

October 12, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 12, 2016, 9:00 a.m. Present were Commissioners Fedorchak, Christmann. Commissioner Kalk participated by telephone.

Case No. PU-15-702
Carbon Pollution Emission Guidelines,
Final Rule
Information

Mr. Christmann: I move the Commission convene an executive session for attorney consultation in this litigation challenging the EPA rule, Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources Carbon Pollution Emission Guidelines, in the United States Court of Appeals for the District of Columbia Circuit, State of North Dakota v. Environmental Protection Agency, et al., No. 15-1381 (and consolidated cases) in North Dakota v. United States E.P.A., Carbon Pollution Emission Guidelines, Final Rule, Information, Case Number PU-15-702.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

The Executive Session was attended by Commissioners Fedorchak, Christmann, Illona Jeffcoat-Sacco, John Schuh, Darrell Nitschke, Esther Jangula. Commissioner Kalk, Paul Seby participated by telephone. The executive session convened at 9:08 a.m. and adjourned at 9:32 a.m. The Special meeting reconvened at 9:32 a.m.

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Mr. Christmann: Whereas, the United States Environmental Protection Agency (EPA) has issued a Final Rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units; Final Rule," 80 Fed. Reg. 64,510 (Oct. 23, 2015); and

Whereas, The State of North Dakota immediately initiated litigation in the United States Court of Appeals for the District of Columbia Circuit challenging the EPA rule, State of North Dakota v. Environmental Protection Agency, et al., No. 15-1381 (and consolidated cases);

Motion Continued

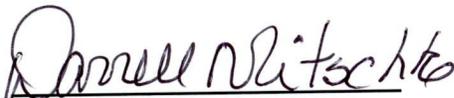
I move the Commission endorse the content and filing of the declaration of Commissioner Randel D. Christmann as the official position of the Public Service Commission, for use in the litigation initiated by the State of North Dakota, State of North Dakota v. Environmental Protection Agency, et al., No. 15-1381 (and consolidated cases), in Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources Carbon Pollution Emission Guidelines, North Dakota v. United States E.P.A., Carbon Pollution Emission Guidelines, Information, Case Number PU-15-702.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 9:35 A.M.


Executive Secretary


JULIE FEDORCHAK, CHAIRMAN