

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Coop, Inc. :
230 kV Transmission Line/Stark : Case No.
to Bowman Counties : PU-07-169
Siting Application :

TRANSCRIPT OF
PUBLIC HEARING

Taken At
925 Main Street
New England, North Dakota
July 29, 2008

BEFORE AL WAHL
-- ADMINISTRATIVE LAW JUDGE --

A P P E A R A N C E S

COMMISSIONERS PRESENT:

COMMISSIONER SUSAN WEFALD, President
COMMISSIONER TONY CLARK
COMMISSIONER KEVIN CRAMER

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FOR THE PUBLIC SERVICE
COMMISSION.

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1 (The following proceedings were had and
2 made of record herein, commencing at 10:00 a.m.,
3 MT, Tuesday, the 29th day of July, 2008:)

4 JUDGE WAHL: Good morning. I am Al Wahl,
5 an administrative law judge pursuant to temporary
6 appointment designated by the Office of
7 Administrative Hearings upon the request of the
8 North Dakota Public Service Commission to serve as
9 the hearing officer for this hearing.

10 Let me stand to begin to be sure that
11 everyone can hear me. I have a little script to
12 read to make the record and we'll proceed with the
13 hearing. This is the hearing of the application of
14 Basin Electric Power Cooperative, Inc., for a
15 waiver of procedures and time schedules and for a
16 consolidated application for a certificate of
17 corridor compatibility and route permit to
18 authorize construction of approximately 74 miles of
19 230 kV electric transmission line and associated
20 facilities extending from an existing Belfield
21 substation to a proposed new substation south of
22 Rhame, North Dakota. The proposed transmission
23 line is sometimes referred to as the Belfield to
24 Rhame transmission project.

25 The proposed transmission line corridor

1 and route are located in Bowman, Hettinger, Slope,
2 and Stark Counties, North Dakota, as shown by a map
3 which is part of the notice of filing and notice of
4 hearing dated June 19, 2008. This is North Dakota
5 Public Service Commission Case No. PU-07-169.

6 Before proceeding with the hearing, I will
7 ask the Commissioners for comments and any
8 directions for the hearing. Commission president,
9 Susan Wefald.

10 COMMISSIONER WEFALD: Good morning,
11 everyone. We don't have a sound speaker system
12 today, and so I do throughout the hearing want to
13 encourage you that if you can't hear something that
14 you'd like to hear, to raise your hand and
15 identify -- you don't have to identify yourself,
16 but just to let us know that you need help in
17 hearing.

18 We're very pleased to be here today in New
19 England. A hearing like this is a result of a lot
20 of work on behalf of the project proposal, the
21 people -- I'm messing up my words here -- on behalf
22 of the project proponents, in this case Basin
23 Electric Cooperative, for this particular line
24 which would extend from the Belfield area down to
25 the Rhame area, and I noticed in the application

1 that it affects about 105 landowners along the
2 route, and so we are particularly interested today
3 in knowing how landowners feel about the project,
4 if there's any changes that you still think need to
5 be made, and if you have any concerns or questions
6 for the Commission. So be sure to take the
7 opportunity that the hearing officer is going to
8 give you to share those thoughts. That's an
9 important part of the public hearing on this
10 matter.

11 But another part of the hearing is for the
12 Commission to continue to get information beyond
13 what we have already received in quite voluminous
14 materials that have already been provided to the
15 Commission on this particular project, and so we
16 have to have certain information put on the record
17 and also to give our staff and the Commission a
18 chance to answer questions, and it's also a good
19 opportunity for you to understand more about the
20 project. That's the first part generally that we
21 do of the hearing, is that part, getting that
22 information on the record.

23 This is a very exciting time to be
24 involved in at the Commission because we're having
25 a lot of energy development projects come before

1 the Commission, whether it's wind development, oil
2 and gas pipelines, new electric transmission lines.

3 In this case this particular transmission
4 line is being proposed to provide more energy to
5 the oilfields of western North Dakota, and I'm
6 heartened by the fact that we have so much
7 wonderful energy development in our state.

8 I think there's a responsibility put on
9 the Commission to always take a look at projects to
10 determine are they compatible with the public
11 interest and do they meet environmental and
12 cultural standards that we have set out in state
13 law, as well? So we have to walk the line of
14 making sure that a project not only is there to
15 provide more energy in whatever form, but also to
16 make sure that it is good for the public here in
17 North Dakota, as well.

18 Thank you. Look forward to a good
19 hearing.

20 JUDGE WAHL: Commissioner Tony Clark.

21 COMMISSIONER CLARK: Well, thank you and
22 good morning. It is always great to be here in
23 southwest North Dakota. These really are
24 remarkable times in North Dakota when you think
25 about the level of investment that's going on in

1 North Dakota's energy industry. If you were to
2 total it up, you know, we're talking about not just
3 millions of dollars of investment and really not
4 just hundreds of millions of dollars investment,
5 but when you look at all of the different types of
6 projects, potentially billions, with a B --
7 billions of dollars of investment in North Dakota.
8 So we clearly have a lot of things that the rest of
9 the nation and the world want and need, whether it
10 be oil, whether it be natural gas, whether it be
11 wind power, transmission power, lignite, or
12 transmission lines to facilitate lignite and wind
13 projects, pipeline projects, biofuels, ethanol.
14 It's really incredible what's going on right now in
15 our state.

16 Now, as Public Service commissioners, as
17 state officials, of course part of our job is to
18 encourage that type of investment in North Dakota,
19 but at the same time we're very mindful of the fact
20 that we have this separate obligation that really
21 no other agency in state government has; that is
22 that the people of North Dakota through our
23 legislature have charged us with protecting
24 cultural resources, environmental resources, human
25 resources.

1 So we have an obligation not only to be
2 excited about this type of investment in North
3 Dakota and to promote it, but to also make sure
4 that as it's done, it's being done in the right
5 way, it's being done in a way that minimizes the
6 impact on things that we all want to preserve, and
7 so that's really what this hearing is about.

8 As Commissioner Wefald indicated, this is
9 kind of a unique project in that it highlights the
10 nexus between different types of things going on in
11 the energy industry. This happens to be an
12 electric transmission line, but it's going
13 basically to facilitate the large increase in load
14 that's being seen because of the increase in oil --
15 in oil development in southwest North Dakota.

16 One of the things that I would really
17 hammer home is if you have something to say, if you
18 want the Commission to be able to consider it, this
19 is the venue to get it done. Unlike legislative
20 hearings or maybe county commission hearings,
21 things like that that you may be very familiar
22 with, you know, if you talk to a legislator or
23 county commissioner or something about a concern
24 that you have maybe after a legislative hearing,
25 that's okay because they can take it into

1 consideration. If you talk to one of us after we
2 have this hearing and say, you know, I'd really
3 like you to consider this, it doesn't help your
4 cause or our cause because we can't take those
5 things into consideration.

6 As a Commission we are bound by certain
7 rules, and one of them is that our decisions have
8 to be made based on the record that's developed
9 here today, and I mean, I've had on occasion folks
10 who, you know, we'll give that admonition and say,
11 please, come up and speak if you have an interest
12 in it, if you want us to consider something, and
13 then five minutes after the hearing ends they'll
14 come up afterwards and say, wow, that was all
15 really interesting, but I really want you to know
16 about this part of the line here. It makes it very
17 difficult for us when that happens, and more
18 importantly, it makes it difficult for potentially
19 landowners who may want to have that taken into
20 consideration.

21 So please do testify when it comes that
22 time, and Judge Wahl will be giving instructions on
23 how that's to be done, but we certainly do
24 encourage it. That's why we hold our hearings in
25 the areas in which the projects are proposed to go.

1 Thank you very much.

2 JUDGE WAHL: Commissioner Kevin Cramer.

3 COMMISSIONER CRAMER: Thank you, Your
4 Honor. Let me just add my welcome and also my
5 gratitude for your interest in the project, those
6 of you who are landowners, citizens, interested
7 parties. I know your time is irrevocable. It's an
8 incredible gift, and so our system works best when
9 the governed care enough to be involved. It's a
10 great blessing in public life, in North Dakota
11 anyway, is the public.

12 So it's great to be in New England. It
13 was great to be in Cooperstown yesterday and the
14 many other places that we get to get to because of
15 this incredible burgeoning industry in our state.

16 I won't repeat all of the investments that
17 have been made and are being made and are being
18 proposed in our state, but there's one interesting
19 illustration that I'd like to share. When we
20 noticed this hearing a few weeks ago, it goes out,
21 of course, to all the media, and I received a phone
22 call from a national reporter from Platte's News
23 Service, and she said, Commissioner, I need to
24 understand something. I looked at the map, I saw
25 your notice. What in the world could possibly be

1 going on near Rhame, North Dakota, that would
2 require another 230 kV line? I said, Well, it's a
3 great question. I said, The answer is that we have
4 a burgeoning oil industry in our state, and the
5 fact of the matter is that any time you have that
6 type of load growth, it has a stress on the entire
7 system.

8 Commissioner Clark talked about the -- our
9 important role in ensuring that this type of
10 development is done in a way that has minimal
11 adverse impact on environment, cultural resources,
12 as well as people, but we also have the
13 responsibility of ensuring that development in the
14 energy industry is done in an orderly fashion and
15 that it maintains that integrity and the
16 reliability of this entire system, and so to find
17 out that Slope Electric is having to restrict load
18 growth during these times is rather a new
19 phenomena, I would guess.

20 So we're here today to hear from all
21 sides, all interests, all individuals, as well as
22 organizations.

23 I do want to add my word of encouragement,
24 though, to the public, as well. Please, please,
25 please, do not leave here today wishing you had

1 said something that you knew you should have said
2 at the time but didn't. We cannot consider -- we
3 consider silence to be just that, silence. It
4 implies nothing. So, please, if you have anything
5 to say, whether it be, you know -- you think it's
6 official or seems trivial, it's not trivial to us.
7 It's all very important.

8 So thanks again for your attention, for
9 your interest, and for the good work, and, frankly,
10 for the great hospitality, as well.

11 JUDGE WAHL: Thank you, Commissioners.
12 The record will show that it is a little past ten
13 o'clock, a.m., July 29, 2008, the time and the date
14 noticed for the hearing of the application of Basin
15 Electric Power Cooperative, Inc., for a waiver of
16 procedures and time schedules and for a
17 consolidated application for a certificate of
18 corridor compatibility and route permit to
19 authorize construction of an electric transmission
20 line and associated facilities extending from an
21 existing Belfield substation to a proposed new
22 substation south of Rhame, North Dakota, all as I
23 have previously recited and as is set forth in the
24 notice of filing and hearing dated June 19, 2008.

25 The Commission's notice of filing and

1 notice of hearing specified the following issues to
2 be considered and determined upon this hearing:

3 One, will the location, construction, and operation
4 of the proposed facilities produce minimal adverse
5 effects on the environment and upon the welfare of
6 the citizens of North Dakota?

7 Two, are the proposed facilities
8 compatible with the environmental preservation and
9 the efficient use of resources?

10 Three, will the proposed facility
11 locations minimize adverse human and environmental
12 impact while ensuring continuing system reliability
13 and integrity and ensuring that energy needs are
14 met and fulfilled in an orderly and timely fashion?

15 And, four, is it appropriate for the
16 Commission to waive procedures and time schedules
17 as requested, including the request for a single
18 consolidated application for corridor certificate
19 and route permit?

20 My plan for this hearing is to proceed
21 with the testimony and the evidence to be offered
22 on behalf of Basin Electric Power. At the
23 completion of their offers of evidence, their
24 presentation, I will provide for members of the
25 public to come forward and to testify or to offer

1 comment, but before I do that, I will take a brief
2 recess and I will be happy to meet with people who
3 are planning to testify or are planning to make
4 comment, and I will explain to you the procedures.
5 If you have any papers, maps, photographs, whatever
6 that you think the Commission should have to
7 consider and should be part of the record, I will
8 help you mark those so that we can make them --
9 properly make them part of the record, and I'll --
10 I can give you some advice with regard to how they
11 can be offered and how you can use them.

12 So you should not be intimidated by the
13 bit of formality that we have here and the
14 procedure that the rules require that the
15 Commission follow. You -- I will -- I will do what
16 I can to make it as easy for you to testify or to
17 comment for the Commission.

18 There is a -- I should add there is a
19 sign-up sheet or register, whatever, that's being
20 passed around. Sign that, if you will, please, and
21 mark on there -- I think there's a -- you can show
22 whether you plan to testify or comment. If you
23 would just mark that, that will also help the
24 Commission with their record and with their
25 consideration of this information later.

1 Ms. Levchak, will you state your
2 appearance for the record, please?

3 MS. LEVCHAK: My name is Deborah Levchak,
4 I'm counsel for Basin Electric Power Cooperative.

5 JUDGE WAHL: Ms. Bendish, will you state
6 your appearance for the record and identify
7 Commission staff who will participate in the
8 hearing?

9 MS. BENDISH: My name is Annette Bendish.
10 I'm an attorney for the Public Service Commission,
11 and with me is Jerry Lein, who is an analyst with
12 the Commission.

13 JUDGE WAHL: Ms. Levchak, you may proceed
14 when you're ready.

15 MS. LEVCHAK: Thank you. Judge Wahl,
16 Commissioners, members of the PSC staff, and ladies
17 and gentlemen, my name is Deborah Levchak, and I'm
18 a staff counsel for Basin Electric Power
19 Cooperative.

20 On April 25th, 2007, Basin Electric
21 submitted to the Public Service Commission a letter
22 notifying the Commission of its intent to construct
23 a 230 kV transmission line from the Western Area
24 Power Administration's existing Belfield substation
25 east of Belfield, North Dakota, to a new 230 kV

1 substation to be built by Basin Electric near
2 Rhame, North Dakota.

3 Basin Electric also requested the
4 Commission shorten the one-year waiting period
5 between filing a letter of intent and the filing of
6 an application for a certificate of corridor
7 compatibility.

8 By motion dated July 25, 2007, the
9 Commission acknowledged the letter of intent,
10 shortened the one-year waiting period between
11 filing a letter of intent and the siting
12 application to one day and assessed a filing fee of
13 \$100,000 and assigned the project Case No.
14 PU-07-169.

15 On April 18th, 2008, Basin Electric
16 submitted its combined applications for a waiver of
17 procedures and time schedules, certificate of
18 corridor compatibility, and a route permit for the
19 Belfield to Rhame transmission project.

20 On June 19, 2008, the Public Service
21 Commission issued a notice of filing and notice of
22 hearing on Basin Electric's application and found
23 the applications to be complete conditioned upon
24 Basin Electric filing a map detailing the proposed
25 final transmission line structure locations on or

1 before July 22, 2008.

2 On July 22, 2008, Basin Electric delivered
3 to the Public Service Commission a map detailing
4 the proposed final transmission line structure
5 locations. On July 24, 2008, Basin Electric filed
6 a certification relating to order provisions,
7 electric transmission line siting regarding certain
8 conditions to which Basin Electric has agreed.

9 The applicant's case in support of its
10 application will be presented here today through
11 seven witnesses. The first witness will be Duey
12 Marthaller, the project manager for the Belfield to
13 Rhame project. Mr. Marthaller's testimony contains
14 a description of the nature of business of Basin
15 Electric Power Cooperative, a description of the
16 transmission facilities, and general location of
17 the proposed line, and Basin Electric's policies
18 with respect to Public Service Commission's policy
19 criteria. Mr. Marthaller will also testify to the
20 design of the facility.

21 The second witness is Mr. Pius Fischer,
22 who will provide a description of the proposed
23 Rhame substation and will also testify regarding
24 various electrical effects.

25 The third witness is Mr. Boyd Trester, who

1 will testify regarding the proposed new microwave
2 communication facilities, including two microwave
3 towers that are part of this project.

4 The fourth witness is Matthew Stoltz, who
5 will testify regarding the need for the project.

6 The fifth witness is Mr. Kevin Solie, who
7 will describe the methodology used in evaluating
8 and identifying the proposed corridor and route.
9 Is anyone having difficulty hearing me? All right.

10 The sixth witness is Mr. Rick Mucha, who
11 will testify regarding construction matters.

12 The last witness is Mr. Mike Murray, who
13 will describe the line route and discuss its
14 selection in terms of right-of-way considerations.

15 Sitting next to me is Darlene Steffan, the
16 administrative secretary in the office of general
17 counsel at Basin Electric, and she will assist me
18 today. To her right is Ms. Casey Jacobson, an
19 attorney in the office of general counsel.

20 With your indulgence, Your Honor, I would
21 like to introduce some people from Slope Electric
22 who are in our audience today. I would first like
23 to introduce Mr. James Kerzmann, who is a board
24 member from Slope. Thank you. Mr. Rex Sadler, who
25 is chief of staff and operations manager for Slope

1 Electric. Ms. LaWanna Wilhelm, who is the key
2 accounts executive. Mr. Travis Kupper, chief
3 financial officer. Daniela Howie, operations
4 clerk. And Judy Kirschmann, customer service
5 representative. She stepped out. And we have
6 Slope Electric to thank for the refreshments that
7 are available here today, and they have also very
8 graciously agreed to provide lunch for everyone at
9 the time suitable to the Commission, but it would
10 be available any time after noon.

11 So that concludes my opening statement.
12 Thank you, Your Honor.

13 JUDGE WAHL: All right. Call your first
14 witness, please.

15 MS. LEVCHAK: My first witness is Duey
16 Marthaller.

17 COMMISSIONER WEFALD: Perhaps Mr.
18 Marthaller should sit so that he can -- his words
19 don't just come this way.

20 MS. LEVCHAK: Sure.

21 MR. MARTHALLER: Should I move this?

22 MS. LEVCHAK: I think maybe just sit here.

23 MR. MARTHALLER: All right.

24 COMMISSIONER WEFALD: Yes. Sideways would
25 be good.

1 MR. MARTHALLER: Okay.

2 JUDGE WAHL: Mr. Marthaller, as you are
3 doubtless aware, your testimony is required to be
4 under oath, and I'm required by law to advise you
5 regarding perjury before administering the oath.
6 Perjury is a false statement of material fact which
7 you do not believe to be true, in other words,
8 generally speaking, a lie. In North Dakota perjury
9 is a Class C felony punishable by a fine up to
10 \$5,000, imprisonment for a period of up to 5 years,
11 or both.

12 (Witness sworn.)

13 JUDGE WAHL: Ms. Levchak.

14 MS. LEVCHAK: Thank you, Your Honor.

15 **DUEY MARTHALLER,**

16 having been first duly sworn, was examined and
17 testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. LEVCHAK:**

20 Q. Mr. Marthaller, could you please give us
21 your name, business address, and your occupation?

22 A. My name is Duey Marthaller. I'm employed
23 as the manager of civil engineering for Basin
24 Electric Power Cooperative, 1717 East Interstate
25 Avenue, Bismarck, North Dakota.

1 Q. And what is your employment history with
2 Basin Electric?

3 A. I've been the manager of civil engineering
4 for 11 years. Prior to that I worked for Basin
5 Electric as a civil engineer for 18 years.

6 Q. Please state your educational background.

7 A. I received a Bachelor of Science degree in
8 civil engineering from North Dakota State
9 University in 1977 and a Master of Science degree
10 in civil engineering from Colorado State University
11 in 1981.

12 Q. What have been your responsibilities in
13 connection with the Belfield to Rhame 230 kV
14 transmission project?

15 A. I am the project manager. As project
16 manager, I am responsible for coordination of all
17 aspects of the project, including routing, right of
18 way, engineering, and permitting.

19 Q. And what is the purpose of your testimony
20 at this proceeding?

21 A. The purpose of my testimony is to provide
22 a description of Basin Electric Power Cooperative,
23 a summary of the proposed project, a description of
24 the proposed transmission line, and Basin
25 Electric's position with respect to PSC

1 transmission facility corridor and route policy
2 criteria.

3 Q. Mr. Marthaller, could you please describe
4 Basin Electric?

5 A. Basin Electric is a regional wholesale
6 electric generation and transmission cooperative,
7 organized under the state -- the laws of the State
8 of North Dakota and headquartered in Bismarck,
9 North Dakota. Basin Electric provides power to
10 more than 120 member systems serving more than 2.6
11 million consumers in nine states, including North
12 Dakota.

13 Q. Could you please describe the proposed
14 Belfield to Rhame transmission project?

15 A. The proposed project consists of a 230 kV
16 transmission line from the Western Area Power
17 Administration's existing Belfield substation east
18 of Belfield, North Dakota, to a new 230 kV
19 substation to be built by Basin Electric south of
20 Rhame, North Dakota.

21 At the Belfield substation, Western will
22 add a 230 kV bay within it is existing substation
23 fence. The Belfield to Rhame 230 kV line will be
24 terminated on a take-off structure inside the
25 Belfield substation yard.

1 The Belfield to Rhame 230 kV line will be
2 constructed, owned, and maintained by Basin
3 Electric. The transmission line will be
4 approximately 74 miles long and pass through Stark,
5 Slope, and Bowman Counties.

6 The Rhame substation will be constructed,
7 owned, and maintained by Basin Electric. One
8 230/115 kV auto transformer with associated
9 switching and control equipment will be installed.
10 The substation will include a 230 kV area and a 115
11 kV area. Both the 230 kV and 115 kV areas will
12 contain power circuit breakers. The 115 kV portion
13 will include switching and control equipment.
14 Basin Electric has purchased 80 acres to
15 accommodate the Rhame substation facility. Mr.
16 Pius Fischer will testify in greater detail
17 regarding the substation.

18 The Rhame substation will also serve as a
19 power delivery point for Upper Missouri Generation
20 & Transmission Electric Cooperative headquartered
21 in Sidney, Montana, and Slope Electric Cooperative
22 headquartered in New England, North Dakota, both
23 rural electric cooperative members of Basin
24 Electric that serve western North Dakota.

25 New communications systems are also part

1 of the Belfield to Rhame project. An optical
2 ground wire will be installed on the transmission
3 line. It will also serve as lightning protection
4 for the line. Basin Electric will extend its
5 existing microwave system to provide redundant
6 communication paths. This extension includes a new
7 tower near the proposed Rhame substation and a new
8 tower on East Rainy Butte, southwest of New
9 England.

10 These additional microwave facilities will
11 be used to provide mobile radio coverage along the
12 path of the transmission line. Mobile radio
13 communications are needed for line maintenance and
14 emergency radio communications. The mobile radio
15 system may also be used by local cooperatives. Mr.
16 Boyd Trester will testify in greater detail on the
17 microwave system.

18 (Exhibit 1 was marked for identification.)

19 Q. (MS. LEVCHAK CONTINUING) Mr. Marthaller,
20 I'm showing you what the court reporter has marked
21 as Exhibit No. 1. Can you please identify it?

22 A. Yes. It is the project schedule. Basin
23 Electric is planning to start construction this
24 fall and complete the project by the end of 2009.

25 MS. LEVCHAK: Thank you. Your Honor, I'd

1 move for admission of Exhibit 1.

2 JUDGE WAHL: Ms. Bendish?

3 MS. BENDISH: I have no objection.

4 JUDGE WAHL: Exhibit 1 is received. Let's
5 have the court reporter have the exhibits for the
6 record.

7 Q. (MS. LEVCHAK CONTINUING) Mr. Marthaller,
8 what's the estimated cost of this project?

9 A. The total cost of the project is estimated
10 to be \$33 million. Substation costs are estimated
11 to be 12 million; the transmission line is
12 estimated at 19 million; and communication
13 facilities are estimated at 2 million.

14 Q. Mr. Marthaller, could you please describe
15 the North Dakota Transmission Authority and their
16 role on this proposed project?

17 A. The North Dakota Transmission Authority
18 was established in 2005 by the North Dakota
19 legislature to diversify and expand the North
20 Dakota economy by facilitating in the development
21 of transmission facilities to support the
22 production, transportation, and utilization of
23 North Dakota electric energy. In its role, the
24 North Dakota Transmission Authority assisted in
25 coordinating and participated in discussions

1 between the Bank of North Dakota and Basin
2 Electric. The initial discussions that were held
3 centered on the Bank of North Dakota's MATCH
4 Program. The MATCH Program, which is targeted to
5 manufacturing, processing, and value-added
6 industries, is designed to encourage financially
7 strong entities to either enter into or expand the
8 business they conduct in North Dakota.

9 The Bank of North Dakota through the
10 participation of Wells Fargo Bank, National
11 Association -- Wells Fargo Bank, National
12 Association has loaned \$25 million to Basin
13 Electric to assist in the financing of the
14 construction of the Belfield to Rhame transmission
15 line.

16 Q. Thank you. Could you please describe the
17 design of the proposed 230 kV transmission line
18 Basin Electric intends to construct?

19 A. The transmission line will be constructed
20 on self-supporting galvanized steel, single-pole
21 structures. And there's a diagram of one over
22 there on the -- on the board. The line will be
23 three-phase, meaning it uses three current carrying
24 conductors. The conductors will be 1.3 inches in
25 diameter. Each conductor has 54 strands of

1 aluminum and 7 strands of steel. Above the
2 conductors will be a one-half-inch diameter -- will
3 be one one-half-inch diameter optical ground wire.
4 This wire provides lightning protection and optical
5 fibers for communications.

6 The minimum conductor clearance to ground
7 will be 26 feet at 212 degrees Fahrenheit conductor
8 temperature. The line will require approximately 6
9 to 7 structures per mile, depending on terrain and
10 other design factors. Special structure spotting
11 considerations are necessary when crossing roads or
12 bodies of water. The right-of-way will be 125 feet
13 wide, which amounts to 15.15 acres per mile of
14 transmission line.

15 Q. And what standards has Basin Electric
16 adopted in designing this line?

17 A. The transmission line will be constructed
18 according to standards of the Rural Utilities
19 Service, the National Electric Safety Code, the
20 Institute of Electrical and Electronics Engineers,
21 the American Society of Civil Engineers, the
22 American Institute of Steel Construction, and the
23 American Concrete Institute. In addition, Basin
24 Electric has its own standards that we follow.

25 (Exhibit 2 was marked for identification.)

1 Q. (MS. LEVCHAK CONTINUING) I show you what
2 the court reporter has marked as Exhibit 2 and ask
3 if you can identify it.

4 A. It is a drawing of the typical 230 kV
5 transmission line structure that will be used on
6 this project.

7 MS. LEVCHAK: Your Honor, I'd move for the
8 admission of Exhibit 2.

9 JUDGE WAHL: Ms. Bendish?

10 MS. BENDISH: I have no objection.

11 JUDGE WAHL: Exhibit 2 is received.

12 MS. LEVCHAK: Thank you.

13 Q. (MS. LEVCHAK CONTINUING) Mr. Marthaller,
14 could you please describe the transmission line
15 structures to be built as part of this project?

16 A. The structures will be single-pole, steel
17 structures. These structures will minimize the
18 impact on any land crossed. The angle structures
19 will also be single poles and will have concrete
20 foundations with no guy wires. The regular in-line
21 structures will be directly buried in the ground.

22 The typical structure will be about 100
23 feet tall. The top of the pole will be about 10
24 inches in diameter and the bottom will be about 42
25 inches in diameter. The structures will not have

1 permanent ladders, but will have ladder clips to
2 hang ladders from. The steel is galvanized and
3 will look shiny at first, but will quickly dull.

4 Q. What are the minimum clearances over
5 cultivated land, pasture, roads, and other utility
6 lines?

7 A. The minimum clearances are: Cultivated
8 land or pasture, 26 feet; roads, 28 feet; highways,
9 31 feet; railroads, 38 feet; and line crossings
10 will be 12 to 16 feet, depending on the voltage of
11 the line that we cross.

12 These clearances are provided at a maximum
13 conductor temperature of 212 degrees Fahrenheit.
14 The clearance at lower temperatures will be
15 greater.

16 Q. Mr. Marthaller, once the structures are
17 located, can any single structure be moved easily?

18 A. Every structure height, position, and type
19 is very specific to its location. Changes to any
20 one structure, almost without exception, requires
21 changes to adjacent structures.

22 Q. Mr. Marthaller, you've testified that this
23 project will involve a right-of-way of 125 feet.
24 Can you please identify any standards regarding
25 tree growth within the right-of-way?

1 A. Basin Electric must follow requirements of
2 the Federal Energy Regulatory Commission and the
3 North American Energy Reliability Council regarding
4 vegetation that could cause a line outage. Basin
5 Electric must clear vegetation that exceeds a
6 maximum height of 12 feet.

7 Q. I would now like to ask you a series of
8 questions relating to the North Dakota Public
9 Service Commission's transmission facility corridor
10 and route policy criteria.

11 What is Basin Electric's policy with
12 respect to maximizing potential benefits through
13 location and design of its facilities?

14 A. Basin Electric performs comprehensive
15 transmission studies to identify facilities that
16 are needed to ensure a reliable transmission
17 system. The location and voltage of these
18 facilities is determined by transmission planning
19 experts to maximize the benefits of these lines.
20 Mr. Matthew Stoltz will discuss this further in his
21 testimony.

22 Q. And what is Basin Electric's policy
23 concerning the training and utilization of
24 available labor in North Dakota for the general and
25 specialized skills required?

1 A. Basin Electric has a long-standing policy
2 of recruiting and training workers from North
3 Dakota. We have developed a partnership with
4 Bismarck State College to provide the coursework
5 for our apprenticeship programs in both our
6 transmission system maintenance division and power
7 plant maintenance areas. We also work with the
8 University of North Dakota, North Dakota State
9 University, University of Mary, Bismarck State
10 College, and North Dakota State College of Science
11 to fill internships and full-time
12 vocational/technical and professional positions.

13 In addition, we recently established a
14 Grow Your Own Program through Bismarck State
15 College in which students who are enrolled in the
16 power plant technician associate degree program may
17 apply and be selected for opportunities to work at
18 our power plants as interns. Basin Electric has
19 committed to hire up to five students at each of
20 our power plants beginning the fall semester of
21 2008. As full-time positions become available, the
22 students who have completed these internships may
23 apply. If selected, Basin Electric will reimburse
24 50 percent of the cost of tuition and books, 15
25 percent upon hire, 15 percent after completing one

1 year of employment, and 20 percent after completing
2 two years of employment.

3 Basin Electric staff members also sit on
4 advisory boards for various programs at Bismarck
5 State College.

6 It is also Basin Electric's practice to
7 hire qualified North Dakota workers. Basin
8 Electric includes qualified North Dakota companies
9 on its bidders' list for materials and construction
10 work. The actual labor force used on our
11 construction projects is hired by the contractors.
12 The construction personnel are highly trained in
13 this very specialized area of construction.
14 However, certain positions of the construction
15 sequence do not require specialized training. We
16 anticipate that for these tasks the contractor will
17 likely employ local people.

18 Q. What efforts has Basin Electric made to
19 economize the costs of construction and operation
20 of this project?

21 A. Basin Electric has an obligation to its
22 member cooperatives to construct facilities at the
23 least cost while maintaining reliability and
24 safety. All materials and services are
25 competitively bid by qualified suppliers. Basin

1 Electric will combine purchases with other projects
2 to take advantage of volume pricing. Basin
3 Electric maintains its own facilities, minimizing
4 the cost of contracted services.

5 Q. Has Basin Electric involved local
6 government entities and citizens in the planning
7 process?

8 A. Basin Electric initiates and maintains
9 close contact with all pertinent federal, state,
10 and local agencies prior to construction of a
11 facility. For this project, we have met with
12 county commissions, zoning boards, and city
13 organizations. We involved the public by
14 conducting public scoping meetings, mailing
15 information, and visiting landowners.

16 Q. Would you please tell the Commission what
17 type of commitment Basin Electric has to North
18 Dakota consumers regarding this project?

19 A. Basin Electric is contractually committed
20 to meet all of the additional power requirements,
21 above their allocation from Western Area Power
22 Administration, for the 14 North Dakota rural
23 electric cooperatives that are our members.

24 Q. And what is Basin Electric's policy
25 regarding labor relations?

1 A. Basin Electric management has always
2 maintained an equitable, fair, and harmonious
3 relationship with labor. Basin Electric uses both
4 union and nonunion contractors.

5 Q. What is Basin Electric's policy and what
6 efforts has the cooperative made in the
7 coordination of these facilities?

8 A. Basin Electric works closely with Western
9 Area Power Administration, Montana-Dakota
10 Utilities, and our member systems to share
11 facilities and avoid duplication. For over a year
12 we have been meeting with MDU, Western, and our
13 members on a monthly basis to discuss western North
14 Dakota transmission exclusively.

15 The Rhame substation site is being shared
16 with Upper Missouri Generation and Transmission
17 Cooperative and Slope Electric Cooperative, both
18 Basin Electric members. Our new communications
19 facilities will provide our members mobile radio
20 coverage in the area. The East Rainy Butte
21 microwave tower will be shared with Western Area
22 Power Administration.

23 Q. And what is Basin Electric's position on
24 the monitoring of environmental impact?

25 A. Basin Electric's policy is that

1 environmental impacts should be monitored and steps
2 taken to mitigate and alleviate those impacts which
3 have adverse effects. The environmental assessment
4 prepared by the Western Area Power Administration
5 will discuss expected impacts and mitigation
6 measures proposed with respect to the project.

7 Once a transmission line is completed, a
8 continuing program of maintenance begins. Basin
9 Electric will monitor the line and correct any
10 problems for the life of the facilities.

11 Q. What is the policy of Basin Electric
12 regarding the use of existing and proposed
13 rights-of-way and other existing or proposed
14 transmission facilities?

15 A. Basin Electric strives to avoid
16 duplication in transmission facilities. We have
17 agreements with Montana-Dakota Utilities and
18 Western Area Power Administration which enable us
19 to use facilities jointly. These agreements have
20 resulted in economic savings to consumers and the
21 avoidance of unnecessary duplication of
22 transmission lines and substations.

23 Q. Mr. Marthaller, Basin Electric has applied
24 for a waiver of procedures and time schedules, as
25 well as a certificate of corridor compatibility and

1 a route permit. Will the need for that waiver be
2 addressed by another witness?

3 A. Yes. Matthew Stoltz, the manager of
4 transmission services for Basin Electric, will
5 address our need and schedule for the project.

6 Q. Mr. Marthaller, based on your knowledge of
7 the Belfield to Rhame transmission line project, do
8 you believe the location, construction, and
9 operation of the proposed facilities produce
10 minimal adverse effects on the environment and upon
11 the citizens -- the welfare of the citizens of
12 North Dakota?

13 A. Yes.

14 Q. Are the proposed facilities compatible
15 with the environmental preservation and the
16 efficient use of resources?

17 A. Yes.

18 Q. Will the proposed facility locations
19 minimize adverse human and environmental impact
20 while ensuring continuing system reliability and
21 integrity and ensuring that energy needs are met
22 and fulfilled in an orderly and timely fashion?

23 A. Yes.

24 Q. Is it appropriate for the Commission to
25 waive procedures and time schedules as requested,

1 including the request for a single, consolidated
2 application for corridor certificate and route
3 permit?

4 A. Yes.

5 Q. Does this complete your direct testimony?

6 A. Yes.

7 MS. LEVCHAK: Your Honor, that completes
8 my direct of this examination.

9 JUDGE WAHL: Questions, Ms. Bendish?

10 MS. BENDISH: I don't have any.

11 **CROSS-EXAMINATION**

12 **BY MR. LEIN:**

13 Q. I would ask if you have the environmental
14 assessment completed yet that WAPA is doing or is
15 there a schedule for that?

16 A. Kevin Solie is going to be giving
17 testimony regarding the environmental part of it,
18 and he will address that.

19 MR. LEIN: Okay. That's all I had. Thank
20 you.

21 JUDGE WAHL: Questions from the
22 Commission. Commissioner Wefald?

23 COMMISSIONER WEFALD: Yes. I have a few
24 questions.

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EXAMINATION

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BY COMMISSIONER WEFALD:

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Q. The first one has to do with the 230 kV line, the size of the line, and you indicate in your application in the corridor section, page 1 and 21, that it will accommodate an increase in load of 55 megawatts. What is the actual capacity of the line as far as carrying energy? Is it -- is it above 55 megawatts of additional load that could be incorporated or is that the maximum?

A. Matthew Stoltz is going to address that in detail in his testimony.

Q. All right. So I should wait with that question?

A. If you don't mind.

Q. Okay. Thank you. And then the next question I have is the Bowman airport -- the relationship to the Bowman airport. In reading through the materials I noticed that the North Dakota Aeronautics Commission, I believe, or one of the aeronautics groups identified some issues with a proposed Bowman airport. Who would be the correct witness to ask that?

A. Just in general, we -- we addressed that in our public scoping meetings when we -- when we

1 held those earlier this year, and Kevin Solie would
2 be the person to talk in detail about that, but we
3 looked at all the different options that they were
4 proposing for the Bowman airport.

5 Q. All right. And then you mentioned that
6 there will not be or there will be guy wires needed
7 for these particular type of poles?

8 A. There will be no guy wires on any
9 structure.

10 Q. All right.

11 A. The angle structures will be
12 self-supporting on concrete foundations, and the
13 regular in-line structures will be direct buried
14 into the ground.

15 Q. All right. And then my last question
16 relates to Montana-Dakota Utilities. On page 27 of
17 your route application you indicate that there's a
18 connection with Montana-Dakota Utilities. Are you
19 the correct witness to ask questions about that, or
20 will there be another person who should answer
21 those questions?

22 A. Mr. Pius Fischer is going to address the
23 interconnection of the substation at Rhame, and
24 that's where that takes place and he'll be able to
25 answer that.

1 COMMISSIONER WEFALD: Thank you.

2 THE WITNESS: You're welcome.

3 JUDGE WAHL: Further questions from the
4 Commission?

5 COMMISSIONER CLARK: Just one quick one.

6 **EXAMINATION**

7 **BY COMMISSIONER CLARK:**

8 Q. You'd mentioned that at 212 degrees it
9 reaches its lowest point to -- it's stretchy --
10 it's as stretchy as it's going to be at 212
11 degrees. How often is it operating at that
12 temperature? Is that a regular operating
13 temperature; is that extreme conditions?

14 A. That is an extreme condition, and Matthew
15 Stoltz will be able to talk to that in greater
16 length, but -- and that is the temperature of the
17 conductor at the extreme operating conditions.

18 Q. Okay. But he could answer how often it
19 hits that?

20 A. Yes. And it's sort of tied to
21 Commissioner Wefald's question in that what's the
22 capacity of the conductor, you know, at that
23 extreme condition.

24 COMMISSIONER CLARK: Sure. Thanks.

25 JUDGE WAHL: Further questions from the

1 Commission?

2 COMMISSIONER CRAMER: I have nothing.

3 JUDGE WAHL: Ms. Levchak, any followup?

4 MS. LEVCHAK: No, Your Honor.

5 JUDGE WAHL: Ms. Bendish, any followup?

6 MS. BENDISH: No.

7 JUDGE WAHL: All right. Your next
8 witness, please.

9 MS. LEVCHAK: My next witness is Mr. Pius
10 Fischer.

11 JUDGE WAHL: Mr. Fischer, your testimony
12 is required to be under oath, and I'm required by
13 law to advise you regarding perjury before
14 administering the oath. Perjury is a false
15 statement of material fact which you do not believe
16 to be true, in other words, generally speaking, a
17 lie. In North Dakota perjury is punishable as a
18 Class C felony by a fine up to \$5,000, imprisonment
19 for a period of up to 5 years, or both.

20 (Witness sworn.)

21 JUDGE WAHL: Ms. Levchak.

22 MS. LEVCHAK: Thank you, Your Honor.

23 **PIUS FISCHER,**

24 having been first duly sworn, was examined and
25 testified as follows:

DIRECT EXAMINATION

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BY MS. LEVCHAK:

Q. Mr. Fisher, could you please give us your name, business address, and your present occupation?

A. My name is Pius Fischer. I'm employed as the supervisor of electrical engineering in the engineering and construction division to Basin Electric Power Cooperative. My business address is 1717 East Interstate Avenue, Bismarck, North Dakota.

Q. What is your educational background?

A. I have an Associate of Science degree in electrical technology from North Dakota State College of Science in Wahpeton, North Dakota, and an Associate of Science degree in pre-engineering from Bismarck State College. I received a Bachelor of Science degree in electrical and electronic engineering from North Dakota State University in 1989.

Q. And what is your work experience?

A. I have worked for Basin Electric for 14 years. My work to date has been primarily in the design of high voltage electrical substations and control and protection systems for transmission and

1 generation facilities. Prior to Basin Electric I
2 was employed for five years by Burns & McDonnell
3 Engineers, an engineering and consulting firm
4 located in Kansas City, Missouri. For Burns &
5 McDonnell I worked in the substation design
6 department and spent most of my time in design,
7 management, and construction inspection of utility
8 substations and communication systems for electric
9 utilities.

10 Q. Are you a member of any professional
11 associations?

12 A. I am a member of the Institute of
13 Electrical and Electronic Engineering, or IEEE, and
14 I'm also a registered professional engineer in the
15 State of North Dakota.

16 Q. Mr. Fisher, could you please explain what
17 have been your responsibilities for the Belfield to
18 Rhame transmission project?

19 A. I am the project manager for the proposed
20 Rhame substation. I oversee the engineering
21 activities associated with the substation,
22 including development of technical specifications
23 and drawings, review proposals for equipment,
24 materials, and construction, and selection of
25 contractors and suppliers.

1 Q. Mr. Fisher, what is the estimated cost of
2 the Rhame substation?

3 A. The cost of the facility is estimated at
4 eight million dollars.

5 (Exhibit 3 was marked for identification.)

6 Q. (MS. LEVCHAK CONTINUING) Mr. Fischer, I'm
7 going to show you what's been marked by the court
8 reporter as Exhibit No. 3 and ask you to please
9 identify it.

10 A. It is a site layout drawing that
11 identifies the property boundaries and the relative
12 locations of the Rhame substation, the microwave
13 site, and the associated access roads. The area
14 covers approximately 80 acres.

15 MS. LEVCHAK: Your Honor, I'd move for the
16 admission of Exhibit No. 3.

17 JUDGE WAHL: Ms. Bendish?

18 MS. BENDISH: I have no objection.

19 JUDGE WAHL: Exhibit 3 is received.

20 Q. (MS. LEVCHAK CONTINUING) Is that exhibit
21 also blown up in large on the second tripod from
22 the left there? Is that the Rhame system?

23 A. Yes. The second one.

24 Q. All right. Would you please describe the
25 general arrangement of the substation?

1 A. The 230 kV portion of the Rhame substation
2 connects with the proposed Belfield to Rhame 230 kV
3 transmission line. Two other line terminals in the
4 substation will connect to the existing 230 kV
5 transmission line that connects the Little Missouri
6 and Bowman substations.

7 Upper Missouri G&T will own the two 230 to
8 115 kV power transformers and the 115 kV portion of
9 the Rhame substation.

10 Slope Electric Cooperative will also own a
11 small distribution bus with two 47 kV feeders.

12 The Rhame substation also includes one 30-
13 foot-by-60-foot building to enclose the protection
14 and control equipment, station batteries, station
15 service power equipment, and communications
16 equipment.

17 The entire facility will be fenced with
18 seven-foot of chain link fence and topped with one
19 foot of three barbed wires. The dimensions of the
20 fenced area will be approximately 646-feet-by-685-
21 feet, slightly over ten acres.

22 Q. Mr. Fisher, could you please describe the
23 construction schedule and activities for the Rhame
24 substation?

25 A. The construction schedule is expected to

1 be from the fall of 2008 through December of 2009.
2 Several different crews will construct the
3 substation at different phases of the project. A
4 site grading contractor will take approximately six
5 weeks and may have eight people with heavy
6 equipment onsite. The remainder of the work will
7 be completed by the general equipment -- by the
8 general substation contractor doing foundations,
9 steel erection, building construction, equipment
10 mounting, and electrical connections. The crew
11 sizes will fluctuate. It is unlikely that more
12 than 25 people will be on site at one time.

13 Q. Could you please identify which standards
14 or codes were followed in designing the substation
15 facility?

16 A. The NESC, or the National Electric Safety
17 Code; NFPA 70, or the National Fire Protection
18 Code; OSHA, the Occupational Safety & Health
19 Administration; and RUS, the Rural Utility Service
20 Standards.

21 Q. Will this be a manned or unmanned
22 facility?

23 A. The facility is intended to be unmanned.
24 Maintenance personnel will access the site on
25 occasion to do maintenance.

1 Q. How will this facility be monitored and
2 controlled?

3 A. The substation will be remotely controlled
4 and monitored by the system operator or dispatching
5 agency, which in this case is the Western Area
6 Power Administration, part of the U.S. Department
7 of Energy, located in Watertown, South Dakota.
8 Basin Electric Power Cooperative, Upper Missouri
9 G&T, and Slope Electric may have some monitoring
10 and control of their portions of the facility.

11 Q. How will problems at the Rhame substation
12 be detected and fixed?

13 A. The remote monitoring system will alarm
14 the system operators, who will dispatch the
15 appropriate maintenance personnel.

16 Q. Mr. Fisher, what are the various
17 electrical characteristics of a 230 kV transmission
18 line and the Rhame substation?

19 A. There are three general categories of
20 electrical characteristics: The corona, the
21 electric field, and the magnetic field.

22 Q. Are these electrical characteristics
23 associated with all electrical transmission?

24 A. Yes.

25 Q. Please discuss the corona of a 230 kV

1 transmission line and its effects.

2 A. Corona occurs when a high value of
3 electric field strength at a conductor surface
4 causes the air to become electrically ionized and
5 to conduct, which produces a buzzing sound.

6 Transmission lines which operated at 230
7 kV generate corona at the surface of the conductor.
8 The conductor corona can theoretically generate
9 radio and television interference, audible noise,
10 and ozone. These phenomena will be at their
11 highest levels during wet weather conditions. The
12 conductor selected for this project will reduce,
13 but not totally eliminate, these effects.

14 Q. Mr. Fisher, would you please describe the
15 noise levels anticipated in connection with the
16 Rhame substation?

17 A. The audible noise at the substation fence
18 line will not exceed -55dBA, which meets industry
19 standards for a utility substation and is
20 comparable to the level of sound experienced with
21 normal conversation, a car driving on a residential
22 street, or a refrigerator. The main noises -- the
23 main noise surface -- the main noise sources at the
24 substation will be corona, transformer hum, and the
25 fans used in the transformer cooling. The level of

1 corona noise will be at its highest levels during
2 wet weather conditions.

3 Q. Mr. Fischer, how close is the nearest
4 residence to this proposed substation?

5 A. Approximately three-quarters of a mile
6 away.

7 Q. Is it anticipated that the sound of the
8 operation of the substation will be discernible
9 outside of the residence at that distance?

10 A. No.

11 Q. Now, let's discuss the electric and
12 magnetic fields created by a 230 kV transmission
13 line and a substation.

14 A. When a conductor is energized, it will
15 generate an electric field. If a conductive object
16 insulated from the ground is placed in an electric
17 field, a voltage will be induced on the object. If
18 the object is then connected to ground, a current
19 will flow through the connection.

20 Electric and magnetic fields, or EMF, are
21 present near any electrical device from home
22 appliances to substation electrical equipment and
23 powerlines. The levels of EMF reduce dramatically
24 as you move away from the electrical equipment and
25 powerlines. On the ground, directly below the

1 centerline of a typical 230 kV powerline the mean
2 magnetic field strength is about 58 milliGauss and
3 about 20 milliGauss at 50 feet from the centerline.
4 As a comparison, household appliances with known
5 high EMF measurements at one-foot distances include
6 hair dryers at 70 milliGauss and can openers at 300
7 milliGauss. The EMF produced by substation
8 equipment at the fence is typically
9 indistinguishable from background levels.

10 Q. How much radio interference and television
11 interference can be expected?

12 A. The television and amplitude modulated, or
13 AM, radio interference from high voltage electrical
14 substations and transmission lines depends on such
15 factors as: The strength of the received radio or
16 TV signal; the distance from the radio or TV
17 antenna to the substation or powerline; the
18 orientation and the characteristics of the
19 antennas; wet weather conditions; time of year; and
20 the listening habits of people.

21 The electrical noise generated by the
22 substation and transmission line may or may not be
23 enough to cause appreciable interference to the
24 signal. Someone tuned in to a weak AM signal very
25 close to the substation or transmission line may

1 experience radio interference. Likewise, a
2 television set that is operated very near the
3 facility on the edge of the right-of-way under wet
4 weather conditions may experience interference.
5 Mitigation methods are available to alleviate these
6 problems, if they arise. Generally, interference
7 may only occur very near the substation or
8 transmission line.

9 Q. Mr. Fisher, what effect will there be on
10 FM radio services?

11 A. None.

12 Q. Mr. Fisher, do you have any information on
13 the health risks of any electric and magnetic
14 fields' effects in the vicinity of the substation
15 and powerlines?

16 A. The National Institute of Environmental
17 Health Sciences and the Department of Energy
18 sponsor the EMF Public Information Dissemination
19 Program, or EMFRAPID. EMFRAPID focuses on finding
20 and providing answers to the human health risks
21 associated with EMF. I have copies of a booklet
22 that was published by the EMFRAPID program. The
23 website is also listed in the booklet that provides
24 more information.

25 Q. For members of the audience, for those of

1 you who are interested, on this table back here are
2 copies of that booklet and also pamphlets and
3 information from the Public Service Commission.
4 Feel free to please pick up whatever you'd like
5 back here.

6 Mr. Fisher, are you aware of any actual or
7 potential hazards to humans, animal life, or the
8 environment posed by the operation of the
9 substation?

10 A. Electrocutation hazard is present inside the
11 fence of the substation facility. High voltage
12 transmission equipment always poses a threat to any
13 human who enters the facility or pokes a long
14 conductive pole or object in through the fence and
15 makes contact with the energized equipment. The
16 facility will be secured with padlocks and marked
17 with signs prohibiting the entry of unauthorized
18 personnel.

19 The design of the facility is such that
20 energized equipment must meet Rule 110.A of the
21 National Electrical Safety Code that requires a
22 safety zone -- safety clearance zone within the
23 fence. Exposed live parts must be outside of this
24 safety zone.

25 The safety clearance zone is 14.9 feet for

1 230 kV equipment. The safety zone is reduced for
2 other low-voltage class equipment. Small animals
3 may be capable of climbing or going under the fence
4 and encountering high-voltage equipment, thus
5 exposing themselves to possible electrocution.
6 Large birds flying into the facility can expose
7 themselves to the same electrocution hazard.

8 To my knowledge, other than the above
9 possibilities, there is no hazard to the
10 environment due to the operation of the substation.

11 Q. Are you aware of any actual or potential
12 hazards to humans, animal life, or the environment
13 posed by the transmission line?

14 A. Electrocution hazard is present under any
15 transmission line where a person extends conductive
16 objects close to the energized conductors. The
17 primary hazard to wildlife is birds flying into a
18 conductor.

19 Q. Is there an increased danger associated
20 with lightning strikes near the transmission line
21 or substation?

22 A. Electromagnetically induced currents are
23 of concern when phase conductors of transmission
24 lines carry fault currents. A fault current is
25 that current flowing in the transmission line phase

1 conductor when one or more of the conductors is
2 short circuited to ground or to one another. The
3 magnitude of the fault current can be as much as 12
4 times greater than the normal load current.

5 The type of objects most affected by
6 electromagnetically induced currents would be
7 fences which parallel transmission lines. The
8 hazard occurs only if a person or animal is
9 touching the fence at the time of the fault. If
10 fences are grounded for normal operating
11 electrostatic voltages and currents, the
12 electromagnetic currents will automatically be
13 reduced to safe levels.

14 In addition, modern circuit breakers
15 operate in less than 1/15th of a second. Induced
16 currents of this short duration will not cause a
17 hazardous condition.

18 The overhead ground wires will shield the
19 conductors from direct hits by lightning. The
20 current from each of the lightning strokes is
21 diverted to the ground at the adjacent structure.
22 When the current is discharged from the pole base
23 to the surrounding ground, a step potential voltage
24 will momentarily exist on the ground near the pole,
25 presenting an electrocution hazard. People should

1 avoid structures during a lightning storm.

2 Q. Mr. Fisher, does this conclude your direct
3 testimony?

4 A. Yes.

5 MS. LEVCHAK: Your Honor, that completes
6 my direct.

7 JUDGE WAHL: Questions, Ms. Bendish?

8 MS. BENDISH: I don't have any.

9 JUDGE WAHL: Questions from the
10 Commission. Commissioner Wefald?

11 COMMISSIONER WEFALD: Yes.

12 **EXAMINATION**

13 **BY COMMISSIONER WEFALD:**

14 Q. I had a question earlier regarding the
15 interconnection with MDU down at the Rhame
16 substation. Can you just describe that to the
17 Commission, please? I noticed a mention of that.

18 A. There's a 230 kV transmission line that
19 runs between the borders of South Dakota and -- not
20 South Dakota -- South Dakota and Montana through
21 North Dakota. That portion of that 230 kV
22 transmission line is owned by Montana-Dakota
23 Utilities and extends from Little Missouri
24 substation through to, I believe -- I can't
25 remember the end terminal point at this point, but

1 Mr. Matthew Stoltz would be able to answer that for
2 you.

3 Q. Okay. My question is: Will the MDU line
4 be terminating at the Rhame substation?

5 A. That is correct. The existing line will
6 be cut and the two end pieces will be routed into
7 the substation.

8 Q. Are there any other utilities' lines that
9 will be using the same substation besides that of
10 this particular line that we're approving today and
11 the MDU line?

12 A. There will be -- 115 kV portion of the
13 substation will accommodate Upper Missouri G&T's
14 lines, lines that will be routed into the
15 substation, and also I mentioned the Slope Electric
16 will have some distribution lines, also.

17 Q. Okay. Thank you. And then on your
18 testimony on page nine which you just gave
19 regarding the types of objects most affected by
20 electromagnetically induced currents would be
21 fences which parallel the transmission line. How
22 far away from the transmission line does this
23 affect a fence which parallels the transmission
24 line? Let's say I had a barbed-wire fence on the
25 prairie for my cattle. What distance would that --

1 how close or far away would that affect that
2 particular fence?

3 A. Commissioner Wefald, I'm not able to give
4 the exact distance --

5 Q. Approximately.

6 A. -- but we do have standards within Basin
7 Electric. The project will accommodate the
8 grounding of those fences when they are in the
9 vicinity of danger of the transmission line,
10 whether they parallel the transmission or if they
11 cross the transmission line corridor or the
12 right-of-way.

13 Q. So Basin will be grounding any fences that
14 are a potential -- that could be potentially
15 affected by these electromagnetically induced
16 currents?

17 A. Yes.

18 Q. Within a certain distance away that has
19 been identified by the company?

20 A. Yes.

21 COMMISSIONER WEFALD: Okay. Thank you
22 very much.

23 JUDGE WAHL: Further questions from the
24 Commission?

25 COMMISSIONER CLARK: None.

1 COMMISSIONER CRAMER: I have none.

2 JUDGE WAHL: Followup, Ms. Levchak?

3 MS. LEVCHAK: I have none.

4 JUDGE WAHL: Any followup, Ms. Bendish?

5 MS. BENDISH: I have none.

6 JUDGE WAHL: Your next witness, please,
7 Ms. Levchak.

8 MS. LEVCHAK: My next witness is Boyd
9 Trester.

10 JUDGE WAHL: Mr. Trester, as you have
11 heard me advise previous witnesses, your testimony
12 is required to be under oath and I'm required by
13 law to advise you regarding perjury before
14 administering the oath. Perjury is a false
15 statement of material fact which you do not believe
16 to be true, in other words, generally speaking, a
17 lie. In North Dakota perjury is a Class C felony
18 punishable by a fine up to \$5,000, imprisonment for
19 a period of up to 5 years, or both.

20 (Witness sworn.)

21 JUDGE WAHL: Ms. Levchak.

22 MS. LEVCHAK: Thank you, Your Honor.

23 **BOYD TRESTER,**

24 having been first duly sworn, was examined and
25 testified as follows:

DIRECT EXAMINATION

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BY MS. LEVCHAK:

Q. Mr. Trester, please give us your name, your business address, and your occupation.

A. My name is Boyd Trester. I am employed as a senior electrical engineer for Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota.

Q. And what is your educational background and work experience?

A. I received a Bachelor of Science degree in electrical engineering from North Dakota State University in 1994. I have worked for Basin Electric for seven years in telecommunications engineering. Prior to employment with Basin Electric Power Cooperative, I held positions as an electrical design engineer for Case Corporation, a major agricultural equipment manufacturer and as a consulting engineer specializing in telecommunications for Kadrmas, Lee & Jackson, a regional consulting company.

Q. Are you a member of any professional associations?

A. I am a registered professional engineer in the State of North Dakota. I am also a member of

1 the Institute of Electrical and Electronics
2 Engineers.

3 Q. Mr. Trester, what have been your
4 responsibilities regarding the proposed Belfield to
5 Rhame project?

6 A. My project responsibilities include the
7 design of the communication systems and facilities
8 required to support the operations and maintenance
9 of the proposed transmission line and Rhame
10 substation.

11 Q. And what is the purpose of your testimony
12 at this proceeding?

13 A. The purpose of my testimony is to provide
14 a description of the proposed communication systems
15 and facilities required to support the operations
16 and maintenance of the proposed Belfield to Rhame
17 project.

18 Q. Would you please describe the
19 communication systems and facilities that Basin
20 Electric proposes to construct?

21 A. Primary substation communications,
22 including primary and secondary protective
23 relaying, will be provided by an optical ground
24 wire shield wire. This optical ground wire will be
25 installed on the 230 kV transmission line to

1 provide high-speed communication links for
2 monitoring and controlling substation equipment and
3 other communication needs.

4 Secondary substation communications and
5 primary mobile radio communications will be
6 provided by digital microwave. The digital
7 microwave system will require the construction of
8 two new microwave communications towers. The first
9 proposed tower is located in Bowman County. This
10 tower would be located on approximately 1.4 acres
11 adjacent to the proposed Rhame substation.

12 The second proposed tower would be located
13 on approximately one acre on East Rainy Butte,
14 located in Slope County. This site is an
15 intermediate location between the first proposed
16 tower near the Rhame substation and an existing
17 Basin Electric tower site located in the Dickinson
18 area.

19 (Exhibit 4 was marked for identification.)

20 Q. (MS. LEVCHAK CONTINUING) Mr. Trester, I'm
21 going to show you what's been marked by the
22 reporter as Exhibit No. 4 and ask you to please
23 identify it.

24 A. It is the site location map for the East
25 Rainy Butte microwave tower site.

1 MS. LEVCHAK: Thank you. Your Honor, I'd
2 move for admission of Exhibit No. 4.

3 JUDGE WAHL: Ms. Bendish?

4 MS. BENDISH: I have no objection.

5 JUDGE WAHL: Exhibit 4 is received.

6 MS. LEVCHAK: Thank you.

7 Q. (MS. LEVCHAK CONTINUING) Mr. Trester, I'm
8 going to show you what was previously marked as
9 Exhibit No. 3 and ask you to identify that.

10 A. It is the site location map for the Rhame
11 substation. The Rhame microwave tower site is
12 located adjacent to the west property line of the
13 Rhame substation.

14 Q. Thank you. And, Mr. Trester, is that also
15 shown on the second display from the left over
16 there?

17 A. Yes, it is.

18 Q. Thank you. Would you please describe the
19 microwave communications towers to be built as part
20 of this project?

21 A. Each of the two proposed microwave
22 communications towers would be a self-supporting,
23 steel lattice tower approximately 190 feet in
24 height. Each proposed tower will have an
25 associated communications building near its base.

1 Each communications building will be approximately
2 24 feet in length, 13 feet in width, and 12 feet in
3 height. Each building will have an earth tone
4 aggregate style exterior finish.

5 Q. Would you please describe the tower
6 lighting requirements for the proposed microwave
7 communications towers?

8 A. Basin Electric will file all necessary FAA
9 documentation to complete aeronautical studies for
10 the two proposed towers and will comply with all
11 FAA rules, including lighting requirements. In the
12 event that the FAA requires lighting, Basin
13 Electric would request a dual white/red strobe
14 lighting system.

15 Q. Would you please discuss the type of
16 communications equipment -- the type of
17 communications equipment which will be installed on
18 each proposed tower and the associated regulatory
19 standards?

20 A. Each of the proposed tower sites will have
21 both microwave and mobile radio antennas and
22 equipment. The microwave antennas and equipment
23 are necessary to provide a communications backhaul
24 link from an existing Basin Electric microwave
25 tower near Dickinson to the new, proposed Rhame

1 tower. The microwave equipment will operate in the
2 licensed six gigahertz frequency band. All
3 proposed microwave facilities will be properly
4 coordinated and licensed with the FCC as per
5 applicable FCC regulations.

6 The mobile radio antennas and equipment
7 are necessary to provide mobile communications for
8 field personnel along the transmission line and the
9 associated substations. The mobile radio equipment
10 will operate in the licensed 450 to 470 megahertz
11 frequency band as required by the FCC. All
12 proposed mobile radio facilities will be properly
13 coordinated and licensed with the FCC as per
14 applicable FCC regulations.

15 Q. Would you please describe the potential
16 effects, if any, to local communications media,
17 such as TV, AM/FM radio, or cellular phones?

18 A. No adverse effects are anticipated. The
19 equipment and systems being proposed by Basin
20 Electric operate exclusively in frequency spectrum
21 which is managed and licensed by the FCC for the
22 sole purposes of either point-to-point microwave or
23 exclusive use mobile radio communications.

24 As part of the frequency licensing
25 process, Basin Electric is required to coordinate

1 all frequencies with an FCC designated frequency
2 coordinator, who, to avoid potential interference
3 with similar systems, reviews the use of existing
4 frequencies in the area.

5 Additionally, as part of the licensing
6 process, the applications to the FCC include, in
7 part, physical operating specifications such as
8 antenna heights, directions, and transmit power.

9 Q. Thank you. Would you please describe the
10 construction process and work forces required for
11 the construction of the proposed microwave
12 communications towers?

13 A. The construction of the proposed microwave
14 communications towers, much like that of a typical
15 transmission line, will be completed in a series of
16 phases by small crews. Each crew typically will
17 have less than ten crew members.

18 The major tower construction phases
19 include the following: Phase one includes the
20 necessary civil construction to level the site and
21 build the necessary access roads, if required.

22 Phase two includes the installation of the
23 concrete foundations for the tower and building.

24 Phase three includes the assembly of the
25 tower on the foundation.

1 describes the microwave towers that are going to be
2 built, and I appreciated your extra testimony this
3 morning. That was very helpful. It talks about
4 two microwave dishes would be attached to 180-foot-
5 tall self-supporting tower that would be
6 constructed on East Rainy Butte. The Commission
7 often gets questions about whether existing towers
8 can be used for additional microwave facilities.
9 Did you explore the possibility of using an
10 existing tower that's already been put up, say for
11 cellular communications or something else, that
12 could facilitate the use of your equipment, and
13 what was your -- in doing that what did you find
14 out?

15 A. Yes, Commissioner Wefald, we did -- we did
16 explore the possibility of using an existing
17 Western Area Power tower that is currently on East
18 Rainy Butte. Unfortunately, that tower is only 75
19 feet, and they -- and WAPA has two existing
20 microwave paths off of that tower, and the addition
21 of additional microwave dishes on that tower would
22 not have been possible. Additionally, the mobile
23 radio equipment that we're proposing includes whip
24 antennas that are 18 feet in length, and putting
25 two additional 18-foot whips on the tower was not

1 possible.

2 So as per my testimony -- or previous
3 testimony, I believe Mr. Marthaller, we are in
4 conversation with WAPA regarding building our tower
5 near their existing tower and at which point they
6 would consolidate onto our new tower. Our new
7 tower will have the capability of accommodating
8 their load.

9 Q. I see. Okay. Thank you for explaining
10 that to us in more detail. That was very helpful.
11 And then on the other two towers, the one that's
12 going to be built near the Rhame substation, there
13 was no other existing tower in that vicinity that
14 could be used?

15 A. There is no existing tower in the vicinity
16 of the Rhame substation, Commissioner. In part,
17 the responsibility we have with secondary
18 communications at the substation is to have the
19 communications tower as close as we can to the
20 substation --

21 Q. Yes.

22 A. -- which is why we're required to be in
23 such close proximity, and there is no other towers
24 in the area.

25 COMMISSIONER WEFALD: Thank you. That's

1 all the questions I have.

2 JUDGE WAHL: Further questions from the
3 Commission? Commissioner Clark.

4 **EXAMINATION**

5 **BY COMMISSIONER CLARK:**

6 Q. Just so I understand, the fiberoptic line
7 that's running along the actual physical
8 infrastructure of the wire is basically for SCADA
9 type operations. It's for system monitoring of the
10 electrical grid itself. That's not for actual
11 personal communications?

12 A. That is correct. The fiber on this
13 transmission line is solely for the use for utility
14 purposes.

15 Q. Okay. And so the towers that we're
16 talking about, they are solely for personal
17 communications, workforce, things like that?

18 A. They do provide mobile communications, and
19 part of the reason for having secondary
20 communications to the substation is due to the fact
21 that in the event that there's a line failure and
22 you're dispatching maintenance crews to the line,
23 there's a good possibility that the fiberoptics
24 line that is the primary communications will, in
25 fact, be cut itself, which means maintenance crews

1 that are dispatched to the area would have no means
2 of communicating out of that area should there be
3 any event, a safety event or something to that
4 extent.

5 So the microwave communication towers are
6 there for primary mobile radio communications, but
7 they do also provide secondary communications for
8 SCADA and telemetry out of the substation. So in
9 the event that the Belfield to Rhame line was down,
10 say a storm had taken that line down, there is
11 still the line that runs east and west. The
12 Hettinger to Miles City line still goes through
13 Rhame, and in that case they still would want
14 visibility to the breakers and equipment at that
15 substation. The microwave communications would
16 give them that visibility.

17 Q. To satisfy my curiosity, this mobile
18 network, if you've got two crews in the field
19 speaking to each other, are they connecting to the
20 closest radio tower, either the Rhame or Rainy
21 Butte one?

22 A. Yes.

23 Q. And then is it -- is it backhauled to
24 the -- sort of the traditional network in Dickinson
25 or is it more point-to-point there?

1 A. The mobile radio system that Basin has in
2 place right now is very similar to a cellular
3 communication, in the aspect that users will
4 register on whichever tower closest to them has the
5 strongest signal. The ability to talk between two
6 tower sites is handled through a central controller
7 located in our Mandan TSM facility. So if we had
8 crews that were registered or working at the north
9 end of the line near Belfield and crews registered
10 on the south end of the line near Rhame, for those
11 two crews to talk to each other, they would have to
12 talk through central dispatch and back out, thus
13 the need for communications at both sites and a
14 communication back to the central.

15 Q. Can I get the PSTN from the mobile network
16 that you have?

17 A. We do actually have PSTN access for our
18 mobile radio system, but that access is done at our
19 central control site in Mandan. So they access the
20 PS --

21 Q. You switched from there.

22 A. Yep. Correct. Yes.

23 COMMISSIONER CLARK: Thanks. That's all I
24 have.

25 COMMISSIONER CRAMER: I have nothing.

1 JUDGE WAHL: Followup, Ms. Levchak?

2 MS. LEVCHAK: I have nothing further.

3 JUDGE WAHL: Any followup, Ms. Bendish?

4 MS. BENDISH: No.

5 JUDGE WAHL: Your next witness, please.

6 MS. LEVCHAK: My next witness is Mr.

7 Matthew Stoltz.

8 COMMISSIONER WEFALD: Do we need a short
9 break?

10 JUDGE WAHL: If you're requesting one.

11 COMMISSIONER WEFALD: Yes.

12 JUDGE WAHL: We'll be in recess for ten
13 minutes until 11:30.

14 (Recess taken.)

15 JUDGE WAHL: You may stand or sit as you
16 wish, but let's be in order. Commissioner Wefald.

17 COMMISSIONER WEFALD: I would like to
18 recognize that Senator Aaron Krauter, Senator Herb
19 Urlacher, and Representative Jim Kerzmann are all
20 present today, and the Commission very much
21 appreciates their attendance at this hearing on
22 behalf of their constituents. Thank you.

23 JUDGE WAHL: Ms. Levchak, you may proceed.

24 MS. LEVCHAK: Thank you, Your Honor. My
25 next witness is Mr. Matthew Stoltz. Mr. Stoltz,

1 would you please state your name, business address,
2 and your occupation.

3 MR. STOLTZ: Do I have to be sworn in
4 first?

5 MS. LEVCHAK: Excuse me.

6 JUDGE WAHL: I'm sitting here thinking the
7 same thing. Mr. Stoltz, as you're obviously well
8 aware, your testimony is required to be under oath,
9 and I'm required by law to advise you regarding
10 perjury before administering the oath. Perjury is
11 a false statement of material fact which you do not
12 believe to be true, in other words, generally
13 speaking, a lie. In North Dakota perjury is a
14 Class C felony punishable by a fine up to \$5,000,
15 imprisonment for a period of up to 5 years, or
16 both.

17 (Witness sworn.)

18 JUDGE WAHL: Ms. Levchak.

19 MS. LEVCHAK: Thank you.

20 **MATTHEW STOLTZ,**
21 having been first duly sworn, was examined and
22 testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MS. LEVCHAK:**

25 Q. Mr. Stoltz, would you please state your

1 name, business address, and your occupation?

2 A. My name is Matthew Stoltz. My business
3 address is 1717 East Interstate Avenue, Bismarck,
4 North Dakota. I am the manager of transmission
5 services for Basin Electric Power Cooperative. I
6 have worked for Basin Electric since 1999 as an
7 electrical engineer.

8 My work involves transmission studies
9 required to support generation interconnections and
10 requests for transmission service. I also
11 supervise transmission studies for local area
12 support and operational transmission studies to
13 determine if the existing transmission system will
14 be able to handle projected load growth.

15 Q. Mr. Stoltz, would you please review your
16 employment prior to coming to work for Basin
17 Electric?

18 A. I worked for the Western Area Power
19 Administration from 1986 to 1999 and performed
20 project management and transmission studies
21 functions. Prior to Western, I was employed by
22 Ulteig Engineers from 1985 to 1986 performing
23 distribution system studies and construction
24 inspection.

25 Q. Would you please state your educational

1 background?

2 A. I earned an Associate of Applied Science
3 degree from Bismarck Junior College in 1981. I
4 received a Bachelor of Science degree in electrical
5 engineering from North Dakota State University in
6 1985.

7 Q. What have been your responsibilities in
8 connection with the Belfield to Rhame project?

9 A. I have been responsible for the collection
10 of data and the coordination of transmission
11 studies which determined the need for the project.

12 Q. Mr. Stoltz, how do you conduct these
13 transmission studies?

14 A. Transmission studies are conducted with
15 the use of a power system simulation software.
16 With this simulation software we model electrical
17 characteristics of the existing transmission
18 system. The computer then calculates the voltages
19 and power flows on the transmission lines and
20 substations, allowing us to analyze whether or not
21 the system is adequate for the loads indicated in
22 the study.

23 One of the most important parts of
24 conducting transmission studies is being able to
25 project the electrical loads into the future. This

1 is required because it can take up to six years to
2 design, license, and construct a major transmission
3 line.

4 Once the electrical loads have been
5 projected and placed into the computer model,
6 various outages of the existing transmission system
7 are then simulated. These outages tell us if the
8 existing transmission system is capable of handling
9 the projected load growth in the area. If the
10 transmission outages indicate inadequate
11 transmission into an area, we place into the model
12 various transmission lines or substations in order
13 to determine the best alternative to solve this
14 deficiency.

15 Q. Are there any standards that you must meet
16 in the design of the transmission system?

17 A. Yes. The transmission system must be
18 designed so it meets criteria set by the North
19 American Electric Reliability Council, NERC. The
20 Federal Energy Regulatory Commission, FERC, has
21 identified NERC as the federal reliability
22 authority for electrical utilities in the United
23 States.

24 NERC criteria state we should not have
25 unplanned service interruptions into an area if we

1 have an outage of one transmission line. This
2 criteria enables us to maintain reliable service in
3 an area if a storm should happen to take one line
4 out of service or if maintenance on a transmission
5 line is required.

6 Q. Mr. Stoltz, Basin Electric has applied for
7 a waiver of procedures and time schedules based on
8 certain conditions which require expedited
9 construction of the Belfield to Rhame transmission
10 line. How did you determine this need existed?

11 A. Basin Electric conducts transmission
12 studies periodically with neighboring utilities,
13 such as Montana-Dakota Utilities, MDU, and the
14 Western Area Power Administration, Western, to
15 review the adequacy of the existing transmission
16 system. Basin Electric, Western, and MDU
17 transmission planners have been cooperatively
18 monitoring the area of southwestern North Dakota
19 for a number of years. Our studies indicated that
20 load growth was impacting system voltage.

21 In 2006 Basin Electric's marketing
22 division and Slope Electric Cooperative provided
23 Basin Electric and Western transmission planners
24 with new load data for this area. Based on this
25 information, Basin Electric and Western

1 transmission planners determined that a dedicated
2 study effort was required -- of the area was
3 required. Western was to study the short-term
4 scenario, zero to two years; and Basin Electric was
5 to study the long-term scenario, two to ten years.

6 As a result of the Western short-term
7 scenario study, the transmission system was
8 determined to be at a load serving limit.
9 Additional capacitors were proposed at the Little
10 Missouri substation in North Dakota and the Dawson
11 substation in Montana, and these were installed in
12 early 2008 by Western and Upper Missouri G&T
13 Electric Cooperative.

14 In addition, an under voltage load
15 shedding scheme, UVLS, at the Little Missouri
16 substation was established. Little Missouri
17 substation is an important 230 to 115 kV load
18 serving substation in the extreme southwest corner
19 of North Dakota. In the event of loss of the
20 Hettinger-Bowman 230 kV line, the voltage in this
21 area may collapse due to the large amount of load.
22 An unplanned collapse is a violation of NERC
23 criteria. The UVLS will trip the Little Missouri
24 substation load during the low voltage event and
25 protect the remainder of the system. This means

1 the load served by the Little Missouri substation
2 will not receive power. A planned trip of load is
3 acceptable to the NERC criteria, but not a
4 preferred long-term solution.

5 The Basin Electric long-term study
6 indicated additional capacitor banks were not
7 effective. It was determined that another
8 transmission line into the area was required as
9 soon as possible to eliminate the need for the UVLS
10 and accommodate the load growth.

11 (Exhibit 5 was marked for identification.)

12 Q. (MS. LEVCHAK CONTINUING) Mr. Stoltz, I'm
13 going to show you what the court reporter has
14 marked as Exhibit No. 5 and ask you to please
15 identify it.

16 A. Yes. This is a map of the electrical
17 transmission facilities in this region.

18 Q. And, Mr. Stoltz, is a blown-up version of
19 this exhibit the first exhibit -- first item on the
20 tripod over there?

21 A. Yes, ma'am. It's the far left slide or
22 poster.

23 MS. LEVCHAK: Thank you. Your Honor, I'd
24 move for admission of Exhibit No. 5.

25 JUDGE WAHL: Ms. Bendish?

1 MS. BENDISH: No objection.

2 JUDGE WAHL: Exhibit 5 is received.

3 (Exhibit 6 was marked for identification.)

4 Q. (MS. LEVCHAK CONTINUING) Mr. Stoltz, I'm
5 going to show you what the court reporter has
6 marked as -- shown as Exhibit No. 6 and ask you to
7 please identify it.

8 A. This is the long-range transmission study
9 prepared by Basin Electric that indicates the
10 urgent need for transmission support into
11 southwestern North Dakota.

12 MS. LEVCHAK: Your Honor, I'd move for
13 admission of Exhibit No. 6.

14 JUDGE WAHL: Ms. Bendish.

15 MS. BENDISH: No objection.

16 JUDGE WAHL: Exhibit 6 is received.

17 Q. (MS. LEVCHAK CONTINUING) Mr. Stoltz, how
18 does this project affect the reliability of the
19 transmission system in this area of southwestern
20 North Dakota?

21 A. The existing load serving capacity in the
22 area is approximately 75 megawatts, and that limit
23 is based on an undervoltage load shedding scheme.
24 Today, if the 230 kV transmission line between
25 Bowman and Hettinger is out of service during peak

1 load conditions, either due to a forced outage or a
2 scheduled maintenance outage, the voltage at the
3 Little Missouri 230 kV substation will decay to a
4 low level. A voltage sensing relay will monitor
5 for this condition and trip the load at the Little
6 Missouri 230 kV substation. This means the load
7 served by the Little Missouri substation will not
8 receive power. Therefore, the load at the Little
9 Missouri substation is vulnerable to an outage of a
10 single element which is a degraded reliability
11 condition -- situation.

12 Once the load is shed from the system, the
13 voltage will naturally recover. Service at Little
14 Missouri substation will be interrupted, but the
15 remainder of the system will be protected.

16 According to the 2007 Basin Electric load
17 forecast for this area, by the year 2010 the Little
18 Missouri substation load is expected to grow to 129
19 megawatts. The current transmission limitation is
20 75 megawatts; therefore, the existing transmission
21 limitations will curtail future load growth unless
22 this facility is constructed.

23 Q. Mr. Stoltz, does the proposed location,
24 construction, and operation of the 230 kV Belfield
25 to Rhame transmission line and Rhame substation

1 ensure continued system reliability and integrity?

2 A. Yes. The proposed transmission line will
3 serve the projected electrical load growth while
4 meeting NERC criteria. The load serving limit will
5 rise to at least 140 megawatts to accommodate
6 long-term forecasted load growth, and the load
7 shedding scheme can be abandoned.

8 Q. Does the proposed project ensure that the
9 energy needs of the area will be fulfilled in an
10 orderly and timely fashion?

11 A. Yes.

12 Q. Will this transmission line benefit the
13 area through which Basin Electric is proposing to
14 construct it?

15 A. Yes. This transmission line will provide
16 a direct benefit for service into the area allowing
17 reliable service to area consumers.

18 Q. Are there any plans for expansion of this
19 line?

20 A. There are no plans for expansion of this
21 particular transmission line.

22 Q. Does this conclude your direct testimony?

23 A. Yes.

24 MS. LEVCHAK: Your Honor, that completes
25 my direct examination.

1 JUDGE WAHL: Questions, Ms. Bendish?

2 MS. BENDISH: I have none.

3 JUDGE WAHL: Questions by the Commission?
4 Commissioner Wefald.

5 COMMISSIONER WEFALD: Yes.

6 EXAMINATION

7 BY COMMISSIONER WEFALD:

8 Q. I just need a little more help in
9 understanding this. I understand that there
10 presently is the Little Missouri substation that's
11 in very extreme southwest North Dakota. So my
12 question is -- I need you to help -- why didn't you
13 just upgrade that substation and connect the new
14 line to that existing substation? Why did you
15 choose to construct a new substation and how far
16 away is that? Is it maybe 15 miles away?

17 A. I believe it's about 15 miles away. It's
18 approximately halfway between Little Missouri
19 substation and Bowman substation.

20 Q. Okay.

21 A. Our initial -- or at least my initial
22 thought was, yes, let's tie Belfield substation
23 with an extremely strong 345 kV 230 substation
24 right to the Little Missouri. But Little Missouri
25 substation is a tap configuration. There's no 230

1 kV circuit breakers there, there's no available
2 space for another 230 kV line addition there. That
3 substation would have to be basically completely
4 torn down and rebuilt, which would be -- it would
5 be a hassle for serving existing load there, for
6 one thing, and plus you'd end up building a new
7 substation anyway.

8 Q. Okay.

9 A. So we thought let's go a bit further east
10 and find a spot for another new load serving
11 substation that would accommodate the 230 kV line
12 from Belfield, and that's where we picked Rhame.
13 Another consideration is Slope Electric is building
14 a 115 kV system out of the Little Missouri on the
15 west side, and they're building that system south
16 and southeast towards the Rhame area. In that
17 Rhame substation the intention is for Slope to
18 build a 115 kV system out of Rhame heading west and
19 will meet up in between Little Missouri and Rhame
20 and provide kind of a redundant support for their
21 115 kV system. So we'll have a 230 kV injection
22 capability to the Little Missouri on the west side
23 and a 230 kV injection on the east side, so that
24 115 kV load serving network will have two sources
25 of support, which makes it that much more reliable.

1 So for those considerations then Rhame seemed like
2 a really good solution for termination of this
3 transmission line.

4 Q. All right. Thank you very much. That's
5 very helpful. Now, I had a question for the first
6 witness and he referred me to you.

7 A. Right.

8 Q. And that was that this 230 kV line is
9 projected to carry energy to support 55 additional
10 megawatts of demand. What is the maximum demand --
11 what is the maximum amount of energy -- what is the
12 maximum amount of demand that could be accommodated
13 by this new line? Is it 55 megawatts or is it
14 something more?

15 A. We have to be careful when we do our
16 network studies. Like each individual component is
17 part of the total network. That individual line
18 should be able to accommodate by itself as an
19 individual unit 400 megawatts, a very, very high
20 amount of power. But as an element of the network
21 serving that particular area, the new load would be
22 at least 140 megawatts because of other problems
23 elsewhere in the system. So, in other words, we
24 would never expect to see that line load up to 400
25 megawatts. There would be other problems such as

1 voltage support or other line loadings external to
2 the area that are supplying this part of the system
3 that would cause the limitation.

4 So basically right now we're fighting a
5 voltage support problem. This line will support
6 the voltage, when we get to that 140 megawatt
7 level, problems elsewhere in the system occur that
8 cause the limit to be put in place.

9 Q. So 140 megawatt is your engineering limit
10 at this time?

11 A. That's the minimum limit we should be able
12 to accommodate in that area -- in that local area.

13 Q. All right. Then explain that to me then
14 why on page 1 and 21 of your corridor application
15 it talks about -- it talks about 55 -- oil and gas
16 development activity in southwestern North Dakota
17 is causing accelerated growth and requirements for
18 available power, which would increase from 85
19 megawatts in 2007 to an expected demand of 140
20 megawatts by 2016. So that's an increase of 55
21 megawatts. And on page one it says that the line
22 is expected to provide -- to meet -- approximately
23 55 megawatts of power would be transferred from the
24 western grid at the Belfield substation to the
25 proposed Rhame substation.

1 Is -- so although you're going to be able
2 to transport at the beginning 55 megawatts, you're
3 saying that you could eventually transport up to
4 140 megawatts to meet the demand of 140 additional
5 megawatts of demand on this -- from this area?

6 A. We could serve 140 megawatts at Rhame and
7 Little Missouri substations. 140 megawatts could
8 be supplied out of those two substations with this
9 line in service. That power may come from
10 Belfield, it may come from -- west out of Montana,
11 it may come from South Dakota depending on system
12 conditions. It doesn't all come from that
13 particular line. It --

14 Q. Okay.

15 A. Flows can vary back and forth on an hourly
16 basis --

17 Q. All right.

18 A. -- just as the network is being stressed
19 in different ways.

20 Q. But this particular line can only provide
21 55 megawatts of that demand; is that right?

22 A. No. This line could provide much more
23 than 55. Say, for example, the line into South
24 Dakota were to trip out of service, then that flow
25 would rise much higher; or if we lost the line into

1 Montana, then the flows will change. There's no --
2 the only constant number I could provide to you is
3 the thermal rating of the line, the 400 megawatts,
4 but it would be much -- the actual flow would be
5 much lower than that.

6 Q. All right. Why then -- so the statement
7 in the very first paragraph, the last sentence,
8 where it says, Approximately 55 megawatts of power
9 would be transferred from the western grid at the
10 Belfield station to the proposed Rhame substation.
11 That just tells us what's going to occur in perhaps
12 the year 2010. That isn't what ultimately could be
13 delivered across that line.

14 A. That is more like a snapshot in time of
15 what could occur at that particular time.

16 Q. At that point.

17 A. Yeah. It's just the idea of the
18 incremental flow on that line could be, say, 55
19 megawatts for certain conditions if those loads
20 were at 140 megawatts at the south end of the line
21 and other conditions were at some other level.

22 Q. So I guess my question -- the reason I'm
23 asking is to make sure that if there's additional
24 oil development -- an additional development that
25 needs -- from other sources that need electricity

1 in this area, it would be able to be met by
2 building this line?

3 A. With this line of service we fixed the
4 local voltage collapse problem in that area. The
5 problems moved up north to the Belfield area and
6 the 115 system northwest of Belfield. Now, if
7 loads continue to grow, not only in this area but
8 elsewhere in North Dakota, we probably need to fix
9 up other parts of the system, and that -- when we
10 solve those problems, we could see this load
11 serving limit increase even further because we
12 fixed the other problems. The network system, it's
13 only as strong as the weakest point, and as you
14 make improvements in one area, that may point to
15 move around to different parts of the system.

16 Q. Is this line considered in the eastern
17 interconnection?

18 A. Yes. It's an eastern interconnection
19 facility.

20 COMMISSIONER WEFALD: All right. Thank
21 you.

22 JUDGE WAHL: Any further questions from
23 the Commission? Commissioner Cramer.

24

25

EXAMINATION

1
2 **BY COMMISSIONER CRAMER:**

3 Q. I might just -- Matt, if you could help me
4 put a finer point then on this whole discussion. I
5 think -- and correct me if I'm wrong -- or maybe
6 comment on this comment. Your testimony really
7 emphasizes the point that this is a reliability
8 project more so than a delivery project. In other
9 words, we tend to sometimes simplify it and say,
10 gee, we need to get more power to the oilfield, so
11 here's a direct line. Really, you're shoring up a
12 system.

13 A. Right.

14 Q. Is that a fair characterization?

15 A. That's a good way to put it. We're
16 shoring up that part of the system, which is -- the
17 weakest part in this area of the state is
18 southwestern North Dakota today. Now, we build
19 this line, we've introduced a third 230 kV path
20 into the area, we've got additional redundancy, and
21 we've beefed up the system to accommodate future
22 load growth and any other unanticipated growths or
23 additions in the future that might come along, but
24 without the line we would -- we're at the mercy of
25 this undervoltage load shedding scheme like I

1 mentioned before. If we were to lose that line
2 into Hettinger, the loads at Little Missouri would
3 be tripped. They'd be dark. So we're trying to
4 improve the reliability to maintain service to that
5 existing load and future load growth.

6 COMMISSIONER CRAMER: Thank you.

7 JUDGE WAHL: Commissioner Clark.

8 **EXAMINATION**

9 **BY COMMISSIONER CLARK:**

10 Q. I think I've asked a question earlier that
11 was referred to you regarding how often it reaches
12 that thermal capacity at 212 degrees and it's
13 sagging as much as it will.

14 A. The thermal capacity of the new line
15 should be around or approximately 400 megawatts.
16 My expectation is we would never see that kind of
17 power on this line. We'd never be at 400
18 megawatts. There would be some other system
19 condition elsewhere in the system that would cause
20 the limitation that would prevent actual flow of
21 that line to achieve that high limit.

22 Q. So it would be very rare.

23 A. Very rare. Yeah. We'd never get to 400
24 megawatts.

25 Q. Any consideration of the 345?

1 A. We did consider 345. The problem was you
2 have to balance these additions. A 345 kV line
3 carries an extremely high amount of power, roughly
4 double the equivalent 230 kV line, and when we
5 modeled a 345 kV line from Belfield into Rhame, it
6 carried so much power it overloaded the local
7 system because other area flows were being
8 collected and sent through that line, and the
9 outage line itself was causing trouble. It would
10 carry so much flow when it was in service that when
11 we tripped it out of service, it was causing other
12 problems in the system.

13 So a 230 kV line made more sense based on
14 the load forecast we currently have. A 345 kV line
15 is a good addition for perhaps elsewhere in the
16 system for future load growth in the area, but as
17 an extension from Belfield, it was just too much.

18 COMMISSIONER CLARK: Okay. Thanks.

19 JUDGE WAHL: Any further questions from
20 the Commission? Followup, Ms. Levchak?

21 COMMISSIONER CLARK: No other questions,
22 but I would note that this is now the fourth NDSU
23 engineer that's testified, which as a fellow alum
24 gives me a high degree of confidence in their
25 reliability. No. I never entered that actual

1 college building myself when I was at NDSU.

2 MS. LEVCHAK: We're not so sure about
3 them, either.

4 JUDGE WAHL: Followup, Ms. Bendish?

5 MS. BENDISH: I have none.

6 JUDGE WAHL: Ms. Levchak, I wonder, your
7 next witness I see has a number of exhibits, and so
8 on. Can we finish your next witness in seven
9 minutes?

10 MS. LEVCHAK: No, we cannot.

11 JUDGE WAHL: Then I suggest that we recess
12 for lunch. Let's see if we can do -- let's see if
13 we can be finished with lunch at 1:30 maybe.

14 COMMISSIONER WEFALD: 12:30.

15 JUDGE WAHL: I'm sorry. 12:30. I'm
16 sorry. I'm looking at my watch. So let's try
17 that. The people who plan to testify, if you can
18 give me five minutes of your lunchtime here in the
19 corner, and we can review how you can proceed with
20 your testimony. Even if you did not sign the sheet
21 and say that you will testify or want to make
22 comments, even if you did not, and think that you
23 now may -- would now like to do that, come and see
24 me anyway. And talking to me doesn't mean that you
25 have to testify. Okay. Just come and meet with me

1 if you think you'd like to testify. If you have
2 documents or papers you want to give to the
3 Commission, bring those, too, please.

4 (Noon recess taken.)

5 JUDGE WAHL: Ms. Levchak, when you're
6 ready.

7 MS. LEVCHAK: Thank you. Your Honor, my
8 next witness is Mr. Kevin Solie.

9 JUDGE WAHL: Mr. Solie, as you have heard
10 me advise previous witnesses, your testimony is
11 required to be under oath and I'm required by law
12 to advise you regarding perjury before
13 administering the oath. Perjury is a false
14 statement of material fact which you do not believe
15 to be true, in other words, generally speaking, a
16 lie. In North Dakota perjury is a Class C felony
17 punishable by a fine up to \$5,000, imprisonment for
18 a period of up to 5 years, or both.

19 (Witness sworn.)

20 JUDGE WAHL: Ms. Levchak.

21 MS. LEVCHAK: Thank you.

22 **KEVIN SOLIE,**
23 having been first duly sworn, was examined and
24 testified as follows:
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DIRECT EXAMINATION

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BY MS. LEVCHAK:

Q. Mr. Solie, could you please state your name, address, and occupation?

A. My name is Kevin L. Solie. My business address is 1717 East Interstate Avenue, Bismarck, North Dakota. I am employed by Basin Electric Power Cooperative as a senior environmental analyst. I am responsible for the preparation of environmental studies and permit applications for various transmission and generation projects Basin Electric is currently planning.

Q. Would you please state your educational background and professional experience?

A. I earned a Bachelor of Science degree from the University of North Dakota, Grand Forks, in 1987 with a major in geology. In 1995 I received a Master of Science degree from the University of North Dakota with a major in geology with special emphasis on hydrogeology. In 2008 I earned a degree in geological engineering, again from the University of North Dakota.

From 1988 through 1990 I worked as a graduate teaching assistant for the University of North Dakota Department of Geology and Geological

1 Engineering. From 1991 to 2007 I worked as an
2 environmental scientist for the North Dakota State
3 Department of Health, division of waste management.
4 I am a recently retired commissioned officer of the
5 North Dakota Army National Guard, having served a
6 one-year tour of duty in Iraq. I was hired by
7 Basin Electric in May of 2007.

8 Q. Mr. Solie, what have been your
9 responsibilities in connection with the Belfield to
10 Rhame corridor studies?

11 A. I was responsible for the overall
12 coordination of the environmental analysis of this
13 project. This involved working with an
14 interdisciplinary consultant team, contacting and
15 meeting with public officials, coordinating
16 activities with other Basin Electric departments,
17 and reviewing and coordinating the various reports
18 that have been submitted to the Western Area Power
19 Administration, the North Dakota Public Service
20 Commission, and other interested agencies.

21 Q. You mentioned the Western Area Power
22 Administration. What is their involvement with the
23 Belfield to Rhame project?

24 A. The proposed 230 kV Belfield to Rhame
25 transmission line will interconnect with Western's

1 Belfield substation. This interconnection is
2 subject to Western's approval. That approval by
3 Western is a federal action subject to the National
4 Environmental Policy Act or NEPA.

5 Western requires an environmental
6 assessment or EA be completed for the project.
7 This EA is prepared under Western's supervision.
8 Western is completing a final review of a July 7,
9 2008, draft. Western will publish the EA for
10 public comment following its review. After Western
11 has received those comments, it will issue its
12 decision.

13 Q. Is the NEPA process a separate process
14 from the Public Service Commission siting process
15 we are attending today?

16 A. Yes. It is an independent and separate
17 process by a federal agency.

18 Q. What is the purpose of your testimony in
19 this proceeding?

20 A. I will describe the methodology used to
21 delineate the proposed corridor and demonstrate,
22 with respect to environmental considerations, the
23 proposed corridor is in accordance with the North
24 Dakota Energy Conversion and Transmission Facility
25 Siting Act and the North Dakota PSC rules.

1 (Exhibit 7 was marked for identification.)

2 Q. (MS. LEVCHAK CONTINUING) Mr. Solie, I'm
3 going to show you what the court reporter has
4 marked as Exhibit No. 7 and ask if you can identify
5 this.

6 A. Yes. It consists of a set of five maps
7 that depict PSC transmission facility corridor
8 exclusion and avoidance areas.

9 MS. LEVCHAK: Your Honor, I'd move for
10 admission of Exhibit No. 7.

11 JUDGE WAHL: Ms. Bendish?

12 MS. BENDISH: I have no objection.

13 JUDGE WAHL: Exhibit 7 is received.

14 Q. (MS. LEVCHAK CONTINUING) Mr. Solie, it's
15 not a part of your prepared testimony, but could
16 you please indicate which of the maps this is?

17 A. Sure. The first five board maps on the
18 back of the wall there are the exclusion and
19 avoidance criteria and show the corridor, as well
20 as the route.

21 Q. Thank you. Could you please describe what
22 an exclusion criteria means?

23 A. The North Dakota Public Service Commission
24 Rules at North Dakota Administrative Code, Chapter
25 69-06-01 states, "Exclusion criteria means criteria

1 that remove areas from consideration for energy
2 conversion facility sites and transmission facility
3 routes."

4 Q. And please describe what an avoidance
5 criteria means.

6 A. The North Dakota Public Service Commission
7 Rules at North Dakota Administrative Code, Chapter
8 69-06-01 states, "Avoidance criteria means criteria
9 that remove areas from consideration or energy
10 conversion facility sites and transmission facility
11 routes unless it is shown that under the
12 circumstances there are no reasonable
13 alternatives."

14 Q. Mr. Solie, do the Public Service
15 Commission Rules provide any further direction
16 regarding exclusion and avoidance areas?

17 A. Yes. The North Dakota Administrative
18 Code, Chapter 69-06-08 also provides, "Exclusion
19 and avoidance areas may be located within a
20 corridor, but at no given point shall such an area
21 encompass more than 50 percent of the corridor
22 width unless there is no reasonable alternative."

23 (Exhibit 8 was marked for identification.)

24 Q. (MS. LEVCHAK CONTINUING) Mr. Solie, I'm
25 going to show you what the court reporter has

1 marked as Exhibit 8 and ask if you could please
2 identify that.

3 A. Yes. It is a set of five maps that depict
4 land use. Cropland is depicted in dark green,
5 grassland in pale green, pasture and hayland in
6 olive green, forest land in red, city in
7 transparent light blue, wetlands and bodies of
8 water in blue, and barren or developed land in
9 white.

10 MS. LEVCHAK: Your Honor, I'd move for the
11 admission of Exhibit No. 8.

12 JUDGE WAHL: Ms. Bendish.

13 MS. BENDISH: I have no objection.

14 JUDGE WAHL: Exhibit 8 is received.

15 MS. LEVCHAK: Thank you. For members of
16 the audience, in the interest of not taking up more
17 space than necessary, we have not put up the land
18 use maps, but they are back in the corner. You can
19 see the green maps that are in the corner back
20 there. If you have any interest in seeing those,
21 we'd be happy to put them out.

22 Q. (MS. LEVCHAK CONTINUING) Mr. Solie, would
23 you please give the Commission a general
24 description of the proposed corridor?

25 A. Preliminary estimates of transmission line

1 length were on the order of 70 miles. Since
2 corridor width must be a minimum of ten percent of
3 corridor length, up to maximum of six miles, a
4 corridor width of six miles was used for the
5 project.

6 The proposed corridor is located in Stark,
7 Slope, Hettinger, and Bowman Counties in
8 southwestern North Dakota and is oriented to avoid
9 exclusion and avoidance areas to the extent
10 practicable, including the cities of Belfield,
11 South Heart, and New England. Bowman and Rhame lie
12 within the corridor but were avoided during
13 detailed routing.

14 Wildlife refuges such as White Lake
15 National Wildlife Refuge, Stewart Lake National
16 Wildlife Refuge, and Cedar Lake State Wildlife
17 Refuge were also avoided, as was the Little
18 Missouri Grasslands.

19 As depicted on the map, the corridor is
20 generally north to south, from Belfield substation
21 to Highway 21 -- to North Dakota Highway 21 and
22 then stair-steps to the southwest to the vicinity
23 of Bowman, and then leads directly west to the
24 proposed Rhame substation.

25 Agriculture and livestock production

1 dominate land use within the proposed corridor.
2 The proposed corridor includes 323,515 acres of
3 land, of which 92 percent are classified as
4 cropland and/or grassland.

5 Q. Would you please describe the general
6 philosophy and objectives used by Basin Electric in
7 delineation of the proposed corridor?

8 A. The process used by Basin Electric and its
9 consultants in the analysis of the study area and
10 eventual identification of the proposed corridor is
11 based upon a deductive approach, that is, from
12 general to specific. The approach entails starting
13 with a broad study area and then narrowing and
14 refining it by incorporating data and other input
15 gathered from public agencies, environmental
16 databases to the point where a well-defined
17 corridor -- or corridors are defined within the
18 study area.

19 The ultimate goal of the corridor
20 selection process was to locate a suitable line
21 route between the two end points. Although the
22 corridor process is not line route specific, the
23 selection methodology was designed so that the
24 preferred corridor was known to contain at least
25 one potential line route, which, to the extent

1 practical, will satisfy the following objectives:

2 One, avoid inhabited rural residences by a
3 minimum of 500 feet.

4 Two, minimize the disturbance of
5 cultivated croplands.

6 Three, avoid irrigated cropland.

7 Four, avoid identified recreational,
8 historical, archeological, paleontological, or
9 other culturally significant areas when possible.

10 Five, minimize the possible construction
11 of shelterbelts, hardwood draws, and other areas of
12 conservation and ecologic importance.

13 Six, avoid the potential disturbance of
14 rare and endangered species of plants and animals.

15 Seven, minimize the effect on designated
16 waterfowl production areas, game management areas,
17 and wildlife refuges.

18 Eight, minimize interference with
19 extraction of economic minerals.

20 Nine, minimize engineering, construction,
21 and maintenance hazards.

22 Ten, enhance the electrical reliability of
23 the transmission system.

24 Eleven, minimize circuitous routing which
25 would increase costs and overall impacts.

1 And, twelve, avoid incompatible objects or
2 systems such as missile silos, oil wells, or
3 airports.

4 MS. LEVCHAK: Just a moment. I understand
5 that some folks were having difficulty hearing over
6 the air. We've turned the air back on just for
7 comfort level, but if you have trouble hearing any
8 of the witnesses, please raise your hand -- just
9 generally raise your hand, and I will ask them to
10 speak more loudly.

11 COMMISSIONER WEFALD: There's also some
12 seats in the front row that people can move to if
13 that could assist their hearing.

14 MS. LEVCHAK: Don't hesitate. I'll keep
15 an eye on the audience, and raise your hand if
16 you're having any trouble hearing.

17 Q. (MS. LEVCHAK CONTINUING) All right. Mr.
18 Solie, were there engineering guidelines that were
19 also considered in this process?

20 A. Yes. Areas that were considered less
21 suitable for construction and operation of a
22 transmission line included: One, river valleys.
23 Two, crossings involving other high-voltage powers
24 lines. Three, steep slopes which could pose
25 maintenance and erosion problems. Four, areas

1 requiring unusually long spans. Five, areas
2 lacking reasonable access for construction and
3 maintenance. Six, extensive flood plains and
4 wooded draws. Seven, mining pits. And, eight,
5 areas of questionable foundation stability.

6 Q. Who participated in the corridor selection
7 process?

8 A. A multidisciplinary team at Basin Electric
9 including environmental, engineering, and lands and
10 right-of-way personnel worked together in the
11 corridor selection process. In addition,
12 consultants to Basin Electric including staff from
13 ENSR of Fort Collins, Colorado, played a major role
14 in the corridor delineation process.

15 Q. Would you please describe the major
16 considerations of delineating the transmission
17 corridor?

18 A. The over-arching goal of our selection of
19 the proposed corridor was to identify a path which
20 represents the most direct route between the two
21 end points while simultaneously minimizing
22 environmental, cultural, socioeconomic impacts,
23 engineering and construction costs, and related
24 problems.

25 Q. Mr. Solie, did Basin Electric incorporate

1 public input in the corridor selection process?

2 A. Yes. The deductive approach employed by
3 Basin Electric starts with a broad study area, then
4 narrowing it by incorporating various data and
5 input from public agencies, representative
6 officials, private industry, and the general public
7 to a point where the corridor is identified within
8 the study area.

9 Basin Electric representatives met with
10 Stark, Slope, and Bowman County commissioners
11 during July 2007 to provide a project overview and
12 to receive their comments and concerns. A
13 PowerPoint slide show about the project was
14 presented and included information about the
15 project location, state and federal environmental
16 review processes, and the acquisition of easements.

17 The list of officials and agencies
18 contacted are presented in Appendix A of the
19 application. In total, 43 agencies, organizations
20 or officials were contacted for early input for
21 this project. Ten Native American Tribes were also
22 contacted to solicit their input on the project.

23 The Western Area Power Administration, or
24 Western, also conducted public scoping meetings in
25 late July 2007 in compliance with the scoping

1 provisions of the United States Department of
2 Energy NEPA implementation regulations. These
3 meetings were conducted in Belfield and Bowman,
4 North Dakota. The purpose of the meetings was to
5 aid in the federal decisionmaking process and to
6 assist in the formulation of issues to be addressed
7 by Western's environmental assessment for the
8 proposed project. The comments received during
9 these meetings were also considered in the corridor
10 and route selection process.

11 Q. Mr. Solie, I am now going to ask you a
12 series of questions regarding the Public Service
13 Commission transmission facility corridor criteria
14 exclusion areas. Does the proposed corridor
15 contain any designated or registered national
16 parks, memorial parks, historic sites and
17 landmarks, natural landmarks, monuments, or
18 wilderness areas?

19 A. No.

20 Q. Mr. Solie, I understand your answer to
21 question number 19 is changed from your written
22 version. I'll read you the question and you can
23 provide your answer.

24 A. Yes.

25 Q. Mr. Solie, are there any designated or

1 registered state parks, historic sites, monuments,
2 historic markers, or archaeological sites, or
3 nature preserves?

4 A. Yes. Based on a review of the cultural
5 resources information from the North Dakota State
6 Historical Society, cultural resource sites occur
7 within the proposed corridor.

8 Q. Are there any county parks and
9 recreational areas, municipal parks, or parks owned
10 or administered by other governmental subdivisions?

11 A. Yes. There are several small municipal
12 parks, campgrounds, or recreation areas within the
13 communities of Bowman and Rhame. The Butte View
14 Campground located south of Bowman was formerly
15 owned by the State of North Dakota, but is now
16 owned by the City of Bowman.

17 Q. Any areas critical to the life stages of
18 threatened or endangered animal or plant species?

19 A. No. Although federally listed species,
20 such as the whooping crane, bald eagle, gray wolf,
21 and black-footed ferret may occur within the
22 proposed corridor, critical habitat for these
23 species does not occur within the proposed
24 corridor.

25 Q. Are there any areas where animal or plant

1 species that are unique or rare to the state would
2 be irreversibly damaged?

3 A. No. Although state sensitive animal and
4 plant species occur within the proposed corridor,
5 none of the species would be irreversibly damaged
6 by construction activities. The exhibit reflecting
7 the location of exclusion and avoidance areas
8 illustrates the general locations of state
9 sensitive animal and plant species populations
10 present within and adjacent to the proposed
11 corridor.

12 Q. Mr. Solie, at any given point within the
13 corridor does an exclusion or avoidance area
14 encompass more than 50 percent of the corridor
15 width?

16 A. No.

17 Q. Mr. Solie, I'm now going to ask you a
18 series of questions regarding the Public Service
19 Commission transmission facility selection
20 criteria. How does the preferred corridor
21 demonstrate that significant adverse effects, if
22 any, upon agriculture will be kept to an acceptable
23 minimum? Please address this issue in terms of
24 farmsteads, cropland, and interference with
25 irrigation.

1 A. Farmsteads are scattered throughout the
2 proposed corridor. The highest density of
3 residences and businesses are located in and around
4 the City of Bowman, which is located in the extreme
5 southern portion of our proposed corridor. Rural
6 residences and buildings have also been avoided to
7 the extent practicable during the detailed routing
8 process.

9 Agriculture and livestock production
10 dominates the land use within the proposed
11 corridor. The proposed corridor includes 323,515
12 acres of land of which 92 percent are classified as
13 cropland and grassland. Cropland accounts for
14 approximately 64.1 percent of the corridor land
15 use, while grassland amounts to over 28 percent.
16 The spacial occurrence of the range land in the
17 corridor allows for a final route that minimizes
18 the amount of cropland crossed by the line.

19 No irrigated lands have been identified
20 within the proposed corridor.

21 Q. Mr. Solie, is there any anticipated impact
22 on the surface drainage patterns or groundwater
23 flow patterns if the line were to be routed through
24 the proposed corridor?

25 A. Drainages within the proposed corridor are

1 largely intermittent or ephemeral. No impacts are
2 anticipated to occur in either surface or
3 groundwater flow patterns.

4 Q. Do you anticipate any significant adverse
5 effect on noise-sensitive land uses resulting from
6 the location, construction, and maintenance of the
7 proposed facility?

8 A. No significant adverse effect is
9 anticipated. Sensitive noise receptors within the
10 area include rural residents living in scattered
11 locations on farmsteads and those living in
12 developed areas. There would be a short-term
13 increase in noise during the construction of the
14 transmission line. This may be mitigated, however,
15 by conducting construction operations during
16 daylight hours. These areas have been avoided to
17 the extent practicable during the detailed routing
18 process.

19 Q. Will the facility have any visual impacts
20 to the adjacent areas?

21 A. Visual resources within the proposed
22 corridor largely consist of broad expanses of
23 cultivated fields, rangeland, and grasslands.
24 Because of the gently rolling terrain in the
25 proposed corridor, the transmission structures will

1 be visible in the general area of the line route;
2 however, due to the low population density of the
3 area, the visual impact will be limited.

4 Q. Do you anticipate any significant impacts
5 on areas of extractive or storage resources?

6 A. No. The proposed South Heart lignite mine
7 site was identified during the corridor
8 identification process and lies to the east of the
9 Belfield substation. While potential mining areas
10 lie within the corridor, they have been avoided
11 during detailed routing.

12 The North Dakota Geological Survey has
13 identified areas of the Little Badlands that have
14 the potential for uranium extraction. However, it
15 is anticipated that the extraction would occur via
16 solution mining and would not conflict with the
17 proposed transmission line.

18 Q. Any impacts on wetlands, woodlands, or
19 wooded areas?

20 A. Wetlands, woodlands, and wooded areas,
21 including shelterbelts, occur in localized areas
22 within the proposed corridor. These areas have
23 been avoided whenever feasible by the propose
24 route.

25 Q. On radio and television reception and

1 other communication or electric control facilities?

2 A. As indicated in Mr. Fischer's testimony,
3 the impact will be minimal.

4 Q. Do you expect any significant adverse
5 effect on human and animal health and safety or
6 plant life?

7 A. No.

8 Q. Mr. Solie, will it be possible to route in
9 the preferred corridor so as not to violate any
10 city or county zoning ordinance?

11 A. Yes. Stark County has indicated it has no
12 zoning ordinances applicable to this transmission
13 line. Basin Electric has secured zoning approvals
14 for the transmission line and associated facilities
15 in both Slope and Bowman Counties from their
16 respective boards of county commissioners.

17 Q. Mr. Solie, we're now going to move to your
18 route testimony. Could you please tell us what
19 have been your responsibilities in connection with
20 the routing of the transmission facilities
21 associated with the Belfield to Rhame project?

22 A. After the proposed corridor was
23 identified, I was responsible for coordination of
24 environmental aspects of the final line route
25 selection.

1 Q. Would you please describe for us the
2 methodology Basin Electric used in the selection of
3 the proposed line route being proposed?

4 A. The methodology used to select the final
5 line route was a refinement of the same methodology
6 utilized to identify the proposed corridor.
7 Following the identification of the proposed
8 corridor, additional analyses were conducted to
9 determine a suitable line route within the proposed
10 corridor. The final line route was chosen with
11 respect to the same 12 objectives and the
12 engineering considerations which I identified in my
13 testimony on corridor selection methodology.

14 Several potential line routes were plotted
15 on the corridor map. The route selection
16 activities included a further literature review on
17 the proposed corridor to obtain additional
18 information. Contacts were also made with various
19 public agencies, public officials, and the general
20 public through the Western EA scoping process. In
21 addition, individual landowners were contacted by
22 Basin Electric in order to determine if any future
23 development plans would be affected by construction
24 of this transmission line. Field and aerial
25 surveys of potential line routes were also

1 conducted.

2 After compiling the information gathered
3 through literature review, field activities and
4 public input, further refinements of the proposed
5 route were completed and a final line route was
6 established. This final line route was selected by
7 consensus of Basin Electric environmental,
8 engineering, and right-of-way staff.

9 Q. Mr. Solie, would you please describe the
10 role of the Public Service Commission's designated
11 exclusion areas and avoidance areas in the route
12 selection process?

13 A. Yes. The Public Service Commission Rules
14 at NDAC Chapter 69-06-08 provide that exclusion
15 areas must be excluded from consideration of a
16 route for a transmission facility. The rules
17 further provide that avoidance areas shall not be
18 considered in the routing of a transmission
19 facility unless the applicant shows that under the
20 circumstances there is no reasonable alternative.
21 The rules also provide that a buffer zone of a
22 reasonable width to protect the integrity of the
23 area shall be included, unless a distance is
24 specified in the criteria.

25 Q. Would you please generally describe for us

1 the route being proposed by Basin Electric?

2 A. Starting at the Belfield substation, the
3 line proceeds generally to the south, taking
4 advantage of routing on non-cultivated lands. The
5 route crosses the western edge of the Little
6 Badlands, shifting to avoid two golden eagle nests
7 identified during the fall 2007 biological survey.
8 The shift to the west brought the line near another
9 golden eagle nest that the biologist observed
10 during the spring 2008 survey. The nest, however,
11 was deemed inactive.

12 The route again proceeds generally to the
13 south to near the Slope County line, where the
14 route jogs about two miles to the west, avoiding
15 the Little Missouri National Grassland.

16 Q. Excuse me. You read to the west. Did you
17 mean to the east?

18 A. Okay. I'm sorry. Yeah. It's two miles
19 to the east, avoiding the Little Missouri National
20 Grassland. The route again proceeds to the south
21 about seven miles, crosses North Dakota Highway 21,
22 and then proceeds west approximately three miles,
23 avoiding West Rainy Butte and taking advantage of
24 routing on non-cultivated land.

25 The route again trends generally to the

1 south for approximately six miles on mostly
2 cropland. The line proceeds diagonally across a
3 section comprised of non-cropland and proceeds to
4 the west, crossing North Dakota Highway 67.

5 The route then proceeds generally to the
6 south approximately 12 miles crossing a mixture of
7 cultivated and non-cultivated lands with a number
8 of diagonal segments taking advantage of routing on
9 grassland and rangeland. Near the bottom of map
10 three we see one of two areas where we were
11 apparently unable to span -- where we were
12 apparently unable to span a wetland where the line
13 was routed around the western edge of the wetland.

14 The route begins stair steps to the
15 southwest, taking advantage of fairly large
16 expanses of non-cultivated areas and crosses U.S.
17 Highway 85 about three miles north of Bowman.
18 Another wetland complex on the edge of map four has
19 resulted in some adjustments to the route to avoid
20 wetlands and wetland soils.

21 Map five depicts the route again stair-
22 stepping to the southwest, crossing U.S. Highway 12
23 about 8 miles east of Rhame, and proceeding to the
24 proposed Rhame substation on a mixture of
25 cultivated and non-cultivated lands.

1 Q. Mr. Solie, I am now going to ask you a
2 series of questions related to the Public Service
3 Commission transmission facility route criteria
4 exclusion areas. Does the proposed route cross any
5 designated or registered national parks, memorial
6 parks, historic sites and landmarks, national
7 landmarks, monuments, or wilderness areas?

8 A. No.

9 Q. Does the proposed route cross any
10 designated or registered state parks, historic
11 sites, monuments, historical markers,
12 archaeological sites, or nature preserves?

13 A. No.

14 Q. Does the proposed route cross any county
15 parks and recreational areas, municipal parks, and
16 parks owned or administered by other governmental
17 subdivisions?

18 A. No.

19 Q. Does the proposed route cross areas which
20 are critical to the life stages of a threatened or
21 endangered animal or plant species?

22 A. No.

23 Q. Does the proposed route cross areas where
24 animal or plant species that are unique or rare to
25 this state would be irreversibly damaged?

1 A. No. However, in our application the
2 proposed route appears to cross an area containing
3 North Dakota Natural Heritage Inventory species or
4 communities. The observations are located in the
5 northwest quarter of the northeast quarter Section
6 15, and southeast quarter of the southeast quarter
7 of Section 16, Township 133 North, Range 100 West
8 in Slope County. Both observations consist of
9 needle-and-thread mixed grass prairie.

10 The map included in the application
11 depicted all of Sections 15 and 16 as listed in the
12 ND NHI. The exhibit maps have been refined to
13 depict only the actual areas, the two 40-acre
14 parcels, listed in the NHI database.

15 In Section 15 the proposed route passes
16 southeast of the 40-acre parcel, thus avoiding the
17 North Dakota NHI area. Section 16 is avoided
18 entirely.

19 Q. All right. Mr. Solie, I am now going to
20 ask you a series of questions related to the Public
21 Service Commission transmission facility route
22 criteria avoidance areas. Does the proposed route
23 cross any designated or registered national
24 historic districts, wildlife areas, wild, scenic,
25 or recreational rivers, wildlife refuges, and

1 grasslands?

2 A. No. As I testified earlier, the corridor
3 and route were selected to avoid crossing the
4 Little Missouri National Grasslands. Given the end
5 points of the line, Basin Electric had a reasonable
6 alternative and thus avoided the National
7 Grasslands.

8 Q. Does the proposed route cross any
9 designated or registered state wild, scenic, or
10 recreational rivers, game refuges, game management
11 areas, forests, forest management lands, or
12 grasslands?

13 A. No.

14 Q. Does the proposed route cross any areas of
15 historical, archeological, or paleontological
16 significance not designated as an exclusion or
17 avoidance area?

18 A. Once the proposed route was established, a
19 Class III cultural resources survey, or pedestrian
20 survey, was conducted along the proposed route.
21 The survey area consisted of a 200-foot-wide
22 corridor centered on the proposed route centerline
23 and at the proposed Rhame substation site. With
24 the exception of approximately three miles where
25 access was denied from the landowner and in an area

1 in Section 14, Township 132 North, Range 101 West,
2 where the route was moved about one-quarter mile to
3 the north, the entire proposed route was
4 inventoried for cultural resources. These areas --
5 the unsurveyed areas would be surveyed before
6 construction.

7 A total of 11 sites and 8 isolated finds
8 were identified during the Class III inventory.
9 The 11 sites consist of four prehistoric lithic
10 scatters, two historic farmsteads, one historic
11 homestead, a historic bridge, a dump, a railroad,
12 and a stock pen. Of the 11 sites, 9 are
13 recommended by the field archaeologist as not
14 eligible for the National Register of Historic
15 Places and two are unevaluated at this time. The
16 two unevaluated sites include a historic railroad
17 and a prehistoric lithic scatter. The railroad
18 would be spanned by the proposed transmission line,
19 thus avoiding any direct impact to the site; and
20 the prehistoric lithic scatter is located outside
21 the project disturbance area and thus would be
22 avoided by project construction. Therefore, no
23 additional testing is recommended for these two
24 sites.

25 The Class I cultural resource

1 investigation indicates that archeological or
2 historic sites have not been previously found on
3 the proposed Rhame substation site. Cultural
4 resources were not observed during the Class III
5 pedestrian survey that was conducted within the
6 proposed Rhame substation site. Therefore, impacts
7 to cultural resources are not anticipated from
8 construction. Similarly, cultural resources were
9 not observed during pedestrian surveys that were
10 conducted at the proposed East Rainy Butte or Rhame
11 substation microwave tower sites.

12 Paleontological resources have not been
13 identified along the transmission line route;
14 however, if present, it is likely that they would
15 be found within the exposed bedrock of the Little
16 Badlands area or outcrops of other formations.
17 Basin Electric will complete a field survey for
18 paleontological resources within the construction
19 right-of-way and other disturbance areas in exposed
20 rock areas along the route.

21 Q. Are there any geologically unstable areas
22 which are crossed by the proposed route?

23 A. No.

24 Q. Will the proposed route pass within 500
25 feet of a farmhouse, rural residence, or place of

1 business?

2 A. No.

3 Q. Will the proposed route cross any
4 reservoirs, municipal water supplies, or water
5 sources for organized rural water districts?

6 A. No.

7 Q. Will the proposed route cross any land
8 under irrigation?

9 A. No.

10 Q. Will the proposed route cross any areas of
11 recreational significance which are not designated
12 as exclusion areas?

13 A. No.

14 Q. Mr. Solie, I would now like to ask you a
15 series of questions related to the Public Service
16 Commission transmission facility selection
17 criteria. What impact will the construction and
18 operation of the transmission facilities have on
19 agricultural production and family farms and
20 ranches?

21 A. In selecting the final line route, Basin
22 Electric attempted to select a route that would
23 minimize impact to agricultural production. Basin
24 Electric believes that one of the best methods to
25 minimize impact on agriculture is to place

1 transmission structures on rangeland and grassland
2 to the extent practicable.

3 As indicated in my previous testimony, the
4 proposed corridor is comprised of approximately 64
5 percent cropland and 30 percent rangeland and
6 grassland. The proposed route crosses
7 approximately 39 percent cropland and 51 percent
8 rangeland and grassland. This demonstrates Basin
9 Electric's commitment to the avoidance of cropland,
10 whenever practicable.

11 The construction and operation of this
12 project will have a minimal effect upon the
13 agricultural production. Temporary construction
14 disturbances will be confined to right-of-way
15 trails and tower assembly and base locations.

16 Construction activities will likely result
17 in short-term effects on land and crops, depending
18 upon the season construction occurs. Some crops
19 may be damaged and soil compaction may occur along
20 the right-of-way. These effects, however, are
21 usually short-term and the land returns to its
22 former use after the next season's plowing and
23 seeding. Landowners would be compensated for crop
24 losses and for field damage resulting from
25 construction.

1 Similarly, construction of the
2 transmission line will also have some effect on
3 rangeland and grassland. However, existing
4 vegetation within the construction right-of-way
5 would be preserved whenever feasible. In addition,
6 surface disturbance areas would be reclaimed using
7 native species to reestablish vegetation, reduce
8 erosion, and minimize the potential of invasion by
9 noxious weeds.

10 Q. What impact will construction and
11 operation of the proposed transmission facilities
12 have on land which an owner can demonstrate that
13 soil, topography, drainage and an available water
14 supply that makes the land economically suitable
15 for irrigation?

16 A. There are no lands currently being
17 irrigated along the proposed route. Due to the
18 limited availability of water supplies in the area,
19 it is unlikely that lands will be irrigated.

20 Q. What impact will construction and
21 operation of the proposed facilities have on
22 surface drainage and flow patterns?

23 A. No impacts are expected.

24 Q. What impact will construction and
25 operation of the proposed transmission facility

1 have on noise sensitive land uses?

2 A. Sensitive noise receptors within the area
3 include rural residents living in scattered
4 locations on farmsteads and those living in
5 developed areas. However, these areas were avoided
6 to the extent practicable during the detailed
7 routing process. Temporary noise impacts would
8 result from construction activities, most likely
9 consisting of the sounds of equipment backup
10 warning devices and diesel engine operation.
11 Temporary construction noise would be limited to no
12 more than a few days at any particular location
13 along the proposed line and would be mitigated by
14 scheduling work to daylight hours, particularly
15 when near sensitive receptors.

16 Q. What impact will the construction and
17 operation of the proposed transmission facility
18 have visually on the area surrounding the proposed
19 route?

20 A. Because of the relatively flat terrain
21 along the route, the transmission structures would
22 be visible in the general area of the line route.
23 However, Basin Electric has opted for galvanized
24 steel, single-pole transmission structures. Light-
25 colored structures tend to become less visible with

1 distance as they fade in with the horizon. The
2 corridor has a low population density and no major
3 highway follows the proposed route, which should
4 avoid the aesthetic impact to some degree. Where
5 the transmission line does parallel existing roads,
6 visual impacts are expected to be minimal as
7 duration would be short-term, and in many cases,
8 the view would be peripheral. In any case, visual
9 impacts are expected to be minimal.

10 Q. What impact will the proposed transmission
11 facility have on extractive and storage resources?

12 A. The proposed line route does not cross any
13 coal reserves which are currently being mined. As
14 indicated in my previous testimony, the proposed
15 South Heart lignite mine is located within the
16 proposed corridor. However, the proposed route
17 would not cross the site and would not affect any
18 future mine development.

19 The proposed transmission line from
20 Section 29, Township 139 North, Range 98 West would
21 be approximately one-half mile west of proposed
22 mining operations. Ongoing mining operations near
23 Scranton in Bowman County are several miles east of
24 the project area and would not conflict with the
25 construction of the proposed route.

1 Oil production is limited to an area
2 located southwest of Rhame and is not expected to
3 be affected by the proposed project. The nearest
4 oil and gas production facility is located several
5 miles southwest of the proposed route and proposed
6 Rhame substation site.

7 It is likely that any future uranium
8 mining would be accomplished through solution
9 mining, that is, injecting fluid and recovering
10 fluid containing the dissolved uranium minerals.
11 It is not anticipated that the proposed
12 transmission line would have an impact on such a
13 mining operation.

14 While there are small gravel or scoria
15 quarries or pits located throughout the corridor,
16 these sites were avoided through detailed line
17 routing.

18 Q. What impacts will the proposed
19 transmission line have on woodlands and wooded
20 areas?

21 A. Some small patches of shrubs and
22 occasional small trees occur within the corridor
23 and along the line route. A small number of trees
24 and shrubs will need to be removed to allow for the
25 construction and the safe operation of the

1 transmission line. As a mitigation measure, Basin
2 Electric will replant two trees and shrubs for
3 every tree or shrub removed during the construction
4 of the transmission line.

5 Q. What impacts will the proposed
6 transmission lines have on wetlands?

7 A. No permanent impacts to wetlands are
8 anticipated as a result of project construction.
9 Structures would not be placed in wetland areas.
10 Basin Electric will provide a 100-foot buffer
11 around wetlands whenever feasible to prevent
12 impacts. Wetland areas along the line route would
13 be avoided or spanned. Additionally, Basin
14 Electric will implement mitigation measures to
15 minimize indirect impacts to surface water and
16 wetland resources, such as erosion and
17 sedimentation control best management practices.
18 Further, Basin Electric will require its contractor
19 to secure required storm water permits for the
20 project from the North Dakota Department of Health.

21 Q. What impact will construction of the
22 proposed transmission facility have on animal
23 health and safety?

24 A. Any effects on wildlife will generally be
25 minor and short-term. In most instances, suitable

1 habitat adjacent to the disturbed areas would be
2 available for wildlife species until grasses and
3 woody vegetation would be reestablished. Basin
4 Electric would replant disturbed areas with native
5 species as recommended by the county NRCS.

6 Holes that are drilled or excavated for
7 pole placement or foundation construction and left
8 unattended overnight would be marked and secured
9 with temporary fencing to reduce potential for
10 wildlife entering the holes.

11 Prior to surface disturbance activities
12 during the breeding season for migratory birds,
13 approximately April 15 through July 31, a qualified
14 biologist will survey potentially suitable habitat,
15 that is land that is not cultivated, for nesting
16 activity and other evidence of nesting. If active
17 nests are located or other evidence of nesting is
18 observed, appropriate protection measures including
19 an establishment of buffer areas would be
20 implemented until the young have fledged and
21 dispersed from the nest area. These measures will
22 be implemented on a site-specific and species-
23 specific basis, in coordination with.

24 Conductor to electrical ground and
25 conductor to conductor distance for the proposed

1 transmission line are approximately 8 and 20 feet,
2 respectively. This spacing of conductors is
3 sufficient to eliminate electrocution hazards to
4 avian species.

5 Construction activities may cause some
6 temporary inconvenience to livestock grazing
7 practices. However, these impacts would be minor
8 and short-term.

9 Q. What impact will the construction of the
10 line have on plant life?

11 A. Impacts to plant life would be limited to
12 the disturbed portions of the proposed transmission
13 line right-of-way, substation, and communication
14 tower sites. Approximately 39 percent of the land
15 along the proposed route is cultivated.

16 Construction within these areas would not affect
17 native vegetation. Rangeland or grassland
18 disturbed during construction activities would be
19 reclaimed with agency recommended seed mixes.
20 Reclamation of these areas would restore vegetation
21 and native habitat.

22 Q. Does this conclude your direct testimony?

23 A. Yes.

24 MS. LEVCHAK: Your Honor, that concludes
25 my direct examination. As a note of personal

1 privilege, could we have a five-minute break?

2 JUDGE WAHL: We may. We'll be in recess
3 for five minutes.

4 (Recess taken.)

5 JUDGE WAHL: Let's be in order. Ms. --
6 let me see -- Ms. Levchak, you had completed your
7 witness's testimony?

8 MS. LEVCHAK: I had, Your Honor.

9 JUDGE WAHL: Yes, you had. Ms. Bendish,
10 questions.

11 **CROSS-EXAMINATION**

12 **BY MS. BENDISH:**

13 Q. I do have one, and I recognize that it's
14 not completely relevant because none of them are
15 that close to the route, but I noticed that the
16 500-foot buffer around a school indicated on
17 Exhibit 7 isn't indicated by an area that's
18 completely round. Is that meant to just be an
19 illustration, or is it meant to be an accurate
20 depiction of what that 500-foot buffer is?

21 A. I think if we could look at the larger
22 scale map and you could point it out. Could we
23 look at the --

24 Q. Oh, sure. Actually, if you look on map
25 one of five, to the west of the line there's a

1 school.

2 A. Map one of five of exclusion and
3 avoidance?

4 Q. Yeah. On Exhibit 7.

5 A. Okay. There's --

6 Q. It just looks like the 500-foot buffer
7 area isn't completely round, and I'm just wondering
8 is that just meant to be an illustration or is it
9 supposed to be accurate? I'm looking at the one
10 right here.

11 A. That is within the corridor; the line
12 route is actually here.

13 Q. Right, right?

14 A. But, yeah, the 500-foot radiuses are meant
15 to be representative of what the true distance is.

16 MS. BENDISH: Okay. Thank you. And I
17 believe Mr. Lein has a few questions if it's
18 appropriate for him to ask.

19 JUDGE WAHL: Mr. Lein.

20 **CROSS-EXAMINATION**

21 **BY MR. LEIN:**

22 Q. Yeah. Mr. Solie, there was some wetland
23 delineation study under way, and I believe you
24 indicated that that was complete and that there
25 would be some structure location changes from the

1 plan and profile sheets that were filed here a week
2 ago, and so I was wondering if you were able to
3 file those as a late-filed exhibit.

4 A. That is correct. We had just finished
5 up -- or our consultant had just finished up the
6 wetlands delineation. We don't have their formal
7 report yet. We have some preliminary information,
8 and I guess what that means then is that the P and
9 Ps that were provided to the PSC last week are
10 preliminary, and upon my review of the preliminary
11 wetland delineation data that we received, it looks
12 like approximately 17 structures may need to be
13 moved from what we have in our -- the P and Ps that
14 we filed, and then we --

15 MS. BENDISH: Can I follow up to that
16 question? Are those structure changes -- are you
17 deviating from the route line or are you just
18 moving within the route?

19 THE WITNESS: They would generally move up
20 and down the line route. Yes. And I guess, yes,
21 that would be a late-filed exhibit.

22 JUDGE WAHL: Wait a minute. We've got a
23 late-filed -- you're offering a late-filed exhibit?

24 MS. LEVCHAK: In response to Mr. Lein's
25 question, if we -- when we arrive at the final

1 transmission structure placement, I believe he
2 asked if we could file that as a late-filed
3 exhibit, and we can do that.

4 JUDGE WAHL: All right. For the record,
5 that will be Exhibit 9, and what is the -- what
6 is -- what is the description for that exhibit,
7 please.

8 MS. LEVCHAK: Final plan and profile.

9 MR. LEIN: With description of changes?

10 MS. LEVCHAK: With description of changes.

11 JUDGE WAHL: All right. That will be
12 Exhibit 9. Commissioner Wefald.

13 COMMISSIONER WEFALD: Yes. Will that
14 be -- when do you anticipate that will be filed
15 with the Commission?

16 THE WITNESS: Within approximately three
17 weeks.

18 COMMISSIONER WEFALD: Three weeks?

19 THE WITNESS: Yes, ma'am.

20 COMMISSIONER WEFALD: Okay. Thank you.

21 MR. LEIN: And no further questions from
22 me. Thank you.

23 JUDGE WAHL: Ms. Bendish, anything
24 further?

25 MS. BENDISH: Nothing further.

1 COMMISSIONER WEFALD: Oh, I have one more.

2 JUDGE WAHL: Questions from the
3 Commission?

4 COMMISSIONER WEFALD: Yes.

5 JUDGE WAHL: Commissioner Wefald.

6 **EXAMINATION**

7 **BY COMMISSIONER WEFALD:**

8 Q. Yes. Have the landowners all been
9 notified of those changed due to the wetland tower
10 structure changes?

11 A. No, they have not.

12 Q. So do you plan to notify them then before
13 you file this --

14 A. Yes.

15 Q. -- with the Commission?

16 A. Yes, we will. The changes will be
17 discussed with the landowners.

18 COMMISSIONER WEFALD: All right. Thank
19 you. And then this is my time to continue asking
20 questions?

21 JUDGE WAHL: It is. You may proceed.

22 COMMISSIONER WEFALD: All right. Thank
23 you.

24 Q. (COMMISSIONER WEFALD CONTINUING) On then
25 the Bowman airport, have all clearances been

1 received from either the North Dakota Aeronautics
2 Commission or any other aeronautics people
3 regarding a proposed Bowman airport in relationship
4 to the transmission line planned?

5 A. We received information from the Bismarck
6 FAA office -- and I guess when I say "we," it
7 wasn't we -- the result of an agency scoping letter
8 sent by Western to the FAA, so it was an agency to
9 agency communication. Based on that it appeared
10 that Bowman -- the City of Bowman is looking at
11 four potential alternatives for their airport.
12 Three of the alternatives are south of Bowman and
13 would not be affected. The alternative B, I think,
14 would be in conflict with the line route, and I
15 believe the letter with -- between Western and the
16 FAA -- or FAA asked that Western coordinate with
17 them on that further, and I can't say if that
18 coordination has happened, although I can say that
19 it hasn't come up as an issue in the preparation of
20 the environmental assessment for this project.

21 Q. When do you expect to have a final answer
22 on whether the site to the north could possibly be
23 a potential conflict with the line location?

24 A. I think we could track that down within
25 two weeks.

1 Q. Two weeks. Okay. And will you file
2 information to the Commission regarding that then
3 within two to three weeks?

4 A. Yes, we can do that.

5 Q. Thank you.

6 JUDGE WAHL: So is this an additional
7 exhibit, counsel?

8 COMMISSIONER WEFALD: Yes.

9 MS. LEVCHAK: We can do it.

10 JUDGE WAHL: For the record then, this is
11 Exhibit 10, and, counsel, how do you wish to have
12 the exhibit described?

13 MS. LEVCHAK: Bowman -- City of Bowman
14 airport consultation FAA.

15 JUDGE WAHL: All right. Any further
16 questions, Commissioner?

17 COMMISSIONER WEFALD: Yes.

18 Q. (COMMISSIONER WEFALD CONTINUING) On page
19 11 of your testimony on the route, you mentioned
20 uranium mining, and on that you had said it's
21 likely that any future uranium mining would be
22 accomplished through solution mining, that is,
23 injecting fluid and recovering fluid containing the
24 dissolved uranium minerals. It is not anticipated
25 the proposed transmission line would have an impact

1 on such a mining operation.

2 Last week the Commission had a meeting
3 with Formation, Inc., and Formation, Inc., informed
4 the Commission that they're studying the
5 possibility of open pit mining uranium in this
6 area. 20,000 acres potentially could be in the
7 grasslands, national grasslands; 5,000 acres would
8 be on adjacent private lands. That's 5,000 acres
9 of adjacent private lands that could be in the area
10 of your transmission line. Would you -- have you
11 contacted Formation, Inc., about their uranium
12 mining plans?

13 A. We have not at this point.

14 Q. Would you please contact Formation, Inc.,
15 about their mining plans in North Dakota, and would
16 you file a late-filed exhibit indicating whether
17 there is a conflict or no conflict with their
18 proposed mining areas?

19 A. Yes. We can check with them.

20 JUDGE WAHL: All right. For the record,
21 that will be Exhibit 11, and -- let me see --
22 report of -- are you asking, Commissioner, just the
23 contact with Open Source, Inc.? What's the name of
24 the company?

25 COMMISSIONER WEFALD: No. It's called

1 Formation, Inc.

2 MR. CLARK: Formation Resources.

3 COMMISSIONER WEFALD: Formation Resources.

4 JUDGE WAHL: Re what, potential uranium
5 mining operations?

6 COMMISSIONER WEFALD: Yes.

7 JUDGE WAHL: All right. For the record,
8 Exhibit 11 will be report of contact with Formation
9 Resources, Inc., re potential uranium mining
10 operations in the area of the corridor, I guess.
11 All right.

12 COMMISSIONER WEFALD: In the area of the
13 route.

14 JUDGE WAHL: In the area of the route.

15 COMMISSIONER WEFALD: Specifically the
16 route, I think, because they've now narrowed it to
17 a route, and so I think that's the most important
18 area versus the whole corridor.

19 JUDGE WAHL: All right. Is that
20 satisfactory, counsel?

21 MS. LEVCHAK: That's fine.

22 JUDGE WAHL: All right. Anything further?

23 COMMISSIONER WEFALD: Yes.

24 Q. (COMMISSIONER WEFALD CONTINUING) On the
25 whooping crane issue, which the Commission also met

1 with U.S. Fish & Wildlife Service last week, and so
2 I read their response to you from last summer
3 regarding whooping crane habitat, and I also read
4 your comments of what you're planning to do.
5 You -- in your comments you indicate that you're
6 going to be following all recommended procedures
7 from the Fish & Wildlife Service regarding whooping
8 crane migration areas; is that correct?

9 A. That's correct. I guess the one thing I'd
10 like to point out is that the whooping crane
11 migration corridor as presented at the meeting only
12 touches a part of our corridor, and in general we
13 are to the west and southwest of the whooping crane
14 corridor.

15 Q. All right. Thank you. And so would you
16 file a late-filed exhibit showing that, as well,
17 then?

18 A. Yes, we can do that.

19 Q. Yes?

20 JUDGE WAHL: All right. The -- this is --
21 is this a report, Commissioner, I guess, of --

22 COMMISSIONER WEFALD: Actually, they have
23 an exhibit.

24 THE WITNESS: There would be a map
25 depicting the whooping crane corridor, and then we

1 could overline our line route on that --

2 COMMISSIONER WEFALD: Line route on that.

3 THE WITNESS: -- with respect to the
4 corridor.

5 COMMISSIONER WEFALD: They do indicate --
6 they do indicate in their filing that there have
7 been sightings of whooping cranes in this area of
8 your corridor.

9 THE WITNESS: Yes.

10 COMMISSIONER WEFALD: In the last, let's
11 say, ten years, and so I can understand their
12 concern and wanting to have some mitigation.
13 That's all the questions I have. Thank you.

14 JUDGE WAHL: All right. I have for
15 Exhibit 12 a map of whooping crane migration
16 corridor and proposed route. That's satisfactory,
17 counsel?

18 MS. LEVCHAK: We'd be happy to do that.

19 JUDGE WAHL: All right. Any further
20 questions from the Commission? Commissioner Clark.

21 COMMISSIONER CLARK: Just briefly.

22 **EXAMINATION**

23 **BY COMMISSIONER CLARK:**

24 Q. I apologize if I missed this in your
25 testimony, but in the corridor there were observed

1 plant species and animal species within the
2 corridor, though not next to the route. Do you
3 recall what the actual species were that were
4 observed?

5 A. Well, there are -- there are no federal
6 endangered species habitats, so these would be from
7 the North Dakota National Heritage Inventory
8 database, and so --

9 COMMISSIONER WEFALD: He can't hear.
10 Sorry.

11 THE WITNESS: I'm sorry. They would be
12 from the North Dakota Natural Heritage Inventory,
13 and so those are state species, and some common
14 example are needle-and-thread mixed grass prairie,
15 which is an ecological community. There is like a
16 mixed aspen forest land, green ash forest land,
17 things of that nature.

18 Q. (COMMISSIONER CLARK CONTINUING) Okay.
19 The -- there were a couple in particular that I was
20 curious about that I just happened to catch on the
21 map, but I'm not sure if I'm going to see them
22 right away. What were the animals?

23 A. If I may --

24 Q. I can't remember which map I saw them on,
25 but it was shaded with sort of a purple, I think.

1 directly, but we searched their website, and they
2 have a fairly extensive description of the solution
3 mining or what -- and I believe they are in the
4 process of formulating rules for that at this time.

5 Q. Okay. With regard to the wetland
6 delineation and the -- realizing that it's not
7 complete -- the report's not complete and you've
8 only had a quick glance at an early summary, does
9 it appear that there would be newly affected
10 landowners?

11 A. I don't believe so.

12 Q. Okay. So it would be the same landowners,
13 and you believe that the route would not change;
14 the structures might move up or down the line.

15 A. Yes. That's generally correct. There
16 could be some movement within the right-of-way that
17 we can shift. You know, if north and south is the
18 longitudinal direction, we can shift east and west
19 within our right-of-way and still maintain that.

20 Q. And my only other question -- and I know
21 Mr. Murray is going to probably testify more to
22 landowner right-of-way acquisition issues and
23 things, but with regard to the route, what --
24 what's Basin's policy basically centering around
25 landowner objection in terms of changing a route?

1 In other words, how much opposition -- or if you
2 come up against a protesting landowner situation,
3 do you have a general policy or best practice with
4 regard to finding a route that has less resistance,
5 if you will?

6 A. I would have to defer to Mr. Murray on
7 that.

8 COMMISSIONER CRAMER: Okay. That's fine
9 I'll wait for him. I have nothing else then.

10 JUDGE WAHL: Commissioner Wefald.

11 **FURTHER EXAMINATION**

12 **BY COMMISSIONER WEFALD:**

13 Q. Usually the Commission asks a series of
14 questions at these meetings, and I understand that
15 Basin has answered those by affidavit, but I looked
16 through those questions and there's one -- we have
17 always in the past asked about narrowing the
18 corridor, you know, which you have said -- not the
19 corridor but the route, the width of the route. I
20 think it's 125 feet --

21 A. 125 feet is our right-of-way.

22 Q. -- for the right-of-way. We've always
23 talked about narrowing the right-of-way as you went
24 through shelterbelts. What is the narrowest? In
25 the past the Commission's always asked companies if

1 they would agree to going 50 feet through
2 right-of-way -- through shelterbelts in order to
3 eliminate going through as many trees. Are you
4 willing to agree to a 50-foot --

5 A. Yeah. Mr. Marthaller would be best
6 prepared to --

7 COMMISSIONER WEFALD: Mr. Marthaller.
8 Thank you very much.

9 MR. MARTHALLER: Should I answer that now?

10 JUDGE WAHL: No. Any further questions
11 from the Commission? Followup, Ms. Levchak?

12 MS. LEVCHAK: I have none.

13 JUDGE WAHL: Followup, Ms. Bendish?

14 MS. BENDISH: Nothing.

15 JUDGE WAHL: All right. Your next
16 witness, please.

17 MS. LEVCHAK: My next witness is Mr.
18 Richard Mucha.

19 JUDGE WAHL: Mr. Mucha, as you have heard
20 me advise previous witnesses, your testimony is
21 required to be under oath, and I'm required by law
22 to advise you regarding perjury before
23 administering the oath. Perjury is a false
24 statement of material fact which you do not believe
25 to be true, in other words, generally speaking, a

1 lie. In North Dakota perjury is a Class C felony
2 punishable by a fine up to \$5,000, imprisonment for
3 a period of up to 5 years, or both.

4 (Witness sworn.)

5 JUDGE WAHL: Ms. Levchak.

6 MS. LEVCHAK: Thank you.

7 **RICHARD MUCHA,**

8 having been first duly sworn, was examined and
9 testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MS. LEVCHAK:**

12 Q. Mr. Mucha, please give us your name,
13 business address, and your occupation.

14 A. My name is Richard J. Mucha. I am
15 employed by Basin Electric Power Cooperative.

16 COMMISSIONER WEFALD: Louder.

17 THE WITNESS: Oh. My name is Richard J.
18 Mucha. I'm employed by Basin Electric Power
19 Cooperative. My business address is 1717
20 Interstate Avenue, Bismarck, North Dakota. I am
21 the substation line construction supervisor in the
22 engineering and construction department.

23 Q. (MS. LEVCHAK CONTINUING) Mr. Mucha, would
24 you please review your employment history?

25 A. I began at Basin Electric Power

1 Cooperative in 1978; then moved on to Highlander
2 Engineers, Montrose, Colorado; followed by Black &
3 Veatch, Kansas City, Missouri; and the American
4 Transmission Company, Pewaukee, Wisconsin, before
5 returning to Basin Electric Power Cooperative in
6 November of 2007. Approximately 90 percent of my
7 30 years plus being associated with transmission
8 and substation construction.

9 Q. Please state your educational background.

10 A. I received a Bachelor of Science degree in
11 construction engineering from North Dakota State
12 University in 1978.

13 Q. Mr. Mucha, what is your responsibility in
14 connection with the Belfield to Rhame 230 kV
15 transmission project?

16 A. My responsibility will be to provide the
17 supervision of the construction coordinators
18 assigned to this project. The construction
19 coordinators coordinate owner/contractor interests,
20 administer the project QA/QC requirements, and
21 provide a focal point for communications between
22 project personnel and construction contractors'
23 field supervisors.

24 Q. And what is the purpose of your testimony
25 at this proceeding?

1 A. The purpose of my testimony is to provide
2 an overview of the construction requirements.

3 Q. Would you please describe the construction
4 procedures and workforces required for the
5 construction of the proposed facilities?

6 A. The construction of the transmission line
7 is done in a sequential manner, consisting of a
8 series of small crews spread out over the length of
9 the line. As one crew completes work in an area,
10 the next crew enters and proceeds with the next
11 construction activity.

12 The construction activities for
13 installation of the transmission line include:
14 Structure staking, gate installation, foundation
15 installation, structure hauling, structure framing,
16 structure erection, conductor hauling, conductor
17 installation, conductor clipping, and cleanup.

18 The various crews indicate a need for
19 approximately 80 to 100 workers. The actual
20 manpower needs vary from project to project,
21 depending on the time constraints, contractor
22 procedures, terrain, seasonal conditions, and other
23 factors.

24 After construction is completed, Basin
25 Electric will complete a final inspection of the

1 right-of-way, identifying items which require
2 corrective action. When corrections have been
3 verified, the contractor will be released from
4 further responsibility.

5 The right-of-way division will then
6 address the reclamation work as the disturbed
7 construction areas require. A contractor
8 specializing in right-of-way reclamation will be
9 obtained to break up the compacted areas, fill in
10 ruts, and seed grasses in order to return the area
11 to its original condition.

12 Q. What housing provisions are required for
13 this type of workforce?

14 A. Since the construction will involve a
15 sequence of activities performed by rather small
16 crews spread out along the length of the line, most
17 workers usually stay in hotels or motels near their
18 work location along the line. A few workers may
19 bring travel trailers and place them in trailer
20 parks in towns along the route where these
21 facilities are available.

22 Q. Do you plan to carry out construction on
23 the transmission line during wet weather?

24 A. Crews will generally shut down to allow
25 right-of-way to dry to the extent that will allow

1 construction travel with minimum rutting. The
2 construction contract will contain language to
3 control and limit the contractor's activities
4 whenever the right-of-way is likely to be damaged.

5 Q. Will gates be closed in a satisfactory
6 manner?

7 A. When crossing existing fence lines, Basin
8 Electric will install barb wire gap gates with a
9 16-foot opening. Gates will be locked, if required
10 by property owners or tenants.

11 Q. How is the clearing of trees on the
12 easement area carried out?

13 A. The stumps will be finished off with a
14 level cut at an elevation no more than three inches
15 above the ground line. If requested by the
16 landowner, usable trees will be cut to lengths and
17 delivered to the landowner for his use. Material
18 not wanted by the landowner will be disposed of at
19 an approved disposal area.

20 Q. What is done with the spoil from any
21 excavation which is required during construction of
22 the facilities?

23 A. The spoils of all foundations will be
24 spread at the structure site if approved by the
25 landowner; otherwise, it will be removed from the

1 right-of-way.

2 Q. Does this complete your direct testimony?

3 A. Yes.

4 MS. LEVCHAK: Your Honor, this completes
5 my direct examination of Mr. Mucha.

6 JUDGE WAHL: Ms. Bendish?

7 MS. BENDISH: I have no questions.

8 JUDGE WAHL: Questions by the
9 Commissioners?

10 COMMISSIONER WEFALD: I have none.

11 COMMISSIONER CLARK: None.

12 JUDGE WAHL: No questions by the
13 Commissioners?

14 MS. LEVCHAK: Your Honor, it will take us
15 about 20 seconds to bring up a computer aid for the
16 purpose of this next witness.

17 JUDGE WAHL: All right. Let me -- let me
18 interrupt just a moment, please. I -- if you --
19 those people who are planning to testify will
20 recall that I said during our meeting over the
21 lunch hour that if it was necessary for you to
22 leave, that I would consider taking your testimony,
23 your comments out of order. We have just one
24 witness left. How long do you estimate his
25 testimony and questions, roughly?

1 MS. LEVCHAK: 20 minutes. Oh, well, and
2 questions? Oh, I --

3 JUDGE WAHL: I understand. So we have a
4 half-an-hour or so left, I would estimate. If
5 there is anybody who has to leave and who would
6 want to offer their testimony and comments, would
7 you identify yourself now, please? All right.
8 Then let's proceed, Ms. Levchak.

9 MS. LEVCHAK: Thank you, Your Honor. I'd
10 call Mr. Mike Murray, please. I'm just going to
11 make a general comment for the benefit of the folks
12 in the audience and for the Commissioners and
13 staff. Mr. Murray's testimony is in large part
14 taking us through each segment of the route given
15 certain environmental and right-of-way
16 considerations. We thought it would be --

17 JUDGE WAHL: I'm sorry. Did I administer
18 the oath to Mr. Murray? I did not. I interrupted.
19 Mr. Murray --

20 MR. MARTHALLER: That's Mr. Murray.

21 JUDGE WAHL: All right.

22 MR. MARTHALLER: I'm just the pointer guy.

23 JUDGE WAHL: Mr. Murray, as you know and
24 are well aware, I'm sure, your testimony is
25 required to be under oath, and I'm required by law

1 to advise you regarding perjury before
2 administering the oath. Perjury is a false
3 statement of material fact which you do not believe
4 to be true, in other words, generally speaking, a
5 lie. In North Dakota perjury is a Class C felony
6 punishable by a fine up to \$5,000, imprisonment for
7 a period of up to 5 years, or both.

8 (Witness sworn.)

9 JUDGE WAHL: All right. Now Ms. Levchak,
10 please.

11 MS. LEVCHAK: Thank you. The electronic
12 representation will be introduced as a hard copy
13 exhibit, and if you wish to have it made available
14 on a CD or DVD, I'm sure we could do that, but we
15 thought for the purpose --

16 JUDGE WAHL: For the record, Ms. Levchak,
17 I would do that, please.

18 MS. LEVCHAK: We would be happy to. All
19 right.

20 **MIKE MURRAY,**
21 having been first duly sworn, was examined and
22 testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MS. LEVCHAK:**

25 Q. Mr. Murray, what is your name, business

1 address, and your occupation?

2 A. My name is Mike Murray. My business
3 address is 1717 East Interstate Avenue, Bismarck,
4 North Dakota. I am the property and right-of-way
5 supervisor for Basin Electric Power Cooperative.

6 Q. And what is your educational background
7 and your work experience?

8 A. I received an Associate's degree in
9 business administration from Bismarck State
10 College. I have worked for Basin Electric since
11 1990 and as a right-of-way agent on numerous high-
12 voltage transmission lines since 2000. I have over
13 200 hours of continuing education in the field of
14 property and right-of-way through the International
15 Right-of-Way Association.

16 Q. Are you a member of any professional
17 associations, Mr. Murray?

18 A. I am a member of the International
19 Right-of-Way Association, and I serve as the
20 president of the Dakotas Chapter of the
21 International Right-of-Way Association. I received
22 my senior right-of-way agent designation in 2007,
23 which is the highest designation achievable in our
24 field through course work and testing.

25 Q. What is your role in connection with the

1 Belfield to Rhame project?

2 A. I am the property and right-of-way
3 coordinator for this project. All of the
4 right-of-way agents assigned to this project report
5 directly to me. I review all documented routing
6 issues with our project manager, who is also the
7 routing engineer. I review all documented
8 negotiation issues and give direction in an attempt
9 for voluntary signing of easements. I also oversee
10 the reclamation of the right-of-way after
11 completion of construction.

12 Q. Would you please summarize the extent of
13 the contacts that have been made by Basin
14 Electric's right-of-way team with the landowners on
15 this proposed route?

16 A. We have made an attempt to contact each
17 and every landowner along the route in person.
18 Some landowners had to be contacted by phone or
19 letter. Many have been contacted several times for
20 a variety of reasons, including the following:
21 One, to discuss the project with them and to
22 receive survey permissions. Two, to review the
23 route and discuss any issues they may have been.
24 Three, work out adjustments in routing where
25 feasible. Four, to negotiate the easement, which

1 may take several visits. And, five, to keep the
2 landowner apprised of any changes in location or
3 design of the line.

4 We make several attempts to visit with the
5 landowner in person. If this fails, we will
6 attempt to contact them by phone. If we are not
7 successful in reaching a landowner in person or by
8 phone, we send a certified letter so they have all
9 the information.

10 Q. How many total landowners are crossed with
11 this proposed line and what percentage of the
12 easements have you acquired?

13 A. We have 105 landowners along this proposed
14 line and have signed easements with 89 of those, or
15 85 percent.

16 (Exhibit 13 was marked for
17 identification.)

18 Q. (MS. LEVCHAK CONTINUING) Mr. Murray, I'm
19 going to show you what the court reporter has
20 marked as Exhibit 13. Would you please identify
21 that?

22 A. This is a series of five maps depicting
23 the proposed route and the angle points.

24 MS. LEVCHAK: Your Honor, I'd move for the
25 admission of Exhibit 13.

1 JUDGE WAHL: Ms. Bendish?

2 MS. BENDISH: No objection.

3 JUDGE WAHL: Exhibit 13 is received.

4 Q. (MS. LEVCHAK CONTINUING) Mr. Murray,
5 would you please describe the various
6 considerations Basin Electric used to determine
7 each segment of the proposed route?

8 A. Many considerations were taken into
9 account in the routing of this line. PSC criteria,
10 topographic features, farmsteads, land uses,
11 engineering constraints, access issues, and
12 landowner concerns were all a part of the process.
13 Where feasible, many reroutes took place along this
14 line to minimize landowner concerns. However,
15 several landowners remain concerned that the
16 transmission line was routed to avoid national
17 grasslands.

18 Segment one, which will be the Belfield
19 substation to angle point four, this segment is
20 approximately 4.5 miles in length. The Belfield
21 substation is located in the north half of Section
22 20, Township 139 North, Range 98 West. In an
23 effort to avoid a coal mine lease or leases to the
24 east, the line needed to come out of the Belfield
25 substation for about 1,000 feet in a westerly

1 direction to angle point one, which is located in
2 the north half of Section 20, Township 139 North,
3 Range 98 West.

4 The line then proceeds southerly along a
5 quarter section for 1.75 miles to angle point two
6 located in the north half of Section 32, Township
7 139 North, Range 98 West.

8 The line then takes a southeasterly
9 diagonal for approximately 1.75 miles to angle
10 point three located in the southwest quarter of
11 Section 5, Township 138 North, Range 98 West. This
12 diagonal was done to avoid two farmsteads in the
13 north half of Section 32, avoid the visual impact
14 of a farmstead in the northwest quarter of Section
15 5, avoid a farmstead in the northeast quarter of
16 Section 8, and take advantage of pastureland.

17 From this point the line then continues in
18 a southerly direction for about .9 miles to angle
19 point four located in the southeast quarter of
20 Section 8, Township 138 North, Range 98 West.

21 Segment two would be angle point four to
22 angle point nine. This segment is approximately
23 6.5 miles in length. From angle point four the
24 line continues on a diagonal in a southerly
25 direction for .75 miles to angle point five, which

1 is located in the northwest quarter of Section 17,
2 Township 138 North, Range 98 West. This diagonal
3 was needed to start repositioning this line to
4 avoid two known eagles' nests located in Section 21
5 and to skirt the edge of the Little Badlands area
6 to minimize erosion and facilitate access for
7 construction and maintenance of the line.

8 In an effort to reposition the line back
9 to the quarter section line, the line then
10 continues on a light southeasterly diagonal for .75
11 miles to angle point six located in the north half
12 of Section 20, Township 138 North, Range 98 West.

13 From this point the line continues in a
14 southerly direction for three miles along the
15 quarter section to angle point seven located in the
16 north half of Section 5, Township 137 North, Range
17 98 West.

18 At the request of the landowner, the line
19 now diagonals in a southeasterly direction for
20 about .25 miles to angle point eight located in the
21 northeast quarter of Section 5, Township 137 North,
22 Range 98 West.

23 The line then continues in a southerly
24 direction across pastureland for 1.75 miles to
25 angle point nine located in the northeast quarter

1 of Section 17, Township 137 North, Range 98 West.

2 The next segment is segment three, which

3 will be angle point 9 to angle point 15. This

4 segment is approximately nine miles in length.

5 From angle point nine the line continues on a

6 diagonal in a southwesterly direction for one mile

7 to angle point ten located in the north half of

8 Section 20, Township 137 North, Range 98 West.

9 This diagonal was needed to reposition the line

10 back to the quarter section line to minimize impact

11 to cropland.

12 The line then heads in a southerly

13 direction for two miles along the quarter section

14 to angle point 11 located in the south half of

15 Section 29, Township 137 North, Range 98 West.

16 From this point we needed to start

17 positioning the line to route around the national

18 grasslands. So we head east for .75 miles to angle

19 point 12 located in the southwest quarter of

20 Section 28, Township 137 North, Range 98 West.

21 To minimize impact to adjacent cropland,

22 we now diagonal a southeasterly direction along a

23 natural drainage for .8 miles to angle point 13

24 located in the east half of Section 33, Township

25 137 North, Range 98 West.

1 The line then continues on a light
2 southeasterly diagonal for .5 miles to angle point
3 14 located in the southwest quarter of Section 34,
4 Township 137 North, Range 98 West.

5 We then continue in a southerly direction
6 for four miles to angle point 15 located in the
7 south half of Section 19, Township 136 North, Range
8 98 West. This portion runs along a quarter section
9 at the request of area landowners and to maintain a
10 half-mile buffer from the national grasslands and
11 avoid a farmstead on the west section line of
12 Section 20, Township 136 North, Range 98 West.

13 Segment four, which is angle point 15 to
14 angle point 25. This segment is approximately 12.4
15 miles in length. From angle point 15 the line
16 makes a southeasterly diagonal for .5 miles to
17 angle point 16 located in the northeast quarter of
18 Section 30, Township 136 North, Range 98 West to
19 avoid a farmstead in the north half of Section 31.

20 The line then continues southerly along
21 the west side of the section line for 1.75 miles to
22 angle point 17 located in the southeast quarter of
23 Section 31, Township 136 North, Range 98 West to
24 minimize impact to cropland.

25 The line then takes a short southeasterly

1 diagonal for about 900 feet to angle point 18 in
2 the southwest quarter of Section 32, Township 136
3 North, Range 98 West to avoid steep terrain on the
4 west side of the section line and to go around some
5 nonresidential farm buildings in the east half of
6 Section 6, Township 135 North, Range 98 West.

7 We then head in a southerly direction for
8 .75 miles to angle point 19 located in the
9 southwest quarter of Section 5, Township 135 North,
10 Range 98 West. The line then makes a short
11 southwesterly diagonal to angle point 20 located in
12 the southeast quarter of Section 6, Township 135
13 North, Range 98 West in an effort to position the
14 line for an ideal highway crossing.

15 Then continuing in a southerly direction
16 along a section line to angle point 21 located in
17 the northeast quarter of Section 7, Township 135
18 North, Range 98 West to utilize an east-west
19 quarter line to avoid a grove of trees, a farmstead
20 in the south half of Section 6, and a farmstead in
21 the southeast quarter of Section 1.

22 Then continuing in a westerly direction
23 along a quarter section line for two miles to angle
24 point 22 located in the west half of Section 12,
25 Township 135 North, Range 98 West to minimize

1 impact to cropland. In an effort to avoid
2 extensive cropland to the south and east, we now
3 make a southwesterly diagonal across pastureland
4 for one mile to angle point 23 located in the
5 southwest quarter of Section 11, Township 135
6 North, Range 98 West.

7 The line then continues on in a southerly
8 direction along a section line for 4.25 miles to
9 angle point 24 located in the northwest quarter of
10 Section 2, Township 134 North, Range 99 West. From
11 here we needed to avoid a farmstead and a planned
12 feedlot in Section 2, so we diagonal southwesterly
13 for .75 miles across pasture and hayland to angle
14 point 25 located in the south half of Section 3,
15 Township 134 North, Range 99 West.

16 Segment five will be angle point 25 to
17 angle point 33. This segment is approximately 13
18 miles in length. From angle point 25 the line
19 heads in a westerly direction for 3.5 miles to
20 angle point 26 located in the southeast quarter of
21 Section 1, Township 134 North, Range 100 West.
22 Farmsteads to the south made this a logical
23 location to start heading west.

24 We then head in a southerly direction for
25 just over one mile to angle point 27 located in the

1 northeast quarter of Section 13, Township 134
2 North, Range 100 West. Here the line runs along
3 the west side of the section line to position us
4 for the upcoming diagonal across pastureland in
5 Section 13. I think we were further north.

6 MR. MARTHALLER: Let us catch up a little
7 bit, Mike. We've got to go this way.

8 THE WITNESS: Okay. So here the line runs
9 along the west side of the section line to position
10 us for the upcoming diagonal across pasture in
11 Section 13. From this point the line heads
12 diagonally in a southwesterly direction for one
13 mile to angle point 28 located in the southeast
14 quarter of Section 13, Township 134 North, Range
15 100 West to utilize pasture and to avoid a stock
16 dam in the same section.

17 From here the line continues to diagonal
18 in a southwesterly direction for just over one mile
19 to angle point 29 located in the southeast quarter
20 of Section 23, Township 134 North, Range 100 West
21 to avoid a residence further south in Section 30
22 and a gravel pit in Section 25.

23 From this point the line heads south for
24 two miles along a section line to angle point 30
25 located in the northeast quarter of Section 2,

1 Township 133 North, Range 100 West. The line now
2 heads in a southwesterly direction for one mile to
3 angle point 31 located in the east half of Section
4 3, Township 133 North, Range 100 West to avoid poor
5 access and terrain issues to the south.

6 From here the line heads in a southerly
7 direction for 1.5 miles on the west side of the
8 section line across cropland to angle point 32
9 located in the northeast quarter of Section 15,
10 Township 133 North, Range 100 West to take
11 advantage of pastureland in Section 15.

12 From this point the line diagonals in a
13 southwesterly direction across pasture for just
14 over one mile to angle point 33 located in the
15 northeast quarter of Section 21, Township 133
16 North, Range 100 West.

17 Segment six will be angle point 33 to
18 angle point 43, which is also Highway 85. This
19 segment is approximately 11.5 miles in length.
20 From angle point 33 the line heads in a southerly
21 direction for 2.5 miles to angle point 34 located
22 in the northeast quarter of Section 33, Township
23 133 North, Range 100 West to utilize mostly
24 pastureland along the west side of the section
25 line.

1 In an effort to utilize pastureland and
2 avoid residences in Sections 32 and 18 --
3 residences in Sections 32 and 18, we now head
4 diagonally in a southwesterly direction for 1.75
5 miles to angle point 35 located in the north half
6 of Section 13, Township 132 North, Range 101 West.
7 The line then heads south for .5 miles along a
8 quarter line to angle point 36 located in the
9 center of Section 13, Township 132 North, Range 101
10 West to minimize impact to cropland and avoid a
11 residence in Section 12.

12 We then head in a westerly direction for
13 1.25 miles across pasture to angle point 37 located
14 in the west half of Section 14, Township 132 North,
15 Range 101 West to avoid a known grave site in the
16 southwest quarter of Section 13.

17 From here the line makes a short diagonal
18 for .25 miles to angle point 38 located in the
19 southwest quarter of Section 14, Township 132
20 North, Range 101 West to avoid a residence located
21 in Section 15. This is the nearest residence to
22 our line at 1,000 feet away.

23 We then continue on a southwesterly
24 diagonal for one mile across pasture and along a
25 creek bed to angle point 39 located in the

1 southeast quarter of Section 16, Township 132
2 North, Range 101 West to avoid cropland and a
3 residence in Section 15.

4 From here we head in a westerly direction
5 for 1.75 miles across pasture to angle point 41
6 located in the southwest quarter of Section 17,
7 Township 132 North, Range 101 West to avoid a
8 residence in Section 21 and minimize impact to
9 cropland in Section 20.

10 From here we head on a southwesterly
11 diagonal along a natural drainage for .5 miles to
12 angle point 42 located in the west half of Section
13 20, Township 132 North, Range 101 West to minimize
14 impact to cropland.

15 From here we continue on a southwesterly
16 diagonal across pasture and CRP lands for just over
17 one mile to angle point 43 located in the southwest
18 quarter of Section 19, Township 132 North, Range
19 101 West. This is also the Highway 85.

20 Segment seven will be angle point 43, or
21 Highway 85, to angle point 47, Highway 12. This
22 segment is approximately eight miles in length.
23 From angle point 43 we head in a westerly direction
24 across Highway 85 and continue for two miles along
25 the north side of the section line to angle point

1 44 located in the southeast quarter of Section 22,
2 Township 132 North, Range 102 West.

3 We then continue in a southwesterly
4 direction across pastureland for 2.25 miles to
5 angle point 45 located in the northeast quarter of
6 Section 32, Township 132 North, Range 102 West to
7 avoid a farmstead in Section 28.

8 We then continue in a westerly direction
9 along the south side of the section line for 1.75
10 miles to angle point 46 located in the northwest
11 quarter of Section 31 -- let's see. We then
12 continue in a westerly direction along the south
13 side of the section line for 1.75 miles to angle
14 point 46 located in the northwest quarter of
15 Section 31, Township 132 North, Range 101 West to
16 avoid a residence in Section 32 and a breaker
17 station in Section 30.

18 We then continue in a southerly direction
19 for 1.5 miles to angle point 47 located in the
20 northwest quarter of Section 6, Township 131 North,
21 Range 102 West. This portion accommodates a new
22 rural waterline, railroad crossing, and Highway 12
23 crossing, all in Section 6.

24 The last segment will be segment eight,
25 which is angle point 47, also Highway 12, to the

1 Rhame substation. This segment is approximately
2 10.5 miles in length. From angle point 47 we head
3 westerly along the quarter section line for two
4 miles to angle point 48 located in the northwest
5 quarter of Section 2, Township 131 North, Range 103
6 West.

7 We then head south for .5 miles to angle
8 point 49 located in the southwest quarter of
9 Section 2, Township 131 North, Range 103 West. At
10 this point we needed to start heading toward the
11 Rhame substation, so we head west for 5.5 miles
12 across a mix of crop and pasture to angle point 50
13 located in the south half of Section 2, Township
14 131 North, Range 104 West.

15 From here we head southerly along a
16 quarter section for 1.5 miles to angle point 51
17 located in the northeast quarter of Section 14,
18 Township 131 North, Range 104 West to avoid
19 residences in Section 10 and Section 14.

20 From here we head west for .7 miles to
21 angle point 52 located in the east half of Section
22 15, Township 131 North, Range 104 West to line up
23 north of the Rhame substation.

24 We then continue south for .2 miles and
25 terminate at the Rhame substation, which is located

1 in the southeast quarter of Section 15, Township
2 131 North, Range 104 West.

3 MS. LEVCHAK: Thank you. In an effort to
4 give Mr. Murray a little opportunity to breathe and
5 just to point out, this is the first time we've
6 used this particular approach at a hearing, this
7 electronic approach, and afterwards we'd be
8 interested in the reaction both from the Commission
9 and the staff and from the landowners as to whether
10 you found this useful or helpful or distracting or
11 what. You know, this is intended to be
12 illustrative and helpful. We would like to get the
13 reaction of people in the room and from the
14 Commission and staff on that issue after the
15 hearing closes.

16 Q. (MS. LEVCHAK CONTINUING) All right.
17 Thank you, Mr. Murray. What is the role of the
18 right-of-way division in reclaiming the
19 right-of-way easement area at the completion of
20 construction?

21 A. The right-of-way division will oversee the
22 entire reclamation process. The reclamation
23 contractor will report directly to the right-of-way
24 office in Dickinson, North Dakota. Right-of-way
25 agents will be on site on a regular basis to

1 monitor progress and make sure reclamation is
2 completed to landowners and Basin Electric's
3 satisfaction.

4 Q. Mr. Murray, can you please explain Basin
5 Electric's reclamation practices for the
6 transmission line right-of-ways?

7 A. The construction contractor will be
8 responsible for regrading the easement. Basin
9 Electric will then bring on a local reclamation
10 contractor who specializes in the reclamation
11 techniques required to reestablish the growth and
12 cover of all the disturbed areas of the project.

13 In cropland, compaction will be addressed
14 and damage to any crops at the time of
15 construction. In pastureland, our reclamation
16 contractor will reseed to native grasses that were
17 present prior to construction. In CRP fields, we
18 will replant the cover based on FSA rules and
19 guidance.

20 All damages associated with our activities
21 will be addressed with the landowner for settlement
22 at the completion of construction. Basin will be
23 responsible for weeds by providing weed control
24 within the easement area for three consecutive
25 years after construction.

1 Q. Mr. Murray, does this conclude your direct
2 testimony?

3 A. Yes.

4 MS. LEVCHAK: Your Honor, that completes
5 my direct examination of this witness.

6 JUDGE WAHL: Ms. Bendish?

7 MS. BENDISH: I have no questions.

8 JUDGE WAHL: Mr. Lein.

9 MR. LEIN: No questions.

10 JUDGE WAHL: Questions from the
11 Commission?

12 COMMISSIONER WEFALD: Yes.

13 JUDGE WAHL: Commissioner Wefald.

14 **EXAMINATION**

15 **BY COMMISSIONER WEFALD:**

16 Q. I've heard from one -- a landowner who
17 wants to have me ask this question, and so I will.
18 Are your right-of-way, your easements, are they
19 permanent easements or are they leases?

20 A. It is an easement for the right for that
21 facility to be there for 99 years under North
22 Dakota state law.

23 Q. Say that one more time louder.

24 A. I'm sorry. It is an easement intended for
25 that transmission -- it's the right for that

1 transmission line to be on the property for 99
2 years, which is under North Dakota state law.

3 Q. And then if there would be an upgrade,
4 let's say you wanted to change that transmission
5 line sometime in the future, let's say from a 230
6 to a 345 kV line, would you -- you could use
7 that -- that route, that right-of-way again; is
8 that correct?

9 A. That is correct. We could use it again,
10 but we would renegotiate with the landowner because
11 that easement document is specific to a 230 kV
12 transmission line.

13 Q. And also I think you would have to come
14 before the Commission if there was a change to a
15 higher voltage transmission.

16 A. Right. Exactly.

17 COMMISSIONER WEFALD: All right. Thank
18 you. Other than that, I have no questions
19 regarding the right-of-way process at this time,
20 though I may have some after I hear some comments
21 from your customers.

22 THE WITNESS: Okay.

23 JUDGE WAHL: Any further questions from
24 the Commission?

25 MR. CLARK: No.

1 COMMISSIONER CRAMER: I have non.

2 JUDGE WAHL: Followup, Ms. Levchak?

3 MS. LEVCHAK: I have no redirect.

4 JUDGE WAHL: Followup, Ms. Bendish?

5 MS. BENDISH: No.

6 JUDGE WAHL: All right. This may be the
7 opportunity, if you wish, counsel, to recall Mr.
8 Marthaller to respond to Commissioner Wefald's
9 question.

10 MS. LEVCHAK: Be happy to do that. Mr.
11 Marthaller.

12 JUDGE WAHL: Mr. Marthaller, you
13 understand that your further testimony continues
14 under oath and subject to penalties of perjury?

15 MR. MARTHALLER: Yes.

16 JUDGE WAHL: Commissioner Wefald.

17 COMMISSIONER WEFALD: Yes.

18 **DUEY MARTHALLER,**
19 having been previously duly sworn, was examined and
20 testified further as follows:

21 **FURTHER EXAMINATION**

22 **BY COMMISSIONER WEFALD:**

23 Q. I had a question regarding the
24 right-of-way width through shelterbelts. The
25 right-of-way generally you've committed to was 125

1 feet. Is there -- are you able to go as narrow as
2 50 feet in a right-of-way through shelterbelts?

3 A. No, we're not. You know, I testified
4 about the trimming of trees within the
5 right-of-way, and we trim trees to a maximum height
6 of 12 feet, and this goes back to the FERC and NERC
7 requirements that are based on an outage that
8 happened on the eastern part of -- northeastern
9 part of the United States, I don't know, must have
10 been about five or six years ago, and that outage
11 was traced to tree flashovers in Michigan, and
12 since then they've got very, very strict rules
13 regarding what we can do with vegetation in the
14 right-of-way.

15 And so we have a right-of-way clearing
16 policy within Basin Electric that's consistent with
17 NERC and FERC, and we also have to make periodic
18 reports to them specifically telling them, you
19 know, that we have -- that we have met those
20 regulations and we have trimmed those trees. In
21 fact, we have to give them a structure by structure
22 list as to what we trim, and so we keep them, you
23 know, less than 12 feet to be in compliance with
24 those requirements.

25 Q. Well, my question is: On the right-of-way

1 width, is the right-of -- how wide will your
2 right-of-way be going through shelterbelts?

3 A. Okay. We -- the right-of-way is
4 calculated based on, you know, how far the
5 conductor would swing out in a high-wind condition
6 and so that we maintain -- and also we have to have
7 width that we can maintain the line.

8 Q. Yes.

9 A. Okay. Now, this 125-foot right-of-way was
10 established for the H-frame structure
11 configuration, which has a horizontal conductor
12 configuration and a spacing of 50 to -- 41 feet
13 between the outside phases. When we went to the
14 single-pole structure, our conductors are spaced a
15 little bit closer than that, and so we could
16 recalculate and establish the exact point at
17 where -- right-of-way width that we need, you know,
18 for maintaining and for that conductor swing-out,
19 which is going to be a little bit less than 125
20 feet. So technically we could reduce that 125 feet
21 as far as this tree clearing goes.

22 Q. Yes. Through shelterbelts.

23 A. Yeah. Yeah, we could.

24 Q. So would you file a late-filed exhibit
25 telling the Commission the distance -- the

1 right-of-way width that you could do to meet NERC
2 guidelines, et cetera, within a shelterbelt using
3 this type of pole?

4 A. And I would also say that that would need
5 to be our own policy regarding that in addition to
6 NERC and FERC. Yes. Yes. We absolutely can.

7 Q. Thank you.

8 JUDGE WAHL: For the record, that will be
9 Exhibit 14. I've identified it as a statement,
10 report, as you wish, of the minimum right-of-way
11 required within shelterbelts for a proposed line.
12 Is that satisfactory, counsel?

13 MS. LEVCHAK: It is.

14 Q. (COMMISSIONER WEFALD CONTINUING) So I
15 have one follow-up question. So then are you
16 telling me that in the past the Commission has
17 required only a 50-foot clearance for -- to clear
18 shelterbelts when we -- for transmission lines when
19 the construction has occurred? Those don't work
20 for you any longer?

21 A. Are you talking about from centerline, so
22 100 foot total, or just 50?

23 Q. No. 50 feet.

24 A. Well, it depends on the voltage.

25 Q. All right. So it could work in certain

1 locations?

2 A. Yeah.

3 Q. Well, we site 230 kV and above.

4 A. And above. 50 feet.

5 COMMISSIONER CRAMER: I'm quite certain we
6 don't. I'm going to ask Jerry, do we --

7 COMMISSIONER WEFALD: Well, that's what we
8 have in all of our --

9 COMMISSIONER CRAMER: Well, I think maybe
10 you're thinking of a pipeline perhaps.

11 MR. LEIN: Yeah. We were doing -- I think
12 you did that in the Keystone Pipeline and maybe in
13 some others. There was some discussion in an
14 electric line that we did, maybe it was the
15 Ashtabula case, and I can't remember the number we
16 ended up with, but it was more than 50 feet, the
17 concern being the vegetation growing into the line.

18 COMMISSIONER WEFALD: All right.

19 JUDGE WAHL: Any further questions from
20 the Commissioners? If not, followup, Ms. Levchak?

21 MS. LEVCHAK: I have none.

22 JUDGE WAHL: Followup, Ms. Bendish?

23 MS. BENDISH: I have none.

24 JUDGE WAHL: All right. Anything further
25 at this time, Ms. Levchak?

1 MS. LEVCHAK: I have nothing further.

2 JUDGE WAHL: All right. This is the time
3 then, please, where the Commission will hear the
4 testimony or comments of the public. As I
5 discussed with you and if I didn't -- if you didn't
6 meet with me, if you didn't come up, if I haven't
7 talked with you, that's all right. You should come
8 up anyway. Come up when and as you're ready to,
9 please. I'll ask you to state your name for the
10 record and spell your name for the record, and I'll
11 administer the oath as you've heard with other
12 witnesses and we'll proceed from there, and I'll
13 assist you as I can with any documents or anything
14 else. Who would testify first, please? Ms.
15 Meduna, you can take the lectern. I think you
16 probably will feel more comfortable at the lectern.

17 MS. MEDUNA: Okay.

18 JUDGE WAHL: Ms. Meduna, will you state
19 your name for the record, please?

20 MS. MEDUNA: My name is Lydia Meduna.

21 JUDGE WAHL: And spell your -- why don't
22 you spell both names just to be sure.

23 MS. MEDUNA: L-y-d-i-a M-e-d-u-n-a.

24 JUDGE WAHL: What is your post office
25 address, Ms. Meduna?

1 MS. MEDUNA: It is 393 First Avenue
2 Southwest, and that's my mailing address.

3 JUDGE WAHL: All right. And you have --
4 you have someone with you?

5 MS. MEDUNA: Yes, I do.

6 JUDGE WAHL: He can certainly be with you.
7 I understand he's your brother-in-law, and he's
8 certainly -- we talked about it, and he can be
9 there with you, but he -- you cannot both testify
10 at the same time. You can certainly take turns.
11 You can kind of whisper in his ear if you're
12 missing a question or need some information, I'll
13 allow that, too, but -- and you, sir, can also
14 testify later, you understand, but only one at a
15 time.

16 Ms. Meduna, as you know, your testimony is
17 required to be under oath, and I'm required by law
18 to advise you regarding perjury before
19 administering the oath. Perjury is a false
20 statement of material fact which you do not believe
21 to be true, in other words, a lie. In North Dakota
22 perjury is a Class C felony punishable by a fine up
23 to \$5,000, imprisonment for a period of up to 5
24 years, or both.

25 (Witness sworn.)

1 gives us the proposal and the route.

2 JUDGE WAHL: All right. And that's a
3 document you want the Commission to look at?

4 MS. MEDUNA: Yes. And that is Exhibit 1.

5 JUDGE WAHL: Ms. Levchak, I'm showing you
6 what has been marked by Ms. Meduna as Exhibit 1.
7 Ms. Bendish?

8 MS. BENDISH: I just need some
9 clarification for the Commission's record. Is this
10 being offered as testimony or public comment? Is
11 this part of our official hearing record?

12 JUDGE WAHL: No. This is testimony to be
13 part of the hearing record.

14 MS. BENDISH: Thank you. I have no
15 objection.

16 JUDGE WAHL: For the record, I propose
17 what's been identified -- what's been marked for
18 identification as Meduna Exhibit 1. Ms. Levchak?

19 MS. LEVCHAK: I have no objection.

20 JUDGE WAHL: Ms. Bendish?

21 MS. BENDISH: I have no objection.

22 JUDGE WAHL: Meduna Exhibit 1 is received.
23 Would you like to have this back to refer to, Ms.
24 Meduna, or shall I simply put it with the exhibits?

25 MS. MEDUNA: I do have the original, so --

1 JUDGE WAHL: All right. You may proceed.

2 MS. MEDUNA: Upon the original proposal we
3 indicated our objections and the reasons why. We
4 feel the current route from Belfield to Rhame would
5 be -- the easements are already in place, and we
6 don't understand why it needs to kitty-cross across
7 so much more farmland.

8 So we have met with Basin employees
9 numerous times, phone calls. We asked them if they
10 could keep the route closer to the section lines
11 and the property lines, and both times our requests
12 were denied.

13 Basin's concern is the cost of the angle
14 points just to keep it again closer to the section
15 line and less impact. Our property is soon to come
16 out of CRP. We are also involved with a coal
17 gasification plant with Great Northern, and we're
18 also concerned about the impact that would have on
19 our future salability or the property to even be
20 mined.

21 Basin has responded in writing to our
22 request. I believe that is Exhibit 2, and it was
23 denying our request.

24 JUDGE WAHL: And you wish to have the
25 Commission have this document for its

1 consideration?

2 MS. MEDUNA: Yes, please.

3 JUDGE WAHL: Ms. Levchak, I'm showing you
4 what Ms. Meduna has marked as Meduna Exhibit 2.

5 MS. LEVCHAK: No objection.

6 JUDGE WAHL: Ms. Bendish?

7 MS. BENDISH: I have no objection.

8 JUDGE WAHL: Meduna Exhibit 2 is received.

9 MS. MEDUNA: I also have taken the liberty
10 as -- because I'm not living on the farm area at
11 all -- to talk to the existing farmers around
12 there. What I was told was the ones that weren't
13 impacted where the line stays, you know, very --
14 unimpacting their property, those were the
15 easements that Basin went after immediately,
16 although they were aware of our concerns again in
17 November of '07.

18 We feel like we're being railroaded into
19 accepting this. I came today -- I thought it was
20 going to be a discussion because this would be
21 probably the first discussion that we were aware
22 of. Basin is going out and talking to the farmers
23 individually, and we all feel we don't have any
24 rights or any say-so.

25 And I'm asking the PSC Commission here

1 today to hear our concerns as property owners and
2 the impact that it will have within those 99 years.

3 JUDGE WAHL: Does that conclude your
4 testimony, Ms. Meduna?

5 MS. MEDUNA: I'm not sure. I'm just
6 shaking.

7 JUDGE WAHL: Well, you're doing just fine.
8 Ms. Levchak, any questions for Ms. Meduna?

9 MS. LEVCHAK: I have none.

10 JUDGE WAHL: Ms. Bendish, any questions
11 for Ms. Meduna?

12 MS. BENDISH: I have none.

13 JUDGE WAHL: Questions from the
14 Commission? Commissioner Wefald.

15 COMMISSIONER WEFALD: Yes. I would like
16 to ask Basin if they would facilitate this
17 conversation by identifying on the screen where
18 this property is, and then Lydia Meduna will please
19 help me.

20 MS. MEDUNA: Can I ask my brother-in-law
21 because I get confused with my other right and my
22 other left?

23 JUDGE WAHL: You may.

24 COMMISSIONER WEFALD: That's fine. I have
25 the same problem. Does he need to be sworn in?

1 JUDGE WAHL: No.

2 COMMISSIONER WEFALD: Okay. He's just
3 assisting.

4 JUDGE WAHL: He's just assisting.

5 MS. MEDUNA: I know we're Section 32, I
6 believe, and 33.

7 **EXAMINATION**

8 **BY COMMISSIONER WEFALD:**

9 Q. If you could repeat your comments that you
10 made to us earlier about where the line is
11 presently and where you would like to see it go.

12 A. We are the property where the red is, the
13 red spot, and that's where we're coming down a
14 section line, and that's what our request was, as
15 Dennis is indicating. He had asked that it would
16 stay on the section line on 32.

17 MR. MARTHALLER: That's a quarter line.

18 MS. MEDUNA: Or quarter line.

19 Q. (COMMISSIONER WEFALD CONTINUING) Quarter
20 line.

21 A. And then we had asked as it got to --
22 right there to start moving it.

23 Q. Okay. So it's approximately about three-
24 quarters of a mile south that you wanted to have
25 the diagonal start?

1 A. Mm-hmm.

2 Q. And would you also be amenable if they
3 went down the quarter section line three-quarters
4 of a mile south, then to go across to the east and
5 then -- before you started that diagonal?

6 A. Mm-hmm.

7 MR. BEAUDOIN: Mm-hmm.

8 JUDGE WAHL: Ms. Meduna should answer
9 that.

10 MS. MEDUNA: Yes. We are in agreement to
11 keep it as much -- a less impact -- it can still be
12 on our property. We don't have a problem with
13 that. It's progress. It truly is, but we don't
14 want to be impacted. In the future there will be
15 farming again on that land or the salability will
16 be impacted, not to mention we get to pay 99 years
17 of taxes on that said property that might become
18 useless.

19 Q. (COMMISSIONER WEFALD CONTINUING) Is that
20 particular field a field that is CRP land or is
21 that in cropland right now?

22 A. Partially CRP, partially cropland.

23 Q. Would you show us which is which?

24 A. The entire thing is actually in CRP;
25 correct?

1 MR. BEAUDOIN: Correct.

2 Q. (COMMISSIONER WEFALD CONTINUING) The
3 entire area is in CRP at the present time?

4 A. Mm-hmm.

5 Q. Okay. But you would rather keep it on the
6 quarter line?

7 MR. BEAUDOIN: Right.

8 Q. (COMMISSIONER WEFALD CONTINUING) Just to
9 be able to minimize -- let's say you wanted at some
10 point in the future to take it out of CRP, you
11 would be able to more easily crop that field?

12 A. Absolutely.

13 Q. Okay. Is that the only area that you're
14 concerned about?

15 MR. BEAUDOIN: Mm-hmm.

16 MS. MEDUNA: Mm-hmm.

17 COMMISSIONER WEFALD: All right. Thank
18 you.

19 MS. MEDUNA: Thank you.

20 JUDGE WAHL: Any further questions from
21 the Commissioners?

22 COMMISSIONER CLARK: None.

23 JUDGE WAHL: Commissioner Cramer.
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EXAMINATION

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BY COMMISSIONER CRAMER:

Q. I have one, and I maybe should ask this of Mr. Murray, but maybe you can help me. If I understand -- and I'm trying to reconcile this with Mr. Murray's testimony. The reason for the diagonal is to avoid the two farmsteads; is that your understanding?

A. That is the comment also, but it's a visibility -- it is a visibility issue. They're well within the 500 feet.

Q. If they stayed on the section line, you believe -- or the quarter line, you believe they'd still avoid --

A. They still are within -- I believe, Mr. Murray, did you walk the line with --

JUDGE WAHL: No. Just answer the --

MS. MEDUNA: Oh, I'm sorry.

COMMISSIONER CRAMER: That's the challenging part of this process --

MS. MEDUNA: I'm sorry.

COMMISSIONER CRAMER: -- but I understand. I just wanted to get that square in my mind.

COMMISSIONER WEFALD: All right. And then maybe we can have -- all right. Thank you. I have

1 nothing further for this witness.

2 MS. MEDUNA: We did actually walk the
3 property lines with Basin employees, and at that
4 point in time they thought our request was
5 reasonable and actually a straighter line, but then
6 we get the paperwork that indicates they won't be
7 able to do that.

8 COMMISSIONER WEFALD: Well, I guess that's
9 a question I have for Basin.

10 COMMISSIONER CRAMER: I know.

11 COMMISSIONER WEFALD: We can go back to
12 them later?

13 JUDGE WAHL: Oh, absolutely. You can ask
14 them to recall.

15 COMMISSIONER WEFALD: Okay. Thank you.

16 MS. MEDUNA: And they did admit to us that
17 it would be the cost of another angle line that
18 they don't want to incur.

19 COMMISSIONER WEFALD: Thank you.

20 MS. MEDUNA: Thank you for hearing us.

21 COMMISSIONER CRAMER: I do have one more
22 question if I might, Your Honor.

23 JUDGE WAHL: Certainly.

24 Q. (COMMISSIONER CRAMER CONTINUING) You
25 mentioned the mineability of the land. Is your

1 concern relating to the Great Northern project that
2 the -- these surface structures might detract from
3 the mineability of the land? Is that your concern?

4 A. I don't think they can mine anywhere near
5 them or under the lines or -- I think it's going to
6 be pretty much Basin's property for the 99 years.

7 Q. Well, I don't want -- okay. I understand.

8 A. I probably am not interpreting it --

9 Q. I just want to make sure that that's what
10 your understanding was and that your concern was
11 that these surface structures might be a
12 distraction or a detractor from mining the
13 minerals, and that's your concern. That's my
14 question.

15 A. Yes. And the impact on our future for --
16 you know, because of that 99 years and the minimal
17 offer.

18 COMMISSIONER CRAMER: I understand. Thank
19 you.

20 MS. MEDUNA: Thank you.

21 JUDGE WAHL: Any further questions for
22 the -- just a minute, Mrs. Beaudoin, you're not
23 quite done yet -- or --

24 MS. MEDUNA: Meduna.

25 JUDGE WAHL: -- Ms. Meduna. Any further

1 questions from the Commissioners? Any followup,
2 Ms. Levchak?

3 MS. LEVCHAK: No, I have none.

4 JUDGE WAHL: Any followup, Ms. Bendish?

5 MS. BENDISH: No.

6 JUDGE WAHL: All right. Ms. Meduna, thank
7 you very much.

8 MS. MEDUNA: Thank you.

9 JUDGE WAHL: Mr. Beaudoin, do you intend
10 to testify also in addition?

11 MR. BEAUDOIN: No. I think she did fine.

12 JUDGE WAHL: All right. Thank you.

13 Anyone else who will testify or offer comment as a
14 member of the public? Yes, sir. Will you state
15 your name for the record, please?

16 MR. SOREIDE: Carl Soreide. Carl spelled
17 with a C, and the last name is S-o-r-e-i-d-e.

18 JUDGE WAHL: S-o-r-e-i-d-e.

19 MR. SOREIDE: Yes, sir.

20 JUDGE WAHL: Soreide.

21 MR. SOREIDE: Yep.

22 JUDGE WAHL: What is your post office
23 address, Mr. Soreide?

24 MR. SOREIDE: Post office box is 551,
25 Bowman.

1 come with a contract they want you to sign, their
2 contract, and I was the person that asked Ms.
3 Wefald to ask if that right-of-way is either leased
4 or boughten, which they apparently don't want to
5 answer, and it's a good question.

6 I don't plan on signing their thing until
7 I know what's going on. I'd like to make some
8 changes in their contract, but it doesn't seem like
9 they're interested in it. They came by twice. The
10 last time Jess asked me -- he said, It's a money
11 thing, and I said, Yes, and he left.

12 So it's been three months, we have heard
13 nothing of them, and it looks to be it's either
14 going to be their way or no way. I don't know. It
15 just -- it appears to be that way, and I would
16 think it costs me \$13 an acre to lease grass, 27 to
17 lease farm ground, and maybe it's time for these
18 right-of-ways to come into the new century.

19 That's what I have to say.

20 JUDGE WAHL: Ms. Levchak, any questions
21 for Mr. Soreide?

22 MS. LEVCHAK: No questions.

23 JUDGE WAHL: Ms. Bendish, any questions?

24 MS. BENDISH: No questions.

25 JUDGE WAHL: Commissioners? Do the

1 Commissioners have questions?

2 COMMISSIONER WEFALD: Yes.

3 JUDGE WAHL: Commissioner Wefald.

4 **EXAMINATION**

5 **BY COMMISSIONER WEFALD:**

6 Q. Yes. Mr. Soreide, will you please point
7 out for the Commission on the map where your land
8 is located -- on this electronic map?

9 A. Okay. Yep.

10 MR. MARTHALLER: Is that right?

11 MR. SOREIDE: Yep.

12 Q. (COMMISSIONER WEFALD CONTINUING) Now, I
13 don't know where that is on the big map, so --

14 A. It's northwest of Bowman approximately
15 four-and-a-half to five miles.

16 COMMISSIONER CLARK: Last page.

17 COMMISSIONER WEFALD: Last page.

18 JUDGE WAHL: For the record, Ms. Bendish,
19 if you've got it located on an exhibit, let's put
20 the exhibit number and page in the record.

21 MS. BENDISH: It's Exhibit 13, map five of
22 five.

23 Q. (COMMISSIONER WEFALD CONTINUING) And it's
24 in the far eastern section of that map?

25 A. The northeast quarter.

1 Q. Northeast quarter.

2 A. Yes. Of 31.

3 Q. All right. And your -- the transmission
4 line is going to come along the north part of your
5 property?

6 A. Right.

7 Q. And it's along a section line road?

8 A. Well, Southwest Water has a pipeline
9 between the road and the transmission line. Okay.
10 So we're getting out quite a ways out into that
11 quarter, and that was another concern that I had.
12 We've already got one permit for a waterline that
13 went through there -- or an easement, I should say.

14 Q. So it's your understanding about how far
15 away from the section line will the transmission
16 pole be placed?

17 A. I'm going to say it's going to be at
18 around 175 feet because of the Southwest Water -- I
19 don't know exactly how far it would be, but just
20 looking -- because Southwest Water is quite a ways
21 out in there.

22 Q. All right. You know the Commission does
23 not get involved with the amount of the easements.

24 A. Right.

25 Q. That is something for you to work on with

1 your attorney on whether -- you know, to consult
2 for legal advice about the amount of money you
3 should seek for an easement for your land. Okay?

4 A. Right.

5 Q. So we cannot give you any advice about
6 that, but we can hear any concerns that you have
7 about the route, itself.

8 A. Well, they're going to go through
9 regardless. I just think that they need to come up
10 with a contract that's more than just what they
11 want.

12 Q. I would suggest that you work with your
13 attorney then and come back with a proposal of what
14 you would want and --

15 A. I've told -- I told Jess what I wanted,
16 and he -- that's the man that did the permit work
17 for them, and he said, I'll get back to you, and
18 when he came back and I told him, No, that's not
19 how it is.

20 Q. There can still be negotiations that go on
21 between this point and into the future.

22 A. There could be, but --

23 Q. This is not an end point of negotiations.

24 A. But if they're going to start construction
25 on this, ma'am, and we haven't heard from them in

1 three months, what are the options?

2 Q. Well, I would just encourage you to
3 continue to consult your attorney and to continue
4 with negotiations at this point.

5 A. Okay. Well, thank you.

6 JUDGE WAHL: Wait a minute.

7 COMMISSIONER WEFALD: Because we have
8 found --

9 JUDGE WAHL: I'm sorry. Mr. Soreide,
10 she's not finished yet.

11 COMMISSIONER WEFALD: We have found that
12 there are people who continue to negotiate until
13 they are able to work something out with the
14 company, and we have seen that in other cases.
15 This is not the end point, I would say, of
16 negotiations, this hearing.

17 JUDGE WAHL: Commissioner Cramer.

18 **EXAMINATION**

19 **BY COMMISSIONER CRAMER:**

20 Q. I have a question with regard to your
21 questioning. You asked me to ask the same question
22 regarding whether the easement is purchased or
23 whether it's leased, and I think the testimony was
24 it's a 99-year lease. That's the way I understood
25 his answer?

1 COMMISSIONER WEFALD: That's mine, too.

2 Q. (COMMISSIONER CRAMER CONTINUING) Is it
3 your understanding -- well, let me ask this: What
4 do you want it to be?

5 A. The way it sounds to me is that they are
6 purchasing an easement for 99 years.

7 Q. Well, let me ask you this: What would be
8 a leased easement for 99 years? How would it be
9 different in your mind?

10 A. A lease would be a by-year product. Okay.
11 They are proposing a lump sum of X number of
12 dollars per acre.

13 Q. So in your world if you were to have your
14 way, never mind the amount of money in the
15 contractual -- what would be a reasonable
16 arrangement, again other than the amount of money?

17 A. I really don't know that, but I know that
18 when I lease grass, it costs me \$13 an acre; when I
19 lease farm ground, it's \$27 an acre.

20 COMMISSIONER WEFALD: Per year?

21 MR. SOREIDE: Per year.

22 Q. (COMMISSIONER CRAMER CONTINUING) And then
23 that changes depending on inflationary factors?

24 A. Yes. And in ten years if everything is
25 going well, crop prices are up, livestock prices

1 are up, you'll pay more. They're locking in a 99-
2 year whatever for today. I'd love to buy my
3 electricity for the next 99 years today.

4 COMMISSIONER CRAMER: All right.

5 JUDGE WAHL: Any further questions from
6 the Commission? Followup, Ms. Levchak?

7 MS. LEVCHAK: I have none. Thank you.

8 JUDGE WAHL: Ms. Bendish?

9 MS. BENDISH: I have none.

10 JUDGE WAHL: Thank you very much, Mr.
11 Soreide.

12 MR. SOREIDE: Thank you.

13 JUDGE WAHL: Next, please. Anyone else
14 who would testify? Please state and spell your
15 name for the record.

16 MR. SCHOCH: It's Mike Schoch,
17 S-c-h-o-c-h.

18 JUDGE WAHL: And would you pronounce your
19 name again for me, please.

20 MR. SCHOCH: Mike Schoch.

21 JUDGE WAHL: Schoch. Please state your
22 post office address, Mr. Schoch.

23 MR. SCHOCH: 5331 116th Avenue Southwest,
24 New England, North Dakota.

25 JUDGE WAHL: Mr. Schoch, as you have heard

1 me advise previous witnesses, your testimony is
2 required to be under oath, and I'm required to
3 advise you regarding perjury before administering
4 the oath. Perjury is a false statement of material
5 fact which you do not believe to be true, in other
6 words, generally speaking, a lie. In North Dakota
7 perjury is a Class C felony punishable by a fine up
8 to \$5,000, imprisonment for a period of up to 5
9 years, or both.

10 (Witness sworn.)

11 JUDGE WAHL: Please tell the Commissioners
12 what it is that you want them to know about this
13 project.

14 **MIKE SCHOCH,**

15 having been first duly sworn, was examined and
16 testified as follows:

17 **STATEMENT**

18 **BY MR. SCHOCH:**

19 MR. SCHOCH: Okay. Your Honor,
20 Commissioners, and Basin Electric Power Cooperative
21 representatives, it is my concern that the proposed
22 powerline from Belfield to Rhame, which will be run
23 over private and farmland, is not benefiting the
24 farmer and rancher at all but only the oil
25 industry, and the oil industries in turn promote --

1 you know, for the tax departments, and so
2 therefore the amount Basin Electric Power
3 Cooperative is offering for the land is not in part
4 an adequate amount for a 99-year easement. If you
5 figure it out over 99 years, it's not even enough.

6 It is my opinion that Basin Electric Power
7 Cooperative should lease the land yearly and
8 annually be evaluated to the increasing rises in
9 costs. Farmland leases, pasture leases go up from
10 year to year. Their lease would not go up from
11 year to year. I cannot lock my price for the next
12 year on my kilowatt-hours for 99 years. I don't
13 believe Basin Electric should be able to lock in
14 the price they pay for our land for 99 years.

15 I don't feel Basin Electric Power Company
16 kept the landowners informed of what was going on
17 very well with this whole thing. The person --
18 they sent out one guy. He come out to your farm,
19 and he'd go through the deal where he'd say, Oh,
20 well, most everybody's already signed. I think
21 they were using, you know, pressure to get people
22 to sign their lease. It seemed like he'd come out
23 and he'd just -- you know, Well, these guys are all
24 signing and, you know, you'll want to sign it, too.
25 We have not signed it yet, either. I'm in a

1 farming partnership with four other guys. Some of
2 those will testify here today, too, so --

3 JUDGE WAHL: Ms. Levchak, any questions
4 for the witness?

5 MS. LEVCHAK: If he could just identify
6 the location of the land he owns, sir.

7 MR. MARTHALLER: I don't know, Mike, if I
8 have this right or not. Is that it?

9 MR. SCHOCH: Yeah. It's that two miles
10 there.

11 COMMISSIONER WEFALD: Which sheet is that
12 on?

13 MR. SCHOCH: 7 and 18.

14 MS. BENDISH: Map two of five of Exhibit
15 13.

16 MR. SCHOCH: And it does run through a
17 considerable amount of land there, too. It's two
18 miles of property.

19 COMMISSIONER CLARK: Is that identified as
20 the Ehliis farms?

21 THE WITNESS: Yeah. Dakota West Farms.

22 JUDGE WAHL: You know, for the record, Mr.
23 Schoch, could you give us the township, section,
24 and numbers?

25 THE WITNESS: It's section -- it's in

1 Slope County, Sections 7 and 18, and, John, what's
2 the -- 136-98.

3 COMMISSIONER WEFALD: I'm looking --
4 excuse me. I have to clarify where we are on the
5 map. I'm looking at the corridor maps that were
6 supplied to us today in Mr. Stoltz's testimony,
7 perhaps.

8 MR. CLARK: No. It's Mr. Murray's.

9 COMMISSIONER CRAMER: I think it's Mr.
10 Murray's.

11 MR. CLARK: It would be on the same map.

12 MS. BENDISH: You're looking at Exhibit 7
13 which was the map that you had showed me, the map
14 from Exhibit 7, which just has the buffer zones and
15 the residences on it. It has the circles. This is
16 Exhibit 13 that has the -- has the owners labeled.

17 COMMISSIONER WEFALD: All right. Just one
18 moment then. I still need to find this then. This
19 is on two of five?

20 MS. BENDISH: Yes.

21 COMMISSIONER WEFALD: All right. And how
22 far down is this?

23 MS. BENDISH: I can show you.

24 COMMISSIONER WEFALD: Thank you, Ms.
25 Bendish. Thank you.

1 JUDGE WAHL: Any further questions?

2 COMMISSIONER WEFALD: I do.

3 JUDGE WAHL: Commissioner Wefald.

4 **EXAMINATION**

5 **BY COMMISSIONER WEFALD:**

6 Q. So the main concern that you have again is
7 for payment of the easement from Basin?

8 A. Yeah. I guess basically over the next 99
9 years the price -- the value of farmland is going
10 to continue to increase. They would have it locked
11 in for 99 years. We would not -- you know, right
12 now there's a lot of people that buy land out there
13 right now as investments. Well, that doesn't work.
14 I mean, basically we're locked -- they're locked in
15 for 99 years. There's -- I don't feel that's
16 right.

17 Q. You know, as I told the last witness --

18 A. Yeah, I understand.

19 COMMISSIONER WEFALD: All right. You
20 heard. Keep negotiating. Keep negotiating.
21 There's nothing that says you can't continue to
22 negotiate on this and to work with a legal advisor
23 on this issue.

24 JUDGE WAHL: Any further questions from
25 the Commission?

1 COMMISSIONER CRAMER: No.

2 JUDGE WAHL: Ms. Levchak, followup?

3 MS. LEVCHAK: I do not. Thank you.

4 JUDGE WAHL: Ms. Bendish, any followup?

5 MS. BENDISH: No.

6 JUDGE WAHL: Thank you very much, Mr.

7 Schoch. Next, please. Anyone else who will

8 testify? Please state and spell your name for the

9 record.

10 MR. ERIC EHLIS: My name is Eric Ehlis.

11 My last name is spelled E-h-l-i-s.

12 JUDGE WAHL: Mr. Ehlis, what is your post

13 office and residence address?

14 MR. ERIC EHLIS: My residence address is

15 930 12th Avenue East, Dickinson.

16 JUDGE WAHL: Mr. Ehlis, as you heard me

17 advise previous witnesses, your testimony is

18 required to be under oath, and I'm required by law

19 to advise you regarding perjury before

20 administering the oath. Perjury is a false

21 statement of material fact which you do not believe

22 to be true, in other words, generally speaking, a

23 lie. In North Dakota perjury is a Class C felony

24 punishable by a fine up to \$5,000, imprisonment for

25 a period of up to 5 years, or both.

1 (Witness sworn.)

2 JUDGE WAHL: All right. You may proceed.

3 **ERIC EHLIS,**

4 having been first duly sworn, was examined and
5 testified as follows:

6 **STATEMENT**

7 **BY MR. ERIC EHLIS:**

8 MR. ERIC EHLIS: I guess I'm in somewhat
9 of a unique situation here. I do have -- I am a
10 property owner that is listed on this map here in
11 Section 7, the same one that was listed as the last
12 exhibit, and I really don't have any dispute over
13 the placement of that line in that section.

14 I think Basin has been relatively
15 reasonable in working with us in the placement of
16 the line on this particular section.

17 If I could have you turn to map one of
18 five, though, my family is the tenant of another
19 piece of property that we don't feel is being
20 treated reasonably in our estimation. It would be
21 map one of five, Section 17-137-98.

22 JUDGE WAHL: Is this Exhibit 13?

23 MS. BENDISH: Yes.

24 JUDGE WAHL: All right. Go ahead.

25 MR. ERIC EHLIS: The owners of the

1 property are the Harvey Burwick Revocable Trust,
2 and as I mentioned, we are the tenants of this
3 property. I don't know -- I don't feel that I'm in
4 a real good position to really defend the placement
5 of the poles because I'm not the owner of this
6 property, and for all intents and purposes I guess
7 the owner could sign the easement and be on his
8 way, and I guess, you know, we really have no say
9 in that, either.

10 But as the operator of this property I --
11 I dispute some of Basin's comments about how
12 they've really tried their best to avoid cropland,
13 and in this particular section this is one
14 contiguous section of farmland. There's 608 acres
15 of farmland on this section, and there's no natural
16 breaks or waterways or anything reasonable that
17 someone looking at it could try to place some
18 structures on it that wouldn't be an impediment to
19 farm equipment.

20 In our estimation, we would prefer to see
21 the line placed on the section line rather than
22 coming down the middle of the section at an angle,
23 which I'm not sure what that angle is, but it's
24 something less than 45 degrees at an angle.

25 I think there's probably farmers in this

1 audience that recognize the difficulty that that
2 presents to operators of farmland. Maybe some of
3 the people that are employed by Basin or some of
4 the Public Service Commissioners don't realize
5 that, but today with the type of equipment that we
6 operate, some of this equipment, say, for instance,
7 a sprayer is 130-foot width in booms, and we're
8 traveling down this field at 12, 13 miles an hour
9 with GPS equipment at a straight bearing trying to
10 operate this farmland as efficiently as we --
11 efficiently and cost-effectively as we possibly
12 can, and this particular section here is going to
13 have a minimum of five structures crossing it, and
14 when you're spraying this field with a 130-foot
15 sprayer and you come across one of these
16 impediments, it's going to force you to come off
17 your GPS track and you're going to have overlap
18 having to spray around these structures.

19 Another one of our major concerns is
20 liability that these present in the middle of the
21 field. We try to be as conscientious as possible
22 in how we operate our ground and how we treat our
23 equipment, and, of course, if there's a public
24 structure out there, I guess we don't want to
25 damage it, but we have some concerns about it being

1 there for 99 years or plus or at least for our
2 lifetime and running the risk of damaging it.

3 We've attempted to have this line moved a
4 couple of -- to negotiate, you know, having this
5 placement of this line across this section moved,
6 and we haven't had any success with Basin in
7 getting it moved. And I can understand their
8 position, too, because they're trying to get back
9 on the quarter line on the section south of it, but
10 I think that the Section 8 north of it coming down
11 a quarter line through the mile -- you know, a
12 quarter through the mile there, they're coming --
13 not through the middle of Section 8 and they're
14 using Section 17 as their adjustment point.

15 Once again, if 17 was native grass and we
16 were cattle operators, we wouldn't be opposed to it
17 as the operator of that section or if there was a
18 natural waterway that was there. I know there's
19 some fellow operators who are further south of us
20 where the line basically followed a creek. We
21 wouldn't be opposed to it, either, but the fact
22 that these structures will be placed right in the
23 middle of a contiguous farmland section, I guess we
24 have some serious concerns and reservations about
25 that for public safety and for our safety and for

1 liability.

2 And if you will, I'd just like to present
3 an analogy. To me it's -- I was visiting with my
4 brother about it here an hour ago, and he's like --
5 he made the analogy it would be like someone coming
6 into your background and putting five poles in your
7 lawn.

8 You've worked long and hard at getting
9 your yard beautiful and you water it and fertilize
10 it and manicure it, and one day you wake up and
11 against your will you've got five poles in your
12 lawn, and then for the rest of your life, as long
13 as you live in that home, you're going to mow
14 around these poles and have to weed-eat them, and
15 it's just -- I mean, we're in a rural area so the
16 visual eyesore isn't probably a relative comparison
17 to living in town and having poles in your
18 backyard, but it would just be a -- it would be a
19 gross inconvenience to us as operators of this
20 section to have those poles crossing this farmland
21 section rather than being on the section line.

22 JUDGE WAHL: Anything further, Mr. Ehlis?

23 MR. ERIC EHLIS: I don't have anything
24 further.

25 JUDGE WAHL: Questions, Ms. Levchak?

1 MS. LEVCHAK: I don't have any questions.

2 JUDGE WAHL: Ms. Bendish?

3 MS. BENDISH: I don't have any questions.

4 JUDGE WAHL: Questions by the Commission?

5 Commissioner Wefald.

6 **EXAMINATION**

7 **BY COMMISSIONER WEFALD:**

8 Q. First, a comment. I do have two
9 distribution line poles in my backyard, but they're
10 along the fence line.

11 A. There's a difference.

12 Q. I understand there's a difference than
13 marching across the middle. When I look at this
14 map and I see crops indicated by squares in some
15 situations, I look at the section that -- the area
16 that you're talking about, and it's hard for me to
17 identify that as cropland. Can you tell me what
18 crop is presently growing? You're the tenant
19 farmer.

20 A. There's durum wheat planted there right
21 now.

22 Q. Durum wheat is planted. Okay. Otherwise,
23 I would have thought that was natural grassland
24 from the way this picture --

25 A. It does kind of appear that way, yes.

1 Actually, the reason it appears that way is that
2 prior to us being the operator of it, it was in
3 CRP, and this map is -- maybe I'm wrong, but it's
4 probably dated.

5 MR. MARTHALLER: It's possible.

6 THE WITNESS: So it looks likes grass.

7 Q. (COMMISSIONER WEFALD CONTINUING) Okay.
8 So it could have been taken when CRP use was taking
9 place.

10 A. Right. Yeah. We experience that like
11 with FSA or NRCS, the maps are dated sometimes.
12 They don't update them every year.

13 Q. All right. Now, on your particular
14 concerns I'm taking them in general because, you're
15 right, in my mind as a tenant of the land versus
16 the landowner, I have to go by what the landowner
17 has decided they want to do with their land, and
18 so -- but I have heard your comments about -- and
19 this is not new. The Commission is well aware that
20 when you're driving across an active farm area, how
21 much more difficult it is for farmers. You don't
22 have to worry that I'm not a farmer. I can
23 appreciate that very, very well because we've heard
24 about this -- for 15 years I've been on the
25 Commission, and we've heard about this.

1 corner of Section 17 and make a right turn.

2 Q. Are there any farms or homes or other
3 structures that would make that difficult?

4 A. Well, there's one -- Marvin Lantz owns the
5 farm in Section 4 there. I don't know what the
6 particular distance would be away. I believe it
7 needs to be 500 feet, if I'm not mistaken, and if
8 that continued down on a southeasterly direction,
9 at least how it appears to me on the map, it would
10 be further than 500 feet away.

11 COMMISSIONER CRAMER: I have nothing
12 further. Thank you.

13 JUDGE WAHL: Anything further from the
14 Commissioners? Commissioner Clark.

15 COMMISSIONER CLARK: More an observation
16 of a question I'll probably have for Basin, but
17 this line does have more angles in it that are not
18 90 degrees as opposed to -- most transmission lines
19 that we've sited have often used 90-degree turns,
20 and I'm curious about -- I don't know if it's
21 something with the line construction of a single
22 pole or what it is, but I think your concern
23 probably highlights that --

24 MR. ERIC EHLIS: Right.

25 MR. CLARK: -- it makes it a little more

1 difficult when you use -- when you eliminate 90-
2 degree angles.

3 MR. ERIC EHLIS: That's the -- I guess in
4 the conversations that we had with them -- and I
5 can understand that, too. Basin has said that it's
6 cheaper for them to make a 45 or less of a turn
7 than a 90-degree, and going this route that I
8 proposed here, I guess you would be adding -- you'd
9 be adding two 90-degree turns and -- well, you'd be
10 trading two partial turns for two 90-degree turns
11 in Section 17. It wouldn't affect the turn angle
12 in Section 5, but in Section 17 you'd be adding a
13 90 in the southeast corner and adding a 90 in the
14 middle of the section before you headed south to
15 20.

16 JUDGE WAHL: Anything further from the
17 Commission? Ms. Levchak, followup?

18 MS. LEVCHAK: I have no questions.

19 JUDGE WAHL: Ms. Bendish, any followup?

20 MS. BENDISH: No.

21 JUDGE WAHL: Thank you very much, Mr.
22 Ehlis. Next, please. Anyone further who would
23 testify? Please state and spell your name for the
24 record.

25 MS. WILHELM: LaWanna Wilhelm, and that's

1 spelled L-a-W-a-n-n-a. Then Wilhelm is
2 W-i-l-h-e-l-m.

3 JUDGE WAHL: Ms. Wilhelm, please state
4 your post office and residence address for the
5 record.

6 MS. WILHELM: 6438 Highway 22 South, New
7 England, North Dakota, 58647.

8 JUDGE WAHL: Ms. Wilhelm, as you heard me
9 advise previous witnesses, your testimony is
10 required to be under oath, and I'm required by law
11 to advise you regarding perjury before
12 administering the oath. Perjury is a false
13 statement of material fact which you do not believe
14 to be true, in other words, generally speaking, a
15 lie. In North Dakota perjury is a Class C felony
16 punishable by a fine up to \$5,000, imprisonment for
17 a period of up to 5 years, or both.

18 (Witness sworn.)

19 JUDGE WAHL: You may proceed.

20 **LAWANNA WILHELM,**
21 having been first duly sworn, was examined and
22 testified as follows:

23 **STATEMENT**

24 **BY MS. WILHELM:**

25 MS. WILHELM: I am the key accounts

1 executive with Slope Electric, and I'd like to
2 share what prompted the need for this transmission
3 line.

4 Believe it or not, the load growth in
5 southwest North Dakota has increased the demand for
6 electricity beyond the transmission capacity. Who
7 would have ever thought that North Dakota would
8 have electrical capacity concerns or that they
9 would be short of power? But that's exactly what
10 we're facing today.

11 Slope Electric Cooperative's members have
12 requested power greater than what the transmission
13 system can provide. So to meet the increased
14 demand for electricity, transmission lines need to
15 be built large enough to get power to Slope
16 Electric's service area, Hettinger, Slope, Adams,
17 and Bowman Counties, by year-end 2009.

18 Slope Electric Cooperative requested the
19 additional transmission capacity to meet Slope's
20 members' needs within the necessary time frame from
21 Slope's power suppliers, Basin Electric Power
22 Cooperative, Western Area Power Administration, and
23 Upper Missouri G&T.

24 Basin Electric proposed the construction
25 of a 230 kV transmission line from Belfield to

1 Rhame. Not only will this transmission line
2 provide additional capacity, it will also greatly
3 improve the reliability of the transmission system
4 which in turn benefits all of Slope Electric's
5 members.

6 Thank you.

7 JUDGE WAHL: Ms. Levchak, questions?

8 MS. LEVCHAK: I have none.

9 JUDGE WAHL: Ms. Bendish, any questions?

10 MS. BENDISH: No.

11 JUDGE WAHL: Questions from the
12 Commissioners.

13 COMMISSIONER WEFALD: Thank you.

14 COMMISSIONER CRAMER: Thank you.

15 COMMISSIONER CLARK: Thank you.

16 JUDGE WAHL: Thank you very much, Ms.
17 Wilhelm.

18 MS. WILHELM: Thank you.

19 JUDGE WAHL: Anyone further wishing to
20 testify? Anyone else? Please state and spell your
21 name for the record.

22 MS. PERRY: Heidi Perry, H-e-i-d-i
23 P-e-r-r-y.

24 JUDGE WAHL: Ms. Perry, please state your
25 residence and post office address.

1 MS. PERRY: 5331 116th Avenue Southwest,
2 New England, North Dakota.

3 JUDGE WAHL: Ms. Perry, as you have heard
4 me advise previous witnesses, your testimony is
5 required to be under oath, and I'm required by law
6 to advise you regarding perjury before
7 administering the oath. Perjury is a false
8 statement of material fact which you do not believe
9 to be true, in other words, generally speaking, a
10 lie. In North Dakota perjury is a Class C felony
11 punishable by a fine up to \$5,000, imprisonment for
12 a period of up to 5 years, or both.

13 (Witness sworn.)

14 JUDGE WAHL: Please tell the Commissioners
15 what you think they should know about this proposed
16 transmission line.

17 **HEIDI PERRY,**
18 having been first duly sworn, was examined and
19 testified as follows:

20 **STATEMENT**

21 **BY MS. PERRY:**

22 MS. PERRY: I am not a landowner involved
23 with this, but I do have contact with people as I
24 work for the county, and my concern is that I've
25 had several calls from landowners. I understand

1 that -- I thought I'd come here and it would be a
2 not-in-my-backyard situation, and that's not at all
3 what we've heard here today.

4 Everybody is aware that it involves two
5 very important industries in North Dakota, the
6 energy and agriculture. I'm originally from the
7 southwest part of the state in that oil country.
8 LaWanna and several others have stated the power is
9 needed down there and they are having problems, and
10 we're all aware of that.

11 But I don't know that they've taken into
12 consideration the impact that this has had on some
13 of the farmers and will have on the farmers. I
14 don't think that the people, when they were spoke
15 to, from my impressions of conversations with them,
16 had very good information. I don't think any of
17 them knew to contact the Public Service Commission.
18 They didn't know what their rights were.

19 They had -- they had the impression that
20 it was a done deal and they were going to eminent
21 domain. I did try to direct some of them. I'm
22 surprised I don't think any of them were aware of
23 this meeting today, which I think is unfortunate,
24 because some of them were from out of state.

25 I also had -- listening to testimony

1 today, I had some concerns. They're going to build
2 fences. What if we build is fence that isn't
3 already there? Who's going to do the maintenance
4 on the ground? I think that there's some issues
5 that maybe haven't been completely explained to
6 everyone and how things are going to be handled.

7 Mr. Soreide had brought up the point with
8 the leases. NAS survey every year, those land
9 values goes up, and so -- the National Ag
10 Statistics -- I don't know that they're getting a
11 fair deal on that end.

12 I was very impressed today with the
13 cooperative attitude from the electric company, and
14 I don't know that they got out in the field.
15 That's my only concern.

16 JUDGE WAHL: Ms. Levchak, any questions?

17 MS. LEVCHAK: Just one question or
18 clarification.

19 **CROSS-EXAMINATION**

20 **BY MS. LEVCHAK:**

21 Q. Ms. Perry, you mentioned that you work for
22 the county. You're not suggesting that you're
23 appearance today is on behalf of a county
24 organization, are you?

25 A. No. I needed to clarify that. Thank you.

1 I had that written down, but I didn't do it. No.
2 I'm not here representing the county, but as an
3 individual.

4 MS. LEVCHAK: I have nothing further.

5 JUDGE WAHL: Ms. Bendish?

6 MS. BENDISH: I have nothing.

7 JUDGE WAHL: Questions from the
8 Commissioners? Commissioner Wefald.

9 **EXAMINATION**

10 **BY COMMISSIONER WEFALD:**

11 Q. You said that people contacted you. What
12 county office do you work in?

13 A. I am the director of tax equalization.
14 They're concerned what this will do with the values
15 of the land. Currently in Slope County it will not
16 affect the value of their land unless it's a huge
17 encumbrance, and yet from the farm side of it I
18 know that it is an encumbrance because of the size
19 of the machinery. Some of the other counties do
20 take that out, but they were -- Mr. Soreide was
21 right, he will be paying taxes -- well, he's in
22 Bowman County, but they will be paying the same
23 taxes as they were before, and yet I know that the
24 value of that land, should they try to sell it as
25 Ms. Meduna spoke about, is lessened.

1 Q. And do you work for Slope County, did you
2 say?

3 A. Yes, ma'am.

4 Q. Yes. And were you aware that the
5 Commission is the agency that oversees siting?

6 A. Not initially. I did some research and
7 kind of -- it was my thought perhaps the Public
8 Service Commission, and I did refer people to
9 nd.gov and to look up under agency and --

10 Q. In the future we hope that you will refer
11 people to the Public Service Commission, and not
12 only do we do siting of the transmission lines but
13 also of oil pipelines, as well. All right?

14 A. I get some of those calls, too.

15 Q. And also wind farms, those kinds of
16 things, power plants. Just so that you know who to
17 refer them to in the future.

18 A. Okay. Thank you.

19 Q. And as far as your general concerns about
20 people knowing about this, if they live out of
21 state, I can imagine that it might be harder, but
22 we do publish a notice, you know, in the newspapers
23 as we're required to by state law.

24 A. Right.

25 COMMISSIONER WEFALD: And then, of course,

1 newspapers have also carried news articles about
2 this project. So we're always very sorry when we
3 hear that people aren't as aware as they could be.
4 We try to do our best and put information on our
5 website, as well.

6 JUDGE WAHL: Any further questions from
7 the Commission?

8 COMMISSIONER CLARK: No. But thank you.

9 COMMISSIONER CRAMER: Thank you.

10 JUDGE WAHL: Followup, Ms. Levchak?

11 MS. LEVCHAK: I have nothing further.

12 JUDGE WAHL: Followup, Ms. Bendish?

13 MS. BENDISH: No.

14 JUDGE WAHL: Thank you very much, Ms.

15 Perry. Any further testimony from any member of
16 the public? Please state and spell your name for
17 the record, sir.

18 MR. JOHN EHLIS: John Ehlis, spelled
19 J-o-h-n E-h-l-i-s.

20 JUDGE WAHL: Mr. Ehlis, please state your
21 residence and post office address.

22 MR. JOHN EHLIS: 12406 55th Street
23 Southwest, New England.

24 JUDGE WAHL: Mr. Ehlis, as you have heard
25 ad nauseam here today, your testimony is required

1 to be under oath, and I'm required by law to advise
2 you regarding perjury before administering the
3 oath. Perjury is a false statement of material
4 fact which you do not believe to be true, in other
5 words, generally speaking, a lie. In North Dakota
6 perjury is a Class C felony punishable by a fine up
7 to \$5,000, imprisonment for a period of up to 5
8 years, or both.

9 (Witness sworn.)

10 JUDGE WAHL: You may proceed.

11 **JOHN EHLIS,**

12 having been first duly sworn, was examined and
13 testified as follows:

14 **STATEMENT**

15 **BY MR. JOHN EHLIS:**

16 MR. JOHN EHLIS: Okay. This is more for
17 just an awareness for the Commissioners. The
18 Commissioners need to be aware of the proposed
19 height of the transmission lines and the safety
20 concerns that are entailed. As stated today, the
21 minimum height of the lines between the poles will
22 be 26 feet under an operating temp of approximately
23 212 degrees Fahrenheit, and please don't quote me
24 on the temperature. I'm not 100 percent sure of
25 that. Over the roads this height will be raised to

1 a minimum of 28 feet.

2 Currently the farm machinery that we
3 operate has an operating height of approximately 20
4 feet. The Commissioners need to be aware that
5 potentially grounded farm machinery will be
6 operating within a distance of six feet to a 230
7 kilovolt powerline. At this distance farmers are
8 dangerously close to life-threatening electric
9 fields which could potentially arc and cause damage
10 to equipment and death to operators.

11 This machinery continues to be built
12 larger every year, and this hazard will only become
13 more serious over time. Furthermore, any damage to
14 the transmission lines resulting from this arcing,
15 collisions, or combination of the two becomes the
16 farmer's liability.

17 And it's more for an awareness. You know,
18 we need to know that down the road if it is a
19 problem, we can raise some of these lines and spots
20 over roadways -- this is a 99-year lease -- as
21 things go forward so that we can raise them and fix
22 the problem as we go along.

23 JUDGE WAHL: Does that conclude your
24 testimony, Mr. Ehlis?

25 MR. JOHN EHLIS: That concludes it.

1 JUDGE WAHL: Questions, Ms. Levchak?

2 MS. LEVCHAK: I have none. Thank you.

3 JUDGE WAHL: Ms. Bendish?

4 MS. BENDISH: None.

5 JUDGE WAHL: Questions from the
6 Commissioners? Commissioner Wefald.

7 **EXAMINATION**

8 **BY COMMISSIONER WEFALD:**

9 Q. What would be your suggested minimum
10 distance from the ground for a pole like this? You
11 said that right now, you know, it's 26 -- it can
12 sag as low as 26 feet and that farm machinery these
13 days can be up to 20 feet tall. Give us an example
14 of a piece of equipment.

15 A. Well an air seeder, when winged up in
16 transport, is going to be -- I know they're 20
17 feet -- ours is 20 feet high. A combine -- and
18 that's on the road, granted.

19 Q. On the road.

20 A. But a combine with an unloading auger
21 extended will also be near that height. Grain
22 carts, which follow the combine around, their
23 unloading augers are going to be within that
24 distance, also. So it's there. They're working in
25 the field around these, and they're going to be

1 right underneath these lines.

2 Q. I agree I would be concerned, too, if I
3 was within six feet of a 230 kV line.

4 A. Exactly.

5 Q. So that's why I'm asking you -- I'm -- I
6 don't know how easy it's going to be to move these
7 up once they're put in place. So if the Commission
8 is concerned about this, I'm just wondering, you
9 know, would another four feet make you feel more
10 comfortable or --

11 A. I guess I'm not an expert at how far that
12 electric field can arc, how -- you know, what the
13 distance requirement is, and I think I had heard
14 earlier today someone mentioned four feet -- when
15 you get within four feet of it, it's dangerous.
16 Well, we're only two feet away from that right now.

17 Q. And then my other question relates to --
18 and I'll ask Basin about this later -- but it's
19 your understanding that if you have a piece of
20 equipment underneath that, farm equipment, and
21 there's an arcing that damages the -- something,
22 the lines, that's your responsibility?

23 A. I'm under that impression right now.

24 Q. And why are you under that impression?

25 A. Well, I know if we run into the poles,

1 it's our liability, and so it's my understanding --
2 and perhaps I'm wrong -- but it's my understanding
3 that we would also be liable for any damage.

4 Q. Have you needed to sign an easement
5 agreement?

6 A. We have not signed an easement agreement
7 yet.

8 Q. Is there anything in the easement
9 agreement about liability if there would be arcing
10 from your equipment?

11 A. No, there isn't. No, there isn't.

12 Q. You haven't seen anything like that?

13 A. Not that I've seen.

14 Q. Well, maybe you'll look very carefully
15 with your attorney.

16 A. Not that carefully.

17 Q. But maybe you want to consult your
18 attorney regarding that point in your easement
19 agreement and just take a very close look at what
20 it might say. All right?

21 A. Okay.

22 Q. In the meantime, we'll ask Basin about
23 that, as well.

24 A. Okay.

25 COMMISSIONER WEFALD: Thank you.

1 JUDGE WAHL: Commissioner Clark.

2 COMMISSIONER CLARK: I do have a question.

3 **EXAMINATION**

4 **BY COMMISSIONER CLARK:**

5 Q. Currently do you operate near any lines,
6 either telephone, powerlines, things like that,
7 that are of this nature or --

8 A. It's -- we have to be careful. We watch
9 out for that, and if there is an issue, we contact
10 our electric company, and they've been -- they will
11 raise them if it is an issue.

12 Q. Primarily distribution lines, though,
13 lower voltage lines than the 230?

14 A. Right, exactly. Nothing -- no 230
15 kilovolt lines.

16 Q. Right. What time of the year typically --
17 is it harvest time when you've got that equipment
18 in the field?

19 A. Well, springtime with the air seeders and
20 harvest time. Potentially any time during the
21 summer months.

22 Q. But primarily with the real tall equipment
23 it can be any time in the summer really that you're
24 out there?

25 A. April, May, June, July, August, September,

1 October. Any time in that window.

2 COMMISSIONER CLARK: Thanks.

3 JUDGE WAHL: Any further questions from
4 the Commission? Any followup, Ms. Levchak?

5 MS. LEVCHAK: I have none.

6 JUDGE WAHL: Followup, Ms. Bendish?

7 MS. BENDISH: No.

8 JUDGE WAHL: Thank you very much, Mr.

9 Ehlis. Anyone else, please? Mr. Beaudoin.

10 MR. BEAUDOIN: Yes.

11 JUDGE WAHL: Please state and spell your
12 name for the record.

13 MR. BEAUDOIN: Dennis Beaudoin,

14 D-e-n-n-i-s, Beaudoin, B-e-a-u-d-o-i-n.

15 JUDGE WAHL: Please state your residence
16 and post office address.

17 MR. BEAUDOIN: Post office address is

18 11435 Highway 10 West, Dickinson, North Dakota.

19 JUDGE WAHL: Mr. Beaudoin, as you're
20 aware, your testimony is required to be under oath,
21 and I'm required by law to advise you regarding
22 perjury before administering the oath. Perjury is
23 a false statement of material fact which you do not
24 believe to be true, in other words, generally
25 speaking, a lie. In North Dakota perjury is a

1 Class C felony punishable by a fine up to \$5,000,
2 imprisonment for a period of up to 5 years, or
3 both.

4 (Witness sworn.)

5 JUDGE WAHL: You may proceed.

6 **DENNIS BEAUDOIN,**

7 having been first duly sworn, was examined and
8 testified as follows:

9 **STATEMENT**

10 **BY MR. BEAUDOIN:**

11 MR. BEAUDOIN: Okay. Just to reiterate,
12 Lydia Meduna is my sister-in-law. I guess how I
13 got involved was my wife -- me and my wife
14 basically took care of the trust, and previously --
15 she passed away in March, so I'm basically helping
16 Ms. Meduna out. We're transferring this over to
17 her and have her take the power.

18 But I guess a few things that we did miss
19 on it was that the line they projected to us was --
20 one excuse was that the property owners in the
21 vicinity -- that they could not change the line
22 because of the property owners' proximity to this
23 line. Well, looking at the map, itself, the
24 property owners on the far end where we want to
25 make a change are within a quarter-mile away from

1 the proposed line. So it's beyond the 500 feet.

2 So I can't see any, you know, difference
3 that would make in the line. If I could point it
4 out to you, I've got the farmstead, but we wanted
5 to change the line basically from here to here, and
6 the closest farmstead is right here, a quarter-mile
7 away. So we wanted to take it from here down to
8 this point, and part of this is agriculture right
9 now and part of this is pastureland. So we feel
10 that it would be undisturbed on that route.

11 And we had talked to farmers in the area,
12 and the machinery nowadays that they do use, you
13 know, going at this angle would be very
14 uncomfortable for them to farm, and they would lose
15 a lot of acreage just going around these pole
16 lines, and to begin with, they proposed a double
17 line that was a thousand feet apart, and now with
18 this new, single-pole system they said it would
19 increase the number of poles.

20 So we say, well, okay, if we've got to go
21 this way, how about some extra compensation for
22 going diagonal like you planned, and they said --
23 it basically went in one ear and out the other, and
24 they never did come back with a request or an
25 addition to our deal. They did come back with what

1 I think amounted to about \$20 more additional to
2 purchase. And then so basically I feel that they
3 were very uncooperative with the negotiations part.

4 Like I say, I can't see a reason why not
5 to change it, but they gave us a price to make that
6 first change there, like \$50,000 to put another
7 pole in, but I'm no engineer. So basically that's
8 what I wanted to comment on.

9 JUDGE WAHL: All right. Questions, Ms.
10 Levchak?

11 MS. LEVCHAK: I have none. Thank you.

12 JUDGE WAHL: Any questions, Ms. Bendish?

13 MS. BENDISH: No.

14 JUDGE WAHL: Questions by the Commission?
15 Commissioner Wefald.

16 **EXAMINATION**

17 **BY COMMISSIONER WEFALD:**

18 Q. Are there two landowners to the south of
19 you that have the diagonal also going across the
20 land or one landowner?

21 A. Just that one landowner involved.

22 Q. And that one landowner -- have they
23 already signed the easement?

24 A. Yes. And basically when we requested this
25 for us, they basically said that we can't change it

1 because I'm assuming that they already signed.

2 COMMISSIONER WEFALD: Well, okay. Thank
3 you.

4 JUDGE WAHL: Any further questions from
5 the Commission?

6 COMMISSIONER CRAMER: No, thank you.

7 JUDGE WAHL: Followup, Ms. Levchak?

8 MS. LEVCHAK: I have none.

9 JUDGE WAHL: Followup, Ms. Bendish?

10 MS. BENDISH: None.

11 JUDGE WAHL: Thank you very much, Mr.
12 Beaudoin.

13 MR. BEAUDOIN: Thank you.

14 JUDGE WAHL: Any further testimony by any
15 member of the public? Please state and spell your
16 name for the record.

17 MR. GARDNER: Daniel Gardner, D-a-n-i-e-l
18 G-a-r-d-n-e-r. Post Office Box 312, New England,
19 North Dakota.

20 JUDGE WAHL: Mr. Gardner, as you have
21 heard me advise previous witnesses, your testimony
22 is required to be under oath, and I'm required by
23 law to advise you regarding perjury before
24 administering the oath. Perjury is a false
25 statement of material fact which you do not believe

1 to be true, in other words, generally speaking, a
2 lie. In North Dakota perjury is a Class C felony
3 punishable by a fine up to \$5,000, imprisonment for
4 a period of up to 5 years, or both.

5 (Witness sworn.)

6 JUDGE WAHL: You may proceed.

7 **DANIEL GARDNER,**

8 having been first duly sworn, was examined and
9 testified as follows:

10 **STATEMENT**

11 **BY MR. GARDNER:**

12 MR. GARDNER: Thanks to the Commission for
13 coming to New England. I appreciate it. I have
14 about four points. One is on map two of five.
15 Okay. I object to the fact that the routing goes
16 three miles to the west -- I mean, to the east and
17 then comes back three miles. That's six miles.
18 That to me would be a waste of money. I don't see
19 why they could not just as easily go through the
20 national grassland.

21 I think my opinion is maybe Basin decided
22 it's easier to run over a bunch of farmers than it
23 would be to go through the government property.

24 However, if you went through the
25 government property, it would affect a lot fewer

1 people. You would have run into a lot less
2 farmland, and you would avoid some significant
3 landmarks.

4 Number one, you have -- if you go down a
5 little bit farther, the powerline goes south, it
6 crosses the highway, and -- let's see -- right --
7 where's the highway? Keep going.

8 MR. MARTHALLER: Oh, one mile. Sorry.

9 MR. GARDNER: All right. And then it
10 heads west, and between the highway -- and it goes
11 between and West Rainy Butte. The West Rainy and
12 East Rainy Buttes are pretty culturally significant
13 and historically significant landmarks in the area,
14 and on that highway you would have a powerline
15 obstructing the view.

16 Part of their proposed routing said that
17 they tried to avoid this. They tried to avoid
18 things where you have scenic looks and things like
19 that. That would be terrible. I mean, a lot of
20 times you'll find people parking their cars on the
21 highway to take a picture of this. So that one
22 doesn't make sense.

23 Also, on Rainy Butte they propose a
24 microwave tower. Already there are three or four
25 towers on Rainy Butte, and they said they have done

1 an archeological survey to determine the
2 significance, but I question -- and I've done a
3 little calling around to find out how much real
4 research has been done on that site, especially the
5 East Rainy Butte. It's been occupied off and on
6 for 9,000 years.

7 I don't know if any thorough examination's
8 ever been done in the area, and if they're going to
9 continue to put improvements on top -- or, you
10 know, towers, I think it's in the interest of North
11 Dakota to investigate what we are doing. It's a --
12 I just don't think that -- they may have looked at
13 that little piece of land they're going to work
14 with and the road, but have they -- down the sides
15 have they found Folsom points? There's all kinds
16 of material around the edges of it.

17 I just think that not enough has been
18 done, and maybe with Basin going there, maybe they
19 could fund a bigger study to see exactly what we're
20 messing up.

21 And my family also has a problem with the
22 leasing problem with the way they are approaching
23 it. We also feel there's a railroad aspect of it.
24 I called a couple farmers today that were not aware
25 of the meeting that are in the area. They were

1 contacted individually and was just -- I didn't
2 know about the meeting myself until I saw it just
3 in town here.

4 I think -- I don't see any rush with any
5 pre-approving right-of-ways until there's more --
6 you know, if there's that poor of communication
7 going on with Basin.

8 And I think that's about it. Thank you.

9 JUDGE WAHL: Just a minute, Mr. Gardner,
10 please. Questions, Ms. Levchak?

11 MS. LEVCHAK: I don't have any. Thank
12 you.

13 JUDGE WAHL: Ms. Bendish?

14 MS. BENDISH: None.

15 JUDGE WAHL: Questions from the
16 Commissioners?

17 COMMISSIONER WEFALD: Yes, I have a few.

18 JUDGE WAHL: Commissioner Wefald.

19 **EXAMINATION**

20 **BY COMMISSIONER WEFALD:**

21 Q. On Rainy Butte it's my understanding that
22 the State Historic Preservation Office, SHPO, are
23 the people who are responsible in North Dakota for
24 protecting cultural sites, and that's required by
25 anyone who puts up a project like this that they go

1 through the SHPO process, which is, one, to do an
2 inventory of -- there are two different parts of
3 that. One is to do a study of what projects
4 already -- what projects, meaning what studies have
5 already been done of that area -- what areas have
6 been studied, for example, that Butte, Rainy Butte;
7 and then second for the area that's going to be
8 impacted they have to do a Class III, which means
9 they have to walk the site, not the SHPO people,
10 but a cultural resource organization that's hired
11 by Basin to do that. Then they turn in their
12 findings to SHPO.

13 A. Right. That's a big problem the way North
14 Dakota does archeology. If there's a road or a
15 dam, then they go out and they look. But there
16 isn't a bigger picture about what's beyond that.
17 And so on this site, maybe up on the top it might
18 be clean, you know, but I think for that site --
19 for those buttes to be there, when you come over
20 the hill and you see them, it's very significant to
21 this area, that big landmark, and for at least
22 9,000 years people have been going there.

23 So I just think that there should be --
24 and there's never been a big -- I mean a more
25 formal study done of that area to determine --

1 other than that small area, but I think there's two
2 probably school studies that were done, but nothing
3 significant, but you can walk up and down the
4 valleys and see teepee rings, there's Folsom
5 points. It is -- I'm not saying they're going to
6 damage it any more or that this shouldn't go
7 through, but I think North Dakota should take
8 another look at it and do -- this might be a good
9 reason to do a further study of that area. A good
10 excuse to do it. It should be done.

11 Q. Thank you. And then what were the two --
12 you pointed to two -- is it buttes that you said
13 are right off the highway between -- off of the
14 highway in between the transmission line and the
15 highway?

16 A. Yeah.

17 Q. They're marked on the map there, but I
18 can't read what they're called.

19 A. Okay. Well, here you have West Rainy
20 Butte, and then your powerline would go -- up here
21 is Highway 21. Here's where you take a picture,
22 and you're going to have a powerline right between
23 there and the butte.

24 Q. And what is the butte that you're talking
25 about?

1 A. This is West Rainy Butte. When you're
2 coming down from Dickinson, you see the two big
3 buttes. It's the one off on the right side.

4 Q. Thank you.

5 A. And for routing that's -- it would be a
6 terrible eyesore. Plus I really don't -- again, I
7 don't see the point of -- if this project is that
8 needed to where they'd make it down to where they'd
9 be able to go to court and get condemnation of
10 private land, if it's that necessary, then it
11 should be eligible to go through some of the
12 national grassland that doesn't look nearly as good
13 as West Rainy Butte. Some of that national
14 grassland, if you drove out there, you couldn't
15 tell that from a farm pasture. It's almost like
16 going with the intent of the law and the spirit of
17 the law.

18 The intent of the national grassland is to
19 preserve a beautiful site or something that needs
20 to be preserved, and here that -- some of that area
21 that you're bypassing isn't any different than the
22 rest of the county. It's just pasture and
23 farmland, and there are already existing oil wells,
24 there are roads, there's powerlines going through
25 there already. Why not save a bunch of money --

1 and that's the duty of the Commission, would be to
2 get an efficient line and go through that grassland
3 and save everybody a lot of heartache and money
4 going around it.

5 Q. I think you're aware that that's
6 considered an avoidance area under Commission
7 rules, and so --

8 A. Well, if the project is that necessary,
9 then they should be able to go through it if it's
10 not -- you know, if you can condemn private land
11 over here that's just the same as this land over
12 here, you should have just -- just as much right to
13 go through the grassland, because -- and if it
14 isn't that necessary where you can't go through
15 there, well, heck, you shouldn't have to condemn
16 land over here, either. I mean, if it's that
17 necessary, go through the grassland. Not all of
18 it. Some of it we don't want to go through, but
19 that six miles that you're going to go out and
20 around, that's stupid. Just make a straight line
21 through there.

22 Q. Do you have land that's involved in this
23 area?

24 A. My family has two quarters, and we're
25 not -- I'm not necessarily opposed to the powerline

1 going by our land. It's more -- just looking at
2 that map, it's just making sense -- if I'm a Public
3 Service Commissioner and I'm looking at spending a
4 bunch of money to make that big U-turn, whereas it
5 would save Basin money, it would save -- for just,
6 you know, the initial building and also
7 maintenance, you'd have a straight line, and you
8 would save a bunch of farmers the headache of
9 having powerlines go through their land. Here you
10 have grassland, and it just -- and it's not that
11 much different than regular pastureland anyplace
12 else.

13 Q. Is your land part of the land that's to
14 the east of the national grassland?

15 A. My land is -- one quarter -- or my
16 cousin's land is -- see, one would be to the left
17 of this current map and one to be to the north.

18 Q. But it isn't your land. It's your
19 cousin's?

20 A. It is my cousin's. Right.

21 COMMISSIONER WEFALD: All right. Thank
22 you. Appreciate that.

23 JUDGE WAHL: Just a minute, Mr. Gardner.
24 I'm sorry. I don't want to hold you up here. Any
25 further questions from the Commission?

1 COMMISSIONER CLARK: No.

2 JUDGE WAHL: Followup, Ms. Levchak?

3 MS. LEVCHAK: I don't have any questions.

4 JUDGE WAHL: Follow-up, Ms. --

5 MS. BENDISH: Bendish.

6 JUDGE WAHL: -- Bendish.

7 MS. BENDISH: No. It's been a long day.

8 JUDGE WAHL: Thank you very much, Mr.
9 Gardner. Anyone else who would testify, please?
10 Please state and spell your name for the record,
11 sir.

12 MR. NIELSEN: Okay. My name is Stuart
13 Nielsen, S-t-u-a-r-t N-i-e-l-s-e-n.

14 JUDGE WAHL: Mr. Nielsen, please state
15 your residence and post office address for the
16 record.

17 MR. NIELSEN: It's 6102 125th Avenue
18 Southwest, New England, North Dakota.

19 JUDGE WAHL: Mr. Nielsen, as you have
20 heard me advise previous witnesses, your testimony
21 is required to be under oath, and I'm required by
22 law to advise you regarding perjury before
23 administering the oath. Perjury is a false
24 statement of material fact which you do not believe
25 to be true, in other words, generally speaking, a

1 lie. In North Dakota perjury is a Class C felony
2 punishable by a fine up to \$5,000, imprisonment for
3 a period of up to 5 years, or both.

4 (Witness sworn.)

5 JUDGE WAHL: You may proceed, Mr. Nielsen.

6 **STUART NIELSEN,**

7 having been first duly sworn, was examined and
8 testified as follows:

9 **STATEMENT**

10 **BY MR. NIELSEN:**

11 MR. NIELSEN: Okay. I'm a landowner and
12 operator in the area that's shown on the map right
13 there, and last summer around this time Basin came
14 and asked me for permission to survey across my
15 land, and at the time I told them, no, because I'd
16 like you to go to the Public Service Commission and
17 ask for a variance to go across the designated
18 national grasslands area. And I think that has to
19 be brought out, that it's a designated national
20 grasslands area. Not everything in there is
21 national grasslands.

22 In fact, the area that would -- if they
23 ran that line straight, the area that it would go
24 through, the vast majority of that land in that
25 designated national grasslands area is actually

1 private land, and so it's very feasible that they
2 could go across that area with their powerline
3 without impacting hardly any actual national
4 grasslands or U.S. Forest Service land at all.

5 I would like to see it go across that,
6 too, because I look at the economic impact to our
7 area and what this line would do, and if they ran
8 that line straight and they went through that area,
9 they could put that line across almost -- well, the
10 vast majority of it across grazing land, and
11 there's very little economic impact if those poles
12 and that line is out there on grazing land versus
13 farmland.

14 And I'm not asking for this because that
15 it's going across land I -- that I operate right
16 now and I want to see it off my land, because if it
17 did go through that area, I've got grazing and
18 farmland in that national grasslands area, and most
19 likely it probably would go across that land, but I
20 would rather see it there because the economic
21 impact would be much less. The cost to Basin
22 Electric -- and you've got to look at who is -- you
23 know, where does the money come from for Basin
24 Electric? It's the patrons. It's all of us who
25 pay for that power.

1 It's our money they're spending, and I
2 would rather see them spend less money than a whole
3 bunch of money to go jog clear around that -- that
4 designated grassland when they could easily go
5 through it and save millions of dollars.

6 But, you know, they -- you know, I don't
7 think they ever came to the Public Service
8 Commission and asked for a variance. I would love
9 to have seen them do it. I still think they should
10 do it.

11 I'd really like the Public Service
12 Commission to look at it. I would really like to
13 see you say to Basin, let's go across here, it's
14 going to save everyone a lot of money. Let's do
15 this. If -- you know, if you're not willing to --
16 with where they went I had opposition to how it ran
17 for a number of reasons, and one of them is where
18 the line runs, it runs right across in front of a
19 farmstead that I used to live at until a few years
20 ago.

21 In 2002 the -- we had moved to the main
22 place. In 2002 I lost the house on the place, but
23 I do want to rebuild there sometime. It's a
24 beautiful farmstead. I'm hoping that -- you know,
25 to have somebody live there, possibly one of my

1 sons someday, and I've asked them to route it
2 completely different.

3 I've offered them several different routes
4 that would be way less of an eyesore, would save
5 over three-quarters of a mile of transmission line.
6 Every landowner that it would impact is for the
7 change, and it would eliminate a lot of that
8 eyesore that Dan Gardner had just talked about
9 because it wouldn't come across the highway there
10 and jog clear over. It would angle across and
11 there would be a lot less of those angle points
12 that they've got in there right now.

13 It would -- it just makes a lot more sense
14 to me. It would save a lot of money, and I'm told
15 that they won't consider it. Even though it makes
16 so much sense, they won't consider it. And Mr.
17 Marthaller told me that it was because he felt it
18 was in the best interests of the patrons of Slope
19 Electric. Well, I'm a patron of Slope Electric. I
20 pay over -- my average electric bill is over \$650 a
21 month. I think I'm -- I patronize Slope Electric a
22 lot, and it impacts me a bunch, and he says it's
23 for their best interests. Well, it's not.

24 There's -- you know, they have been
25 totally unwilling to work with me at all. They --

1 I've dealt mostly with Mr. Marthaller, but -- he's
2 always willing to listen to me, but he's not
3 willing to do anything for me.

4 So what he's -- you know, it's like two
5 different sides. It's like, you know, let's get
6 out the facts. He's not willing to work with me at
7 all. So -- and I don't know why. I think that
8 something needs to be done because they've made it
9 very definite that money is no object to them, but
10 like I said, it's not their money. It's us as
11 patrons -- it's our money they're spending. So
12 they don't care, you know, if they saved some
13 money.

14 I would -- they need to look at the
15 alternative routes that are out there, what it can
16 do for the -- for the people in the area. They've
17 never -- a lot of the landowners they didn't even
18 talk to until after they decided exactly how they
19 were going to run this.

20 You know, they had -- I was asking Mr.
21 Marthaller if they, you know, couldn't put the
22 lines right on the -- or the power poles right on
23 the fence lines if they'd put them out at least
24 more than 150 feet from the field edge or the, you
25 know, fence line so that I could farm around them

1 versus having to leave great big triangles to go
2 around their poles, and he said, well, he couldn't
3 move them because the adjacent landowners wanted
4 them more where he was running, and I talked to Dan
5 Gardner and talked to his cousin. They never --
6 they never called him. They'd never talked to
7 them. Until I talked to them, they didn't even
8 know that line was running there, and yet they were
9 telling me that they couldn't run that line
10 different because the adjacent landowners wanted it
11 at that particular route.

12 So I -- this line right here -- right at
13 this point, this is on a hill, one of the highest
14 hills in the entire area except for the Rainy
15 Buttes. It's going to be a huge eyesore for that
16 line to be there. They could -- and you'll see --
17 you can see that hill from New England. So you can
18 see it from a long ways away. That's -- that's --
19 it's -- I don't remember how many miles out it is.
20 Yeah, it's eight miles -- it's eight miles from New
21 England. You can see that hill from New England.
22 It's one of the highest hills in the whole area,
23 and they're running that line over it.

24 They could easily take that and run that
25 line -- they could run it over here down this --

1 down this quarter line and jog across and come
2 down. They could -- if -- you know, I've got a
3 hired man living on this farmstead here, and, you
4 know, if you can't get it far enough away, they
5 could come the way they are and angle across here
6 and then go across my pastureland and Howie's land
7 and go right across the highway and connect right
8 with this, eliminating all these jogs they've got
9 there, and it would save a lot of footage of line.

10 And I've asked them and asked them, and
11 they've just refused to listen to me, and I ask you
12 to listen to me.

13 JUDGE WAHL: Does that conclude your
14 testimony, Mr. Nielsen?

15 MR. NIELSEN: Yes.

16 JUDGE WAHL: Questions, Ms. Levchak.

17 MS. LEVCHAK: I don't have any questions.

18 JUDGE WAHL: Ms. Bendish?

19 MS. BENDISH: I don't have any questions.

20 JUDGE WAHL: Commissioners? Commissioner
21 Wefald.

22 **EXAMINATION**

23 **BY COMMISSIONER WEFALD:**

24 Q. Well, I sense you have a lot of
25 frustration with the project and with the Basin

1 people, and thank you for coming today to share
2 with the Commission what your concerns are. One
3 thing that I want you to understand is that if you
4 feel that there's ever -- you've been given any
5 false information by Basin or their representative
6 or you feel that you've been pressured in any way,
7 there is a provision in state law that says that if
8 a group of landowners feel that way -- and it isn't
9 a large group -- that you can take a complaint to
10 District Court against the company stating those
11 matters, and then District Court would consider
12 your complaint and make a determination, and if you
13 would like a particular cite of that section of
14 law, contact me later at the Public Service
15 Commission and I could tell you what that is. All
16 right?

17 A. Okay.

18 Q. So you should know that there are
19 protections for landowners built into the siting
20 act in order to help landowners get correct
21 information and not feel -- and not feel pressure.
22 All right. Then the second thing is that you
23 should also know that again if you have land
24 involved with issues, you should be consulting your
25 attorney, you know, for legal advice about that

1 issue.

2 A. But, see, the way they're running the line
3 right now, they're going across land I rent and not
4 land I own. So I --

5 Q. You won't be signing the easement?

6 A. Right. So I'm not signing any easements.

7 Q. I see.

8 A. And I'm -- but I'm -- you know, I -- but
9 I'm asking them to change things because of -- you
10 know, because of the way that they're running the
11 line, it is a complete eyesore, and if they ran it
12 different, it would -- it would make it a lot less
13 impact economically, visually, everything, and it
14 just makes so much more sense. And then it would
15 get that line away from my farmstead, and right now
16 they're running it right cross right in front of
17 the farmstead, and like I said, some day I want to
18 have somebody live there, and at the moment I
19 winter cattle there, and they're running this line
20 right across, right in front of it.

21 Q. And you do own the farmstead?

22 A. And I own the farmstead.

23 Q. It's just that it's within -- it's more
24 than 500 feet from the farmstead that you own.

25 A. Actually, they're running less than 500

1 feet.

2 Q. So have you had to sign a waiver for them?

3 A. No. And they're saying they don't need to
4 have that because I don't have a house there at the
5 moment.

6 Q. I see. You have a farmstead, but there's
7 no residence.

8 A. Right. I lost the house in a fire in
9 2002, and I haven't rebuilt yet. At some point I
10 plan on rebuilding. They're saying that doesn't
11 matter; there's not a house there now. We can run
12 it right across in front of it. We don't have to
13 stay 500 feet away, and I disagree with them. You
14 know, I -- I feel that they need to look at what
15 the needs and wishes are of the -- of the
16 landowners and operators in the area, and they're
17 not doing that.

18 Q. Just show us where that particular
19 farmstead is located.

20 A. It's on Section 6. It's right where
21 Mr. --

22 Q. That dot is. Okay.

23 A. Yep. And, you know, they could run that
24 line -- save all those jogs and run that line at an
25 angle across and save a little over three-quarters

1 of a mile of transmission line, and every -- all of
2 the landowners are in agreement with doing that,
3 and yet Basin has said they're not interested in
4 making the change.

5 JUDGE WAHL: Excuse me, Mr. Nielsen. I'm
6 not sure we're making a very good record here. Mr.
7 Marthaller, maybe you can help me. That's
8 between -- the residence that Mr. Nielsen has been
9 talking about is between angle points what? Have
10 we got two angle points there?

11 MR. MARTHALLER: 18 and 19.

12 JUDGE WAHL: All right. Very good. Of
13 Exhibit 13 and page what? Do we know? Is it two?

14 MS. BENDISH: Two.

15 MR. MARTHALLER: Two is correct.

16 JUDGE WAHL: All right. Very good. Thank
17 you. I'm sorry, Mr. Nielsen. I wanted that in the
18 record.

19 MR. NIELSEN: That's fine.

20 JUDGE WAHL: Any further questions from
21 the Commission? Commissioner Clark.

22 **EXAMINATION**

23 **BY COMMISSIONER CLARK:**

24 Q. Just so I understand your primary
25 recommendation, is it to just deal with this issue

1 on the -- what I'll call the southern end of the
2 Little Missouri grassland area in that Section 6
3 area, or is your primary recommendation really just
4 where the jog starts up in -- oh, on Section 29,
5 28, up in T137, Range 98 West -- to just cut
6 through the grasslands at that point?

7 A. Well, that's my primary recommendation, is
8 that -- that the Public Service Commission give
9 Basin a variance to go across that national
10 grasslands designated area because, like I said, if
11 you look at a map of U.S. Forest Service land
12 within that designated area, it's just a small
13 scattering of land. The vast majority of that land
14 is private land, yet a lot more of that land is
15 grazing land over there versus this jog over puts
16 it across almost all farmland. There's a lot more
17 of an economic impact there to us as producers
18 versus if they go straight, and if they went
19 straight, it would save so much more money.

20 Q. Looking at the land use map in that --
21 that area designated as the Little Missouri
22 national grasslands, it appears that on the far
23 eastern edge of that -- that does appear to be
24 mostly cropland; is that correct?

25 A. It's mostly private land.

1 Q. Okay. Now, if you go it looks like maybe
2 a section or two in, then it's primarily pasture;
3 is that right?

4 A. Yeah. So if they ran it straight, they
5 would go over a way higher percent of grazing land
6 versus farmland, and that's -- that's why that's my
7 primary request, is that you look at giving them a
8 variance to go across that designated area.

9 Q. Is there a section line road between
10 Section 1 and 2? It's on the screen right now. I
11 mean, there's a -- it's a section line, but is it a
12 road that extends all the way down, do we know?

13 A. Between one and two it's just a section
14 line.

15 Q. Okay. So there's no road. Is there
16 any as you go further west between 2 and 3?

17 A. No. That's just a section line, also.

18 COMMISSIONER CLARK: Okay.

19 JUDGE WAHL: Any further questions from
20 the Commission?

21 COMMISSIONER CRAMER: You know --

22 JUDGE WAHL: Commissioner Cramer.

23 COMMISSIONER CRAMER: A couple of things.

24

25

EXAMINATION

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BY COMMISSIONER CRAMER:

Q. First of all, Commissioner Wefald's point, the section of law for anybody in the state that deals with unfair tactics acquiring land, it's 49-22-16.1, and it is when there are five landowners that come together that believe they have been treated unfairly, they can bring this case to the courts. Anyway, so that's the area of the law.

With regard to the national grasslands, I do kind of want to explore it a little bit with you. And maybe for everybody's benefit, I'm just going to read that area of our rules that relate to avoidance areas because I understand your frustration, but I also understand why that might not be the first choice for the power company, but I'll just read it and then we can dialogue, if you'd like. It's very short.

First of all, this is an avoidance area we're talking about, that designated grasslands are defined as an avoidance area. The following geographical areas shall not be considered in the routing of a transmission facility unless the applicant shows -- the applicant shows that under

1 the circumstances there is no reasonable
2 alternative. In determining whether an avoidance
3 area should be designated for a facility, the
4 Commission may consider, among other things, the
5 proposed management of adverse impacts, the orderly
6 siting of facilities, system reliability and
7 integrity, the efficient use of resources, and
8 alternative routes. Economic considerations alone
9 shall not justify approval of these areas. A
10 buffer zone of a reasonable width to protect the
11 integrity of the area shall be included unless the
12 distance is specified in the criteria. Natural
13 screening may be considered in determining the
14 width of the buffer zone.

15 So you see that the criteria -- the burden
16 is against going on an avoidance area, and -- but
17 you make some pretty relevant points. I'm not
18 passing judgment one way or the other, except to
19 state that the economic considerations cannot be
20 the economic consideration.

21 A. And I understand that and I've read that,
22 but I guess when I look at it and I see the
23 percentage of private land to a national grassland
24 through that area, you know, I -- I don't see -- I
25 don't see the reason for such a large area being

1 designated as grasslands when such a small amount
2 of acreage is actually grassland, and it is -- it's
3 just pasture. It's land that at one point was --
4 was put in to a submarginal, you know, grass area,
5 and then at one -- you know, at a point was turned
6 over to the government in return for being able
7 to -- you know, to graze it, you know, but it's
8 not -- it's not -- that whole area is not the same
9 as when you get out into the Badlands. It's a
10 totally different area. It's just -- you know,
11 you've got a quarter here, a half section there of
12 what's, you know, called U.S. Forest Service land,
13 and, you know, it's just -- it's just pastureland.

14 Q. I think we all understand that, Mr.
15 Nielsen. The challenge is, of course, that we
16 don't designate it. Somebody else designates it
17 federal grasslands, and so we have to deal with it
18 in that context. But I'm not saying that all of
19 your points aren't relevant because when it comes
20 to -- when it comes to certain factors like
21 including costs but also just the orderly
22 development, I mean, there's something to be
23 considered. So -- but I appreciate your testimony
24 and your passion.

25 A. Well, and I appreciate you listening to

1 me.

2 JUDGE WAHL: Any further questions from
3 the Commissioners? Followup, Ms. Levchak?

4 MS. LEVCHAK: No.

5 JUDGE WAHL: Followup, Ms. Bendish?

6 MS. BENDISH: No.

7 JUDGE WAHL: Of course not. Madam
8 reporter, this can be off the record.

9 (Off the record.)

10 JUDGE WAHL: Mr. Nielsen, thank you very
11 much. Thank you very much, indeed. We need to --
12 we need to just -- to take a brief recess, in any
13 event. Let's be in recess for a bit. Let's be in
14 recess for -- let's say ten minutes, I think, for
15 the reporter, if for no one else. We'll be in
16 recess until five after four.

17 (Recess taken.)

18 JUDGE WAHL: Is there anyone else -- is
19 there anyone else who -- who would testify? Mr.
20 Gardner. Mr. Gardner, you understand, of course,
21 that your further testimony continues under oath
22 and subject to penalties of perjury.

23 MR. GARDNER: Yes, I do.

24 JUDGE WAHL: You may proceed.

25

1 it's submarginal land you couldn't give away, and
2 it's nothing -- nothing about it that -- you can
3 pick any county in North Dakota, and it would
4 just -- anyway, that's what I had to say.

5 Thank you.

6 JUDGE WAHL: I'm sorry, Mr. Gardner, you
7 don't get away quite that easy. Ms. Levchak, any
8 questions for Mr. Gardner?

9 MS. LEVCHAK: I have no questions.

10 JUDGE WAHL: Ms. Bendish?

11 MS. BENDISH: No.

12 JUDGE WAHL: Any further questions from
13 the Commission?

14 COMMISSIONER WEFALD: No. Thank you.

15 JUDGE WAHL: Now, Mr. Gardner, thank you
16 very much. Anyone -- is there anyone else who
17 would testify? Anyone else? Third and last call,
18 anyone else? All right. Ms. Levchak,
19 Commissioners, I -- I spoke with Ms. Levchak during
20 the recess. She thinks in the interest of time,
21 and I agree, that the question that she will recall
22 basically, I believe, witnesses essentially to
23 answer the Commission's questions. She's not
24 saying that she doesn't have any follow-up
25 questions of her own, but the question that both

1 Ms. Levchak and I really have is what questions do
2 the Commissioners have that Basin's witness should
3 answer rather than Ms. Levchak just going down the
4 list again?

5 COMMISSIONER WEFALD: Okay. I have a
6 question about the landowner in the north part --
7 what was her name? I'm sorry. Lydia.

8 MS. LEVCHAK: Ms. Meduna.

9 COMMISSIONER WEFALD: Meduna. Regarding
10 the Meduna property and any accommodation that can
11 be made on that property.

12 JUDGE WAHL: All right. Who, Ms. Levchak,
13 would you propose to respond to Mrs. Meduna's
14 concerns and issues?

15 COMMISSIONER CLARK: And I would just add
16 on because this is -- this is maybe related to that
17 but might require a different witness. A lot of
18 the -- or a number of the concerns that were raised
19 were on these sort of diagonal cuts across
20 properties. If someone could answer that question
21 that I had mentioned about the aversion to 90-
22 degree angles, as opposed to --

23 MS. LEVCHAK: Okay.

24 JUDGE WAHL: All right. Counsel, how will
25 you proceed?

1 MS. LEVCHAK: I think that may well
2 represent a combination of witnesses, but I think
3 what I would first start with is -- I'll start with
4 Mr. Murray about your questions with respect to --
5 Commissioner Wefald's question with Mrs. Meduna. I
6 think, Commissioner Clark, your question about the
7 structural design issue of the diagonal would be
8 best posed to Mr. Marthaller.

9 COMMISSIONER CLARK: Okay. And then
10 questions related to the decision to avoid the
11 national grasslands are best addressed to who?

12 MS. LEVCHAK: Mr. Solie.

13 COMMISSIONER CLARK: Okay.

14 JUDGE WAHL: All right. Mr. Murray, you
15 understand, of course, that your testimony
16 continues under oath and subject to penalty of
17 perjury?

18 MR. MURRAY: Yes, I do.

19 JUDGE WAHL: Ms. Levchak, are you going to
20 question or are you simply going to tender the
21 witness?

22 MS. LEVCHAK: I'm going to tender the
23 witness, Your Honor. My preference, if it works,
24 is for the Commission to ask their questions, and
25 if I need to, to do redirect after that.

1 JUDGE WAHL: All right. Questions then by
2 the Commissioners for Mr. Murray's response.
3 Commissioner Wefald.

4 COMMISSIONER WEFALD: Yes. If we can --
5 is that the section that's up on the --

6 MR. MARTHALLER: Yes, it is.

7 COMMISSIONER WEFALD: -- screen? All
8 right. And that was number one of five; is that
9 correct?

10 MR. MARTHALLER: Correct.

11 **MIKE MURRAY,**
12 having been previously duly sworn, was examined and
13 testified as follows:

14 **FURTHER EXAMINATION**
15 **BY COMMISSIONER WEFALD:**

16 Q. My question is: What problem would Basin
17 have with going south on the -- is it the --

18 MR. MARTHALLER: Quarter line.

19 Q. (COMMISSIONER WEFALD CONTINUING) --
20 quarter line and then making a turn at the quarter
21 line and heading east until you met the other --

22 A. Starting north as -- you know, that's a
23 straight line coming diagonal across there. We did
24 look at coming straight down the quarter line,
25 which would add another angle point which is

1 additional money, but we have done that up and down
2 this entire project to accommodate other
3 landowners, so that's not the end of the world
4 right there. The biggest concern is we met with
5 the landowner to the left over there in the
6 northwest quarter of five, and right now where that
7 line runs is up on top of a big, flat plateau. By
8 moving it over to this direction -- where that
9 landowner cannot see it. By moving it over to this
10 direction, it would be an -- it's a visual impact.
11 It would be in his view shed.

12 Q. What I wondered is when you have a
13 landowner -- one whose land it's going on and the
14 other who is not signing an easement but just has a
15 visual effect, generally I would think you'd take
16 the landowner's concern then who has to have
17 that -- the poles on their property, not the one
18 who doesn't have any poles on their property but
19 just as concerned about the view site.

20 A. Right.

21 Q. I'm just --

22 A. No, you're right. You're right. We
23 normally do. This was just a collection of the
24 cost of the additional angle and that combined in
25 which the decision was made that it was --

1 Q. Well, the additional angle means that if
2 you came south along that --

3 A. Towards the top of that drainage. South
4 along that quarter line to right about there.

5 Q. Yes. And then you made the angle.

6 MR. LEIN: Well, would you even angle?

7 Q. (COMMISSIONER WEFALD CONTINUING) Well,
8 you may just go straight west -- you could go
9 straight east there.

10 MR. LEIN: Stay on the section line.

11 Q. (COMMISSIONER WEFALD CONTINUING) So that
12 you wouldn't have to renegotiate the easement on
13 the property below.

14 A. With a 90.

15 Q. Yep, with a 90.

16 MR. LEIN: It would be two 90s.

17 THE WITNESS: Yeah. It would be two 90s,
18 be a 90 and a 90.

19 COMMISSIONER WEFALD: All right. Thank
20 you.

21 COMMISSIONER CLARK: If I can ask --

22 JUDGE WAHL: Commissioner Clark.

23 **EXAMINATION**

24 **BY COMMISSIONER CLARK:**

25 Q. Any consideration to just dropping it all

1 the way down through Section 5 and then going over?

2 A. All the way down through Section 5?

3 Q. Sure. To the section line.

4 A. Yeah. There was -- I can't see that angle
5 point number. Three?

6 COMMISSIONER CRAMER: Yes.

7 THE WITNESS: There's a house.

8 MR. MARTHALLER: There's a big draw
9 through the north half of Section 5, and if we
10 pulled the line in Section 5 over to that draw,
11 it's very, very --

12 THE WITNESS: There's also a --

13 JUDGE WAHL: All right. Let's be careful.
14 I only want one witness on the record at a time.
15 You can -- you can consult with him, but not as
16 part of the record.

17 MR. MARTHALLER: That's what I was trying
18 to do.

19 JUDGE WAHL: I understand.

20 COMMISSIONER WEFALD: All right. Would
21 you --

22 Q. (COMMISSIONER CLARK CONTINUING) So again
23 the reason to -- I think you may know now -- but
24 the reason to not bring it all the way down Section
25 5 and over at the south end of Section 5 to the

1 east?

2 A. Well, up in that area it's terrain, but
3 when you get down to Section 8, there is a
4 residence, a farmstead.

5 Q. Okay.

6 A. It's on the northeast of Section 8.

7 Q. So if you brought it down all the way to
8 Section 8, you'd run into the 500 foot?

9 A. Yep. On the -- right to the right of
10 that --

11 Q. That looks like it's quite a ways away.

12 A. Up. Right there.

13 Q. But how would bringing that down to --

14 A. You're talking all the way down through
15 Section 8?

16 Q. No, no, no. Just to right at that point
17 there.

18 A. Oh, you said all the way down there. I'm
19 sorry.

20 Q. All the way down to Section 8?

21 A. Because, see, it angles back over at the
22 bottom of the map again. I thought you meant
23 connecting with a straight line all the way down.

24 Q. Oh, no.

25 A. Okay.

1 Q. All right. So is the sole reason the
2 terrain issue; that that coulee is just a -- it's a
3 large coulee that would be difficult to cross?

4 A. That will be the sole reason for
5 engineering design. Yeah. Not for right-of-way.

6 COMMISSIONER CLARK: Okay. Thanks.

7 JUDGE WAHL: Any further questions from
8 the Commission for Mr. Murray? Commissioner
9 Cramer.

10 COMMISSIONER WEFALD: Could you -- oh.

11 **EXAMINATION**

12 **BY COMMISSIONER CRAMER:**

13 Q. I have one related -- since you're a land
14 agent expert, I have one related to this issue
15 about the mineability of land that's surface versus
16 the mineral. Did that issue come up --

17 A. I was not aware of that issue --

18 Q. -- often. Go ahead. I'm sorry.

19 A. It does come up closer to the Beulah,
20 Stanton area with the coal mines and stuff, and we
21 have dealt with that down in Wyoming. I was not
22 aware of it in this area. But we have inserted
23 relocation clauses into our easements where there
24 is the high potential for mining activity, where we
25 will relocate that line to another portion of that

1 landowner's property to get out of the way of the
2 mining activity.

3 Q. So you actually accommodate the schedule
4 of the mining as it's going on within the
5 landowner's --

6 A. Exactly. Yep.

7 COMMISSIONER CRAMER: All right. Thank
8 you. That's all I have.

9 JUDGE WAHL: Commissioner Wefald.

10 THE WITNESS: That was new information to
11 me.

12 COMMISSIONER WEFALD: And then the
13 other -- another question that was brought up --
14 and whether you can answer this or not -- is the
15 one about the distance of the wires from the
16 ground. He has to -- another person.

17 THE WITNESS: That wouldn't be me.

18 COMMISSIONER WEFALD: All right. I'll get
19 to be someone else on that one. Thank you.

20 COMMISSIONER CLARK: I think I do have one
21 more.

22 JUDGE WAHL: Commissioner Clark.

23 **FURTHER EXAMINATION**

24 **BY COMMISSIONER CLARK:**

25 Q. It was in relation to -- oh, it was in

1 relation to the testimony of Eric Ehliis related to
2 the land that he does not own but rather rents. I
3 think it's Section 17, it looks like. It's the
4 Burwick trustees. Could you explain the rationale
5 for not -- or for choosing to cross that cropland
6 and not --

7 A. Move the map a little higher -- or move it
8 down so you can see more of the top of it. No.
9 The other way. That is the Lantz property up at
10 the north end of the line there. They had
11 requested that we diagonal that short, little
12 half-mile diagonal right there to split their crop
13 fields, and upon doing that they would give us the
14 easement. So now we're stuck over in that quarter
15 corner running down south. We had to come back
16 over. We had a cooperative landowner in Section 17
17 that was willing to give us the easement to get us
18 back to that quarter line. That's kind of how that
19 all came about.

20 MS. LEVCHAK: Your Honor, I would just
21 point out it may be easier if I have another member
22 of our staff -- Kathy, would you please operate the
23 electronic equipment since many of the questions
24 have both right-of-way and engineering components
25 and it might be helpful -- obviously, we'll guard

1 against having two people speaking at once -- it
2 might be helpful for the two of them to be able to
3 consult with each other about from an engineering
4 perspective and landowner as to why we've done
5 something so you can get a complete answer.

6 Q. (COMMISSIONER CLARK CONTINUING) With that
7 Lantz property, were there any discussions with
8 them about -- for whatever reason they're
9 interested in bringing the line down diagonal
10 through their own cropland -- to not extend that
11 diagonal cut all the way to the section line and
12 then bringing it down so that their choice to move
13 across cropland doesn't impact another operator
14 further on down the line?

15 A. Yeah. Section 8, we're splitting up two
16 pieces of property, two private owners. We're
17 coming right down the property line. So we have a
18 lot less impact by coming down the property line
19 there. It's hard to see on the map because the
20 line actually covers up the property line, the
21 transmission line, but --

22 Q. Okay. I'm not sure if I understood your
23 first answer there. I --

24 A. Section 5, that's also Lantz.

25 Q. Right.

1 A. They requested that we do that short
2 diagonal to the southeast.

3 Q. Right.

4 A. To come down and split -- well, we split
5 the property line down Section 8, and you can see
6 the different croplands -- cropland up on the top
7 there.

8 Q. Right. I guess my question was: In
9 Section 5 were there any discussions with the
10 Lantzes about if you're going to make a diagonal
11 cut, just go all the way over to the section line
12 as opposed to bringing it down?

13 COMMISSIONER WEFALD: Go back up. You
14 have to go back up to the north.

15 Q. (MR. CLARK CONTINUING) Right there.

16 A. To do a 90?

17 Q. Well, not a 90, but just bring the
18 diagonal all the way down to the section line.
19 Were there any discussions about that so that
20 there's less impact on landowners further down the
21 line? Because I can see how choosing to cut it
22 there and then not go to a section line there
23 caused you to have to re-correct in a diagonal
24 manner somewhere else, but I'm just wondering what
25 the rationale was for that jog?

1 MS. LEVCHAK: Commissioner Clark, another
2 witness -- Mr. Marthaller would be the appropriate
3 person to answer your question. Your Honor, with
4 your indulgence, as long as we make sure that the
5 witnesses are not overtalking each other -- and I
6 will enforce that -- is it -- would it be
7 acceptable to have one witness identify himself and
8 then talk?

9 JUDGE WAHL: Ms. Bendish, do you have an
10 objection to that?

11 MS. BENDISH: No, I don't.

12 MS. LEVCHAK: Mr. Marthaller, have you
13 heard --

14 JUDGE WAHL: No. Now, just a minute,
15 please. All right. Let's -- let's do this in the
16 interest of time, but, Ms. Levchak, you will need
17 to be the -- kind of the traffic policeman here to
18 direct the Commissioners' questions to the
19 particular witness, and then that witness will
20 respond in response to your direction so that we
21 have -- identifying the witness by name so we get
22 that into the record as to who is talking when.
23 And, Mr. Marthaller, you understand, of course,
24 that your testimony continues under oath and
25 subject to penalties of perjury?

1 MR. MARTHALLER: (Nods head.)

2 JUDGE WAHL: Okay. Let's try it and see
3 how it works.

4 **DUEY MARTHALLER,**

5 having been previously duly sworn, was examined and
6 testified further as follows:

7 **REDIRECT EXAMINATION**

8 **BY MS. LEVCHAK:**

9 Q. Mr. Marthaller, did you hear Commissioner
10 Clark's earlier question?

11 A. Yes, I did.

12 Q. Could you please respond to his inquiry?

13 A. Okay. Commissioner Clark, your question
14 is why can't we take that diagonal right over to
15 the section line and down. What I would like to
16 do, if it's okay with you, is to just maybe discuss
17 a little bit about -- about how the line is routed
18 through there, because there's like three or four
19 questions related to the same thing. Is that okay?

20 MR. CLARK: Sure. Yeah. Go ahead.

21 MR. MARTHALLER: You know, this is a very
22 difficult place to route through, and we did a lot,
23 a lot of work on getting it through there, and --
24 okay. The origin of that diagonal through the
25 Lantzes' property there originated from Mr. Eberts

1 and making the request that we not go through the
2 middle of his -- of his section there in Section 8.

3 We -- we had -- we had to move this line
4 over because of the eagles' nests, you know, up
5 north. So we moved it over, and then in consulting
6 with the Lantzes and -- I forget the gentleman's
7 name. He's not -- another landowner in that area,
8 we went over to that quarter line.

9 Okay. Going in the quarter line it's good
10 in some places, but if you look at 5, 8 and 17,
11 it's not good there. We're through the middle of
12 that cropland. We don't want to do that. We --
13 that's why you see all these little angles, is
14 because we did that. We're avoiding all of those
15 situations when we can.

16 Mr. Eberts talked to me and said, Can you
17 possibly bring it over to my property line on
18 that -- on that 16th line on Section 8, and we
19 didn't do it right away. We looked at all the
20 different options because it does -- we know we
21 needed to be on the quarter line on the section
22 south of 17 because those are separate property
23 owners. When the two quarters are owned by
24 separate people, you go down the middle. Single-
25 pole structures you affect no one. It's ideal.

1 Okay. We're going to be on that cropland then. If
2 you take and look at Section 8, we've got a mile of
3 cropland there that we're going to be on. If we
4 have to move over to that 16th line where we are
5 now, we're on the property line. We don't affect
6 anyone with a single-pole structure. That's the
7 reason.

8 Q. How about going west?

9 A. Going west, you see, right now we're
10 having just a couple miles down from this -- south
11 of this, we're going around the national
12 grasslands. Any time we've got to go west we've
13 got to go east. Any mile we go west, we go a mile
14 east. That's two miles of line. So we don't want
15 to do that. Plus, we have such a good route
16 between Belfield and that national grasslands that
17 if we go west and we go on cropland. Where if we
18 go through those -- if you look at the whole map
19 and you look at where the Little Badlands are, we
20 go through this Lantz pasture, we go through the --
21 on the quarter lines down below. It is -- it is a
22 very, very good route from Belfield all the way
23 down there, with the exception of going diagonally
24 across that 17. That's the -- that's -- we don't
25 like that, but --

1 Q. But you've got the landowner's --

2 A. Yeah, we have the landowner, and we
3 absolutely have talked to the Ehliises that farm
4 that property and totally see their point. How
5 we've tried to minimize that is that if you look
6 at -- at that angle right there, what we did is we
7 came down this property line, we crossed the
8 section line, and we're putting the first structure
9 there. There's a little landfill right here, and
10 there's a grove of -- I think they're caragana
11 bushes that come right here, and then there's some
12 high ground right there. We're going to put that
13 angle structure right here, and it looks like a
14 fairly good angle, but that angle is only 15
15 degrees -- a 15-degree turn. We're going to put
16 that first structure on that line of bushes, so it
17 won't be in the field, and then these structures in
18 the field cross here, and then on here we
19 intentionally cross over the section line to put
20 the angle structure on the other people's property
21 because that's on the quarter line because it
22 doesn't affect the two adjacent landowners. So we
23 eliminate two structures that they have to go
24 around. Granted, that's not what you absolutely
25 want to do, but it's all we can do, we think, in

1 that area.

2 Q. But you're telling me between 8 and 9
3 there's not a section line road or anything like
4 that. It's just all crop between 8 and 9?

5 A. I've got to stop and think for a second.
6 There's a road there.

7 Q. Does that extend all the way up? I mean,
8 it --

9 A. Yeah. These folks have got to help me out
10 if I say something wrong.

11 UNIDENTIFIED SPEAKER: Yeah. It runs all
12 the way down.

13 THE WITNESS: Yeah. This is a road. Is
14 that your question?

15 Q. (COMMISSIONER CLARK CONTINUING) Right.
16 And I -- that's my -- I guess that's my question.
17 How is it less of an impact to go -- although
18 there's two different landowners and, you know,
19 there's a break in farming operations there, isn't
20 there just as much a break along the -- if you were
21 to build it on the road between 8 and 9?

22 A. No. There's a section line road, so
23 there's a public right-of-way there, 66 feet, 33
24 feet on each side of the right-of-way. We can't
25 put our right-of-way over the top of that right-of-

1 way.

2 Q. Right. You'd have to get access to --

3 A. So we're out in the field there. So, you
4 know, right here -- in these two sections we're not
5 in the field with one structure, not one structure.
6 Where if we move over to the section line, we have
7 two miles of structure in the fields.

8 Q. In the fields, just adjacent to the
9 section.

10 A. Yeah. Well, I don't know that that's
11 totally right because in the Lantzes' there, this
12 pasture I think goes to the section line there. So
13 it's not quite the total two miles. Moving over to
14 that property line gets -- eliminates the impact on
15 the cropland. We've worked long and hard on this
16 route through here, and, you know, we're open to
17 any discussions. I think that's that question.

18 JUDGE WAHL: Further questions from the
19 Commissioners?

20 COMMISSIONER WEFALD: Yes. Well, not for
21 this witness. I had the question about the
22 distance from the ground to the wires.

23 JUDGE WAHL: But I think Mr. Marthaller
24 was going to address that, also. Ms. Levchak?

25 MS. LEVCHAK: Your Honor, whenever you

1 would find it appropriate, I would just do some
2 redirect as we're going through a particular area.

3 COMMISSIONER WEFALD: And then
4 Commissioner Clark and I had questions about why
5 you're not going through the grasslands, and that's
6 a general question.

7 MS. LEVCHAK: So, Your Honor, whenever you
8 deem appropriate.

9 JUDGE WAHL: All right. I take it we can
10 do that now, Ms. Levchak. Go ahead with your
11 follow-up questions.

12 MS. LEVCHAK: It is for Mr. Murray.

13 JUDGE WAHL: All right. That's a good
14 idea. Let's do that then, please.

15 **MIKE MURRAY,**
16 having been previously first duly sworn, was
17 examined and testified further as follows:

18 **REDIRECT EXAMINATION**

19 **BY MS. LEVCHAK:**

20 Q. Mr. Murray, could you please identify
21 where Basin Electric has successfully purchased the
22 right-of-way on this portion of the line that has
23 been subject to this discussion?

24 A. We've purchased all that.

25 MS. LEVCHAK: Thank you.

1 JUDGE WAHL: Ms. Bendish, any questions
2 for Mr. Murray?

3 MS. BENDISH: Not right now. No.

4 JUDGE WAHL: All right. Any further
5 questions for Mr. Murray? All right. Then, Ms.
6 Levchak, let's proceed with Mr. Marthaller.

7 MS. LEVCHAK: I have no redirect for Mr.
8 Marthaller.

9 JUDGE WAHL: All right. But the
10 Commission has questions for Mr. Marthaller. Okay.
11 Let's move to those then. So the first is the
12 clearance questions.

13 COMMISSIONER WEFALD: Well, Mr. Marthaller
14 can take clearance questions?

15 JUDGE WAHL: Yes.

16 **DUEY MARTHALLER,**

17 having been previously duly sworn, was examined and
18 testified further as follows:

19 **FURTHER EXAMINATION**

20 **BY COMMISSIONER WEFALD:**

21 Q. All right. Mr. Marthaller, would you
22 please identify for the Commission that this --
23 what the height that the lines will be and how --
24 how easy is it to be able to change the height of
25 lines, let's say if not this year, in the coming

1 years, let's say, as farm equipment gets larger
2 over a 99-year period?

3 A. To change the structure height would be
4 very difficult. We would need to replace that
5 structure.

6 Q. All right. So at the beginning is it
7 possible to change the structure height and to make
8 those arms go out instead of -- what's the distance
9 the first arm goes out --

10 A. There's --

11 Q. -- from the ground?

12 A. There's some trade-offs in the conductor
13 configuration of these single-pole structures
14 versus the H-frame. These structures end up being
15 a little bit taller than an H-frame, and the fact
16 that they are a single pole puts a little bit more
17 of a limit on the total height that you can -- that
18 you can use. We have some poles that are going to
19 be 130 feet tall, you know, so you can go pretty
20 high, but there is a limit, and that limit is a
21 little bit more with the single-pole structure
22 versus an H-frame.

23 Q. All right. And so what is the height
24 right now that the arms go out from the pole for
25 stringing the wire?

1 A. Okay. You know, just the dimensions on
2 this drawing -- this is a typical structure that
3 would be -- would give us a span on level ground of
4 about 800 feet.

5 Q. All right.

6 A. 800-foot span, level ground. 110 feet is
7 the length of the pole, and it's embedded about 20
8 feet. It's going to be more like about 18 to 16,
9 depends upon the soil conditions. So you take 20
10 feet and you've got 90 feet sticking out of the
11 ground. There's 12'6". Now, say there's 13, 10
12 more is 23, 33 feet, and another 7 feet, that's 40
13 feet. So the height of the conductor here is about
14 50 feet off the ground.

15 Q. Are those standards or can they be
16 adjusted? Before you put them in can you order
17 them at a different height from the ground?

18 A. Yeah. What we do is we'll order a family
19 of poles, you know, of all different heights, and
20 then when we place them -- you know, you've seen
21 the plan and profile drawings -- we'll place the
22 structures, and based on that placement we pick the
23 height that gives us the ground clearance. It's
24 sort of an iterative thing.

25 Q. So what if you wanted to have a 30-foot

1 ground clearance instead of 26? What would you do?

2 A. Well, okay. Say that we had spotted the
3 structures on a section of line for the 26-foot
4 design clearance, okay, and that now you say that,
5 okay, during that segment you want it to be 30
6 feet?

7 Q. Yes. Let's say --

8 A. Every structure would have to be four feet
9 taller.

10 Q. All right. And so would you be able to
11 order those at this time still?

12 A. That would be -- I don't know. I don't
13 know.

14 Q. Well, can you check that out?

15 A. The clearance -- you know, we're -- our
16 clearance that we are designing to is above the
17 National Electric Safety Code now. You know, we --
18 we designed more clearance -- I believe the
19 clearance on the National Electric Safety Code
20 clearance is in the neighborhood of 21 feet. We're
21 designing to 26 feet now.

22 Q. I can see why you don't do 20 because you
23 could be -- those machines would be within one foot
24 of your lines. So I can see why you've made that
25 adjustment, but it does still --

1 A. Well, you know, regarding that --
2 regarding that 20 feet, you know, the impact of
3 farm machinery on lines is generally with
4 distribution lines, not with high-voltage lines,
5 because there's distribution lines that have much
6 less clearance than what these high-voltage lines
7 would be.

8 Q. Now, Basin has how many other 230 kV lines
9 in its system?

10 A. 230 kV? Oh, Matthew, do you -- I can't do
11 that. 230 kV --

12 Q. In North Dakota.

13 A. We've got hundreds of miles. Okay. 230
14 kV in North Dakota we have Leland Olds station to
15 Logan substation at Minot. Logan substation to
16 Saskatchewan in Boundary Dam over the border.
17 Those two lines combined are about -- 150 and 70 is
18 about 220 miles. We have Logan to Kenmare. We
19 have the Mallard line. We probably -- in North
20 Dakota I'm estimating, you know, 250 miles of 230
21 kV existing.

22 Q. Have you had an issue ever where a piece
23 of farm machinery then -- can you check for us?

24 A. No, ma'am. We have not had --

25 Q. -- if farm machinery has created this --

1 what did he call it?

2 MR. CLARK: Arc.

3 THE WITNESS: Oh, that we have flashed
4 over to a piece of farm equipment?

5 Q. (COMMISSIONER WEFALD CONTINUING) Yes.

6 A. No, ma'am. No, Commissioner, we have not.

7 Q. Never?

8 A. Never.

9 Q. You know for sure.

10 A. I am absolutely positive on our system.
11 I've worked at Basin 29 years and I know our
12 system.

13 Q. Would this be reported to you if this
14 happened?

15 A. Absolutely.

16 Q. And why do you say that, absolutely?

17 A. Well, because it would be -- it would be a
18 ground fault. Our system would pick it up. We'd
19 know exactly where it happened.

20 Q. And if it did happen, would it be the
21 responsibility of a farmer who caused that with his
22 equipment coming through?

23 A. I don't -- yes, it would.

24 Q. And why would that be?

25 A. Well, I think --

1 JUDGE WAHL: Well, I think, Commissioner,
2 we're probably asking for a legal conclusion.

3 COMMISSIONER WEFALD: Okay.

4 JUDGE WAHL: And I hesitate to tread that
5 ground.

6 COMMISSIONER WEFALD: All right.

7 THE WITNESS: You know, I could say
8 something, but --

9 JUDGE WAHL: Yeah. Let's not go into that
10 area.

11 Q. (COMMISSIONER WEFALD CONTINUING) But it
12 would be; is that what you're saying?

13 A. It would be -- yes. It would be the
14 landowner?

15 MS. LEVCHAK: I think we stop.

16 THE WITNESS: Okay.

17 Q. (COMMISSIONER WEFALD CONTINUING) But so
18 far this has never been a problem on the Basin
19 system?

20 A. No, no.

21 COMMISSIONER CRAMER: I wish I could say
22 the same thing about overpasses on the interstates.

23 THE WITNESS: We've had transformers hit
24 overpasses.
25

FURTHER EXAMINATION

BY COMMISSIONER CLARK:

1 Q. Within -- within NERC or whatever the
2
3 standard setting body is, Electrical Safety Code,
4 for design of high-powered transmission lines, is
5 there consideration for things like farming
6 operations that there are guidelines that
7 transmission lines should be set higher in certain
8 areas than in others based on land use?
9

10 A. Absolutely. That code is based on the
11 clearance needed to keep the public safe. That is
12 the reason for the code, period.

13 Q. Does it vary with relation to land use?

14 A. Yes, it does.

15 Q. It does. So ag --

16 A. In agriculture --

17 Q. Cropland is -- there's a different
18 standard than grazing land versus industrial
19 operations?

20 A. Yes, there is. We could go with a less
21 clearance on pasture, but we've chosen to just do
22 it the same. You know, we're already five feet
23 above code, and part of that -- part of that margin
24 is related to -- to the accuracy of mapping and
25 just the safety -- safety codes are related to the

1 facts that -- the fact that there's subtle errors
2 in all the things that humans do, I mean, through
3 surveying data, the response to materials and
4 changes of temperature, and all of those
5 engineering issues.

6 Q. Now, you said that 26 feet is what it
7 would sag to on the rarest of occasions?

8 A. Not sag. That's the clearance. It's
9 under the line.

10 Q. Right. The clearance would --

11 A. Be at.

12 Q. -- be reduced to 26 feet on the rarest of
13 days when it's fully used, it's at its thermal
14 capacity. How high is that line aboveground
15 minimum on a normal day?

16 A. You know, I was thinking of that earlier
17 when you were asking Matthew those questions, and I
18 can't tell you that right now because I don't have
19 the -- what's called the sag tension relationship.
20 I don't have that information with me. If I say
21 that, I'd be guessing. I know a pretty good idea,
22 but I'm not going to say exactly because I don't
23 know.

24 Q. On a typical line does it vary
25 significantly or are we talking about --

1 A. Oh, yes. Oh, yeah. We're talking ten
2 feet for sure. Yeah. Between -- you know, out
3 there on ten degrees below zero, you know, and it
4 would be a lot different.

5 JUDGE WAHL: All right. Any further
6 questions by the Commission? Any further questions
7 at all for any witness?

8 COMMISSIONER WEFALD: Oh, yes. We have
9 the question about the --

10 COMMISSIONER CRAMER: Grasslands.

11 COMMISSIONER WEFALD: -- grasslands.

12 JUDGE WAHL: And is that Mr. Marthaller,
13 also?

14 MS. LEVCHAK: I think that would best be
15 directed to Kevin Solie.

16 JUDGE WAHL: All right. Let's proceed
17 then with Mr. Solie. Mr. Solie, you understand
18 that your further testimony remains under oath and
19 subject to penalties of perjury?

20 THE WITNESS: Yes, I do.

21 JUDGE WAHL: All right. Commissioners.
22 Commissioner Wefald.

23 **KEVIN SOLIE,**

24 having been previously duly sworn, was examined and
25 testified further as follows:

FURTHER EXAMINATION**BY COMMISSIONER WEFALD:**

1
2
3 Q. We've had several concerns expressed about
4 going through national grasslands. If you can just
5 help the Commission understand why you chose to go
6 around the national grasslands.

7 A. Well, I guess the simple answer would be
8 to follow the Commission's rules. The rules
9 require that the grasslands are an avoidance area,
10 and we saw it just as that, and we were able to
11 avoid it. I guess some of the landowners I think
12 had good points. One of them is that even though
13 it's designated as the national grasslands, it's
14 not all federal land, and there's a mix of
15 privately owned and federal land in there, and
16 particularly on the easternmost edge of that. It's
17 really a township that juts out into our -- into
18 the corridor there.

19 That is almost, from my recollection,
20 almost all privately owned. So we would have the
21 same type of questions and concerns about routing
22 on cropland and avoiding houses or occupied
23 residences, I should say, as we would where we're
24 at now.

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FURTHER EXAMINATION

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BY COMMISSIONER CLARK:

Q. It would be more efficient from just a transmission planning standpoint, though, wouldn't it, because you wouldn't have to make the jog?

A. It would be, it appears, about three miles shorter, I think, to go straight through.

Q. As far as the decision leading up to it, was it just solely this is an avoidance area, we're not even going to look at it? Was there any consideration of, well, this triggers all kinds of federal EIS's or other things that I don't know about that would cause you to avoid that, as well?

A. No. The primary concern was that it is a Public Service Commission avoidance area.

Q. Okay. Do you have any sense for -- if you were to follow that, you know, on the eastern side of how much federal land there is actually in there or did you not even go to that step of checking it out?

A. I've looked at a map of that yesterday, and we would probably need to move at least three miles into the national grasslands before we pick up any specks of federal land. In fact, the -- again, that -- the first mile-and-a-half moving

1 from the east to the west through that -- through
2 that township that juts out is almost all cropland.

3 Q. Looking at the land use map it would
4 appear that way.

5 A. Yes.

6 Q. Are there other things in there that you
7 know of that would just make it prohibitive to even
8 consider that route, whether it's 500-foot zones,
9 archeological resources, anything different there
10 that --

11 A. We don't have that data at this time.

12 COMMISSIONER CLARK: Okay. That's all I
13 have.

14 COMMISSIONER WEFALD: That's all I have.

15 JUDGE WAHL: All right. Commissioner
16 Cramer.

17 **FURTHER EXAMINATION**

18 **BY COMMISSIONER CRAMER:**

19 Q. I want to continue to pursue this
20 designated grassland issue because it is the PSC's
21 rule that you want to follow, and I acknowledge
22 that and appreciate that, although it would not be
23 the first time that common sense tried to be
24 invoked on a state rule or law, and I appreciate
25 Mr. Nielsen's bringing that to our attention.

1 My question is basically this: If, in
2 fact -- and it appears to me and I think going
3 along with Commissioner Clark -- Commissioner
4 Clark's questions -- the question is: Well, it
5 would have been easier for Basin Electric to site a
6 line straight through the grassland, all other
7 things being equal, would it not?

8 A. The distance would have been shorter. I
9 think we would have had -- it would have been a
10 wash from land use and other environmental
11 viewpoints. The other thing, if we were to do
12 that, then we would have to convince the Public
13 Service Commission that we had no reasonable
14 alternative, and I'm not sure that we would be able
15 to do that given the current situation.

16 COMMISSIONER CRAMER: Okay. That makes my
17 point, I guess, in answer to my question. Thank
18 you.

19 JUDGE WAHL: Any further questions by the
20 Commission? All right. Followup, Ms. Levchak?

21 MS. LEVCHAK: I don't have any further
22 questions.

23 JUDGE WAHL: Ms. Bendish, you should get a
24 chance to stick your oar in one of these times.

25 MS. BENDISH: I'd like to, but no.

1 JUDGE WAHL: All right. Any further
2 questions from the Commission for any Basin
3 witness? All right. Ms. Levchak, anything
4 further?

5 MS. LEVCHAK: I have nothing further.
6 Thank you, Your Honor.

7 JUDGE WAHL: Ms. Bendish, anything
8 further?

9 MS. BENDISH: No.

10 JUDGE WAHL: All right. Then I will be
11 pleased, I'm sure everyone will, to ask for the
12 Commissioners' comments.

13 COMMISSIONER WEFALD: First, I would like
14 to compliment everyone who's stayed here today
15 through the whole hearing. Your attention and your
16 interest in these issues the Commission really
17 appreciates, and I think it's great that everyone
18 has been able to -- you know, so many people have
19 been able to hear the full presentation.

20 Second, I would like to compliment Basin
21 on their presentation today. You don't realize,
22 those of you who are here, how much time and effort
23 went into preparing all of the visual displays that
24 Basin has put up for the public, and for people to
25 be able to see these in full-sized drawings -- you

1 may not agree with their plan, but at least you
2 have a chance to understand it. And that is, I
3 think, worthy of complimenting Basin for them to be
4 able to share it.

5 And then, also, I would like to also
6 compliment them on the very well-prepared
7 application that they gave to the Commission. We
8 have seen many applications come through this year.
9 Yours has been very, very complete, your
10 application and the materials that you presented to
11 us a week ahead of time so that people here who
12 were interested could see these plan and profile
13 drawings, were able to see these today. That makes
14 a big difference, and I want you to know that I
15 think it's been a very good presentation.

16 MS. LEVCHAK: Thank you, Commissioner.

17 COMMISSIONER WEFALD: Other than that,
18 very good information on the record for the
19 Commission to consider as it makes its
20 determinations. Many times people say, okay,
21 what's the next step? The next step is for the
22 Commission to wait for these late-filed exhibits to
23 come in. Then once those late-filed exhibits come
24 in, the Commission schedules a working session.
25 Anyone can listen in to Commission working sessions

1 by internet or by telephone or by coming in person.
2 They're public meetings.

3 The Commission then sits down, and we
4 direct our staff, how do we want to have this order
5 drawn up, are there issues we need to discuss and
6 debate among us to find out if we're all on the
7 same page or not? That's a public meeting. And
8 then after we have that work session to direct how
9 we want the order drawn up, then it usually is a
10 week or two before that order is actually presented
11 and approved and voted on at a public meeting. So
12 those are the next steps.

13 Thank you.

14 JUDGE WAHL: Commissioner Clark.

15 COMMISSIONER CLARK: I, too, would like
16 to, first of all, thank everyone who hung in there
17 and everyone who got up to speak. We really do
18 appreciate the fact that you did it. It gives the
19 Commission a lot more ability to really understand
20 the full scope of the project.

21 Thanks to Basin, as well, for a very good
22 presentation and a very thorough application. The
23 Commission is becoming -- we're always very
24 familiar with southwest North Dakota but even more
25 so. I was jotting down a short list of the

1 different projects that we've had in this part of
2 the state, and it's getting to be quite a few when
3 you total up potential wind farm, coal gasification
4 plants, new coal mines, potential uranium mines,
5 pipelines, transmission lines. There's a lot going
6 on here in southwest North Dakota, and the PSC has
7 been involved with a lot of it, so I assume we'll
8 probably be back. Abandoned mine lands, that's
9 another one. In fact, just a site a few miles east
10 of here is one of them.

11 So we've been very active here, and I
12 assume we probably will be into the near term
13 future. It's always a great place to come and
14 visit.

15 So thank you for the hospitality, and I
16 look forward to being able to take a very thorough
17 record and talk about this and hopefully come to a
18 good resolution.

19 JUDGE WAHL: Commissioner Cramer.

20 COMMISSIONER CRAMER: Well, I add my
21 thanks, of course, to everyone for their attention
22 and their passion, and my appreciation to Basin, as
23 well, for really, quite honestly, the best
24 organized and most complete filing that I've been
25 part of, and I've been -- in the five years I've

1 been a Commissioner, I've been a part of a lot of
2 them, it seems.

3 But I hope many members of the public, as
4 well, understand some of our questions or leading
5 questions are because we want to get certain things
6 on the record, and I feel -- I feel a tremendous
7 empathy about this grassland issue, and I
8 appreciate that Basin has avoided it, and I feel a
9 little guilty that they had to, and so I don't know
10 how this is going to work out in other negotiations
11 that take place after this, but it's a very
12 interesting situation that has been presented and
13 surfaced here today.

14 Other than that, I just want to say it is
15 a phenomenal time that we live in. As I told the
16 reporter I mentioned earlier, we get to mine the
17 coal in North Dakota, burn it to generate the
18 electricity in North Dakota, site the transmission
19 lines to run the electricity to the farms and the
20 oilfields, and then site the pipelines to take the
21 oil to the refinery to make the fuel to put in the
22 truck to haul the coal. It's a beautiful thing to
23 be a part of all of it, and it's a tremendous
24 economic opportunity for our state, and yet we
25 never, ever, ever take lightly that other

1 responsibility, to balance all of that with the
2 needs of people and the preservation of our culture
3 and our nature.

4 It's an exciting thing to be a part of,
5 and we very much appreciate your interests and your
6 passion in all of that and look forward to
7 continuing this case through its conclusion.

8 Thank you.

9 JUDGE WAHL: Thank you, Commissioners.
10 Subject to the filing of the late-filed exhibits,
11 this hearing is closed and the matter is taken for
12 the further consideration and determination of the
13 Commission. Thank you very much.

14 (Concluded at 4:52 p.m., the same day.)

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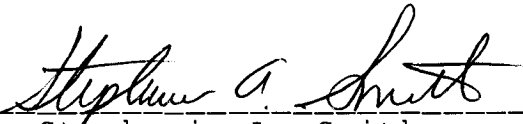
CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered Professional Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated at Bismarck, North Dakota, this 29th day of August, 2008.



Stephanie A. Smith
Registered Professional Reporter

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