

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Federal 2007 EISA Standards  
Investigation**

**Case No. PU-09-20**

**AFFIDAVIT OF SERVICE BY ORDINARY MAIL AND EMAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Janet Marquart** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **27<sup>th</sup>** day of **January, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, 41 envelopes by first class mail, fully prepaid and securely sealed, and 11 envelopes by the capitol Inside Mail system, securely sealed, each containing a photocopy of, and she sent 84 electronic mail messages, each with an attached electronic copy of:

**Order Opening Investigation  
and  
Notice of Workshop and Paper Hearing**

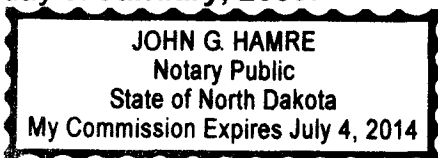
The envelopes and emails were addressed as follows:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **27<sup>th</sup>** day of **January, 2009**.

SEAL



*Janet Marquart*  
\_\_\_\_\_

*John G. Hamre*  
\_\_\_\_\_  
Notary Public

Steven Tomac  
2498 59th St  
St Anthony ND 58566-9640

91 CSG/JA  
MINOT AIR FORCE BASE  
MINOT ND 58705-5000

Roger Johnson  
Agriculture Department  
State Capitol  
Bismarck ND 58505

BUREAU OF LAND MANAGEMENT  
Billings Field Office 5001 Southgate I  
BILLINGS MT 59101

W Voorhees  
Cavalier Municipal Utilities  
P O Box 750  
Cavalier ND 58220-0750

MS GWEN THOMPSON  
CHAIRPERSON FOR DRC COAL COMM  
2010 E CAPITOL AVE #10  
BISMARCK ND 58501-2257

Harold Rachow  
City of Hillsboro  
PO Box 400  
Hillsboro ND 58045-0400

Julian Brix  
Cooperative Power Association  
P O Box 800  
Elk River MN 55330-0800

Will Kaul  
Cooperative Power Association  
P O Box 800  
Elk River MN 55330-0800

Dennis Lavallee  
Council Construction Consumers  
180 S. Weidman Ste. 127  
Ballwin MO 63021-5724

Dakota Resource Council  
PO Box 1095  
Dickinson ND 58602-1095

Dakota Resource Council  
PO Box 1095  
Dickinson ND 58602-1095

Department of Commerce  
1600 E Century Ave Ste 20  
Bismarck ND 58503-0649

Carol Olson  
Department of Human Services  
State Capitol  
Bismarck ND 58505

Dept of Career and Technical Education  
State Capitol  
Bismarck ND 58505

Jeff Engleson  
Energy Development Impact Office  
1707 N 9th St  
Bismarck ND 58501

John Hoeven  
Governor's Office  
State Capitol  
Bismarck ND 58505

Mylo Einarson  
Grafton Light & Water Department  
Box 578  
Grafton ND 58237-0578

Historical Society  
North Dakota Heritage Center  
Bismarck ND 58505

Scott Parkman  
Hope Municipal Utility  
Hope ND 58046

Jay Casler  
INDEPTH DATA INC  
44 S Bdwy 18th Fl  
White Plains NY 10601-4425

Dennis Winkler  
Lakota Municipal Utilities  
PO Box 505  
Lakota ND 58344-0505

Kevin Winson  
Maddock Municipal Utilities  
Box 276  
Maddock ND 58348-0276

Reginal Rudolph  
McLean Electric Coop Inc  
PO Box 399  
Garrison ND 58540-0399

MINING HEALTH & SAFETY ADMN  
CMSHA - US DEPT OF LABOR PO BOX 25367  
DENVER CO 80225-5367

Dave Goodin  
Montana-Dakota Utilities Co  
400 North 4th Street  
Bismarck ND 58502-1457

Mike Foley  
NARUC  
1101 Vermont Avenue NW Ste 200  
Washington DC 20005

MR DON PETERSON  
NATIONAL FARMERS ORGN

GASCOYNE ND 58629

NATIONAL PARK SERVICE  
MIDWEST FIELD AREA 1709 JACKSON STREET  
OMAHA NE 68102

James Irwin  
Natural Gas Week  
1411 K Street Suite 602  
Washington DC 20005-3404

MR SCOTT HOAG  
NATURAL RESRC CONSERV SVC  
PO BOX 1458  
BISMARCK ND 58502-1458

Thomas Hanson  
ND Assoc of Soil Conservation Dist  
3310 University Drive  
Bismarck ND 58504-7564

Harlan Fuglesten  
ND Association of RECs  
PO Box 727  
Mandan ND 58554-0727

MR ROBERT CARLSON  
ND FARMERS UNION  
PO BOX 2136  
JAMESTOWN ND 58402-2136

MR ED MURPHY  
ND GEOLOGICAL SURVEY  
INSIDE MAIL

Lisa K Fair-McEvers  
ND Labor Dept  
600 E Blvd Ave

Mike Haupt  
ND Land Department  
1707 N 9th St  
Bismarck ND 58501

Russel Midgarden  
Park River Light & Water Plant  
PO Box C  
Park River ND 58270

Public Utilities Reports Inc  
Law Dept 8229 Boone Blvd Ste 401  
Vienna VA 22182

Gary Johnson  
Sharon Light & Power  
Sharon ND 58277

Vernon Laning  
Stanton Municipal Power System  
PO Box 156  
Stanton ND 58571-0156

Dale Frink  
State Engineer  
ND Water Commission 900 East Boulevard  
Bismarck ND 58505

State Health Department  
State Capitol  
Bismarck ND 58505

John Kapsner  
The Vogel Law Firm  
P O Box 2097  
Bismarck ND 58502-2097

Chief of Resource Management  
Theodore Roosevelt National Park  
P O Box 7  
Medora ND 58645-0007

Donald O'Leary  
Traverse Electric Coop Inc  
  
Wheaton MN 56296

US Army Corp of Engineers  
ND Regulatory Fld Office 1513 S 12TH ST  
Bismarck ND 58504

MR ROGER COLLINS  
US FISH & WILDLIFE SERVICE  
3425 MIRIAM AVE  
BISMARCK ND 58501-7926

MS CAROL RUSSELL  
USEPA REGION 8  
999 18TH ST SUITE 300  
DENVER CO 80202

Riley Rogers  
Valley City Municipal Utilities  
PO Box 390  
Valley City ND 58072-0390

Jon Cameron  
Valley City Public Works  
254 2nd Ave NE  
Valley City ND 58072

Bonnie Lund  
Xcel Energy  
PO Box 2747  
Fargo ND 58108-2747

kmaini@wi.rr.com  
Kavita Maini

richard\_irish@admworld.com  
Richard Irish  
ADM

ndaero@nd.gov  
Melinda Weninger  
Aeronautics Commission  
PO Box 5020  
Bismarck ND 58502-5020

smassey@bepc.com  
Sheryl Massey  
Basin Electric Power Cooperative  
1717 E Interstate Ave  
Bismarck ND 58501-0564

colson@bepc.com  
Clare Olson  
Basin Electric Power Cooperative  
1717 E Interstate Ave  
Bismarck ND 58501-0564

darin\_scherr@bismarckschools.org  
Darren Scherr  
Bismarck Public Schools

robert.kuntz@bsc.nodak.edu  
Bob Kuntz  
Bismarck State College

daveowens@bobcat.com  
David Owens  
Bobcat

jason@nccray.net  
Jason Broth  
Burke-Divide Electric Cooperative, Inc.  
PO Box 6  
Columbus ND 58727-0006

kberg@bdec.coop  
Keith Berg  
Burke-Divide Electric Cooperative, Inc.  
PO Box 6  
Columbus ND 58727-0006

larsn@capitalelec.com  
Ordean "Lars" Nygren  
Capital Electric Coop Inc  
PO Box 730  
Bismarck ND 58502-0730

raymond\_johnson@cargill.com  
Ray Johnson  
Cargill

bschmidt@kwh.com  
Brad Schmidt  
Cass County Electric Coop  
4100 32nd Ave SW  
Fargo ND 58104

shandy@kwh.com  
Scott Handy  
Cass County Electric Coop  
4100 32nd Ave SW  
Fargo ND 58104

crec@utma.com  
Duane Otto  
Cavalier Rural Electric Coop Inc  
Box 749  
Langdon ND 58249-0749

currie.mark@cavendishfarms.com  
Mark Currie  
Cavendish Farms

williamsongw@centralpwr.com  
Gary Williamson  
Central Power Electric Cooperative, Inc  
525 20th Ave SW  
Minot ND 58701-6436

gmann@nd.gov  
Glenn Mann  
City of Bismarck

carter.hansen@comdelinc.com  
Carter Hansen  
ComDel

jayj@dakotavalley.com  
Jay Jacobson  
Dakota Valley Electric Coop Inc  
14051 Hwy 13  
Milnor ND 58060-0159

lschnaidt@dakota-wcc.com  
Larry Schnaidt  
Dakota Westmoreland

dalles.schneider@dansupermarket.com  
Dalles Schneider  
Dan's Super Market

jmittleider@nd.gov  
John Mittleider  
Department of Commerce  
600 East Blvd  
Bismarck ND 58505

mike.moeller@enbridge.com  
Mike Moeller  
Enbridge ND

shane.henriksen@enbridge.com  
Shane Henriksen  
Enbridge ND

jlsok@midrivers.com  
John Sokoloski  
Goldenwest Electric Coop Inc  
Box 177  
Wibaux MT 59353-0177

larry.nohrenberg@goodrich.com  
Larry Nohrenberg  
Goodrich

don.ball@mdu.com  
Don Ball  
Great Plains Natural Gas Co  
400 N 4th St  
Bismarck ND 58501

dsaggau@GREnergy.com  
Davic Saggau  
Great River Energy  
P O Box 800  
Elk River MN 55330-0800

johnpw@verendrye.com  
John Westby  
Great River Energy  
P O Box 800  
Elk River MN 55330-0800

tzeigler@kemelectric.com  
Terry Zeigler  
KEM Electric Coop Inc  
Box 790  
Linton ND 58552-0790

sales@kmavradio.com  
KMAV AM/FM RADIO  
PO Box 216  
Mayville ND 58257-0216

donp@lyrec.com  
Donald Prevost  
Lower Yellowstone Rural Elec Assn Inc  
Box 1047  
Sidney MT 59270-1047

joe.lukach@msd1.org  
Joe Lukach  
Mandan Public Schools

harking@oz.net  
Harriet King  
McGraw-Hill/Platts

tom@mckenzieelectric.com  
Tom Miller  
McKenzie Electric Coop Inc  
Box 649  
Watford City ND 58854-0649

bdurick@mohs.org  
Blaine Durick  
Medcenter One

dloer@minnkota.com  
David W. Loer  
Minnkota Power Cooperative, Inc  
Box 13200  
Grand Forks ND 58208-3200

andy.dahl@bismarckymca.org  
Andy Dahl  
Missouri Valley YMCA

tamie.aberle@mdu.com; karen.collins@mdu.com  
Tamie Aberle  
Montana-Dakota Utilities Co  
400 North 4th Street  
Bismarck ND 58502-1457

karen.collins@mdu.com; tamie.aberle@mdu.com  
Karen Collins  
Montana-Dakota Utilities Co  
400 North 4th Street  
Bismarck ND 58502-1457

Dan.kuntz@mduresources.com  
Daniel Kuntz  
Montana-Dakota Utilities, Co.  
PO Box 5650  
Bismarck ND 58506-5650

dhaugen@mwec.com  
Dale Haugen  
Mountrail-Williams Elec Coop  
PO Box 1346  
Williston ND 58802-1346

hfuglest@ndarec.com  
Harlan Fugelsten  
ND Assn Rural Electric Cooperatives  
PO Box 727  
Mandan ND 58554-0727

dhill@ndarec.com  
Dennis Hill  
ND Assn Rural Electric Cooperatives  
PO Box 727  
Mandan ND 58554-0727

kchristianson@state.nd.us  
Kim Christianson  
ND Department of Commerce  
  
Bismarck ND

fziegler@nd.gov  
Francis Ziegler, P.E.  
ND Department of Transportation  
State Highway Building  
Bismarck ND 58505

tsteinwa@nd.gov  
MR TERRY STEINWAND  
ND GAME & FISH DEPT  
INSIDE MAIL

dfrohlic@nd.gov  
Dick Frohlich  
ND State Penitentiary

krasmuss@nd.gov  
Keith Rasmussen  
ND Youth Correctional Center

don.ball@mdu.com  
Don Ball  
Montana-Dakota Utilities Co  
400 North 4th Street  
Bismarck ND 58502-1457

cternes@morgransou.com  
Donald Franklund  
Mor-Gran-Sou Electric Coop Inc  
PO Box 297  
Flasher ND 58535-0297

jpaczkowski@state.nd.us  
John Paczkowski  
N D Water Commission  
900 E Boulevard  
Bismarck ND 58505

pschaner@ndarec.com  
Patti Schaner  
ND Assn Rural Electric Cooperatives  
PO Box 727  
Mandan ND 58554-0727

tom@ndcorn.org  
Tom Lilja  
ND Corn Utilization Council  
1411 32nd Street South Suite 2  
Fargo ND 58103

jdziem@nd.gov  
John Diem  
ND Department of Commerce  
135 Sims Street, Suite 107  
Dickinson ND 58601

jaboyle@nd.gov  
John Boyle  
ND Facility Management

mdaley@nd.gov  
Maren Daley  
ND Job Service  
P.O. Box 5507 INSIDE MAIL  
Bismarck ND 58506-5507

carl.pedersen@ndsu.edu  
Carl Pedersen  
ND State University Extension Service  
NDSU Dept. 7620, PO Box 6050  
Fargo ND 58108-6050

gberg@nodakelectric.com  
George Berg  
Nodak Electric Cooperative, Inc.  
Box 13000  
Grand Forks ND 58208-3000

c.jacobson@nceci.com  
Cedric Jacobson  
North Central Elec Coop Inc  
501 11th St West  
Bottineau ND 58318-1916

jayj@dakotavalley.com  
Jay Jacobson  
Northern Plains Electric Coop, Inc  
P O Box 608  
Cando ND 58324-0608

claytonh@olivermercer.com  
Clayton Hoffman  
Oliver-Mercer Electric Coop Inc

Hazen ND 58545

bbrutlag@otpc.com  
Bernadeen Brutlag  
Otter Tail Power Company  
215 S. Cascade St. P.O. Box 496  
Fergus Falls MN 56538

don@primboard.com  
Don Lingen  
Primeboard

rwagner@ramkotabismarck.com  
Richard Wagner  
Ramkota Hotel

2shelec@nemontel.net  
Bill Schell  
Sheridan Electric Co-op Inc  
PO Box 227  
Medicine Lake MT 59247-0227

dloer@minnkota.com  
David Loer  
Square Butte Elec Coop  
PO Box 13200  
Grand Forks ND 58208-3200

mdickerson@nd.gov  
Marcy Dickerson  
State Tax Department  
State Capitol  
Bismarck ND 58505

dbaumgartner@tsocorp.com  
Dennis Baumgartner  
Tesoro

dprchal@nd.gov  
Doug Prchal  
North Dakota Parks & Rec  
1600 E Century Ave, Ste. 3 INSIDE MAIL  
Bismarck ND 58503-0649

norcity@polarcomm.com  
Marcy Douglas  
Northwood Municipal Light & Power Co  
PO Box 397  
Northwood ND 58267-0397

bgerhardson@ottertail.com  
Bruce Gerhardson  
Otter Tail Corporation  
215 S. Cascade Street PO Box 496  
Fergus Falls MN 56538-0496

lakeleader@aol.com  
John M Wylie II  
Platts Electric Power Publications  
109 S Maple St  
Oologah OK 74053-1175

mkurpius@woodkraftind.com  
Mike Kurpius  
Primewood

JOHN.BRODBECK@SHELL.COM  
JOHN BRODBECK  
SHELL ENERGY NORTH AMERICA  
340 E MAPLE AVE, STE 204A  
LANGHORNE PA 19047

lynetten@slopeelectric.coop  
Lynette Nieuwsma  
Slope Electric Coop Inc  
PO Box 338  
New England ND 58647-0338

djohanson@primecare.org  
Doug Johanson  
St. Alexius

timothy.j.bosch@supervalu.com  
Tim Bosch  
Super Valu Warehouse

kjvannin@usgs.gov  
K Vannin  
U S Geological Survey

tomb@uppermo.com  
Tom Barnett  
Upper Missouri G & T Electric Coop, Inc  
Box 1069  
Sidney MT 59270

david@wpec.net  
David C Schelkoph  
West Plains Electric Coop Inc  
P O Box 1038  
Dickinson ND 58602-1038

brucerc@verendrye.com  
Bruce Carlson  
Verendrye Electric Cooperative, Inc  
Hwy 52 W  
Velva ND 58790-7417

dave.sederquist@xcelenergy.com  
Dave Sederquist  
Xcel Energy  
PO Box 2747  
Fargo ND 58108-2747

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Federal 2007 EISA Standards  
Investigation**

**Case No. PU-09-20**

**ORDER OPENING INVESTIGATION  
AND  
NOTICE OF WORKSHOP AND PAPER HEARING**

**January 14, 2009**

On December 19, 2007 the federal Energy Independence and Security Act of 2007 (EISA) was enacted. The Act amends the Public Utility Regulatory Policies Act of 1979 (PURPA) to require each state regulatory authority to consider adopting suggested energy policy standards.

Section 532 of the EISA amends PURPA Section 111(d) to require that states conduct an investigation and issue a decision whether to adopt two new electric policy standards regarding (1) integrated resource planning and (2) rate design modifications to promote energy efficiency investments.

Section 532 also amends PURPA Section 303(b) to require consideration of two natural gas policy standards regarding (1) energy efficiency and (2) rate design modifications to promote energy efficiency investments.

Section 1307 requires consideration of two new PURPA electric policy standards regarding (1) consideration of smart grid investments and (2) smart grid information.

Section 374 of EISA requires consideration of a non-PURPA standard regarding additional incentives for recovery use and prevention of industrial waste energy. This standard differs from the PURPA standards in that the Commission may defer consideration until six months after receiving a request from a project.

The Commission is not obligated to adopt any of these seven standards. The Commission may decline to implement any or all of the standards or adopt different or modified standards from those included in the Act. In choosing whether to adopt these standards, the Commission should consider whether implementing the standards is necessary to further the purposes underlying the original PURPA standards, which are:

1. Conservation of energy supplied by electric utilities;
2. Optimal efficiency of electric utility facilities and resources and
3. Equitable rates for electric consumers

On November 19, 2008, in Case No. PU-08-884, the Commission opened a rulemaking proceeding regarding energy efficiency and load management. A workshop was conducted on January 5, 2009.

## Order

Without conceding that the federal Act can require states to consider adopting certain energy policy standards, the Commission orders on its own volition that an investigation is opened to consider whether to propose rules to adopt any or all of the new standards suggested by the EISA.

### Notice of Workshop and Paper Hearing

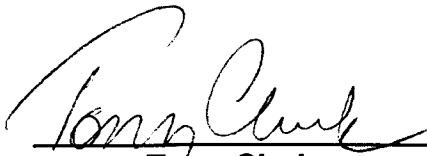
A workshop will begin on **May 11, 2009 at 1:30 p.m. CDT** in the Commission Hearing Room, 12<sup>th</sup> floor, State Capitol, Bismarck, ND 58505. The issues to be considered are:

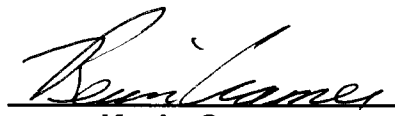
1. Whether the Commission should adopt any or all of the standards suggested by the Act;
2. Whether the Commission should adopt different or modified standards from those described in the Act; and,
3. What compensation, if any, should be made available to consumers under PURPA section 122 for their reasonable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

The Commission will conduct a "paper hearing" consisting of an opportunity for those interested to **comment in writing by May 1, 2009**. Prior written comments will not be required to participate at the workshop. Formal intervention is not necessary to participate in this proceeding, but anyone wishing to become a formal party must file a petition to intervene with the Commission prior to the workshop. Consumers should be aware that, under certain conditions, compensation for expenses incurred by participation or intervention in this proceeding may be available under PURPA section 122.

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 the Commission.

### PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
**Tony Clark**  
Commissioner

  
\_\_\_\_\_  
**Kevin Cramer**  
President

  
\_\_\_\_\_  
**Brian P. Kalk**  
Commissioner