additional agreements to better serve the public.

### **32. Willing buyer/willing seller legislation**

North Dakota law limits the right of electric cooperatives to serve consumers in parts of cities that were receiving central station service before the formation of the co-op. Likewise, the law places limits on consumer membership in electric cooperatives. At such time as it may become necessary, we support legislation to amend current law to allow electric cooperatives to serve such consumers as members if this is done in conjunction with the purchase of facilities from another utility on a willing buyer/willing seller basis.

## **Financing**

### **33. Balanced Rural Utilities Service (RUS) financing program**

We call upon the U.S. Congress and the administration to continue a commitment to a balanced approach to long-term financing for the nation's electric cooperatives including hardship loans (for those systems meeting strict eligibility requirements), Federal Financing Bank and Treasury rate loan guarantees.

The need for capital to build new facilities and/or renew existing plant continues at a level that clearly justifies a well-funded loan program.

Nationally and in North Dakota, investor-owned utilities and municipal power systems serve many times more customers per mile of line than do electric cooperatives. This makes the need to continue RUS funding as important as ever.

Over the years, RUS staffing levels have consistently declined, leaving RUS today at crisis staffing levels. We call upon the Administration and Congress to restore staffing levels to allow RUS to meet its obligations to the federal government and to all electric cooperative borrowers.

#### **34. G&T eligibility for RUS loans**

G&T eligibility for RUS loans and loan guarantees has traditionally been tied to the purposes of the Rural Electrification Act, without regard to the status of a G & T's member systems as RUS or non-RUS borrowers. Further, RUS has traditionally used a once-rural-always-rural standard to protect the federal investment in electric infrastructure. We urge RUS to preserve the agency's traditional once-rural-always-rural tests for borrower eligibility. We strongly oppose limiting the availability of RUS funding for much needed baseload generation to meet energy demands in the future.

#### **35. Rural Utilities Service support**

NDAREC believes any buyout or withdrawal of G&T or distribution cooperatives from the RUS should incorporate an extensive and exhaustive study which incorporates not only the potential long-range financial implications, but the regulatory and political implications as well.

#### **36. RUS Refinancing**

Members of the Senate and House of Representatives have introduced legislation to reprice electric cooperative loans from the U.S. Department of Agriculture's Rural Utilities Service. Unlike a typical home mortgage, RUS loans cannot be refinanced to take advantage of lower interest rates without penalty. As a result, many electric cooperatives still hold RUS debt with significantly higher interest rates than today's historically low rates, with few options for relief.

NDAREC urges Congress to allow RUS electric loans to be refinanced without penalty. This essential step will give co-ops the flexibility to manage financial shortfalls and focus on cooperatives' long-term stability and that of the rural communities they serve. Refinancing to today's low rates could return billions in interest savings back to rural communities in the coming decades and help cooperatives manage this difficult economic period.

### **37. RUS Debt Limit Interpretation**

The Rural Utilities Service will not approve a loan to an electric cooperative that exceeds the debt limit established by the cooperative. In interpreting this debt limit, the Rural Utilities Service applies the entire original amount of an outstanding RUS loan against the debt limit, even when most of the principal has been paid off. For example, if a co-op took out a \$40 million loan and has only \$5 million of principal remaining unpaid, RUS considers the debt as \$40 million instead of \$5 million. RUS's interpretation has required numerous co-ops to change their bylaws to raise their debt limit in order to qualify for a new RUS loan, even though their actual debt remained far below the existing debt limit.

Rather than requiring co-ops to periodically amend their bylaws, NDAREC calls upon RUS to change its interpretation to construe debt to mean the outstanding principal balance of a loan and not the original amount of the loan.

### **Environmental/Water Policy**

#### **38. Protecting the environment**

We believe in clean air, clean water, good land use practices, and the conservation and wise use of our natural resources. We support our members' efforts to locate, construct and operate their facilities to meet or exceed all applicable environmental laws, regulations and standards designed to protect the health and welfare of this country's citizens. We believe transmission lines should be routed to minimize negative impacts on other land uses.

#### **39. Coal combustion and emissions technology**

Electric cooperatives operating coal-based generating facilities in North Dakota continue to invest heavily in research and technology to reduce emissions to ensure that the region's rural electric consumers can continue to benefit from the use of our state's plentiful lignite coal resources. We support their efforts and encourage even more research and funding to provide a path forward for lignite resources.

#### **40. Regional Haze**

The Environmental Protection Agency (EPA) adopted regulations to address regional haze and visibility impairment in the nation's parks and wilderness areas. The goal of the regional haze program is to have no man-made visibility impairment of Class I areas by 2064.

Phase I regulations require certain facilities, such as power plants built between 1962 and 1977, to install Best Available Retrofit Technologies (BART) to control emissions. The regulations require states to develop and implement air quality protection plans to reduce pollution that causes visibility impairments.

Federal courts have determined that EPA must afford substantial deference to the regulatory decisions made by the states under the Clean Air Act (CAA). The State of North Dakota has developed and will continue to develop State Implementation Plans to address regional haze, which will be subject to approval by the EPA. NDAREC urges the EPA to continue supporting North Dakota's State Implementation Plans rather than issuing its own Federal Implementation Plans.

#### **41. Federal Clean Air Regulation**

We urge the National Rural Electric Association (NRECA) and NDAREC to be actively engaged to take all appropriate actions to protect the interests of, and minimize the economic impacts to, electric cooperatives and our member-owners, and allows cooperatives to continue to provide affordable, reliable, and safe power. The U.S. Congress never intended for the EPA to regulate greenhouse gases under the Clean Air Act, which was not designed to address climate change.

Unlike the U.S. Congress, in regulating greenhouse gases, the EPA cannot balance the impacts of its actions against their environmental benefits. Regulation of existing sources for CO<sub>2</sub> and other Greenhouse Gases should fall within the limited authority given in the enabling regulatory statute and should not usurp the role of Congress in setting policy.

We urge NRECA and NDAREC to take appropriate action to ensure the EPA's Clean Air Act regulations are legal, cost effective, sensible, and address scientifically demonstrable and significant environmental impacts. We urge NRECA and NDAREC to work with the Administration to protect the interests of electric cooperatives in any efforts to implement Clean Air Act regulations. We urge NRECA and NDAREC to support research and technology development for Carbon Capture, Utilization and Storage (CCUS).

#### **42. Missouri River bank stabilization**

Riverbank erosion along the Missouri River from Garrison Dam to the Oahe Reservoir continues to be a serious problem causing substantial loss of valuable farm and residential land and consequent silting problems downstream.

We urge our Congressional delegation, the state legislature and our state officials to convince the U.S. Congress that a long-term bank stabilization plan is needed. This project is properly the responsibility of the Army Corps of Engineers and should be adequately funded.

#### **43. Wetlands/Waters of the United States (WOTUS)**

Wetlands acquisition in North Dakota should proceed with caution. Wetland easements and purchases should have all wetland areas outlined on land maps, with the duration spelled out in specific years.

Existing wetlands should be used to their fullest capabilities, with existing waterways and impoundments recognized and included for their benefit to wildlife habitat.

We oppose passage of any legislation which would expand the Army Corps of Engineers jurisdiction over isolated wetlands and even ground water by eliminating the “navigable” requirement from the Clean Water Act.

We opposed the “Definition of ‘Waters of the United States’” rule and other attempts to expand federal jurisdiction over waters beyond those that have historically been regulated under the Clean Water act.

We support efforts to roll back the “Definitions of ‘Waters of the United States’” rule and urge Congress to pass common sense legislation that ensures the goals of the Clean Water Act are met without imposing cumbersome regulations on farmers, ranchers, agriculture, and business.

#### **44. Government regulation costs**

Government rules and regulations affecting the construction and operation of electric facilities have increased the cost of construction and operation of all utilities and have resulted in delays and interruptions in construction projects.

NDAREC urges its congressional delegation to take actions necessary to protect the interests of NDAREC’s member-systems and their electric facilities by ensuring that all new regulations and programs are cost-efficient, sensible and address scientifically demonstrable and significant environmental principles. We further urge federal agencies to strive to accomplish their missions through federal permitting and rulemaking in a way that provides adequate timelines and reasonable regulatory certainty before imposing mandates.

#### **45. Accidental wildlife electrocution**

Recent interpretations of the Migratory Bird Act have asserted that accidental electrocution or death by collision of raptors and migratory bird species is a deliberate “taking” of wildlife by electric utilities. Severe penalties have been assessed and proposed against utilities whose systems have experienced such contacts and mid-flight collisions. It is impractical and prohibitively expensive for lines, poles and aerial equipment to be converted to underground or to be retrofitted to mitigate or eliminate impact to avian species. We urge the federal government to strive for balance in its approach to preserving wildlife at the expense of serving our human population with the most basic of necessities – affordable electric power.

## **Economic Development Policy**

### **46. Rural development funding**

Electric cooperatives play a vital role in community and economic development in their service territories. Properly implemented, the community and economic development tools provided for in the Farm Bill can provide much needed capital for local and regional projects. The Rural Economic Development Loan and Grant Program (REDLG) is a particularly important funding tool that deserves on-going support from the U.S. Congress. As an organization that is committed to the future of rural America, we urge the continuation of USDA Rural Development programs at a level that allows USDA Rural Development to continue its important mission of providing technical and financial assistance aimed at improving the living and economic conditions in rural America and ensure that Rural Development is treated as a high priority within USDA. In addition, funding to support Cooperative Development Centers and other grant programs that support value-added agriculture and small business opportunities in rural areas should be continued.

We oppose elimination of the Rural Development mission area and the position of Under Secretary for Rural Development. Rural Development needs the time and attention of a management team led by an Under Secretary who is empowered to direct and administer rural development programs and field staff. For more than 50 years, USDA rural development programs have improved housing, utilities and community facilities, and economic opportunity for rural America.

### **47. Health care and rural development**

Rural electric systems have a vital stake in the health care systems of their communities. The well-being of individual members and employees and the economic viability of the total community depend upon rural families having access to affordable and high-quality health care and emergency medical services within their rural communities. Often the largest employer, healthcare organizations are vital to the social and economic wellbeing of rural North Dakota. From responding to emergencies to providing preventative and supportive services close to home, rural healthcare entities play a critical part in the state's health care delivery system. We support rural health care programs and encourage innovative approaches to health care delivery in rural areas.

### **48. Telecommunications policies**

We urge the federal government and the telecommunications industry to recognize the need to provide advanced telecommunications service in all rural areas of this nation. We call upon the telecommunications industry to make every effort to provide high speed broadband coverage throughout the state.

With telephone deregulation we support statutory requirements that make sure low-density rural areas are afforded telecommunications services and technologies at the same affordable prices as are offered in higher-density urban areas.

We applaud the efforts of North Dakota's telecommunications cooperatives to bring the benefits of an advanced, integrated telecommunications network to the state's rural consumers, schools, libraries and hospitals. The COVID-19 pandemic has further illustrated the critical need for broadband coverage to maintain continuity in education, business, and healthcare. In particular, the continuation of the universal service fund is paramount to maintaining an affordable network of telephone service in rural areas.

We encourage coordinated and enhanced 911-service throughout North Dakota. This service is extremely important to all rural citizens.

#### **49. Rural mail delivery**

Daily mail service in rural areas is critical to the success of rural businesses and the rural economy. We call on the U.S. Congress and the U.S. Postal Service to maintain and improve rural mail service. We call upon Congress to repeal the 2006 law that required the U.S. Postal Service to fund their retirement fund differently than other organizations, which has contributed to their financial hardship.

#### **50. Affordable housing**

We support a range of programs to provide affordable housing throughout the state. These include the Rural Development Finance Corporation and Community Works programs to provide gap and low interest financing for rural homeowners, and innovative housing models including senior cooperative housing that allow people to own or control their own housing.

#### **51. Rural transportation**

The Federal-Aid Highway Program has been one of the most successful cooperative partnerships ever undertaken by federal, state and local governmental agencies. A tremendous investment has been made in our transportation system, and every effort must be made to protect and preserve that investment, as well as to make additional investments in infrastructure improvements.

Rural roads and bridges are a vital link to local and national economic prosperity.

Our nation needs an integrated system of highways to provide connecting links to other parts of the country, and to move commodities that are in demand throughout the nation and the world. In particular, we are concerned that counties and townships get adequate funds for roads and infrastructure.

## **52. Essential services**

NDAREC and its members recognize and honor all volunteer emergency responders who put their lives in harm's way to serve and protect the communities throughout North Dakota. Volunteer emergency responders risk their own safety and personal property in the execution of their duties to provide essential services to the public daily. Volunteer emergency responders are 'on call' 24 hours a day and the immediate response of volunteer emergency responders is necessary in protecting the health and safety of the public during emergency situations. Volunteer emergency responders are a vital part of every community, serving in schools, churches, non-profits, and community organizations.

NDAREC recognizes that access to healthy food is a necessity. NDAREC is concerned about the loss of food access and the negative effects it will have on North Dakota due to the loss of rural grocers and the infrastructure needed to sustain them. NDAREC supports the work of the North Dakota Legislature as it looks at ways state or federal resources could be deployed to help find a better way to address issues like distribution and purchasing.

## **53. Workforce training**

To foster economic growth and to reap the benefits of technological innovations, we support state-sponsored workforce training efforts to promote a first-class North Dakota workforce, including building the skills necessary to fill the energy industry jobs of the future.

## **54. Support for family farmers**

North Dakota's rural electric cooperatives have invested billions of dollars in electric generation, transmission and distribution facilities. These facilities provide dependable electric power to the state's largest industry—agriculture. This investment was made by rural electric leaders based on a vision of a widely-dispersed network of prosperous family farms that would in turn support rural communities.

It is important to maintain a strong public partnership with the federal government to help family farm agriculture compete in a global economy. This can be achieved by maintaining a strong farm program that includes an adequate safety net for farmers, such as improved crop insurance, and a permanent emergency assistance disaster relief program.

We call upon the North Dakota Legislature and U.S. Congress to give appropriate attention to the needs of agriculture in recognition of its importance as North Dakota's number one industry. In particular, the legislature should adequately fund agricultural research, and adopt tax policies that encourage agriculture and agricultural processing. We support beginning farmer programs and other programs to keep farmers and ranchers on the land. We support preservation of the current corporate farming law in North Dakota.

We recognize the health of the family farm is also dependent on the well-being of the farm family itself. The pressures of family farming can affect the emotional and mental health of farmers, and stress can ripple through the family unit. We support programs that provide resources for suicide prevention and farmers dealing with stress and depression, including the 211 FirstLink Helpline, National Suicide Prevention Lifeline, telehealth Abound Counseling and other counseling services and NDSU Extension education.

#### **55. Foreign imports**

We urge the adoption of fair trade agreements that afford reasonable price protections for American producers and health and safety protections for American consumers. We support equality in agricultural production standards with respect to chemical and hormone use in production.

#### **56. Diversifying North Dakota's Economy**

Agriculture and Energy are North Dakota's two largest industries and drive the economy of the state. While proud of these industries and North Dakota's heritage, NDAREC supports efforts that move to diversify North Dakota's economy and stabilize the effects that swings in the agricultural and energy commodities can have on North Dakota. NDAREC urges North Dakota leaders to adopt policies that expand new and emerging industries in North Dakota.

#### **57. Project Pumping Power**

NDAREC supports irrigation with the implementation of "project pumping power". Project pumping power provisions are stipulated in Section 5 of the Dakota Water Resources Act (DWRA). Implementing project pumping power would support additional irrigation and supplement for some acreage lost to the reservoir flooding originally envisioned in Pick-Sloan.

### **Taxation Policy**

#### **58. Electric generation taxes**

We believe North Dakota should have fair and equitable taxes on all energy resources, but we want to ensure that such taxes do not compromise the competitive position of North Dakota's generating resources in the future.

The electric generation industry is not immune to competitive economic forces which may threaten the financial health of the state's electric generation industry.

We urge any changes in taxing the industry be cautiously and prudently measured in terms of the delicate balance which exists in the highly competitive regional energy marketplace.

#### **59. Sales tax on electricity**

We oppose efforts to levy sales or any other inequitable tax on electricity. Electricity is a necessity in America that should not be taxed just because of the convenience it affords governments to collect the tax.

#### **60. Oil and Gas Taxes**

Western North Dakota is experiencing growth due to an increase in oil and gas development. This development has generated billions of dollars in tax revenue. This development has resulted in creating many new jobs and small business enterprises to support the oil and gas industry.

Along with these many positive benefits of development have come challenges in building and maintaining roads and water systems as well as funding schools, law enforcement, ambulance and fire protection, and meeting social service and other community needs. We support returning substantially more of the tax revenues to the impacted areas.

We believe that the state of North Dakota should tax oil and gas development sufficiently to provide the revenue necessary to compensate for the loss of these one-time resources, to build adequate infrastructure, and to address the other costs and impacts to state and local government from this development. Until it is determined that North Dakota's citizens are being adequately compensated for development of these resources, we oppose any future attempts to further lower the overall tax rates on the production and extraction of these resources.

#### **61. Property Taxation**

As the North Dakota Legislature continues to examine how to achieve and maintain property tax relief, it is imperative they recognize that changes to mill levies and assessed property taxes do not affect the property taxes paid by electric cooperatives based on a cooperative's megawatt hour sales. We urge NDAREC and the North Dakota Legislature to be vigilant in maintaining parity in the way that electric cooperatives and investor owned utilities are taxed on property and afford any property tax relief extended to investor owned utilities on an equivalent basis to electric cooperatives.

## **Public Policy**

### **62. FEMA**

When natural disasters occur, such as ice storms or tornadoes, electric cooperatives almost always suffer the greatest economic damage. Without FEMA assistance, some electric cooperatives could never recover. We strongly oppose any proposal to make electric cooperatives ineligible to receive recovery assistance from FEMA, such as the proposal that would require electric cooperatives to seek loans from the Small Business Administration instead of FEMA assistance. We strongly oppose any administrative action designed to unreasonably deny cooperatives eligibility for FEMA funds. Unreasonable reimbursement denials represent a major attack on a program that has been vital to restoring power and spurring recovery to severely storm devastated areas.

### **63. Term limits**

We oppose the concept of term limitations for the U.S. Congress. Adoption of term limits would severely limit the state's influence in Congress for the benefit of states which do not adopt term limits.

It will greatly reduce the influence small rural states have in the United States Senate and provide additional influence to states which have large numbers of representatives in the House of Representatives. This would remove the responsibility and right of future generations to choose their own representation. For the same reason, we oppose term limits for elected state officials and legislators.

### **64. Constitutional Amendments**

NDAREC supports the ability of the North Dakota electorate being able to amend the state's Constitution through the constitutional measure process. However, in recent elections, constitutional amendments have been drafted, circulated for signature, and approved for the ballot in a relatively short amount of time. At the same time, the description of a measure on the ballot can be relatively short in terms of all the policy implications that might be included in the amendment.

NDAREC supports reform of the constitutional measure process that creates additional time for North Dakota voters to analyze and consider a constitutional measure before it is ultimately adopted.

### **65. Transparency and Ethics**

NDAREC and its member cooperatives strongly support transparency, ethics and good governance practices.

The cooperative movement was born out of grassroots advocacy and our future will likely be determined in grassroots public policy advocacy. NDAREC will continue to encourage engagement in the political process in accordance with the guidelines established by the North Dakota Ethics Commission.

### **Cooperative Policy**

#### **66. Capital credits**

Electric cooperatives operate at cost for the benefit of their members. An important principle of cooperative ownership and management is the administration of a capital credits retirement program that is fair to the membership and recognizes the financial needs of the cooperative. We urge the legislature to recognize the pre-eminent role that the cooperative board of directors must play in establishing a capital credit retirement system suited to the needs of the individual cooperative.

We encourage cooperative boards of directors to retire capital credits in a timely manner as the financial condition of the cooperatives allow. We urge the legislature to reject any legislation that would restrict the rights of electric cooperative boards to determine capital credit retirement policies for their cooperatives.

#### **67. Cyber-security**

We urge NRECA and NDAREC to assist in educating member cooperatives on methods to identify and evaluate cyber and operational risks to members' facilities. We encourage our member cooperatives to adopt practices to ensure cyber-security, protect the data of member owners and their operations, and consider insurance policies that include coverage for cyber-security and data protection.

#### **68. Electric cooperative education programs and support for the Quentin Burdick Center for Cooperatives**

As member-owned and controlled organizations, we reaffirm our belief in the democratic principle that decisions from the distribution cooperative membership should be reflected and extend therefrom throughout the electric cooperative network. North Dakota is home to over 500 cooperatives that include sectors such as electricity, telecommunications, credit unions, finance, and agriculture. These cooperatives are vital to the state's economy.

NDAREC urges its members to support the Quentin N. Burdick Center for Cooperatives as it strives to provide education, research, and outreach that will bring about strengthening the cooperatives' operations and working toward expanding employment and economic opportunities through cooperatives.

To achieve growth within the cooperative structure, we encourage our members and directors to:

1. Support and implement information and education programs for directors, employees, contract professionals and members that teach cooperative philosophy, principles and practices; and,
2. Intensify cooperative communications efforts to help all consumers become aware of the benefits of cooperative membership; and,
3. Maintain strong, professional public communications programs which can competently meet the challenges faced by the electric cooperative program in the years ahead; and,
4. Increase awareness of cooperatives in public schools and support other programs involving our young people.

#### **69. Communication and information services**

As cooperative organizations, we believe quality communications programs are an indispensable part of providing electric power supply services to our consumer owners. These programs should be designed to enhance the public's understanding of our organizations and the economic and social contributions made by rural electrification to communities, the state and the nation. We encourage NDAREC to speak on behalf of "North Dakota's Electric Cooperatives" in order to help educate member owners and external audiences as part of our efforts. We should educate consumers about energy costs and the best ways to save energy and use it most efficiently.

We support communication programs, such as Touchstone Energy Cooperatives, and other communications programs of NRECA, NDAREC and our power supply cooperatives. We ask that these organizations work together in coordinating communication services to provide the greatest benefit to consumers.

#### **70. Statewide magazine postal classification**

We support continued federal postal service classification which makes periodical rates available to mailers of statewide electric cooperative publications. Through the long history of these statewide publications, postal classifications have acknowledged their non-profit characteristics. With the certainty that postal rates will climb and in recognition of recent postal service attempts to disqualify statewide publications from the periodical rate, we declare our support for efforts to maintain our current postal classification and rate.

#### **71. Director qualification**

We support the position that only member directors serving on distribution cooperative boards be eligible for nomination, election or appointment to NDAREC, G&Ts and NRECA boards of directors.

We believe the democratic principles of grass-roots representation, control and accountability must be fully preserved in the director election process; this is most effectively accomplished by limiting eligibility for organizational directorships to those persons who have been duly elected and qualified by the distribution co-op membership to serve on the electric distribution co-op board of directors. We support cooperative efforts to encourage board diversity so that all members feel they receive fair representation.

## **72. Safety, training and public information programs**

Employee safety is of utmost concern to North Dakota electric cooperative directors and members. To minimize the risks of injury and to maintain reasonable workforce safety and insurance rates, we encourage continued support and emphasis on employee safety training programs.

We encourage information and education programs to alert our consumers and the general public of the need to use care and caution around power lines. Electric safety is a shared responsibility between the provider and the user.

The information programs must stress constant public awareness of the inherent dangers that may cause severe injury or death. Programs on using equipment correctly and telling consumers about the risks of personal injury while working near power lines are essential to maintaining a safe working environment.

## **73. Cooperatives support cooperatives**

We encourage our members to do business with and support other cooperatives. A cooperative spirit among like organizations will unify and solidify our strength.

### **Association Policy**

## **74. Consolidation of statewide membership functions**

To achieve the full potential of organizational integrity and purpose, we believe cooperative organizations must fully support NDAREC. We urge all members of this Association and the various NDAREC organizational groups to work together in a spirit of mutual support and cooperation. This will avoid duplication of effort and resources and build harmony in our endeavors to serve the common interests of the total membership.

## **75. Director-employee training and education**

We encourage our member-cooperatives to support the NRECA certificate program for directors and employees coordinated by NDAREC, as well as other NDAREC training programs. We consider continuing education for all co-op personnel necessary if we are to advance cooperative philosophy and principles.

## **76. Political involvement**

We commend our member system directors and employees for their appreciation, understanding, support and participation in legislative and political issues on state and national levels. We cannot over-emphasize the importance of being involved in the governing process that affects the lives of all. We need to be fully staffed and prepared to remain vigilant in the political activities that affect the future of the electric cooperative program.

We encourage our directors, employees and member-owners to continue building our political strength by participating in the political process by being a candidate or volunteer, by maintaining contact with legislators throughout the year, by contributing to North Dakota's Rural Electrification Political Action Committee (REPAC) and the national Action Committee for Rural Electrification (ACRE), and by working as a grassroots advocate through NDAREC's government relations program. We must speak with unity on state and national issues that impact our consumer members.

We believe that elections should be financed by individuals through voluntary contributions to political candidates or political action committees. Despite the U.S. Supreme Court decision in Citizens United v. Federal Election Commission which opened the door to using corporate money to support or oppose candidates for office, we urge our electric co-ops to refrain from doing so.

## **77. Endorsement of NRECA legislative activities**

NRECA's collective legislative effort, supported by individual consumer-members, distribution cooperatives, generation and transmission cooperatives and statewide associations is necessary for our survival. We support NRECA's continued vigilance as our legislative voice in Washington, D.C.

We encourage our members to send delegates to the NRECA legislative conference held each year in Washington, D.C. The grassroots lobbying efforts that take place during the conference increase our national visibility and standing and deserve our continued support.

## **Commendations**

### **78. Senator John Hoeven**

We commend Senator Hoeven for his support for rural electric cooperatives, for his work on the Senate Agriculture, Appropriations, and Energy and Natural Resources Committees, his lead sponsorship of the Flexible Financing for Rural America Act, his effort to provide clarity to electric cooperative eligibility for the Payroll Protection Program, his opposition to privatizing the Power Marketing Administrations (PMAs) and his support for

keeping coal as part of our nation's future energy mix and by pushing to include credits for carbon dioxide sequestration and extension of refined coal tax credits in tax reform legislation.

#### **79. Senator Kevin Cramer**

We commend Senator Cramer for his support for and understanding of rural electric cooperatives, for his consistent leadership on issues affecting rural electric cooperatives in the US Senate, his work on the Environment and Public Works Committee, his co-sponsorship of the Flexible Financing for Rural America Act, his support for providing clarity to electric cooperative eligibility for the Payroll Protection Program, his efforts to finalize guidance regarding carbon capture utilization and storage tax credits, and his efforts with FERC regarding distributed energy resources and grid resiliency.

#### **80. Congressman Kelly Armstrong**

We commend Congressman Armstrong for his support for rural electric cooperatives, his extensive knowledge of the energy industry, his work on the House Select Committee on the Climate Crisis, his co-sponsorship of the Flexible Financing for Rural America Act, his support of NDAREC's rural development work, his opposition to privatizing the Power Marketing Administrations (PMAs), his support for RUS funding, and his stalwart defense of the North Dakota energy industry.

#### **81. ACRE and REPAC**

We thank those REC directors, employees, and member-owners who have generously contributed their time and money in support of the Action Committee for Rural Electrification (ACRE) and the North Dakota Rural Electric Political Action Committee (REPAC).

We encourage our cooperatives to continue their efforts and involvement in ACRE and REPAC. Each co-op's goal should be 100 percent voluntary participation by directors and employees in the highest possible membership categories.

#### **82. Appreciation for NRECA**

NDAREC commends the National Rural Electric Cooperative Association for their tireless advocacy on behalf of the nation's electric cooperatives during the 117th Congress. In the face of continuing change, NRECA has preserved full funding for the RUS lending programs; has been a tireless advocate for keeping coal as part of our nation's future energy mix; and has forcefully advocated for the electric cooperative position in numerous regulatory proceedings ranging from the Clean Air Act to the Endangered Species Act.

### **83. Appreciation for NDAREC**

We express our appreciation for the services and achievements of NDAREC. We recognize and commend all the cooperative members, directors, the general manager and the employees of NDAREC for their dedicated efforts on behalf of the rural electric program.

### **84. Cooperative Employees**

NDAREC commends the efforts of the employees of electric cooperatives across North Dakota to adapt to unprecedented circumstances in the wake of the COVID-19 pandemic, share information and best practices amongst the cooperative network, and provide and maintain critical electric service at such a critical time for the membership.

### **85. Directors and employees**

NDAREC expresses its deep appreciation to all REC directors and co-op employees who because of retirement or death are no longer with us. We ask for a moment of silence for those deceased directors and employees. We are grateful for their years of service and commend them for a job well done.