

**2009 Continuing Resolutions  
of the  
Minnesota Rural Electric Association**



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(S) = State activity or issue

(F) = Federal activity or issue

(F/S) = Federal and State activity or issue

NOTE: The use of the acronym "MREA" means the membership of the Minnesota Rural Electric Association.

***RESOLUTION No. 1: Focus on Energy***

In recognition of the Minnesota Rural Electric Association's renewed commitment to the resolutions process, the membership urges the MREA Resolutions Committee to limit the inclusion of resolutions to those that pertain to the electric energy business. MREA is a trade organization formed by its members to deal specifically with issues pertaining to the electric cooperative business. In order for this trade association to be effective, it must focus its time and resources on a controlled number of issues.

Furthermore, the committee should separate, for purposes of focus, those resolutions that call for near-term action from those that are reoccurring, core-value type resolutions. The goal would be to renew interest in the process, define organizational goals and measurements, allow member organizations to monitor progress, and ultimately demonstrate value in their membership to MREA.

***RESOLUTION No. 2: Cooperation Among States***

The membership of the Minnesota Rural Electric Association supports states sharing and developing energy resources. Wise utilization of energy resources depends on the cooperation among the state governments and commissions of the upper Midwest. The close interchange of electric power, manufacturing, agriculture, resources, and transportation is beneficial to the economy of the area. In addition, cooperation is often necessary to obtain certain benefits of federal programs.

The membership of the Minnesota Rural Electric Association urges government and business leaders to develop and promote closer cooperation in commerce, industry, and energy that best serves the interests of cooperatives and their member-owner consumers.

***RESOLUTION No. 3: Educational & Safety Programs - The Community***

Informational programs, contacts with the public, and visible and active participation in the community are important to the successful operation of the electric cooperatives. The public needs to be informed about the organizational structure and business operations of the electric cooperatives and about their part in the development of Minnesota's rural economy.

The Minnesota Rural Electric Association is also concerned with injuries and fatalities involving members of electric cooperatives and the general public resulting from contact with energized electric lines.

The members of the Minnesota Rural Electric Association believe that all electric cooperatives should conduct programs designed to educate the members and the general public as to the potential dangers and safety procedures involved in providing electricity to the consumers and in operating electrical equipment. This is a key function of MREA and provides information and resources for its members.

***RESOLUTION No. 4: Capper -Volstead Act***

The Capper-Volstead Act provides that agricultural producers may act together in collectively "processing, preparing for market, handling, and marketing" their products. This 1922 law was important then, and now, to providing anti-trust protection to cooperatives and their members working in concert to market their products.

The Act requires voting equality, mutual benefits to members, and focus on member income, traits which define electric cooperatives and their generation and transmission cooperatives.

The Act's allowance permitting cooperatives and their members to work in concert for the members' collective good, without the specter of anti-trust, is a mainstay for cooperative operations.

***RESOLUTION No. 5: Support for the National Rural Telecommunications Cooperative***

The National Rural Telecommunications Cooperative was formed by NRECA, CFC and the cooperative electric systems in 1986 to provide telecommunications services and support to its members and their area consumers. NRTC and its members have been very active in the legislative arena at both the federal and state level. Through NRTC, cooperative utilities and their consumers have had a voice in the development of fair treatment in satellite programming and telecommunications laws.

The Minnesota Rural Electric Association supports the efforts of NRTC to provide telecommunications and utility programs and services.

***RESOLUTION No. 6: Diversified Services***

The membership of the Minnesota Rural Electric Association supports the right of cooperatives to participate in business activities that meet the interests of the co-op membership.

***RESOLUTION No. 7: Farm and Rural Economic Development***

Many parts of Minnesota suffer from stagnant or declining local economies and a decrease in population.

The U.S. Department of Agriculture has funds available to promote opportunities for economic development.

Electric cooperatives have a proven record of developing their communities by utilizing local support and participation, together with governmental assistance.

The Minnesota Rural Electric Association supports the efforts of the USDA Rural Business-Cooperative Service with its rural utility service and rural community development divisions. MREA encourages the agency to work in partnership with electric cooperatives and state programs to stimulate economic development and retention of existing business and farms in Minnesota.

***RESOLUTION No. 8: Neutral-to-Earth Voltage***

Electric cooperatives, the Public Utilities Commission, the Midwest Rural Energy Council, and others have worked to address neutral-to-earth voltage issues through training, research, investigations, consumer education, and an inter-utility task force. The inter-utility task force has published and distributed stray voltage testing and mitigation guidelines to be used by utilities until the Public Utilities Commission (PUC) adopts rules.

The Public Utilities Commission's 1998 Science Advisors final report concludes:

- We have not found credible scientific evidence to verify the specific claim that currents in the earth or associated electric parameters such as voltages, magnetic fields and electric fields, are causes of poor health and milk production in dairy herds.
- There is no basis for altering the PUC-approved standards by which electric utilities distribute power onto or in the vicinity of individual dairy farms.
- There are many well-documented, non-electrical factors which cause production problems including poor nutrition, poor cow comfort and hygiene, and other factors which should always be addressed by those who want to improve performance of dairy herds.

The PUC science advisors' report continues to be relevant and established science, and its findings were collaborated in a study conducted by the Minnesota Department of Health.

The Minnesota Rural Electric Association supports the PUC's final science advisor team report which provides a scientific basis for decision making. The Minnesota Rural Electric Association also supports the technical training and educational programs conducted by the Midwest Rural Energy Council.

***RESOLUTION No. 9: Federal Support to Electrify Rural America - Hydro***

Congress has long embraced the principle of assisting electric co-ops through loans and developing public water resources for the public benefit. Consumer-owned utilities have had preference rights for hydro-electric power generated by federal irrigation projects since at least 1906.

More than 30 federal statutes now require preferential treatment for public bodies and rural electric cooperatives.

Flowing water is a natural and renewable resource owned by the people. It is sound public policy to ensure that the benefits of projects developed from public resources by public funds, or through public agencies, go directly to the people through government and non-profit organizations rather than through private, profit-making companies.

Preference fosters diversity in the electric utility industry, and thereby helps protect against abuses of monopoly power held by the large, investor-owned systems. There have been serious attempts to weaken the preference principle. More than 600 rural electric systems, including 27 Minnesota member systems, obtain part of their power supply from the federal power marketing agencies authorized by the principle provisions contained in federal law.

The membership of the Minnesota Rural Electric Association supports the Preference Principle and cost-based pricing of federally generated power, encourages the development of broad public understanding and congressional support for the Preference Principle clause, opposes the privatization of federally-owned hydroelectric generating facilities, and supports federal appropriations, which are repaid, to repair and upgrade federal hydro facilities.

Additionally, MREA supports continued access to an appropriately funded RUS loan program and ensuring that all hydroelectricity is statutorily regarded as a renewable resource.

***RESOLUTION No. 10: Rate Regulation and Over-Regulation***

The Minnesota Rural Electric Association membership opposes any state legislative attempt to place any electric cooperative in Minnesota under rate regulation without its consent, and shall oppose those and other provisions which will result in burdensome procedures and unjustifiable cost increases.

***RESOLUTION No. 11: Service Territory***

Sections 216B.37 through 216B.47 of the Public Utilities Act provide for assigned service areas, large load extensions, and municipal service territory extensions and compensation.

The Public Utilities Commission initially assigned utility service areas in 1974. These service areas were assigned in order to ensure stability and predictability in the industry and to avoid uneconomical duplication of expensive capital facilities.

Electric cooperatives should have the right and responsibility to continue serving those areas in which they initiated service. The loss of service territory clearly has an adverse economic impact on the remaining members of a cooperative.

Therefore, the membership of MREA strongly supports just compensation for cooperatives affected by municipal acquisitions and will actively support our members in appropriate efforts to protect the interest and investment of electric cooperative members.

***RESOLUTION No. 12: Nuclear Energy***

The Minnesota Rural Electric Association supports nuclear energy and calls on the State Legislature to rescind the moratorium on the building of nuclear plants in Minnesota so that Nuclear energy can be considered as a potential energy resource within the constraints of Minnesota energy policy and can give power producers another option in reducing carbon dioxide emissions.

***RESOLUTION No. 13: Transmission Access and Pricing***

The Minnesota Rural Electric Association encourages the National Rural Electric Cooperative Association (NRECA) to continue its efforts at the Federal Energy Regulatory Commission (FERC) and, if necessary, in the Courts and Congress, to ensure that:

- Electric transmission rates and tariffs should, when appropriate, mitigate cost shifting and take into account the specific needs and characteristics of each affected region, including costs of production, operation, debt and other expenses. Whatever test is used to determine which facilities are deemed transmission facilities for rate purposes in a particular region should be applied consistently to all transmission-owning entities in that region, and to both existing and new transmission facilities.
- On a regional basis, bulk high voltage facilities that provide benefits in reliability and economy to a broad region should be included in a region-wide average rate for all customers. Transmission facilities that provide local delivery services to a sub-regional

area should be included in a secondary transmission rate within that area. This methodology should be applied to fairly allocate the cost of both new and existing transmission. There should not be a blanket requirement that new generators fund all new transmission required for their operation.

- Access to the interconnected transmission system continues to provide the most efficient and economical development and use of the bulk power supply system.
- Such access is not unconditional but is provided under reasonable terms and conditions and for reasonable compensation on a nondiscriminatory basis.
- Stranded or shifted costs are recognized.
- Wholesale transmission service is rendered under a framework of joint planning and coordinated operations, which does not sacrifice reliability and safety.
- The rights of distribution cooperatives to use the transmission system of a Generation and Transmission (G&T) cooperative are protected along with the right to serve such systems' load growth; such rights should not be auctioned or go to the highest bidder. Rural Americans should not be required to out bid others for use of the system that cooperatives developed.

The Minnesota Rural Electric Association supports NRECA's efforts to monitor events at FERC to ensure that the details of transmission access and pricing develop in accordance with the best interests of all the cooperatives and rural electric systems.

***RESOLUTION No. 14: Electric Power Reliability and the Environment***

The Minnesota Rural Electric Association membership believes it is imperative that generation, transmission, and distribution facilities be built in a timely fashion to meet the needs of the consumers.

The Minnesota Rural Electric Association membership realizes the need for an adequate supply of reliable electric power as well as a need to protect and enhance our natural environment. Except for licenses to cross unnamed waters, MREA does not object to filing for permits and approvals, but strongly feels prolonged and extensive delays are unnecessary and can be avoided.

The Minnesota Rural Electric Association membership applauds the 2001 state energy reliability law and the 2005 state CAPX 2020 law. MREA supports further legislation that will streamline the handling in a timely fashion of permits and licenses which are required for the construction of these generation, transmission, and distribution facilities.

***RESOLUTION No. 15: Coal Rail Transportation***

Bulk commodity shippers such as coal-burning electric utilities and grain producers are very often captive to railroads because of their lack of economic transport alternatives.

The Minnesota Rural Electric Association urges the Administration, the Congress, and the Surface Transportation Board to consider the captive nature of utility coal and other rail movements, and to protect those with no economic transport alternatives from monopolistic pricing practices. We further recommend that Congress repeal the railroads' anti-trust exemption, direct the Surface Transportation Board to promote rail competition, require railroads to quote rates to shippers upon request, facilitate a shipper's access to a competing railroad, remove the unnecessary market dominance showing in captive rail cases at the Surface Transportation Board and require the Surface Transportation Board to review all rules covering rate complaints by small shippers. The Minnesota Rural Electric Association also supports the expansion and upgrade of new and existing infrastructure that leads to lower rates, enhanced service, and increased competition.

***RESOLUTION No. 16: Renewable Energy***

The MREA supports continued research, development, and use of cost effective renewable energy sources where practical. Notwithstanding the Minnesota 25 percent renewable energy standard, use of renewable energy sources is dependent upon their cost, reliability, technical feasibility, and environmental effects. MREA considers renewable energy as energy that is produced from wind, solar, hydroelectric, biomass, recovered energy, and geothermal.

MREA supports local economic development through renewable energy development, such as Community-Based Energy Development (C-BED), but C-BED and similar programs must be balanced with other factors and should not singly determine statewide energy policy.

MREA supports the current legislative policy of allowing market forces determine which renewable technologies are adopted in the pursuit of Minnesota's aggressive 25% renewable energy standard (RES), and opposes proposals such as solar carveouts and feed-in tariffs which are designed to force consumers to subsidize non-competitively priced renewable energy projects.

MREA's support for renewable energy also includes support for other resources, including conservation, efficiency, coal, nuclear, natural gas, and others. Diversity and flexibility of resources is paramount in providing the reliability, safety, affordability, and environmental stewardship our members expect.

***RESOLUTION No. 17: Average Retail Rate Payments and Net Metering***

Electric cooperatives serve about 28 percent of the people in the State, many in areas of economic hardship. Co-ops also provide about 18 percent of the kilowatt-hours, yet have 64 percent of the small power producers under 40 KW on their lines. This indicates a disproportionate impact on electric co-op members since far fewer small wind generators and no methane digesters are installed within municipalities' service area.

State law and regulations provide that the average retail energy rate of each electric utility be paid on a net metering basis to small power producers under 40 KW capacity.

The Minnesota Rural Electric Association strongly opposes an increase in the 40 KW level for

applying the average retail energy rate and net metering. It also opposes a State renewable energy payment through a special assessment on all electric utilities.

***RESOLUTION No. 18: Integrated Resource Planning***

The goal of integrated resource planning is to assess various demand and supply resources to meet customer energy service needs at the lowest economic and social cost.

Integrated resource planning explicitly: includes conservation and load management programs as energy and capacity resources; considers environmental and social factors as well as direct economic costs; and involves public participation.

The membership of the Minnesota Rural Electric Association, therefore, urges the Public Utilities Commission, acting under Section 216B.2422, to carefully evaluate the effectiveness of demand-side options.

***RESOLUTION No. 19: Ethanol, and Biodiesel, and Hydrogen***

MREA supports programs for ethanol, biodiesel, and hydrogen that would focus attention on the benefits to agriculture, the balance of trade, new jobs, air quality, local capital investment, and reduced oil and ethanol imports. MREA commends Minnesota's legislative directives on vehicle use of ethanol, biodiesel fuel, and hydrogen research.

The membership of the Minnesota Rural Electric Association encourages all members and affiliated associations to consider the use of biofuels in their fleets and the purchase of flexible-fuel vehicles.

***RESOLUTION No. 20: Electric and Magnetic Fields***

Generation and transmission cooperatives serving Minnesota are committed to generating and transmitting electricity in a way that protects the health and safety of the public, their consumer-members and their employees.

Extensive scientific research on the health effects of electric and magnetic fields (EMF) has been conducted during the past two decades. Scientific findings from completed EMF research have been reviewed by several national and international science commissions. These commissions have found no conclusive scientific basis that there are adverse health effects from exposure to power frequency electric and/or magnetic fields. Some studies report no association and others report a weak association between EMF and any health impacts. The inconsistencies in the research lead most scientists to agree that any cause-and-effect relationship has not been established.

A 1997 study funded by the National Cancer Institute and the University of Minnesota Children's Cancer Research Fund, and published in the New England Journal of Medicine, also concluded that there is no evidence that power lines have any association with the risk of childhood leukemia.

A six-year Congressionally mandated study on the "Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields" was issued in 1999 by the National Institute of Environmental Health Sciences (NIEHS). The study concluded that the evidence for a risk of cancer and other human disease from the electric and magnetic fields (EMF) around power lines is weak. The report states that "The NIEHS believes that the probability that EMF exposure is truly a health hazard is currently small. The weak epidemiological associations and lack of any laboratory support for these associations provide only marginal scientific support that exposure to this agent is causing any degree of harm."

During 2000 - 2001, various state, national and international scientific communities and health agencies arrived at similar conclusions. And in a 2002 report, the Minnesota Department of Health concluded that the current evidence does not show that exposure to EMF is a health hazard.

The membership of the Minnesota Rural Electric Association encourages ongoing electric and magnetic field research supported by EPRI and supports the development and distribution of educational and communication material to provide factual information about this issue to the general public and refute statements which have served to cause unnecessary concern.

***RESOLUTION No. 21: Energy and Capacity Conservation***

The Minnesota Next Generation Energy Act of 2007 requires electric co-ops beginning in 2010 to have an annual energy savings goal of 1.5 percent of gross annual retail energy sales. This goal may be modified by the Minnesota Office of Energy Security to no less than 1.0 percent based on a co-op's historical conservation investment experience, customer class makeup, load growth, a conservation potential study, and other factors. Other safety valves in the law to help protect ratepayers are the cost effectiveness of programs, the rate at which the co-op is increasing its energy savings, and the rate of increasing expenditures.

MREA supports the inclusion of load management to meet the requirements of the law if it reduces the demand for, or increases the efficiency of, electric services provided by a cooperative. Load management is valuable to cooperatives and reflects considerable investments by their consumer members because it helps to delay the need for additional expensive power plants by conserving available power-generating capacity.

Electric co-ops will take concerted actions to accomplish the annual energy savings goal, and request adjustments when necessary, based on the concept that it is currently cheaper and environmentally cleaner to save energy than to produce new energy. At the same time, electric co-ops will be watchful of the costs of this mandate on its consumer-owner ratepayers.

***RESOLUTION No. 22: Disposal of Spent Nuclear Fuel***

In the 1960's, Dairyland Power Cooperative (Dairyland) was a participant with the federal government in a demonstration of the peacetime use of nuclear power. Dairyland participated through the Second Round Demonstration Program administered by the then Atomic Energy Commission, leading to the construction of the LaCrosse Boiling Water Reactor (LACBWR) in Genoa, Wisconsin.

In 1973, the LACBWR reactor and fuel were transferred from the federal government to Dairyland. Both parties at the time believed that spent fuel had value as a recycled source of energy through reprocessing and would not become a long-term storage problem. Unfortunately, since that time, the reprocessing option has disappeared in the United States and delays have been encountered in the siting of a permanent repository for spent nuclear fuel.

In 1987, Dairyland closed its nuclear facility, but the spent fuel remains onsite, creating significant costs for Dairyland members, including many residents of southeast Minnesota. The spent fuel is stored in the reactor, a facility not designed for long-term storage. Although Dairyland is pursuing plans to move the fuel to dry cask storage on site, it will still be precluded from fully decommissioning the site until it is removed and will also be required to maintain, monitor, and secure that facility.

The Minnesota Rural Electric Association urges the Department of Energy, the United States Congress and the President to assist Dairyland members by supporting solutions to the growing issue of nuclear waste disposal, including:

- Expedite the development of the Yucca Mountain repository in Nevada, approved by Congress and the President as the location of the national spent nuclear fuel storage facility.
- Encourage private initiatives to be developed to provide interim storage until the permanent national repository opens.
- Work with Dairyland on initiatives that recognize the role of the federal government in creating LACBWR, by giving assistance to Dairyland as it moves forward on removing the spent fuel and decommissioning the plant.

### ***RESOLUTION No. 23: Multi-Emissions***

Several Congressional "multi-emissions" proposals call to control multiple emissions of sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and mercury from electric utility power plants.

Certain members of the U.S. Senate have been promoting legislation which would seek to control the same emissions as included in the Administration's proposal -- as well as Carbon Dioxide (CO<sub>2</sub>).

Any of these proposals would significantly impact the ability of generation and transmission cooperatives (G&Ts) to provide their member-systems with the lowest possible electricity rates and restrict their capacity to provide for the economic well-being of their consumer-members and their local communities.

In terms of utility emissions, regional distinctions exist and a program designed to respond to health-based issues in other regions of the country will not work in other regions. Thus a uniform, "one size fits all" emission reduction requirement could significantly disadvantage certain G&Ts. For example, emission rates in our western region for SO<sub>2</sub>, NO<sub>x</sub>, and particulate matter are lower than other regions in the country, and programs have been developed to further reduce emission rates to address visibility.

Any new "multi-emission" legislation must, at a minimum, provide regulatory certainty and stability, increase compliance flexibility, reduce compliance costs, consider cost-benefit ratios, and maintain coal-based generation as part of the electricity supply mix.

"Multi-emissions" proposals that would simply impose additional requirements on electric generating stations without removing or reforming existing requirements, like New Source Review (NSR), would expand regulatory complexity and uncertainty and would increase costs.

MREA urges its congressional delegation to include the following elements to any changes in the nation's air emissions standards:

- Programs to reduce emissions should take into account regional differences.
- Programs to reduce emissions should be flexible and include emissions trading to minimize the costs of this program on individual sources and the nation.
- The timing and magnitude of emissions reductions for any program or combination of programs should not impair fuel diversity needed to provide affordable and reliable electricity.
- Programs to reduce emissions should incorporate adequate future regulatory certainty, whereby there would be assurance that the recovery of the cost of capital investments and the cost of additional major changes in power plants would not be threatened.
- Mandatory programs to mitigate CO2 utility emissions should only be considered at the federal level.
- Programs should allow sufficient lead times and phase-in periods for installation of additional pollution controls.
- Programs incorporating the trading of emissions credits, including a modified SO2 allowance program, should be equitably structured and should consider regional distinctions in regards to allocations.
- Any "multi-emissions" program should result in the elimination of New Source Review requirements relative to modifications at existing units.
- Provisions for government/private sector research and development collaboration to promote combustion and pollution control technologies should be incorporated into any new "multi-emissions" legislation.
- Programs that incorporate emissions trading should be structured to ensure no potential adverse effects on emissions credit pricing or emissions credit availability due to discriminatory market power.

In light of the impending implementation of national mercury reduction standards, MREA opposes state imposed mercury reduction standards which would be redundant and increase utilities' regulatory burden.

***RESOLUTION No. 24: Low Income Energy Assistance***

The membership of the Minnesota Rural Electric Association believes that low-income energy assistance, like other human service programs, should be financed through general tax revenues.

***RESOLUTION No. 25: Personal Property Taxes***

The 2001 Minnesota Legislature significantly revised the property tax law, including the tax on utility personal property, to the benefit of electric cooperatives and their member-owners. The membership of the Minnesota Rural Electric Association continues to oppose any state legislation which would result in a cost shift caused by a change in the personal property tax.

Legislation has been proposed to the Minnesota Legislature to eliminate the tax on personal property. One proposal would eliminate the personal property tax, but would create a statewide fee on all electricity customers to replace the revenue lost to local governments.

The MREA agrees that changes in personal property tax methodology should not place Minnesota utilities at a regional disadvantage under wholesale competition. However, one proposed mechanism for replacing the revenue would shift investor-owned utility tax obligations onto consumer-owned utilities. We oppose this replacement mechanism as unfair and inequitable to our consumer members.

**RESOLUTION No. 26: Climate Change Revenue for R&D**

A growing number of climate change bills are being considered in the U.S. Congress, and Congress has indicated climate change mitigation will be an important national priority.

Significant new technologies must be developed to achieve the climate change results contemplated in the many bills before Congress, but few of those bills fully allocate the new revenues generated to new research and development efforts targeted towards carbon dioxide, and, in fact, may redirect those revenues to social programs.

The Minnesota Rural Electric Association requests the National Rural Electric Cooperative Association to work with Congress and the Administration to pass a bill that directs all taxes and penalties collected from industries that produce carbon dioxide above an excess-defined limit to be used exclusively for research and development to find solutions for the cost efficient capture and storage of carbon dioxide.