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Comments regarding PU-21-360

We have concerns with the ambiguity of paragraph 4 of the proposed rules which includes the penalty provision. As we stated during the legislative process for SB 2313, the rules for such a penalty should be clear. In particular, at that time, we asked that the law clarify the sort of outages that would result in a penalty as well as those that would not. This proposed rule does not provide for clarity, it merely restates the law which allows the PSC to administer a penalty or penal action without proscribing the method by which a penalty might be assessed.

At a minimum, we'd ask that the commission clarify that major event days fall outside the outage events which could prompt a penalty, disallowance, or requirement. These events were discussed during the legislative process, and it was clear legislators did not want utilities to be subject to penalty for events outside their control, which is what major event days are.

Without such clarity, it would be best not to adopt a rule which does nothing more than restate the law.

As stated during the legislative process and the formal hearing for these rules, ND utilities have some of the best (and therefore lowest) occurrences of outage compared to the rest of the country. They take seriously their duty to deliver electricity, and the data supports that diligence.

Thank you.

