

NEWS RELEASE

*Contact: Liz Brocker
(701) 328-2213*

June 15, 2016

NORTH DAKOTA VICTORIOUS IN 8TH CIRCUIT CASE CHALLENGING MINNESOTA'S ENERGY LAWS

BISMARCK, ND – The Eighth Circuit Court of Appeals today affirmed a federal judge's ruling that struck down as unconstitutional the restrictions imposed by Minnesota's Next Generation Energy Act (NGEA).

Attorney General Wayne Stenehjem first sued the state of Minnesota in 2011, alleging that the Minnesota law violated the Commerce Clause of the US Constitution by restricting transmission of electricity generated in North Dakota and consumed in Minnesota unless it met that state's carbon dioxide emission requirements. In April 2014, the Minnesota federal district court agreed with North Dakota and ruled the Minnesota law unconstitutional. Minnesota appealed the decision to the 8th circuit and oral arguments were held in October 2015.

"I am extremely pleased to announce that North Dakota has once again prevailed in its lawsuit against Minnesota's overreaching regulations," said Stenehjem.

In today's decision, the three judge panel of the Eighth Circuit unanimously agreed that the law illegally sought to regulate activities taking place wholly in North Dakota, well beyond Minnesota's borders. If left in place, the law would have prevented North Dakota utilities from selling power into the Midcontinent Independent Transmission System Operator (MISO) market – hurting businesses and customers in both Minnesota and North Dakota.

Minnesota also will be required to pay attorney fees for the State of North Dakota and the other plaintiffs, now estimated at over \$1 million.

###