

BEFORE THE CASS COUNTY ELECTRIC COOPERATIVE
BOARD OF DIRECTORS

In Re: PURPA Proceedings Under
The Infrastructure Investment and Jobs Act,

Cass County Electric Cooperative's Staff,
Applicant.

**CASS COUNTY ELECTRIC
COOPERATIVE BOARD OF
DIRECTORS' FINDINGS,
DETERMINATIONS, AND
CONCLUSIONS**

On Monday, July 24, 2023, Cass County Electric Cooperative ("CCEC") held a hearing at the Fargo Service Center, 4100 32nd Avenue South, Fargo, North Dakota to receive evidence regarding two federal standards for consideration under Title I of the Public Utility Regulatory Policies Act of 198, as amended by the Infrastructure Investment and Jobs Act ("IIJA"), Public Law No. 117-58, 135 Stat. 429 (2021) (hereinafter referred to as "PURPA"). The hearing was conducted as an informal paper hearing, properly noticed and recorded, with Chairman of the CCEC Board of Directors, Glenn Mitzel, presiding. The directors of the CCEC Board of Directors ("Board of Directors") were in attendance, along with attorney Tami Norgard. Marshal Albright, President and CEO, and Paul Matthys, Vice President of Member and Energy Services, provided staff testimony and answered questions of the Board of Directors. One member of the public, Aaron Vander Vorst, testified at the hearing.

The Board of Directors considered and evaluated its obligations to consider the two new federal standards under PURPA, taking into account the purposes of conservation of energy, optimization of the efficiency of use of facilities and resources by electric utilities, and equitable rates to electric consumers.

Based on the evidence presented, the Board of Directors makes the following findings:

STANDARD #20

1. Section 40104 of the Infrastructure Investment and Jobs Act requires that the Board of Directors consider adopting a Demand-Response Practices Standard, Standard #20, pursuant to 16 U.S.C. § 2621(d). Standard #20 requires an electric utility to consider promoting the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand and establishing rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices.
2. The Board of Directors has considered the Applicant's analysis of the purposes of conservations of energy, optimization of the efficiency of use of facilities and resources, and equitable rates to electric consumers for adoption and implementation of the Demand-Response Practices Standard. The Board of Directors hereby incorporates CCEC's current practices and the Board of Directors' findings by reference to Section 1(a) of PURPA 2023 Standard #20 Demand-Response Practices Final Staff Recommendations attached and marked as **Exhibit A**, as well as the PowerPoint presentation presented at the hearing, attached and marked as **Exhibit B**.
3. CCEC has incorporated demand response into its programs for over 40 years. CCEC currently promotes the use of demand-response and demand flexibility practices to reduce electricity consumption during periods of unusually high demand through its repeated education of consumers through mail, email, radio, industry-specific communications, website, and social media.
4. CCEC currently sets rates in a manner that encourages demand-response and demand flexibility through Policy 323, Policy 314, and various off-peak rate programs.

5. The Board of Directors declines to adopt Part (B)(i) of Standard #20, which requires a State regulatory authority to consider establishing rate mechanisms allowing the timely recovery of costs of promoting demand-response and demand flexibility practices. CCEC has no role in the State's rate setting, therefore Part (B)(i) does not apply to CCEC and is not appropriate for adoption.
6. The Board of Directors hereby adopts Part (A) and Part (B)(ii) of Standard #20. The Board of Directors affirms that CCEC's current communications plan, are consistent with the intent of Part (A) of Standard #20 and encourages staff to continue its education and outreach efforts, as well as policy and program development, to continue to support demand-response and demand flexibility efforts. The Board of Directors further encourages staff to continue to obtain cost of service studies regularly and encourage development and refinement of rate structures that support and encourage demand-response and demand flexibility efforts.

STANDARD #21

7. Section 40431 of the Infrastructure Investment and Jobs Act requires that the Board of Directors consider adopting an Electric Vehicle Charging Programs Standard, Standard #21, pursuant to 16 U.S.C. § 2621(d). Standard #21 requires the State to consider measures to promote greater electrification of the transportation sector, including establishing rates that (i) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure, (ii) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles, (iii) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles, and (iv) appropriately recover the

marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.


8. The Board of Directors has considered the Applicant's analysis of the purposes of conservation of energy, optimization of the efficiency of use of facilities and resources, and equitable rates to electric consumers for adoption and implementation of the Electric Vehicle Charging Programs Standard. CCEC currently has a PILOT Time-of-Day rate that will allow Members to charge any EVs for discounted electric rates during low-demand hours. CCEC also offers rebates for EV chargers installed on their fixed off-peak electric rate. Further, the cooperative promotes EVs on their website, YouTube, and in their monthly publications. Highlights of these promotions include EVs in police departments and public schools, general information on EVs, and the programs that CCEC offers. CCEC has also promoted the installation of multiple Level-2 and Level-3 chargers in the service area.
9. Through educational and informational materials, CCEC works with businesses, city governments, and state governments to educate on preparing for EVs. Given the cold climate of CCEC's service region, the usage of electric vehicles is growing, but not as rapidly as areas with warmer, more stable climates.
10. CCEC continues to work with Members and community partners in the continued electrifying of the transportation sector. The Board intends to continue to invest in the electrification principals promoted in Standard 21. Yet, since Standard 21 applies only to States, it is illogical for the Board to adopt Standard 21. CCEC has no role in the State's rate setting, therefore Standard 21 does not apply to CCEC and is not appropriate for adoption.
11. Instead, CCEC will continue to operate in conjunction with the ideals promoted in Standard 21, but will respectfully decline to adopt PURPA Standard 21.

WHEREFORE, IT IS HEREBY DETERMINED AND CONCLUDED:

Having considered the purposes of conservation of energy, optimization of the efficiency of use of facilities and resources by electric utilities, and equitable rates to electric consumers, the Board of Directors makes the following conclusions with regard to PURPA Standards #20 and #21:

1. The Board of Directors hereby declines to adopt Part (B)(i) of Standard #20, since CCEC has no role in the State's rate setting.
2. The Board of Directors hereby adopts Part (A) and Part (B)(ii) of Standard #20, encouraging staff to continue its educational and outreach efforts, as well as policy and program development, to continue to support demand-response and demand flexibility efforts. The Board of Directors further encourages staff to continue to obtain cost of service studies regularly and encourage development and refinement of rate structures that support and encourage demand-response and demand flexibility efforts.
3. The Board of Directors hereby declines to adopt Standard #21, as the Board is hesitant to bind CCEC to a Standard that is applicable solely to States. That said, the Board will continue its current efforts and will continue to assess the best ways to promote the electrification of the transportation sector.

The Board of Directors of Cass County Electric Cooperative Inc. unanimously passed a motion to adopt these Findings, Determinations, and Conclusions on 31st day of October, 2023.



Glenn Mitzel, Chair