

# DAKOTA



TANNER ECKER, TRIBUNE

## NEW SKILL IN PROGRESS

Matthew Jackson rides a training bike with help from volunteers during the third day of the iCan Bike Camp at the VFW Sports Center in Bismarck on Wednesday. The five-day camp helps people with disabilities learn how to independently ride a two-wheeled bicycle.

# LOAN TO EXEMPT BASIN FROM A \$471M CHARGE



TOM STROMME, TRIBUNE

Basin Electric Power Cooperative has its company headquarters on Interstate Avenue in Bismarck.

## USDA debt exempts co-op from federal regulations

**JOEY HARRIS**  
Bismarck Tribune

Basin Electric Power Cooperative has received a federal loan that will likely make it legally exempt from being ordered to return hundreds of millions of dollars to its members.

The Bismarck-based utility said that the relatively small loan is needed to fund some of its operations, but when cooperative utilities have debt with the federal program that Basin is borrowing money from, they are also exempt from electric rate oversight by the Federal Energy Regulatory Commission.

Basin has made a motion to dismiss the FERC rate case in which it faces the potential for a huge refund order, citing the loan as the reason the case should be dismissed.

In June regulatory filings, one of Basin's member cooperatives called the loan a "sham transaction" taken out with the purpose of avoiding the potential refund order and asked FERC to bar Basin from receiving it.

A decision from FERC was requested by the beginning of August, though Basin already received the loan in mid-July before FERC issued any decision.

Basin's energy production and transmission infrastructure provides power to 3 mil-

lion customers across 139 member co-ops in nine states which distribute the electricity locally.

This FERC case would have been the agency's first regulatory decision regarding Basin's rates. For decades, the cooperative's rates were mostly governed by its members and lacked similar levels of regulatory oversight. None of Basin's member cooperatives sold enough electricity for the utility to be governed by FERC until 2019 and most states in Basin's service territory — including North Dakota — only regulate for-profit utilities and not co-ops.

### A \$471 million charge related to chemicals plant

In response to Tribune questions, Basin said the loan was not taken out with the purpose of avoiding FERC regulation, despite that being the likely outcome.

Without FERC regulation, Basin would avoid the potential enforcement of an initial decision last year by Administrative Law Judge Scott Hempling that found the utility should be required to refund \$471 million that it charged its customers in 2020 and 2021.

Please see **BASIN ELECTRIC**, Page A4

## 1½-year prison term for role in fentanyl overdose case

Prosecutors: Joshua Bray was in on a conspiracy

**BRAD NYGAARD**  
Bismarck Tribune

A Bismarck man was sentenced to 1 ½ years in prison for his role in a fentanyl overdose that hospitalized a woman last year.

Joshua Bray pleaded guilty to one count related to trafficking fentanyl, which carries up to 10 years in prison.

He initially faced five other charges, including distributing the drug resulting in death or injury, but those were dismissed in exchange for a five-year sentence with all but 1 ½ years suspended.

The other charges were dismissed after an investigation into the Oct. 28, 2024, incident led authorities to conclude they could prove his role in the conspiracy but not with the actual distribution of the drug.

Bray also reportedly called 911 after the overdose happened and let first responders enter the apartment building.

The prosecutor said Bray and his co-defendant, Isaac Murray, were asked by a 27-year-old woman to provide fentanyl. Murray sold the powder that Bray heated into liquid form and injected into the woman, the prosecutor added.

The men stayed at the scene while the woman was medically treated, then left, an affidavit indicated. They were ultimately arrested and charged.

Murray was also facing six state charges, but those were dropped in favor of a federal indictment. He now faces two charges related to trafficking a controlled substance. Because of the injury to the woman, he faces up to life in prison. His initial court appearance is Aug. 18.

Bray appeared remotely at Thursday's hearing from the James River Correctional Center, where he is serving a two-year sentence in an unrelated case. His estimated release date is scheduled on Sept. 2, 2026.

His new sentence will take place at the same time as the one he is currently serving.

Reach Brad Nygaard at 701-250-8260 or [Brad.Nygaard@bismarcktribune.com](mailto:Brad.Nygaard@bismarcktribune.com)



Bray



Murray

## North Dakota Tourism, Tigirlily Gold hook up

State paying duo \$100K for promotion

**MICHAEL ACHTERLING**  
North Dakota Monitor

North Dakota's Tourism Department is paying \$100,000 to partner with country music duo Tigirlily Gold to promote the state.

Kendra Olson and Krista Slaubaugh, sisters originally from Hazen, recently debuted a new anthem inspired by North Dakota, "Call It Home," written in partnership with the North Dakota Tourism Division.

Officials say the goal is to share Tigirlily Gold's connection with North Dakota on a national stage.

"I've watched these women grow up, and seeing them use their platform to celebrate and support our state has been really inspiring," said Sara Otte Coleman, tourism and marketing director for the North Dakota Department of Commerce. "We're super-excited to work with them."

The sisters have lived in Nashville since 2017. They've signed a deal with Monument Records, performed at the Grand Ole Opry, opened for megastar Carrie Underwood, sung the national anthem at National Football League games, and had a No. 1 hit on iTunes — "Somebody Does" in February 2021. In 2024 they released their debut album, "Blonde." Last year they also won their first major award, New Duo or Group of the Year from the Academy of Country Music. They were nominated for other ACM Awards, and also for two People's Choice Country Awards.

Please see **TIGIRLILY SHILL**, Page A4

## CALENDAR

To update an event listing, add a previously listed event or include a virtual event, go to [bismarcktribune.com/events](http://bismarcktribune.com/events) or email [calendar@bismarcktribune.com](mailto:calendar@bismarcktribune.com).

## FRIDAY, AUGUST 1

## ARTS-ENTERTAINMENT-MUSIC:

Mankato MoonDogs at Bismarck Larks, 7:05 p.m., Bismarck Municipal Ballpark.

Summer Bandshell Concert: Payton Lily, 7:30-8:30 p.m., Dykshoorn Park, Mandan.

Grease, 8 p.m., Sleepy Hollow Arts Park, 26th & Divide, Bismarck. Tickets \$16-28 at Eckroth Music, select Subways and \$1 higher at the gate. [www.shtap.org](http://www.shtap.org) or call 701-319-0894.

## ORGANIZATIONS:

Knife River Al-Anon, 10 a.m., English Lutheran Church, Hazen. Bismarck Duplicate Bridge Club, 11:30 a.m., Bismarck Eagles Club, 313 N 26th St.

Capital City AA, noon, 4, 8 and 9:30 p.m., 619 Memorial Hwy. Keep It Simple AA, noon, Serenity Place. Happy Hour AA, 6 p.m., Serenity Place.

Bismarck-Mandan Bird Club, 6:30 p.m., Dakota Zoo. Spring Creek AA, 7:30 p.m., English Lutheran Church, Hazen. Twin City AA, 7:30 p.m., First Lutheran Church, 800 N. Seventh St. Keep the Faith NA (OP), 8 p.m., Faith Lutheran Church, 1402 E. Ave. C. Twin City AA, 8 p.m., First Lutheran Church, 800 N. Seventh St.

## PUBLIC EVENTS:

The Banquet, a nondenominational feeding outreach ministry offering free meals to all in need in the Bismarck/Mandan area, 5:30-7 p.m., The Dream Center. Everyone is welcome.

## SERVICES:

Free screenings for children who may be at risk for speech-language disorders, CHI St. Alexius Health Speech Therapy Department. Info: 701-530-8200.

Blood drive, 7 a.m.-2 p.m., Vitalant. Info: 701-258-4512. Well Baby Clinic, 9 a.m.-noon, Sanford Children's North Clinic, 765 W. Interstate Ave.

## SATURDAY, AUGUST 2

## ARTS-ENTERTAINMENT-MUSIC:

Bismarck Art & Galleries Associations Annual Capital A'Fair, 10 a.m. to 6 p.m., North Dakota State Capitol, Bismarck. 701-223-5986.

BisMarket – Your Community Farmers Market, 10 a.m. to 1 p.m., Kiwanis Park, 318 S. Washington St., Bismarck.

Grease, 8 p.m., Sleepy Hollow Arts Park, 26th & Divide, Bismarck. Tickets \$16-28 at Eckroth Music, select Subways and \$1 higher at the gate. [www.shtap.org](http://www.shtap.org) or call 701-319-0894.

## FAITH:

Need prayer? Private prayer support, Rainbow Shop prayer room, 551 S. Seventh St. Appt.: Betty, 701-223-2422.

Saint Basil the Great Orthodox Church services, 6 p.m. Saturdays and Wednesdays and 9:30 a.m. Sundays, in-person and livestream, St. Mary's Chapel at CHI St Alexius Hospital, 310 N 10th St., [www.snt-basil.org](http://www.snt-basil.org) and Facebook.

## ORGANIZATIONS:

Lewis and Clark AA, 8:30 a.m., Spirit of Life Church, Mandan. Capital Quilters, 9:30 a.m. to 3 p.m., New Song Church, 3200 N 11th St. All are welcome. Info: [capitalquiltersnd@gmail.com](mailto:capitalquiltersnd@gmail.com).

TOPS (Take Off Pounds Sensibly) Club ND319, 9:30 a.m., McCabe United Methodist Church, 1030 N. Sixth St., west door. Info: 701-595-6373.

Keep It Simple AA, 9:30 a.m. and 7 p.m., Serenity Place. Saturday Morning Al-Anon, 9:30 a.m., Good Shepherd Lutheran Church. Use east door, to basement. Handicapped access, south door. Saturday Morning AA, 9:30 a.m., Good Shepherd Lutheran Church. Take It Easy AA, 9:30 a.m., Trinity Lutheran Church.

## Man arrested on stabbing- and drug-related charges

### Shearry accused of assault before homeless shelter

BRAD NYGAARD  
Bismarck Tribune

A Bismarck man was recently arrested after he allegedly stabbed a man near a homeless shelter and was later found with meth and fentanyl, authorities said.

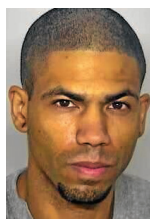
Edward Shearry, 35, faces four felony counts related to drug trafficking meth and heroin, aggravated assault with a weapon and having fentanyl. The charges related to distribution of meth and heroin each carry up to 10 years in prison. The assault and fentanyl charges each carry up to five years. Because a weapon was allegedly used, the assault charge also carries a mandatory minimum two-year prison sentence.

Bond was set at \$50,000. It came at the recommendation of a prosecutor who mentioned Shearry's criminal history which includes failures to appear at previous hearings, violent offenses and comments to law enforcement about having access to firearms.

Police responded to a store on East Thayer Avenue on July 25 after they received a report about a person who had walked in after being stabbed, according to an affidavit.

The person was taken to a hospital with a back wound that was consistent with being stabbed, resulting in a punctured lung, the affidavit stated.

The person reportedly told police an altercation



Shearry

with Shearry involving a longboard – a long skateboard – happened outside Ministry on the Margins. After the altercation, the person walked to the store and Shearry allegedly followed into the store, court documents stated. Video surveillance reportedly caught the altercation and stabbing.

A “be on the lookout” alert was issued for the suspect, which reportedly led investigators to a motel on East Main Avenue on Monday. It was there where Shearry was determined to be the suspect.

Officers reportedly connected Shearry to the motel through a key card.

During an interview, he admitted to taking part in the stabbing but claimed it was for self-defense, the affidavit stated.

Police also found controlled substances in his possession while he was being detained, and later found clothing that matched items worn by the stabbing suspect, as well as 10 grams of meth, 30 grams of marijuana and an unidentified amount of fentanyl pills, court documents allege. Motel management reportedly told police Shearry was the sole registered occupant of the room.

His next court hearing is scheduled for Sept. 2.

Reach Brad Nygaard at 701-250-8260 or [Brad.Nygaard@bismarcktribune.com](mailto:Brad.Nygaard@bismarcktribune.com)

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## ‘IndigiPalooza’ to celebrate Native art and storytelling

### Plans began after successful festival just 2 years ago

NORA MABIE  
Montana Free Press

Almost immediately after a successful 2022 festival that gathered Native authors to celebrate Native writing, participant and Montana Poet Laureate Chris La Tray said people began asking if something similar would happen again.

That hunger for another event on the heels of the James Welch Native Lit Festival was the impetus behind IndigiPalooza, a two-day Indigenous arts and storytelling event.

The event, which takes place Friday and Saturday at the Missoula Public Library, will bring together more than a dozen Indigenous artists, musicians, writers and creators for panel discussions, live music, an art

market and a traditional foods cooking demonstration. All events are free and open to the public.

“We never get this kind of a platform for just Native people to be talking about our work among other Native people,” La Tray said.

A citizen of the Little Shell Tribe of Chippewa Indians, La Tray said when he travels the country for book events, conferences and literary festivals, he is often the only Native person in the room.

“That can be exhausting,” he told Montana Free Press in a recent interview. “Native people need opportunities for us to be gathered among ourselves.”

Blackfeet artist John Peppion, who will appear on a panel at the event, said it's important for people to hear from Indigenous artists.

“We’re out here telling the world, ‘Look, here we are. This is what we’ve been through, and this is where

we’re going,’” he said. “It’s better to (do that) as a collective.”

Joy Harjo, citizen of the Muscogee Nation and the first Native American U.S. Poet Laureate, will kick off the event Friday with a poetry reading and discussion.

When La Tray and his co-organizers began planning the event about a year ago, he said he immediately thought of Harjo.

“The ground that she’s broken for other people, she’s one of our most cherished elders,” said La Tray. “Whether it’s in our community or just as an Indigenous person helping to keep us visible.”

The IndigiPalooza schedule features several panel discussions, including one where writers will discuss the importance of Indigenous storytelling.

A panel of three writers at IndigiPalooza will discuss the importance of Indigenous storytelling. Another

panel of four community leaders will talk about their experiences sharing Native language and culture with the public. One session will focus on entrepreneurship, examining how Indigenous artists make a living, and another will explore poetry and oral tradition. Native musicians Foreshadow (Salish and Blackfeet) and Supaman (Apsáalooke) will perform an evening hip-hop show.

“It’s entirely modern,” La Tray said. “If you go to a powwow, there’s this traditional dancing and a lot of this traditional stuff. I feel like there’s plenty of opportunity to see that, but what can happen, too, is that people can get this idea that that’s all we are. But we are modern participants in the world as it is today. ... We can still be Native without being shoved into this box that people like to keep us in, like everything stopped in the 1880s.”

## Basin Electric

From A3

The money was related to the operations of the cop’s Great Plains Synfuels Plant which converts coal to synthetic natural gas, fertilizer and other chemicals. The plant is operated by Dakota Gasification Co., a for-profit business owned by Basin – which is a non-profit utility.

A federally backed group of natural gas companies built the plant in the early 1980s in response to fuel shortages the decade prior. But natural gas prices soon fell, prompting large losses. The group sold the plant to the Energy Department, which planned to sell it as well. Basin was the plant’s electricity provider at the time, and the potential closure of a big customer was a threat to the cooperative. In 1988, Basin’s board formed DGC and purchased the plant.

But the plant faced a questionable future when fracking took off in the 2000s which made underground deposits of natural gas much easier to access, driving down the price of the plant’s main product: synthetic natural gas.

In the early 2010s, DGC responded to the fracking boom by deciding to add urea fertilizer production to the Great Plains Synfuels Plant on top of natural gas. That project was completed in 2018. While building it out, commodity prices continued to fall, leading to broader losses for the plant.

Some of these losses were recovered through the rates that Basin charges its members. Hempling said those charges should not have gotten onto utility bills because they largely did not impact Basin’s ability to provide utility services.

In a response filing to the initial decision, Basin disputed Hempling’s descrip-

tion of the synfuels plant and argued that it benefited members by lowering the overall cost it pays to a mining company to produce coal from a local mine that feeds both the synfuels plant and nearby electric power plants – according to the filing the synfuels plant “absorbs as much of 46% of the total fixed cost of coal.” Basin added that some materials produced at the synfuels plant were used in electric production.

In a statement to the Tribune, Basin did not rule out putting costs related to the Great Plains Synfuels Plant into future electric rates.

“Basin Electric’s budgeted margin is set to achieve a consolidated margin that supports maintaining the cooperative’s ‘A’ rating with the credit rating agencies,” an email from the utility said. In the same rate case, a few of Basin’s member cooperatives challenged the structure of how expenses related to infrastructure depreciation were calculated. Hempling ruled that Basin was overcharging member cooperatives with contracts that expire earlier than others and ordered a reversal of the policy.

The Sierra Club was involved in the case, too. The environmental group challenged Basin’s decisions to make expensive upgrades to some of the utility’s coal plants without considering the potential to shut them down. Some plants were losing money in the late 2010s and the Sierra Club argued that investing into a mix of natural gas and wind energy would have been cheaper than making the coal plant upgrades. The group requested Hempling order a refund for those costs, too.

While Hempling found Basin “imprudent” for not looking into the possibility of retiring the coal plants, he decided to not order refunds because the Si-

erra Club did not provide enough evidence that a different mix of electric production would have saved customers money. He left the door open for similar challenges in future, however.

The order was not final. Basin and other parties challenged various parts of it, and it awaited the approval of FERC’s board.

FERC, however, will likely not make a ruling on the issue now.

### USDA loan creates exemption – and member gripes

Basin received a \$928,000 loan from the U.S. Department of Agriculture’s Rural Utilities Service (RUS) on July 16. The next day, it filed to have this FERC rate case, along with any future FERC regulation, dismissed.

The RUS is an outgrowth of the Rural Electrification Administration, a New Deal-era program that helped finance utility services in rural areas that for-profit companies tended to not serve. The government program essentially spurred the development of electric cooperatives that are around today.

RUS does not regulate utility rates, though it does take them into account and issues certain financial requirements when the agency provides loans, a spokesman said.

The last time Basin was financed by RUS was in 2015 before it bought out its over \$1 billion of debt with the agency.

Basin, in a statement to the Tribune, said the \$928,000 loan was taken out to reimburse the utility “for a variety of recent capital projects” and that it is anticipating about \$12 billion in investments that it will rely on a variety of funding sources for.

According to USAspend-ing.gov, the \$928,000 loan

Basin was authorized for would “assure that people in eligible rural areas have access to electric services comparable in reliability and quality to the rest of the Nation and to assist borrowers in implementation of demand-side management, energy efficiency and conservation programs and on-grid and off-grid renewable energy systems.”

About a month before Basin made the motion to dismiss its FERC rate case, McKenzie Electric Cooperative filed a complaint with FERC seeking to bar Basin from receiving the loan.

McKenzie Electric provides service to the oil-rich – and electricity-hungry – Bakken area in northwest North Dakota and is a Basin member cooperative that has been active in the rate case seeking to secure the refund for the costs from the Great Plains Synfuels Plant.

McKenzie Electric argued that because the loan was so small relative to the anticipated billions of dollars of debt that Basin anticipates over the next decade, its existence would lead “one to conclude that the RUS loan is not about assuring that ‘people in eligible rural areas have access to electric services,’ but simply escaping FERC regulation.”

In its filings, Basin argued that its decision to seek a loan from the RUS did not violate any law, regulation or FERC order. The utility also said that FERC generally allows utilities to decide how they finance themselves and that the agency has no power to block loans from the USDA.

Basin has since filed to dismiss McKenzie Electric’s complaint, citing the federal loan as well.

McKenzie Electric declined to comment.

Reach Joey Harris at 701-250-8252 or [joseph.harris@bismarcktribune.com](mailto:joseph.harris@bismarcktribune.com).

## Tigirlily shill

From A3

Their partnership with Tourism is a two-year commitment to promote the state that ends on Jan. 31, 2027, according to Commerce. It included a July 10 performance at North Dakota Country Fest in New Salem, where the duo performed the North Dakota anthem for the first time.

The partnership also included a free performance during the Waste Management Phoenix Open golf tournament in February as part of North Dakota’s Find The Good Life campaign, which aims to attract workers to the state.

Other events may be scheduled in the future, according to Tourism.

“We’ve always dreamed of working with North



MICHAEL ACHTERLING, ND MONITOR

Tigirlily Gold performs on the steps of the North Dakota Capitol on Monday night.

Dakota Tourism,” the duo said in a statement. “This collaboration is truly full circle, and we’re honored to share what makes our home state so special.”

North Dakota Tourism also has partnered with North Dakota native and actor Josh Duhamel to pro-

mote the state. His most recent two-year partnership, which ended in 2024, cost the state \$75,000.

“Both Tigirlily Gold and Josh Duhamel have large fan bases and serve as authentic ambassadors for North Dakota, each bringing pride, unique personal

connection and platforms that amplify North Dakota’s awareness,” the division told the North Dakota Monitor. “We are lucky to partner with these influencers to help increase that awareness, as they love to talk about their home state.”

Tigirlily Gold performed an acoustic set, including the new song, on the steps of the Capitol on Monday night to wrap up the first day of the 2025 North Dakota Governors’ Cup, dedicated to supporting workforce recruitment and retention.

That event, which included a drone show, was not supported by any state funds, according to the North Dakota Office of Management and Budget. It was organized by North Dakota Governors’ Cup nonprofit.