

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Federal 2005 Energy Policy Act Standards  
Investigation**

**Case No. PU-06-290**

**Notice of Paper Hearing  
January 24, 2007**

On August 8, 2005 the federal Energy Policies Act of 2005 (Act) was enacted. Subtitle E of the electricity title (Title XII) of the Act amends the Public Utility Regulatory Policies Act of 1979 (PURPA) to require each state regulatory authority to consider adopting certain specified energy policy standards.

Section 1251 of the Act amends PURPA to require that states conduct an investigation and issue a decision whether to adopt three new standards:

1. A net metering standard that would require electric utilities to make net metering available to customers upon request;
2. A fuel sources standard that would require each utility to develop a plan to minimize dependence on one fuel source and insure use of a diverse range of fuels and technologies, including renewables; and
3. A fossil fuel efficiency standard that would require each utility to develop a 10-year plan to increase the efficiency of its fossil fuel generation.

Proceedings under section 1251 are to be started within two years and completed within three years after enactment of the Act.

Section 1252 of the Act amends PURPA to require that states conduct an investigation and issue a decision whether to require utilities to install time-based meters that would enable, but not require, each customer to participate in time-of-use rates and demand response programs. Proceedings are to be started within one year and completed within two years after enactment.

Section 1254 of the Act amends PURPA to require that states consider adopting new standards for grid interconnection based on IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems. Proceedings are to be started within one year and completed within two years after enactment.

On July 26, 2006 the Commission issued an Order Opening Investigation and Notice of Workshop to consider whether to propose rules to adopt any or all of the new PURPA standards suggested under sections 1251, 1252 or 1254 of the Act. Those interested were encouraged but not required to submit written comments prior to the workshop. The Commission clarified in its notice that formal intervention would not be necessary to participate in the proceeding, but anyone wishing to become a formal party

must file a petition to intervene with the Commission prior to the workshop. The Commission further stated in its notice that, under certain conditions, compensation for expenses incurred by participation or intervention in this proceeding may be available under PURPA section 122. The Commission's notice identified the following issues to be considered:

1. Whether the Commission should adopt any or all of the standards under sections 1251, 1252 or 1254 of the Act;
2. Whether the Commission should adopt different or modified standards from those described in sections 1251, 1252 or 1254 of the Act; and,
3. What compensation, if any, should be made available to consumers under PURPA section 122 for their reasonable expenses incurred by participating or intervening in this proceeding.

On October 23, 2006 a workshop was held as scheduled. The record was held open following the workshop for receiving additional written comments through November 22, 2006.

**Please Take Notice** that the Commission will conduct a "paper hearing" consisting of an additional opportunity for those interested to further **comment in writing prior to May 1, 2007** concerning the issues in this proceeding. Written comments already received will become part of the record.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary.

### PUBLIC SERVICE COMMISSION



**Tony Clark**  
Commissioner



**Susan E. Wefald**  
President



**Kevin Cramer**  
Commissioner