



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Jack Dalrymple
Governor

Wayne Stenehjem
Attorney General

Doug Goehring
Agriculture Commissioner

May 1, 2014

Mr. Michael Rothman, Commissioner
Minnesota Department of Commerce
85 7th Place East, Ste. 500
St. Paul, MN 55101-2198

Mr. John Linc Stine, Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155-4194

Re: **In the Matter of the Investigation into Environmental and Socioeconomic Costs under Minn. Stat. § 216B.2422, Subd. 3.
Docket No. E-999/CI-00-1636**

Dear Messrs. Rothman and Stine:

Thank you for this opportunity to comment on the scope of the Minnesota Public Utilities Commission's investigation into environmental and socioeconomic costs under Minn. Stat. § 216B.2422(3).

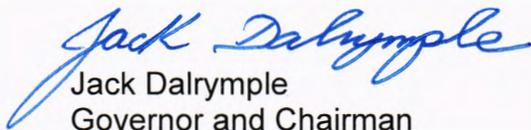
It is our understanding that the Commission is not considering including any issues affecting North Dakota facilities in the scope of this proceeding. North Dakota would strongly oppose any attempt to impose additional regulations on North Dakota facilities by, for example, extending the 200 mile boundary established by the Commission in its July 2, 1997 order or raising the values currently applied within the boundary.

Such extraterritorial regulation is, among other things, unconstitutional. In the context of the Next Generation Energy Act, Minn. Stat. § 216H.03, a federal judge recently held that Minnesota's attempt to regulate North Dakota facilities violates the dormant Commerce Clause. *North Dakota v. Høydingen*, 11-CV-3232, 2014 WL 1612331 (D. Minn. Apr. 18, 2014)

Should the potential scope of the proceeding be expanded to include any issues that may affect North Dakota facilities, North Dakota requests that it be given the opportunity to provide additional comment.

Sincerely,

North Dakota Industrial Commission


Jack Dalrymple
Governor and Chairman