

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Demand Response
Investigation

Case No. PU-22-145

ORDER REQUESTING COMMENT ON
DEMAND RESPONSE RATE MECHANISMS

March 30, 2022

On November 15, 2021, the President of the United States signed The Infrastructure Investment and Jobs Act ("IIJA"), H.R. 3684, 117th Cong. (2021). Pursuant to the IIJA, Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) was amended ("Amendments") by adding the following standard:

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial customers to reduce electricity consumption during periods of unusually high demand.

The Amendments provide that each State regulatory authority shall consider establishing rate mechanisms to allow an electric public utility to timely recover the costs of promoting demand-response and demand flexibility practices. Consideration of the standard or a hearing for consideration must be set within one year of the date of enactment. Consideration must provide a determination within two years of the date of enactment. If prior state actions were taken to address the standard, the requirements do not apply.

The Commission finds that it is in the public interest to review past action taken regarding demand-response and demand flexibility and consider available opportunities from the promotion of demand-response and demand flexibility practices. Accordingly, the Commission requests that each electric public utility file written comments that provide the following:

- a. A report of existing demand response and demand flexibility practices used by commercial, residential, and industrial customers to reduce electricity consumption during periods of unusually high demand for service to North Dakota, as well as adjoining jurisdictions;
- b. Current rate mechanisms employed for timely recovery of the costs of demand-response and demand flexibility practices;
- c. Previous actions taken by the Public Service Commission or State Legislature to implement the standard or a comparable standard;
- d. Opportunities to further promote the use of demand-response and demand flexibility practices to reduce electricity consumption during periods of unusually high demand; and
- e. Any other information that the Commission should consider.

Having considered this matter, the Commission issues the following:

Order

The Commission orders North Dakota Electric Public Utilities to file initial comments addressing the standard by June 15, 2022.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Sheri Haugen-Hoffart
Commissioner