

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative, Inc. :  
230 kV Transmission Line/Williams & : Case No.  
Mountrail Counties : PU-07-671  
Siting Application :

TRANSCRIPT OF  
PUBLIC HEARING

Taken At  
22 East Broadway  
Williston, North Dakota  
October 27, 2009

BEFORE BONNIE FETCH  
-- ADMINISTRATIVE LAW JUDGE --

**A P P E A R A N C E S**

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COMMISSIONERS PRESENT:

COMMISSIONER KEVIN CRAMER, President  
COMMISSIONER TONY CLARK  
COMMISSIONER BRIAN P. KALK

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FOR THE BASIN ELECTRIC  
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FOR THE PUBLIC SERVICE  
COMMISSION.

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APPLICANT'S EXHIBITS

| <u>No.</u> | <u>Description</u>  | <u>M</u> | <u>O</u> | <u>R</u> |
|------------|---|----------|----------|----------|
| 1          | Project Schedule  | 29       | 29       | 29       |
| 2          | Drawing of a 230 kV<br>Transmission Line Structure  | 32       | 32       | 33       |
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| 4          | Set of Four Maps That Depict Public Service Commission Transmission Corridor Exclusion and Avoidance Areas | 68       | 68       | 68       |
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| 6          | Series of Three Maps Depicting the Proposed Route with Angle Points  | 122      | 122      | 122      |
| 7          | CD of the Route Maps   | 122      | 123      | 123      |

1           (The following proceedings were had and  
2 made of record herein, commencing at 10:35 a.m.,  
3 Tuesday, the 27th day of October, 2009:)

4           JUDGE FETCH: All right. Let's come to  
5 order. Good morning, everyone.

6           AUDIENCE: Good morning.

7           JUDGE FETCH: Sorry we're a few minutes  
8 late. We had a -- a little delay getting off the  
9 ground in Bismarck, but the pilot is conscientious  
10 and better safe than sorry, so we're glad to be  
11 here this morning.

12           I'm going to open this public hearing.  
13 Let the record show that it is 10:40 a.m. Central  
14 Time on October 27, 2009. We're present in the  
15 city commission hearing room in Williston, North  
16 Dakota, for the hearing in the matter of an  
17 application from Basin Electric Power Cooperative  
18 for a 230 kilovolt electric transmission line in  
19 Williams and Mountrail Counties of North Dakota.  
20 This is Case No. PU-07-671.

21           On September 15, 2009, the Office of  
22 Administrative Hearings received a request from the  
23 Public Service Commission to provide an  
24 administrative law judge to preside in this matter.  
25 My name is Bonnie M. Fetch and I am the duly

1 designated administrative law judge. I am an  
2 independent administrative law judge from the  
3 Office of Administrative Hearings.

4 At this time I'd like to introduce the  
5 members of the Public Service Commission. Right  
6 here we have Commission Chairman, Kevin Cramer. To  
7 his right is Commissioner Tony Clark, and to my  
8 right is Commissioner Brian Kalk.

9 At this time I ask the parties to state  
10 their appearances for the record. Will counsel for  
11 the Applicant state her appearance and indicate  
12 who's present with you and who will be testifying  
13 for Basin Electric, please.

14 MS. JACOBSON: My name is Casey Jacobson.  
15 I'm an attorney with Basin Electric Power  
16 Cooperative, and this morning we have five  
17 witnesses. The first witness will be Mr. Duey  
18 Marthaller. The second witness will be Mr. Matt  
19 Stoltz. The third witness will be Mr. Kevin Solie.  
20 The fourth witness will be Mr. Mark Nygard, and the  
21 fifth -- fifth and final witness will be Mike  
22 Murray.

23 Thank you.

24 JUDGE FETCH: Thank you, Ms. Jacobson.

25 All right. And now, counsel for the

1 Commission, please state your appearance.

2 MS. BENDISH: Annette Bendish, counsel for  
3 the Public Service Commission. With me is Jerry  
4 Lein, an analyst with the Commission.

5 I would ask because the Commission is not  
6 taking an advocacy role in this proceeding that  
7 Mr. Lein be allowed to ask questions instead of  
8 filtering them through counsel.

9 JUDGE FETCH: Is there any objection?

10 MS. JACOBSON: No.

11 JUDGE FETCH: All right. That motion is  
12 granted.

13 MS. BENDISH: Thank you.

14 JUDGE FETCH: All right. Mr. Lein is  
15 going to pass around a sign -- a sign-up sheet.  
16 Those present here, whether you intend to testify  
17 or not, would you please sign the sheet that's  
18 coming around?

19 It appears from -- it appears from my  
20 review of the file that there are no intervenors in  
21 this matter. Ms. Bendish, is that correct?

22 MS. BENDISH: That's correct.

23 JUDGE FETCH: Is there anyone present  
24 today who is going to be presenting testimony as a  
25 proponent of the application? Please raise your

1 hand, if that's the case.

2 AUDIENCE: (Indicating.)

3 JUDGE FETCH: All right. Thank you. Are  
4 there -- is there anyone present to protest the  
5 application today? All right. Thank you. I  
6 didn't see any hands.

7 Those members of the public present, this  
8 public hearing is your opportunity to give the  
9 Commission your views, and the Commissioners are  
10 interested in what you have to say. So at the time  
11 that you wish to give testimony, I will ask that  
12 you come forward to the end of the table and state  
13 your name and your address and who you represent,  
14 and at that time I will then swear you in and you  
15 will be able to give your testimony.

16 I noted two hands that wanted to testify  
17 as proponents in support of the application. I --  
18 I'll ask again at the time to take public  
19 testimony.

20 Following any witness testimony, there may  
21 be questions from Commission's counsel or -- or Mr.  
22 Lein, counsel for Basin Electric and also from the  
23 Commissioners. I may also ask any questions of  
24 witnesses.

25 A summary of the application was set forth

1 in a Notice of Filing and Notice of Hearing dated  
2 September 29, 2009. I'll give a brief summary of  
3 that at this time.

4 On August 10, 2009, Basin Electric filed  
5 an application for a waiver of procedures and time  
6 schedules and a consolidated application for a  
7 certificate of corridor compatibility and route  
8 permit to authorize construction of a 230 kilovolt  
9 electric transmission line and associated  
10 facilities extending from an existing substation  
11 near Williston to an existing substation near  
12 Tioga, North Dakota.

13 The Commission found the applications were  
14 complete conditioned on Basin Electric filing a map  
15 detailing proposed final transmission line  
16 structure locations, which was subsequently timely  
17 filed.

18 Basin Electric is requesting that the  
19 Commission waive procedures and time schedules set  
20 forth in statute and rule to allow for a single  
21 consolidated application for corridor certificate  
22 and route permit.

23 This public hearing is a combined hearing  
24 on the application for a waiver and consolidated  
25 application for the transmission line corridor and

1 route.

2 There are four issues for the Commission  
3 to consider. One, will the location, construction  
4 and operation of the proposed facilities produce  
5 minimal adverse effects on the environment and upon  
6 the welfare of the citizens of North Dakota?

7 Two, are the proposed facilities  
8 compatible with the environmental preservation and  
9 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 This is the hearing procedure that we will  
21 follow in this matter. Basin Electric will first  
22 present its case for granting its request to waive  
23 the procedures and time schedules in this matter  
24 and its application for corridor certificate and  
25 route permit. Each witness called by the Applicant

1 will be subject to questioning by Commission  
2 counsel or Mr. Lein and the Commissioners. I may  
3 also ask questions.

4 And on completion of the Applicant's  
5 presentation of its case, any proponents of the  
6 application who wish to testify will be given the  
7 opportunity to do so. Following that, I will ask  
8 again whether there are any protestants, and they  
9 will also be given an opportunity to present a case  
10 for denial of Basin Electric's waiver request and  
11 application for corridor certificate and route  
12 permit.

13 If documentary evidence is introduced, I  
14 must have seven copies marked as an exhibit for the  
15 Commission.

16 The burden of proof is on the Applicant,  
17 Basin Electric, to show by a preponderance of the  
18 evidence that its waiver request and application  
19 for a corridor certificate and route permit should  
20 be granted.

21 Counsel, any questions regarding the  
22 procedures?

23 MS. JACOBSON: I have none, thank you.

24 MS. BENDISH: No, Your Honor.

25 JUDGE FETCH: At this time I'm going to

1 ask the Commissioners whether they have opening  
2 comments, and I'm going to begin with Commissioner  
3 Tony Clark, who has the portfolio.

4 COMMISSIONER CLARK: Thank you, Judge  
5 Fetch. Well, just good morning and welcome.  
6 Thanks for -- for being here. These -- these are  
7 remarkable times in North Dakota in the -- in the  
8 energy industry.

9 If you look back at Commission history as  
10 far as siting cases, whether they be transmission  
11 lines or pipelines or -- or generation fields  
12 themselves, you'll see that in the last few years  
13 we've had a remarkable uptick in investment here in  
14 the state. If you look back from the time period  
15 about '95 to 2005, you could probably count on one  
16 hand the number of siting cases that the Commission  
17 did. If you total up just from 2005 until to now,  
18 it's several dozen that the Commission has -- has  
19 handled.

20 So we've had a number of these, some of  
21 these right here in -- in this particular room  
22 because, of course, this part of the state is -- is  
23 such an integral part of the -- the energy  
24 industry.

25 And while all of us as -- as state

1 officials are not immune to being excited about the  
2 level of -- of economic development that's going on  
3 in the state, we realize that as a Commission we do  
4 have this separate function, which is to oversee  
5 and make sure that the -- the development that's  
6 taking place is being done in the right way and in  
7 the right fashion and making sure that all the  
8 requirements that are there in statute are being  
9 followed and -- and that it's happening in an  
10 orderly way that's protecting our cultural,  
11 historic and environmental resources.

12 And so that's really what we're -- we're  
13 here doing today is to -- is to build that record.  
14 And in that light and something that Judge Fetch  
15 mentioned is we really do want to hear from you  
16 because this is our one opportunity to get the  
17 information on the record.

18 This type of proceeding may be something  
19 that's a little bit unfamiliar to you if you  
20 haven't been to one of these before. It tends to  
21 be a lot more formal than a lot of other  
22 proceedings that you may have been involved with,  
23 whether it be city commissions or legislatures or  
24 things like that.

25 The reason it is is not because we don't

1 want folks to testify. We do want you to testify.  
2 The reason it is is because under the law it's an  
3 administrative proceeding that has to be done on  
4 the record.

5 Now, one of things that's really important  
6 to note about that is that the Commission can only  
7 consider things that are said right here with sworn  
8 testimony and the ability for all parties to ask  
9 you questions, but don't let that intimidate you.  
10 If you do want us to consider something, please do  
11 it here today because we do want to be able to take  
12 everything into consideration. If you have a  
13 question or a concern or in favor of the project,  
14 those are all things that help us make our  
15 decisions.

16 Thank you.

17 JUDGE FETCH: Thank you.

18 And Commission Chairman, Kevin Cramer,  
19 could we hear from you, please?

20 COMMISSIONER CRAMER: Sure, thank you,  
21 Judge Fetch, and thanks, all of you, for being  
22 here. Special thanks, by the way, to  
23 Representative Sukut for being our chauffeur and  
24 getting us here, and great to see Representative  
25 Hatlestad as well. We appreciate their support

1 of -- of what the Commission does and of -- and  
2 their support of this area in -- in representing  
3 you so well.

4           You know, a few things that come to mind.  
5 You know, the old -- the first thing that came to  
6 mind this morning was the old adage, time to spare,  
7 go by air, but fortunately we were able to  
8 scramble, find another aircraft and get up here.

9           But while doing so, it was interesting  
10 that we flew over, of course, some coal mines, some  
11 power plants, some transmission lines, and then as  
12 we were coming in, of course, we saw the -- the  
13 many oil rigs, some pumping, actually. Isn't that  
14 exciting?

15           And it was -- I was reminded that it  
16 seemed kind of unbelievable a couple of months ago  
17 when it was announced that North Dakota passed  
18 Oklahoma as the fifth leading producer of oil. But  
19 that seems kind of minuscule today as we found out  
20 last week we've now passed Louisiana as the fourth  
21 leading producer of oil.

22           And as we flew over all of that energy  
23 infrastructure thinking about this hearing, it was  
24 hard not to be somewhat impressed by the fact that  
25 we're coming up here to site a transmission line

1 that will take that electricity that was generated  
2 somewhere in the middle of our state, burning coal  
3 from underneath our state, to produce oil that then  
4 gets piped to -- much of which gets piped to a  
5 refinery in our state that will turn it into diesel  
6 that will go into trucks and to loaders to mine the  
7 coal. And isn't it wonderful to be in the entire  
8 circle? But more impressive than that, isn't it  
9 wonderful to be the solution to America's energy  
10 needs and to have exactly what America wants?

11 And so as Tony said, we are bullish on  
12 energy development in North Dakota but at the same  
13 time take very seriously that other charge, to  
14 ensure that the development of North Dakota's  
15 energy resources is done in a responsible manner  
16 with minimal adverse impact on people and cultural  
17 and natural resources, which are also a rich part  
18 of -- of the blessings of being North Dakotans.

19 With that, Judge, I would just -- I just  
20 want to clarify a couple of logistical things.  
21 First of all, I want to ask our sound engineer if  
22 everything is sounding okay.

23 SOUND ENGINEER: Yep.

24 COMMISSIONER CRAMER: And which  
25 microphones are live? I want to -- you maybe did

1 that while I was out, but are -- are all of these?

2 SOUND ENGINEER: The -- the silver  
3 microphones that are attached to the table are part  
4 of the in-house system and the black ones are set  
5 up temporarily just for recording, so --

6 COMMISSIONER CRAMER: Okay.

7 SOUND ENGINEER: -- don't worry --

8 COMMISSIONER CRAMER: Perfect.

9 SOUND ENGINEER: -- about which microphone  
10 to speak into --

11 COMMISSIONER CRAMER: Perfect.

12 SOUND ENGINEER: -- because I've got you  
13 all.

14 COMMISSIONER CRAMER: Perfect. That's --  
15 that was the first thing.

16 And then just, also, when we do get public  
17 testimony, is it my understanding that they'll be  
18 asked to come to the podium? Is -- or is that --

19 MS. JACOBSON: That's fine.

20 JUDGE FETCH: Right -- right here. At the  
21 end of the table.

22 COMMISSIONER CRAMER: You'd prefer they  
23 come here? Doesn't matter, to me, I guess, but  
24 sometimes people might be more comfortable doing  
25 something else.

1           JUDGE FETCH: I think you're right,  
2 Commissioner. I think the podium would be better.

3           COMMISSIONER CRAMER: The podium? I -- I  
4 think that may be -- that way you can talk right to  
5 us and that -- that's fine.

6           But let me also, then, add my word of  
7 encouragement, that when that time does come,  
8 whether you're a proponent or a Protestant -- no,  
9 protestant or -- or a -- or just a concerned  
10 citizen that's maybe neutral or maybe you're a  
11 proponent with concerns, all of that is -- is  
12 welcome and encouraging. So we want to hear from  
13 you because there's no second chance once this  
14 hearing is closed.

15           So, again, welcome, thank you for your  
16 interest and it's great to be in Williston.

17           JUDGE FETCH: Thank you, Commissioner.  
18 And we have the full Commission today. So,  
19 Commissioner Kalk, would you like to say something?

20           COMMISSIONER KALK: Sure. What's left to  
21 be said after these two guys talk; right?

22           I just want to thank you all for coming  
23 out today, thank Basin Electric for all the work  
24 they've done. Got a nephew in Williston High  
25 School and so I come up here quite a bit, and I'm

1 just always impressed when I come here. We've got  
2 great representatives, great part of the state and  
3 a great team, and I just look forward to a good  
4 hearing today.

5 Thank you.

6 JUDGE FETCH: Thank you, members of the  
7 Commission.

8 Does the Applicant wish to make a brief  
9 opening statement?

10 MS. JACOBSON: I do. Thank you, Judge  
11 Fetch, Commissioners, members of the public, staff.  
12 My name is Casey Jacobson and I'm an attorney for  
13 Basin Electric Power Cooperative.

14 On September 11, 2007, Basin Electric  
15 submitted to the Public Service Commission a letter  
16 notifying the Commission of its intent to construct  
17 a 230 kV transmission line from Williston to Tioga.  
18 Basin Electric also requested the Commission  
19 shorten the one-year waiting period between filing  
20 a letter of intent and the filing of the  
21 application for a certificate of corridor  
22 compatibility.

23 By a motion dated September 20, 2007, the  
24 Commission acknowledged the letter of intent,  
25 shortened the one-year waiting period between

1 filing a letter of intent and a siting application  
2 to one day, assessed a filing fee of \$100,000 and  
3 assigned the project Case No. PU-07-671.

4 On August 10, 2009, Basin Electric  
5 submitted its combined applications for a waiver of  
6 procedures and time schedules, certificate of  
7 corridor compatibility and a route permit for the  
8 Williston to Tioga project.

9 On September 29, 2009, the Public Service  
10 Commission issued a Notice of Filing, a Notice of  
11 Hearing on Basin Electric's application and found  
12 the applications to be complete, conditioned on  
13 Basin Electric filing a map detailing the proposed  
14 final transmission line structure locations on or  
15 before October 20, 2009.

16 On October 9, 2009, Basin Electric filed a  
17 certification relating to order provisions,  
18 electric transmission line siting regarding certain  
19 conditions to which Basin Electric has agreed to.

20 On October 20, 2009, Basin Electric  
21 delivered to the Public Service Commission a map  
22 detailing the proposed final transmission line  
23 structure locations.

24 The Applicant's case in support of its  
25 application will be presented today through five

1 witnesses. The first witness was -- will be Duey  
2 Marthaller, the project manager for the Williston  
3 to Tioga project. Mr. Marthaller's testimony  
4 contains a description of the nature and business  
5 of Basin Electric Power Cooperative, a description  
6 of the transmission facilities and general location  
7 of the proposed line and Basin Electric's policies  
8 with respect to the Public Service Commission's  
9 policy criteria. Mr. Marthaller will also testify  
10 to the design of the facility.

11 The second witness is Mr. Matthew Stoltz  
12 who will testify regarding the need for the  
13 project.

14 The third witness is Mr. Kevin Solie who  
15 will describe the methodology used in evaluating  
16 and identifying the proposed corridor and route.

17 The last witness is Mr. Mike Murray who  
18 will describe the line route and discuss its  
19 selection in terms of right-of-way considerations.

20 Sitting behind me is Darlene Steffan,  
21 administrative secretary in the Office of General  
22 Counsel and will assist me at today's hearing.

23 Additionally, with your indulgence I would  
24 like to introduce a few people from the Basin  
25 Electric membership here today. First off is David

1 Sigloh. He's the president of Upper Missouri G&T,  
2 and also with him is Mr. Tom Barnett, the CEO of  
3 Upper Missouri G&T. Additionally, Bob Grant, the  
4 vice president of Mountrail-Williams Cooperative  
5 located here in Williston. And with him is the  
6 manager of Mountrail-Williams, Mr. Dale Haugen. We  
7 thank them for attending today.

8 We have these cooperatives here to thank  
9 for lunch and refreshments available upstairs, and  
10 everyone is welcome to attend lunch and it will be  
11 available anytime around noon.

12 And that concludes my opening statement.

13 JUDGE FETCH: Thank you, Ms. Jacobson.

14 All right. At this time Basin Electric  
15 may proceed to present its case in this matter, and  
16 I believe we're going to have witnesses testify  
17 from the podium.

18 MS. JACOBSON: Your Honor, if it would be  
19 possible for the Basin Electric witnesses to  
20 testify here, they'll be reading off these binders  
21 and I think it's easier for them to sit to do that,  
22 if --

23 JUDGE FETCH: That will be fine.

24 MS. JACOBSON: Okay.

25 JUDGE FETCH: There is a blue sheet at the

1 end of this table and it's a sign-in sheet for  
2 witnesses. So if you are testifying, I ask that  
3 you sign the sign-in sheet.

4 Ms. Jacobson, call your first witness.

5 MS. JACOBSON: Thank you, Your Honor. My  
6 first witness is Mr. Duey Marthaller.

7 JUDGE FETCH: Mr. Marthaller and all the  
8 rest of you who will be testifying today, all  
9 witness testimony at this hearing is taken under  
10 oath and is subject to penalties for perjury. By  
11 law I'm required to inform witnesses as to  
12 penalties for perjury. Perjury in the state of  
13 North Dakota is a Class C felony, punishable by a  
14 maximum fine of \$5,000, a maximum five years in  
15 prison, or both.

16 (Witness sworn.)

17 JUDGE FETCH: Thank you.

18 Go ahead, Ms. Jacobson.

19 MS. JACOBSON: Thank you.

20 MR. MARTHALLER: Should I write this down?

21 Do you want me --

22 MS. JACOBSON: Sure.

23 MR. MARTHALLER: -- to sign this first?

24 JUDGE FETCH: Ms. Jacobson, do you have --  
25 are you intending to admit -- or to offer exhibits

1 one by one or do you intend to admit them as a --  
2 as a packet?

3 MS. JACOBSON: My intention is to admit  
4 them when it -- when the witness testifies through  
5 the witness's testimony when it's applicable in  
6 their testimony, if that's all right.

7 JUDGE FETCH: Okay. Thank you. I think  
8 that is not a live microphone. It's the black one.  
9 Okay. Thank you.

10 Please proceed.

11 **DUEY MARTHALLER,**

12 having been first duly sworn, was examined and  
13 testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. JACOBSON:**

16 Q. Mr. Marthaller, please give us your name,  
17 business address and your occupation.

18 A. My name is Duey Marthaller. I'm employed  
19 as the manager of civil engineering for Basin  
20 Electric Power Cooperative, 1717 East Interstate  
21 Avenue, Bismarck, North Dakota.

22 Q. And what is your employment history with  
23 Basin Electric?

24 A. I have been the manager of civil  
25 engineering for 12 years. Prior to that I worked

1 for Basin Electric as a civil engineer for  
2 18 years.

3 Q. Please state your educational background.

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

9 Q. What have been your responsibilities in  
10 connection with the Williston to Tioga 230 kV  
11 transmission project?

12 A. I am the project manager. As project  
13 manager, I am responsible for coordination of all  
14 aspects of the project, including routing,  
15 right-of-way, engineering and permitting.

16 Q. What is the purpose of your testimony at  
17 this proceeding?

18 A. The purpose of my testimony is to provide  
19 a description of Basin Electric Power Cooperative,  
20 a summary of the proposed project, a description of  
21 the proposed transmission line and Basin Electric's  
22 position with respect to the PSC transmission  
23 facility corridor and route policy criteria.

24 Q. Would you please describe Basin Electric?

25 A. Basin Electric is a regional wholesale

1 electric generation and transmission cooperative  
2 organized under the laws of the State of North  
3 Dakota and headquartered in Bismarck, North Dakota.  
4 Basin Electric provides power to 136 member  
5 cooperatives serving more than 2.8 million  
6 consumers in nine states, including North Dakota.

7 Q. Please describe the proposed Williston to  
8 Tioga transmission project.

9 A. The proposed project consists of a 230 kV  
10 transmission line from the Western Area Power  
11 Administration's, Western, existing Williston  
12 substation southwest of Williston, North Dakota, to  
13 an existing Montana-Dakota Utilities, MDU, 230 kV  
14 substation east of Tioga, North Dakota.

15 At the Williston substation, Western is  
16 adding a 230 kV bay to accommodate upgrading their  
17 Charlie Creek to Williston line and this new line  
18 to Tioga. The Williston to Tioga 230 kV line will  
19 be terminated on a take-off structure inside the  
20 Williston substation yard.

21 At the Tioga substation, MDU has added  
22 a 230 kV bay within the existing substation fence.  
23 The proposed line will be terminated on a take-off  
24 structure inside the Tioga substation yard. An  
25 optical ground wire will be installed on the

1 transmission line for communications and will also  
2 serve as lightning protection for the line.

3 The Williston to Tioga 230 kV line will be  
4 constructed, owned and maintained by Basin  
5 Electric. The transmission line will be  
6 approximately 61 miles long and be located in  
7 Williams and Mountrail Counties.

8 (Exhibit 1 was marked for identification.)

9 Q. (MS. JACOBSON CONTINUING) Mr. Marthaller,  
10 I'll show you what's been marked as Exhibit 1.  
11 Could you please identify it?

12 A. Yes. It is the project schedule. Basin  
13 Electric is planning to start construction in the  
14 spring of 2010 and complete the project by the end  
15 of 2010.

16 MS. JACOBSON: Your Honor, I'd move for  
17 the admission of Exhibit 1, please.

18 JUDGE FETCH: Any objections?

19 MS. BENDISH: No objection.

20 JUDGE FETCH: Thank you. Exhibit 1 is  
21 admitted.

22 Q. (MS. JACOBSON CONTINUING) What is the  
23 estimated cost of the project?

24 A. The total cost of the project is estimated  
25 to be \$24 million.

1           Q.     Please describe the North Dakota  
2     Transmission Authority and their role in this  
3     proposed project.

4           A.     The North Dakota Transmission Authority  
5     was established in 2005 by the North Dakota  
6     legislature to diversify and expand the North  
7     Dakota economy by facilitating in the development  
8     of transmission facilities to support the  
9     production, transportation and utilization of North  
10    Dakota electric energy.

11                   In its role, the North Dakota Transmission  
12    Authority assisted in coordinating and participated  
13    in discussions between the Bank of North Dakota and  
14    Basin Electric. The initial discussions that were  
15    held centered on the Bank of North Dakota's MATCH  
16    Program. The MATCH Program, excuse me, which is --  
17    pardon me, which is targeted to manufacturing,  
18    processing and value-added industries, is designed  
19    to encourage financially strong entities to enter  
20    either -- to either enter into or expand the  
21    business they conduct in North Dakota.

22                   The Bank of North Dakota through the  
23    participation of Wells Fargo Bank National  
24    Association has loaned Basin Electric the money  
25    needed to construct the Williston to Tioga

1 transmission line.

2 Q. Please describe the design of the proposed  
3 230 kV transmission line Basin Electric intends to  
4 construct.

5 A. The transmission line will be constructed  
6 on self-supporting galvanized steel, single-pole  
7 structures. The line will be three-phase, meaning  
8 it uses -- pardon me. I've got to get a drink of  
9 water.

10 I'll start over with the answer of that.  
11 The transmission line will be constructed on  
12 self-supporting galvanized steel, single-pole  
13 structures. The line will be three-phase, meaning  
14 it uses three current carrying conductors. The  
15 conductors will be 1.3 inches in diameter. Each  
16 conductor has 24 strands of aluminum and 7 strands  
17 of steel. Above the conductors will be one  
18 one-half-inch diameter optical ground wire. This  
19 wire provides lightning protection and optical  
20 fibers for communications.

21 The minimum conductor clearance to ground  
22 will be 26 feet at 212 degrees Fahrenheit conductor  
23 temperature. The line will require approximately  
24 six to seven structures per mile, depending on  
25 terrain and other design factors. Special

1 structure spotting considerations are necessary  
2 when crossing roads or bodies of water. The  
3 right-of-way will be 125 feet wide, which amounts  
4 to 15.15 acres per mile of transmission line.

5 Q. What standards has Basin Electric adopted  
6 in designing this line?

7 A. The transmission line will be constructed  
8 according to standards of the Rural Utilities  
9 Service, the National Electric Safety Code, the  
10 Institute of Electrical and Electronics Engineers,  
11 the American Society of Civil Engineers, the  
12 American Institute of Steel Construction and the  
13 American Concrete Institute. In addition, Basin  
14 Electric has its own standards.

15 (Exhibit 2 was marked for identification.)

16 Q. (MS. JACOBSON CONTINUING) Can you please  
17 examine this exhibit and identify it?

18 A. It is a drawing of the typical 230 kV  
19 transmission line structure that we'll use -- will  
20 be used on the project.

21 MS. JACOBSON: Your Honor, I'd move for  
22 admission of Exhibit 2.

23 JUDGE FETCH: Okay. And where is  
24 Exhibit 2?

25 MS. JACOBSON: It should be right in the

1 back of the testimony.

2 JUDGE FETCH: Is it marked?

3 MS. JACOBSON: It's -- it is marked  
4 Exhibit 2. It's just -- the court reporter just  
5 marked it as Exhibit 2.

6 JUDGE FETCH: All right. Thank you. Is  
7 there any objection?

8 MS. BENDISH: No objection.

9 JUDGE FETCH: Exhibit 2 is admitted.

10 THE WITNESS: Your Honor, for people in  
11 the -- in the room, it's a -- that poster over  
12 there on the -- on the --

13 JUDGE FETCH: Thank you.

14 Q. (MS. JACOBSON CONTINUING) Would you  
15 please describe the transmission line structures to  
16 be built as part of this project?

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

24 The typical structure will be about  
25 100 feet tall. The top of the pole will be about

1 10 inches in diameter and the bottom will be about  
2 42 inches in diameter. The structures will have  
3 permanent working ladders. Ladders are not  
4 accessible from the ground.

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

8 A. The minimum clearances are: Cultivated  
9 land or pasture, 26 feet; roads, 28 feet; highways,  
10 31 feet; railroads, 38 feet; and line crossings, 12  
11 to 16 feet, depending on the volt -- voltage of the  
12 line being crossed.

13 These clearances are provided at a maximum  
14 conductor temperature of 212 degrees Fahrenheit.  
15 The clearance at lower temperatures will be  
16 greater. These clearances meet or exceed code  
17 standards.

18 Q. Once the structures are located, can any  
19 single structure be moved easily?

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

24 Q. Mr. Marthaller, you have testified that  
25 this project will involve a right-of-way of

1 125 feet. Can you please identify any standards  
2 regarding tree growth within the right-of-way?

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

9 Q. Would you please discuss the electric and  
10 magnetic fields created by a 230 kV transmission  
11 line?

12 A. Electric and magnetic fields, commonly  
13 referred to as EMF, are invisible lines of force  
14 that surround any electrical device. All power  
15 lines, electrical wiring and electrical equipment  
16 produce electric and magnetic fields. Electric  
17 fields are produced by voltage. Magnetic fields  
18 result from the flow of electricity through wires.  
19 Both types of fields decrease rapidly as the  
20 distance from the source increases.

21 The electric field is shielded or weakened  
22 by common materials that conduct electricity, even  
23 materials that conduct electricity poorly, such as  
24 trees, buildings and human skin. Magnetic fields  
25 are more difficult to shield. Therefore,

1 discussion and study of exposure to these fields is  
2 usually directed to magnetic fields.

3           Directly below the centerline of a 230 kV  
4 power line, the mean magnetic field strength is  
5 about 58 milligauss. At 50 feet from the  
6 centerline, the field strength is about 20  
7 milligauss. For comparison, the field strength one  
8 foot from a running hairdryer is 70 milligauss and  
9 one foot from a can opener is 300 milligauss.

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

12           A. Interference with television and AM radio  
13 reception should not be noticeable -- be noticeable  
14 beyond the edge of the right-of-way. The line will  
15 have no effect on FM radio or cell phone reception.

16           Q. Are you aware of any actual or potential  
17 hazards to humans, animal life or the environment  
18 posed by the transmission line?

19           A. Electrocution hazard is present under any  
20 transmission line where a person extends conductive  
21 objects close to the energized conductor. The  
22 primary hazard to wildlife is birds flying into a  
23 wire.

24           Q. Is there an increased danger associated  
25 with lightning strikes near the transmission line?

1           A.     The overhead ground wire will shield the  
2     conductors from direct hits by lightning. The  
3     current from each of the lightning strokes is  
4     diverted to the ground at the adjacent structures.  
5     When this current is discharged from the pole base  
6     to the surrounding ground, a step potential voltage  
7     will momentarily exist on the ground near the pole,  
8     presenting an electrocution hazard. People should  
9     avoid structures during a lightning storm.

10          Q.     Does this transmission line interfere with  
11     any airports or airport expansion plans?

12          A.     Basin Electric reviewed the proposed  
13     transmission line with staff of the Tioga and  
14     Williston airports. Basin Electric hired Ulteig  
15     Engineers to analyze the Tioga airport using  
16     Federal Aviation Administration standards and they  
17     determined the proposed transmission line will not  
18     interfere with the airport.

19                 Staff from the Williston airport referred  
20     us to Kadrmas, Lee and Jackson Engineers, the firm  
21     studying the proposed expansion of the Williston  
22     airport. It was determined that the proposed  
23     transmission line is outside the area of influence  
24     of the proposed expansion of the Williston airport.

25          Q.     I would now like to ask you a series of

1 questions relating to the North Dakota Public  
2 Service Commission's transmission facility corridor  
3 and route policy criteria.

4 What is Basin Electric's policy with  
5 respect to maximizing potential benefits through  
6 location and design of its facilities?

7 A. Basin Electric performs comprehensive  
8 transmission studies to identify facilities that  
9 are needed to ensure a reliable transmission  
10 system. The location and voltage of these  
11 facilities is -- is determined by transmission  
12 planning experts to maximize the benefits of these  
13 lines. Mr. Matthew Stoltz will discuss this  
14 further in his testimony.

15 Q. What is Basin Electric's policy concerning  
16 the training and utilization of available labor in  
17 North Dakota for the general and specialized skills  
18 required?

19 A. Basin Electric has a long-standing policy  
20 of recruiting and training workers from North  
21 Dakota. We have developed a partnership with  
22 Bismarck State College to provide the coursework  
23 for our apprenticeship programs in both our  
24 transmission system maintenance division and power  
25 plant maintenance areas. We also work with the

1 University of North Dakota, North Dakota State  
2 University, University of Mary, Bismarck State  
3 College and North Dakota State College of Science  
4 to fill intern -- internships and full-time  
5 vocation/technical and professional positions.

6 In addition, we recently established a  
7 Grow Your Own Program through Bismarck State  
8 College in which students who are enrolled in the  
9 power plant technician associate degree program may  
10 apply and be selected for opportunities to work at  
11 our power plants as interns. Basin Electric hires  
12 up to five students in each of our -- at each of  
13 our power plants.

14 As full-time positions become available,  
15 the students who have completed these internships  
16 may apply. If selected, Basin Electric will  
17 reimburse 50 percent of the cost of tuition and  
18 books, 15 percent upon hire, 15 percent after  
19 completing one year of employment and 20 percent  
20 after completing two years of employment.

21 Basin Electric staff members also sit on  
22 advisory boards for various programs at Bismarck  
23 State College. It is also Basin Electric's  
24 practice to hire qualified North Dakota workers.  
25 Basin Electric includes qualified North Dakota

1 companies on its bidders' lists for materials and  
2 construction work. The actual labor force used on  
3 our construction projects is hired by the  
4 contractors. The construction personnel are highly  
5 trained in this very specialized area of  
6 construction. However, certain portions of the  
7 construction sequence do not require specialized  
8 training. We anticipate that for these tasks, the  
9 contractor will likely employ local people.

10 Q. What efforts has Basin Electric made to  
11 economize the costs of construction and operation  
12 of this project?

13 A. Basin Electric has an obligation to its  
14 member cooperatives to construct facilities at the  
15 least cost while maintaining reliability and  
16 safety. All materials and services are  
17 competitively bid by qualified suppliers.

18 Basin Electric will combine purchases with  
19 other projects to take advantage of volume pricing.  
20 Basin Electric maintains its own facilities,  
21 minimizing the cost of contracted services.

22 Q. Has Basin Electric involved local  
23 government entities and citizens in the planning  
24 process?

25 A. Basin Electric initiates and maintains

1 close contact with all pertinent federal, state and  
2 local agencies prior to construction of a facility.  
3 For this project, we have met with county  
4 commissions, zoning boards, and city organizations.  
5 We involved the public by conducting public scoping  
6 meetings, mailing information and visiting  
7 landowners.

8 Q. Would you please tell the Commission what  
9 type of commitment Basin Electric has to North  
10 Dakota consumers regarding their electric power  
11 supply.

12 A. Basin Electric is contractually committed  
13 to meet all of the additional power requirements,  
14 above their allocation from Western Area Power  
15 Administration, for the 14 North Dakota rural  
16 electric cooperatives that are our members.

17 Q. What is Basin Electric's policy regarding  
18 labor relations?

19 A. Basin Electric management has always  
20 maintained an equitable, fair and harmonious  
21 relationship with labor. Basin Electric uses both  
22 union and nonunion contractors.

23 Q. What is Basin Electric's policy and what  
24 efforts has the cooperative made in the  
25 coordination of facilities?

1           A.     Basin Electric works closely with Western  
2 Area Power Administration, Montana-Dakota  
3 Utilities, and our member systems to share  
4 facilities and avoid duplications -- duplication.

5           For two years we have been meeting with  
6 MDU, Western and our members on a monthly basis to  
7 discuss western North Dakota transmission issues  
8 exclusively. Both the Williston and Tioga  
9 substations are shared facilities.

10          Q.     What is Basin Electric's position on the  
11 monitoring of environmental impacts?

12          A.     Basin Electric's policy is that  
13 environmental impacts should be monitored and steps  
14 taken to mitigate and alleviate those impacts which  
15 have adverse effects. The environmental assessment  
16 prepared by Western discusses expected impacts and  
17 mitigation measures proposed for the project.

18          Once a transmission line is completed, a  
19 continuing program of maintenance begins. Basin  
20 Electric will monitor the line and correct any  
21 problems for the life of these facilities.

22          Q.     What is the policy of Basin Electric  
23 regarding the use of existing and proposed  
24 rights-of-way and other existing or proposed  
25 transmission facilities?

1           A.     Basin Electric strives to avoid  
2           duplication in transmission facilities. We have  
3           agreements with Montana-Dakota Utilities and  
4           Western which enable us to use facilities jointly.  
5           These agreements have resulted in economic savings  
6           to consumers and the avoidance of unnecessary  
7           duplication of transmission lines and substations.

8           Q.     Mr. Marthaller, Basin Electric has applied  
9           for a waiver of procedures and time schedules, as  
10          well as a certificate of corridor compatibility and  
11          a route permit. Will the need for that waiver be  
12          addressed by another witness?

13          A.     Yes. Matthew Stoltz, the manager of  
14          transmission services, will address our need and  
15          schedule for the project.

16          Q.     Mr. Marthaller, based on your knowledge of  
17          the Williston to Tioga transmission line project,  
18          do you believe the location, construction and  
19          operation of the proposed facilities produce  
20          minimal adverse impacts on the environment and upon  
21          the welfare of the citizens of North Dakota?

22          A.     Yes.

23          Q.     Are the proposed facilities compatible  
24          with the environmental preservation and the  
25          efficient use of resources?

1           A.    Yes.

2           Q.    Will the proposed facility locations  
3 minimize adverse human and environmental impact  
4 while ensuring continuing system reliability and  
5 integrity and ensuring that energies are -- energy  
6 needs are met and fulfilled in an orderly and  
7 timely fashion?

8           A.    Yes.

9           Q.    Is it appropriate for the Commission to  
10 waive procedures and time schedules as requested,  
11 including the request for a single consolidated  
12 application for corridor certificate and a route  
13 permit?

14          A.    Yes.

15          Q.    Does this complete your direct testimony?

16          A.    Yes.

17                MS. JACOBSON:  Your Honor, that completes  
18 my direct of this witness.

19                JUDGE FETCH:  Thank you, Ms. Jacobson.

20                At this time, Ms. Bendish, do you --

21                MS. BENDISH:  No questions.

22                JUDGE FETCH:  -- or Mr. Lein have  
23 questions?

24                MR. LEIN:  I have a couple.  Thanks.

25

**EXAMINATION**

1

2

**BY MR. LEIN:**

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Q. Mr. Marthaller, do you have a -- a timing -- a progress report on the environmental assessment? Do you expect that that would result in a finding of no significant impact being issued?

A. Kevin Solie will answer that.

Q. Okay. And then I don't know if you're the right witness for another question I had, but in our tree and -- or the Commission's tree and shrub mitigation policy, it generally limits clearing of trees through shelterbelts to 50 feet, and I'm wondering if that is an acceptable limit considering the requirement to keep the vegetation off of the power line.

A. Is that a total width of 50 feet?

Q. Yeah, for the clearing. And what would be an acceptable width?

A. We -- and as I just said in my testimony, we -- we are subject to the requirements of -- of -- of FERC and -- and NERC --

Q. Right.

A. -- and -- and they require that the -- that the vegetation be cleared to the necessary right-of-way width of the transmission line.

1 Q. So the --

2 A. And so it would be -- it would be wider  
3 than 50 feet.

4 Q. So the full 125 feet?

5 A. Well, in a -- in -- in a -- in a  
6 particular location, you could calculate what that  
7 requirement is, and the requirement is based on --  
8 on -- on wind blowout and other factors that --  
9 that you could reduce that 125 feet. Now, our --  
10 our policy is that we clear the right-of-way the  
11 whole 125 feet to anything greater than 12 feet in  
12 height.

13 MR. LEIN: Okay. Thank you. That's all  
14 the questions I have.

15 JUDGE FETCH: Thank you.

16 At this time I'll ask the Commissioners  
17 whether you have any questions. Commissioner  
18 Cramer.

19 COMMISSIONER CRAMER: Thank you. I just  
20 have one, Mr. Marthaller.

21 **EXAMINATION**

22 **BY COMMISSIONER CRAMER:**

23 Q. Maybe it's an -- an inquiry into the --  
24 the minimum heights, clearance --

25 A. Mm-hmm.

1           Q.    -- and fields and roads and highways.  Is  
2           that a minimum National Electric Safety Code number  
3           or are those numbers greater than that?

4                   And the reason I bring it up is because,  
5           obviously, implements are getting larger and this  
6           is somewhat educational for me, and we've had this  
7           issue before where there have been concerned  
8           landowners that perhaps the implements that they  
9           are now using would, you know, challenge that.  
10          Just give me a sense of what 26 feet, for example,  
11          means in -- in relation to perhaps the largest  
12          piece of equipment that -- that a farmer might be  
13          driving underneath it.

14                A.    I don't know how -- how tall this  
15          equipment is --

16                Q.    Mm-hmm.

17                A.    -- that -- that -- we -- we just stick to  
18          the national standards.

19                Q.    Okay.

20                A.    And, in fact, our clearances exceed those  
21          clearances of the National Electric Safety Code.

22                Q.    That was kind of -- that was one piece of  
23          information I was looking specifically for,  
24          whether -- where your standards met with regard to  
25          the minimum standards of the Electric Safety Code.



1 people that are supposed to be doing the work?

2 A. Commissioner Kalk, I -- I would like you  
3 to wait and ask that question to our construction  
4 manager. He's here --

5 Q. Okay.

6 A. -- and going to be testifying and -- and  
7 he'll --

8 Q. Which one is he?

9 A. Mark Nygard.

10 Q. Mark? Okay.

11 A. Yeah, I -- I think he's the last one.

12 MS. JACOBSON: Second to last.

13 THE WITNESS: Second to the last. Second  
14 to the last one.

15 COMMISSIONER KALK: Okay. That's all I  
16 have.

17 JUDGE FETCH: Any other questions from the  
18 Commission? Thank you.

19 THE WITNESS: You're welcome.

20 JUDGE FETCH: Who is your next witness,  
21 Ms. Jacobson?

22 MS. JACOBSON: Next witness is Mr. Matthew  
23 Stoltz.

24 JUDGE FETCH: Mr. Stoltz, please sign the  
25 sign-up sheet.

1 (Witness sworn.)

2 JUDGE FETCH: Thank you.

3 Ms. Jacobson, proceed.

4 MS. JACOBSON: Thank you, Your Honor.

5 **MATTHEW STOLTZ,**

6 having been first duly sworn, was examined and  
7 testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. JACOBSON:**

10 Q. Mr. Stoltz, would you please state your  
11 name, business address and your occupation?

12 A. My name is Matthew Stoltz. My business  
13 address is 1717 East Interstate Avenue, Bismarck,  
14 North Dakota. I am the manager of transmission  
15 services for Basin Electric Power Cooperative. I  
16 have worked for Basin Electric since 1999 as an  
17 electrical engineer.

18 My work involves transmission studies  
19 required to support generation interconnections and  
20 requests for transmission services. I also  
21 supervise transmission studies for local area  
22 support and operational transmission studies to  
23 determine if the existing transmission system will  
24 be able to handle projected load growth.

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

1 employment prior to coming to Basin Electric?

2 A. I worked for the Western Area Power  
3 Administration from 1986 to 1999 and performed  
4 project management and transmission studies  
5 functions. Prior to Western, I was employed by  
6 Ulteig Engineers from 1985 to 1986 performing  
7 distribution studies and construction inspection.

8 Q. Would you please state your educational  
9 background?

10 A. I earned an Associate of Applied Science  
11 degree from Bismarck Junior College in 1981. I  
12 received a Bachelor of Science degree in electrical  
13 engineering from North Dakota State University in  
14 1985.

15 Q. What have been your responsibilities in  
16 connection with the Williston to Tioga project?

17 A. I was responsible for the collection of  
18 data and the coordination of transmission studies  
19 which determined the need for the project.

20 Q. How do you conduct these transmission  
21 studies?

22 A. Transmission studies are conducted with  
23 the use of power system simulation software. With  
24 this simulation software, we model the electrical  
25 characteristics of the existing transmission

1 system. The computer that -- then calculates the  
2 voltages and power flows on the transmission lines  
3 and substations allowing us to analyze whether or  
4 not the system is adequate for the loads indicated  
5 in the study.

6 One of the most important parts of  
7 conducting transmission studies is being able to  
8 project the electrical loads into the future. This  
9 is required because it can take up to six years to  
10 design, permit and construct a major transmission  
11 line.

12 Once the electrical loads have been  
13 projected and placed into the computer model,  
14 various outages of the existing transmission system  
15 are then simulated. These outages tell us if the  
16 existing transmission system is capable of handling  
17 the projected load growth in the area.

18 If the transmission outages are --  
19 indicate inadequate transmission to an area, we  
20 place into the model various transmission lines or  
21 substations in order to determine the best  
22 alternative to solve this deficiency.

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

25 A. Yes. The transmission system must be

1 designed so it meets the criteria set by the North  
2 American Reliability Council, NERC. The Federal  
3 Energy Regulatory Commission, FERC, has identified  
4 NERC as the federal reliability authority for  
5 electrical utilities in the United States.

6 NERC criteria states we should not have  
7 unplanned service interruptions into an area if  
8 we have -- if we have an outage of one transmission  
9 line. This criteria enables us to maintain  
10 reliable service into an area if a storm should  
11 happen to take out one line out of service or if  
12 maintenance on a transmission line is required.

13 Q. Mr. Stoltz, Basin Electric has applied for  
14 a waiver of procedures and time schedules based on  
15 certain conditions which require expedited  
16 construction of the Williston to Tioga transmission  
17 line. How did you determine that this need  
18 existed?

19 A. Basin Electric conducts transmission  
20 studies periodically with neighboring utilities,  
21 such as Montana-Dakota Utilities Company, MDU, and  
22 the Western Area Power Administration, Western, to  
23 review the adequacy of the existing transmission  
24 system.

25 Basin Electric, Western and MDU

1 transmission planners have been cooperatively  
2 monitoring the area of northwestern North Dakota  
3 for a number of years. Our studies indicated that  
4 load growth was impacting system voltage.

5 In 2006, Basin Electric's marketing  
6 division and Upper Missouri G&T provided Basin  
7 Electric and Western transmission planners new load  
8 data for this area. Based on this information,  
9 Basin Electric and Western transmission planners  
10 determined a dedicated study effort of the area was  
11 required.

12 The result of this study determined a new  
13 230 kV line was required to connect the existing  
14 Tioga and Williston substations. Also, Western's  
15 existing 115 kV line connecting Williston to  
16 Charlie Creek substation should be rebuilt to 230  
17 kV operation. These two projects would complete a  
18 230 kV transmission path connecting the Tioga and  
19 Williston areas to the 345 kV backbone system near  
20 Killdeer, North Dakota.

21 (Exhibit 3 was marked for identification.)

22 Q. (MS. JACOBSON CONTINUING) I show you  
23 what's been marked as Exhibit 3. Could you please  
24 identify it?

25 A. This is the long-range transmission study

1 prepared by Basin Electric that indicates the  
2 urgent need for transmission support into the  
3 northwestern North Dakota.

4 MS. JACOBSON: Your Honor, I'd move for  
5 admission of Exhibit 3.

6 JUDGE FETCH: Any objections?

7 MS. BENDISH: No objection.

8 JUDGE FETCH: Exhibit 3 is admitted.

9 Thank you.

10 Q. (MS. JACOBSON CONTINUING) Mr. Stoltz, how  
11 does this project affect the reliability of the  
12 transmission system in this area of northwestern  
13 North Dakota?

14 A. According to the 2007 Basin Electric load  
15 forecast for this area, by the year 2011, the  
16 northwest North Dakota load is expected to be  
17 220 megawatts. The transmission analysis indicates  
18 the transmission system will not be able to  
19 accommodate this level of load. Existing  
20 transmission limitations will curtail future load  
21 growth unless this facility is constructed.

22 The proposed Williston-Tioga 230 kV line,  
23 along with the Western upgrade of its  
24 Williston-Charlie Creek 115 kV line to 230 kV  
25 operation, will increase the area load-serving

1 limit to approximately 300 megawatts. Based on the  
2 2007 load forecast, the 300 megawatt load limit  
3 should provide adequate capacity through the year  
4 2020.

5 Q. Does the proposed location, construction  
6 and operation of the 230 kV Williston to Tioga  
7 transmission line ensure continued system  
8 reliability and integrity?

9 A. Yes. The proposed transmission line will  
10 serve the projected electrical load growth while  
11 meeting NERC criteria. The load-serving limit will  
12 rise to at least 300 megawatts to accommodate  
13 long-term forecasted load.

14 Q. Does the proposed project ensure that the  
15 energy needs of the area will be fulfilled in an  
16 orderly and timely fashion?

17 A. Yes.

18 Q. Will this transmission line benefit the  
19 area through which Basin Electric is proposing to  
20 construct?

21 A. Yes. This transmission line will provide  
22 a direct benefit for service into the area allowing  
23 reliable service to area consumers.

24 Q. Are there any plans for expansion of this  
25 line?



1 questions? Commissioner Clark.

2 COMMISSIONER CLARK: I do have just a  
3 couple.

4 **EXAMINATION**

5 **BY COMMISSIONER CLARK:**

6 Q. The -- you indicated that by the year 2011  
7 northwest North Dakota load is expected to be about  
8 220 megawatts.

9 A. Mm-hmm.

10 Q. Can you give me a -- a sense of what the  
11 historical trend is with regard to that? So if we  
12 look at, for example, right now what is the -- the  
13 load in northwest North Dakota compared with, say,  
14 five or ten years ago?

15 A. Yeah. If -- in the exhibit there is a --  
16 a small diagram showing the load growth  
17 projections.

18 Q. Okay.

19 A. Right now it's about 175 megawatts or so,  
20 and that -- this is based off the 2 -- 2007  
21 forecast, but that forecast is still accurate for  
22 today so it matches today's actual loads. So as we  
23 approach 200 megawatts, we'll be running out of  
24 system capacity. So we're getting close to the  
25 edge, so to speak, of our ability to serve network

1 load.

2 Q. Wow! That's a pretty remarkable increase  
3 in a short amount of time, isn't it?

4 A. Yes, it is.

5 Q. Does the addition of this line do anything  
6 at all for North Dakota's export potential? I  
7 understand this is on the far end of kind of where  
8 the -- the eastern interconnect is, but in any way  
9 does this provide more capacity for potential wind  
10 farms, something like that at some point?

11 A. Right. Given this line is in northwest  
12 North Dakota, it's not a line connecting North  
13 Dakota to major load centers out east. So it  
14 doesn't provide a direct benefit for export.  
15 However, it beefs up the local network system which  
16 will provide an on-ramp for wind power to get to  
17 the high-voltage network grid at some other place.

18 Q. Okay. But on the whole, it's fair to say  
19 that this is really a reliability line and one  
20 that's specifically addressing a need related to  
21 the expanding energy facilities in the northwest  
22 part of the state, oil and gas production?

23 A. Right. The primary purpose is a  
24 load-serving network facility to enable us to serve  
25 network loads reliably.

1 COMMISSIONER CLARK: Thanks.

2 JUDGE FETCH: Any other questions from the  
3 Commission? Commissioner Cramer.

4 COMMISSIONER CRAMER: I do. Thank you,  
5 Your Honor.

6 **EXAMINATION**

7 **BY COMMISSIONER CRAMER:**

8 Q. Matt, the -- for -- especially for perhaps  
9 members of the public and somewhat for myself, I'd  
10 like just a little clarification on this waiver of  
11 procedures and time schedules because traditionally  
12 for us as a Commission, while we've been dealing  
13 with a lot of siting that -- one of the first  
14 things we waive is the one-year waiting period  
15 between a letter of intent and the application,  
16 which was not the case here because the letter of  
17 intent was received over two years ago, which we  
18 appreciate, by the way. That's sort of forward  
19 warning because oftentimes we'll get a letter of  
20 intent and ask for that one year to be waived to a  
21 day.

22 Just so I'm clear, is the purpose of --  
23 are the procedures we're waiving and that -- that  
24 we're waiving today, or at least you're asking us  
25 to waive today, relate specifically to the joint

1 or the -- the -- the corridor and route permits  
2 together so that we're having a joint hearing on  
3 just those or is -- or is there something more to  
4 it than that?

5 A. I don't feel qualified to answer that  
6 question. Casey, can you help me with that?

7 MS. JACOBSON: I think the next witness,  
8 Mr. Kevin Solie, can address that.

9 COMMISSIONER CRAMER: Okay.

10 THE WITNESS: Sorry.

11 COMMISSIONER CRAMER: That's -- no, that's  
12 fine. I'd prefer to get the right answer.

13 THE WITNESS: Yeah. Prefer to give you  
14 the right answer.

15 COMMISSIONER CRAMER: If I had a -- if I  
16 had a good engineering software question to ask, I  
17 would do that.

18 I have nothing further, Your Honor.

19 JUDGE FETCH: Thank you.

20 COMMISSIONER CRAMER: Thank you.

21 JUDGE FETCH: Thank you.

22 Anything else from -- questions from the  
23 Commission?

24 COMMISSIONER KALK: Just one.

25 JUDGE FETCH: Commissioner Kalk.

**FURTHER EXAMINATION**

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**BY COMMISSIONER KALK:**

Q. Just had a background question for you. The -- the interconnect with the Williston substation, I mean, that's got to be key to this whole project; right?

A. Absolutely.

Q. And so from, I guess, the reliability standard, that's the key piece to this. Is there anything that you know of other than -- we're going to hear from the NEPA side of this -- that would -- would restrict that from happening or cause that not to happen --

A. Western Power --

Q. -- other than --

A. That's a Western Area Power substation --

Q. Yeah.

A. -- and they're currently expanding their yard as we speak. It's under construction right now.

Q. So the only thing that might be a challenge there is -- is the -- the EA giving final notice. From your side, the -- everything looks good?

A. It's a permit question again so I don't

1       feel comfortable answering it, but --

2           Q.     Okay.

3           A.     May I just leave it at that?  As far as I  
4       know --

5           Q.     Just -- just more of a background just  
6       from what you've seen --

7           A.     Yeah.

8           Q.     -- because you're out there all the time.  
9       I know it's their -- their stuff, but just from  
10      what you've seen, everything looking so far so  
11      good?

12          A.     Yeah, so far so good.  And Williston's sub  
13      is under construction.  In fact, the WAPA has just  
14      rebuilt the section line between Williston and  
15      Watford City last summer --

16          Q.     Okay.

17          A.     -- so that's already been done.  We need  
18      to build our line between Tioga and Williston, of  
19      course, next year --

20          Q.     Yeah.

21          A.     -- and WAPA's going to turn around and  
22      then rebuild the section between Watford City and  
23      Charlie Creek the year after, and then we'll be  
24      good to go for this 230 kV loop that we need to  
25      serve this load that's projected to occur in the

1 near future.

2 COMMISSIONER KALK: Okay. Thank you.

3 JUDGE FETCH: Commissioners, any more  
4 questions? Thank you.

5 Are there any other questions?

6 MR. LEIN: No.

7 JUDGE FETCH: No? All right. Thank you,  
8 Ms. Jacobson -- thank you, Mr. Stoltz.

9 And who is your next witness?

10 MS. JACOBSON: The next witness is  
11 Mr. Kevin Solie.

12 JUDGE FETCH: I think we'll -- it's about  
13 20 to 12. So we have time to take this witness and  
14 then we'll look at perhaps breaking for lunch.  
15 Does that sound reasonable?

16 MS. JACOBSON: This portion of the witness  
17 will be about 18 minutes.

18 JUDGE FETCH: Very good.

19 COMMISSIONER KALK: That's pretty precise.

20 JUDGE FETCH: Very precise.

21 MS. JACOBSON: We timed it.

22 JUDGE FETCH: Mr. Solie, could you --

23 COMMISSIONER CLARK: How long did you  
24 predict the Commissioners' questions?

25 JUDGE FETCH: -- sign the sign-in sheet?

1 MS. JACOBSON: And that's not factored in  
2 the 18 minutes.

3 (Witness sworn.)

4 JUDGE FETCH: Thank you.

5 Please proceed, Ms. Jacobson.

6 MS. JACOBSON: Thank you, Your Honor.

7 **KEVIN SOLIE,**

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

10 **DIRECT EXAMINATION**

11 **BY MS. JACOBSON:**

12 Q. Please state your name, address and  
13 occupation.

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

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

24 A. I earned a Bachelor of Science degree from  
25 the University of North Dakota, Grand Forks, in

1 1987 with a major in geology. In 1995, I received  
2 a Master of Science degree from the University of  
3 North Dakota with a major in geology with special  
4 emphasis on hydrogeology. In 2008, I earned a  
5 degree in geological engineering, again from the  
6 University of North Dakota.

7 From 1988 through 1990, I worked as a  
8 graduate teaching assistant for the University of  
9 North Dakota Department of Geology and Geological  
10 Engineering. From 1991 to 2007, I worked as an  
11 environmental scientist for the North Dakota State  
12 Department of Health, Division of Waste Management.

13 I am a recently retired commissioned  
14 officer of the North Dakota Army National Guard,  
15 having served a one-year tour of duty in Iraq.

16 I was hired by Basin Electric in May 2007.

17 Q. Mr. Solie, what have been your -- Mr.  
18 Solie, what have been your responsibilities in  
19 connection with the Williston to Tioga project  
20 corridor studies?

21 A. I am responsible for the overall  
22 coordination of the environmental analysis of this  
23 project. This involves working with an  
24 interdisciplinary consulting team, contacting and  
25 meeting with public officials, coordinating

1 activities with other Basin Electric departments  
2 and reviewing and coordinating the various reports  
3 that have been submitted to the Western Area Power  
4 Administration, the North Dakota Public Service  
5 Commission and other interested agencies.

6 Q. You mentioned the Western Area Power  
7 Administration. What is their involvement with the  
8 Williston to Tioga project?

9 A. The proposed 230 kV Williston to Tioga  
10 transmission line will interconnect with Western's  
11 Williston substation. This interconnection is  
12 subject to Western's approval. That approval by  
13 Western is a federal action subject to the National  
14 Environmental Policy Act or NEPA.

15 Western requires an environmental  
16 assessment, or EA, be completed for the project.  
17 This EA is prepared under Western's supervision.  
18 Western is completing a final review of an  
19 August 2009 draft. Western will publish the EA for  
20 public comment following its review. After Western  
21 has received those comments, it will issue its  
22 decision.

23 Q. What is the purpose of your testimony in  
24 this proceeding?

25 A. I will describe the methodology used to

1 delineate the proposed corridor and demonstrate  
2 with respect to environmental considerations the  
3 proposed corridor is in accordance with the North  
4 Dakota Energy Conversion and Transmission Facility  
5 Siting Act and the North Dakota Public Service  
6 Commission rules.

7 (Exhibit 4 was marked for identification.)

8 Q. (MS. JACOBSON CONTINUING) Mr. Solie, I  
9 hand you a document which the court report -- court  
10 reporter has marked as Exhibit 4 and ask you to  
11 identify it.

12 A. It consists of a set of four maps that  
13 depict Public Service Commission transmission  
14 corridor exclusion and avoidance areas.

15 MS. JACOBSON: Your Honor, I'd move for  
16 admission of the series of these maps.

17 JUDGE FETCH: Any objection, Ms. Bendish?

18 MS. BENDISH: No objection.

19 JUDGE FETCH: Thank you. Exhibit 4 is  
20 admitted.

21 THE WITNESS: Also, for members of the  
22 public, the -- the same maps are depicted along the  
23 south wall of this room.

24 JUDGE FETCH: Thank you.

25 Q. (MS. JACOBSON CONTINUING) Please describe

1 what an exclusion criteria means.

2 A. The North Dakota Public Service Commission  
3 rules at North Dakota Administrative Code, Chapter  
4 69-06-01 states, "Exclusion criteria means criteria  
5 that remove areas from consideration for energy  
6 conversion facility sites and transmission facility  
7 routes."

8 Q. Please describe what an avoidance criteria  
9 means.

10 A. The North Dakota Public Service Commission  
11 rules at North Dakota Administrative Code, Chapter  
12 69-06-01 states, "Avoidance criteria means criteria  
13 that remove areas from consideration for energy  
14 conversion facility sites and transmission facility  
15 routes unless it can be shown that under the  
16 circumstances there are no reasonable  
17 alternatives."

18 Q. Mr. Solie, does the Public Service  
19 Commission rule -- do the Public Service Commission  
20 rules provide any further direction regarding  
21 exclusion and avoidance areas?

22 A. Yes. The North Dakota Administrative  
23 Code, Chapter 69-06-08 also provides, "Exclusion  
24 and avoidance areas may be located within a  
25 corridor, but at no given point shall" -- "shall

1 such an area or areas encompass more than  
2 50 percent of the corridor width, unless there is  
3 no reasonable alternative."

4 (Exhibit 5 was marked for identification.)

5 Q. (MS. JACOBSON CONTINUING) Mr. Solie, I  
6 hand you what has been marked by the court reporter  
7 as Exhibit 5. Could you please identify it?

8 A. Yes. It is a set of four maps that depict  
9 land use. Cropland is depicted in green, grassland  
10 in pale green, pasture and hayland in brown,  
11 woodland in red, cities in transparent light blue,  
12 wetlands and bodies of water in blue, and barren or  
13 developed land in white. Areas of soil types with  
14 high irrigation potential are depicted in orange  
15 crosshatch.

16 MS. JACOBSON: Your Honor, I would move  
17 for admission of Exhibit No. 5.

18 JUDGE FETCH: Any objections, Ms. Bendish?

19 MS. BENDISH: No objection.

20 JUDGE FETCH: Thank you. Exhibit 5 is  
21 admitted. And are those the maps behind us here?

22 THE WITNESS: Yes, Your Honor, they are.

23 JUDGE FETCH: Thank you.

24 Q. (MS. JACOBSON CONTINUING) Mr. Solie,  
25 would you please give the Commission a general

1 description of the proposed corridor?

2 A. Prelim -- preliminary estimates of  
3 transmission line length were on the order of  
4 60 miles. Since corridor width must be a minimum  
5 of 10 percent of corridor length, up to a maximum  
6 of 6 miles, a corridor width of 6 miles was used  
7 for the project.

8 The proposed corridor is located in  
9 Williams and Mountrail Counties in western North  
10 Dakota and is oriented to avoid exclusion and  
11 avoidance areas to the extent practicable.  
12 Portions of the communities of Williston, Tioga and  
13 Ray lie within the corridor but would be avoided  
14 during detailed routing.

15 The Zahl Lake National Wildlife Refuge,  
16 along with various U.S. Fish and Wildlife Service  
17 waterfowl production areas, were also avoided  
18 during corridor routing.

19 As depicted on the map, the corridor  
20 generally trends east to west, following U.S.  
21 Highway 2. It then trends to the southwest and  
22 finally south to the existing Williston substation.

23 Agriculture and livestock production  
24 dominate land use within the proposed corridor.  
25 The proposed corridor includes 199,469 acres of

1 land, of which 91 percent are classified as  
2 cropland, pasture or planted herbaceous perennials.  
3 Oil and gas exploration and production  
4 infrastructure is also present throughout the  
5 corridor.

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

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

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

1 one potential line route, which, to the extent  
2 practicable, will satisfy the following objectives:

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

5 Two, minimize the disturbance to  
6 cultivated croplands.

7 Three, avoid irrigated cropland.

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

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

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

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

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

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

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

25 Eleven, minimize circuitous routing which

1 would increase costs and overall impacts.

2 And finally, 12, avoid incompatible  
3 obstacles or systems such as missile -- missile  
4 silos, oil wells or airports.

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

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

15 Q. Please describe the major considerations  
16 of delineating the transmission corridor.

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

24 Q. Mr. Solie, did Basin Electric incorporate  
25 public input in the corridor selection process?

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

8                     Basin Electric representatives met with  
9 Williams County Planning and Zone -- with the  
10 Williams County Planning and Zoning Board in  
11 September 2008 to provide a project overview and to  
12 receive their comments and concerns.  A PowerPoint  
13 slide show about the project was presented and  
14 included information about the project location,  
15 state and federal environmental review processes  
16 and the acquisition of easements.

17                     In total, 41 agencies, organizations or  
18 officials were contacted for early input for this  
19 project.  Ten Native American tribes were also  
20 contacted to solicit their input on the project.  
21 The list of officials and agencies contacted are  
22 presented in Appendix 8 -- A, excuse me, of the  
23 application.

24                     The Western Area Power Administration, or  
25 Western, also conducted public scoping meetings in

1 mid-March 2008 in compliance with the scoping  
2 provisions of the United States Department of  
3 Energy NEPA implementation regulations. These  
4 meetings were conducted in Williston and Tioga.

5 The purpose of the meetings was to aid in  
6 the federal decision-making process and to assist  
7 in the formulation of issues to be addressed by  
8 Western's environmental assessment for the proposed  
9 project. The comments received during these  
10 meetings were also considered in the corridor and  
11 route selection process.

12 Q. Mr. Solie, I am going to ask you a series  
13 of questions regarding the PSC transmission  
14 facility corridor criteria exclusion areas.

15 Does the proposed corridor contain any  
16 designated or registered national parks, memorial  
17 parks, historic sites and landmarks, national  
18 landmarks, monuments or wilderness areas?

19 A. No.

20 Q. Any designated or registered state parks,  
21 historic sites, monuments, historic parks --  
22 parkers -- markers, excuse me, archeological sites  
23 or nature preserves?

24 A. Yes. A Class I records and file search  
25 revealed 148 recorded archeological sites in the

1 proposed corridor. The recorded sites included  
2 prehistoric sites, such as stone circles or cairns,  
3 historic sites and architectural sites. All of  
4 these sites would be avoided during detailed  
5 routing.

6 Q. Any county parks and recreational areas,  
7 municipal parks or parks owned or administered by  
8 any other governmental subdivisions?

9 A. Yes. There are several small municipal  
10 parks, campgrounds or recreation areas within or  
11 near the communities of Williston, Ray and Tioga.  
12 All of these areas were avoided during detailed  
13 routing.

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

16 A. No. Although federally listed species  
17 such as the whooping crane, piping plover, interior  
18 least tern and gray wolf may occur in the project  
19 vicinity, designated critical habitat for these  
20 species does not occur within the proposed  
21 corridor.

22 Q. Are there any areas where animal or plant  
23 species that are unique or rare to this state would  
24 be irreversibly damaged?

25 A. No. Although state-sensitive animal and

1 plant species may occur within the corridor, none  
2 of the species would be irreversibly damaged by  
3 construction activities. The exhibit reflecting  
4 the location of exclusion and avoidance areas  
5 illustrates the general locations of  
6 state-sensitive animal and plant species  
7 populations present within and adjacent to the  
8 proposed corridor. There were no North Dakota  
9 natural heritage inventory sites located within the  
10 corridor.

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

15 A. No.

16 Q. Mr. Solie, I am going to ask you a series  
17 of questions regarding the PSC transmission  
18 facility selection criteria.

19 How does the proposed corridor demonstrate  
20 that significant adverse effects, if any, upon  
21 agriculture will be kept to an acceptable minimum?  
22 Please address this issue in terms of farmsteads,  
23 cropland and interference with irrigation.

24 A. Farmsteads are scattered throughout the  
25 proposed corridor. The highest density of

1 residences and businesses are located in and around  
2 the city of Williston, which is located in the  
3 extreme southwestern portion of the proposed  
4 corridor. Rural residences and buildings have been  
5 avoided to the extent practicable during the  
6 detailed routing process.

7 Agriculture and livestock production  
8 dominate land use in the project vicinity. As I  
9 mentioned before, the project corridor includes  
10 199,469 acres of land, of which 91 percent is  
11 classified as cropland, pasture or planted  
12 herbaceous perennials.

13 As such, agricultural areas are included  
14 in the corridor. However, impacts to agriculture  
15 are minimized by the use of single-pole, unguyed  
16 structures and the strategic placement of  
17 structures along the edges of fields. Irrigated  
18 lands identified within the proposed corridor would  
19 be avoided to the extent practicable.

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

24 A. Drainages within the proposed corridor are  
25 largely intermittent and ephemeral. No impacts are

1 anticipated to occur to either surface or  
2 groundwater flow patterns.

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

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

17 Q. Will the facility have any visual impacts  
18 to the adjacent areas?

19 A. Visual resources within the proposed  
20 corridor largely consist of broad expanses of  
21 cultivated fields, rangeland and grasslands. The  
22 landscape has been altered due to previous  
23 development. Oil and gas exploration and  
24 production infrastructure, roads and utility lines  
25 are present in the area.

1           Because of the gently rolling terrain in  
2 the proposed corridor, the transmission structures  
3 will be visible in the general area of the line  
4 route. However, the overall character of the land  
5 would not be significantly changed.

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

8           A.    No. While there is significant oil and  
9 gas activity in the area, it would not be in  
10 conflict with the proposed transmission line.

11          Q.    Any impacts on wetlands, woodlands or  
12 wooded areas?

13          A.    Wetlands, woodlands and wooded areas,  
14 including shelterbelts, occur in localized areas  
15 within the proposed corridor. These areas have  
16 been avoided whenever feasible by the proposed  
17 route.

18          Q.    On radio and television reception and  
19 other communication or electronic control  
20 facilities?

21          A.    No. Impacts would be minimal.

22          Q.    Do you expect any significant adverse  
23 effect on human and animal health and safety or  
24 plant life?

25          A.    No.

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

4           A.     Yes.   Basin Electric has secured zoning  
5     approvals for the transmission line and associated  
6     facilities from the Williams County Commission.  
7     Mountrail County indicated it will not require  
8     Basin Electric to obtain any zoning approvals.   The  
9     zoning approval for Equality Township in Williams  
10    County is pending and approval is expected  
11    November 7, 2009.

12                   We will provide a late-filed exhibit of  
13    that approval, along with the approval from  
14    Williams County.

15           Q.     What effects are underway with regard to  
16    nationally listed threatened or endangered species?

17           A.     Western, as the lead agency under NEPA, is  
18    conducting a Section 7 consultation per the  
19    Endangered Species Act with the U.S. Fish and  
20    Wildlife Service.   When the consultation is  
21    complete, we will provide the results to the PSC.

22           Q.     Does this conclude your direct testimony?

23           A.     Yes, it does.

24                   MS. JACOBSON:   Your Honor, this completes  
25    the first portion of this witness's testimony.

1 JUDGE FETCH: Thank you.

2 Mr. -- Ms. Bendish, you have a question.

3 **CROSS-EXAMINATION**

4 **BY MS. BENDISH:**

5 Q. Mr. Solie, in your testimony you stated  
6 that Basin avoided inhabited rural residences by a  
7 minimum of 500 feet. Did you identify any  
8 residences that weren't habited but were able to be  
9 habitable and were those avoided as well?

10 A. I believe that there is one location along  
11 the route where there is a house. At the time we  
12 were routing the transmission line there was no  
13 electrical service to the building. So I guess  
14 that would be one that would be less than -- than  
15 500 feet, but, yeah, it -- it wasn't inhabited and  
16 I guess I couldn't speak to whether or not it -- it  
17 could be in the future.

18 Q. What's -- do you know how far away the  
19 transmission line is from that residence?

20 A. I -- I think ballpark about 350 feet.

21 MS. BENDISH: Thank you.

22 JUDGE FETCH: Mr. Lein, do you have any  
23 questions?

24 MR. LEIN: No questions. Thanks.

25 JUDGE FETCH: Thank you.



1           A.    You know, not -- not so much in the  
2           corridor selection, but in the route.  It seemed  
3           that routing -- routing along Highway 2 was -- was  
4           favorable.  And I can tell you early on we were  
5           looking at -- at having line routes much farther to  
6           the north, but at the scoping meetings, we heard  
7           about crop sprayers for the peas and lentils that  
8           are grown there and so that eliminated some of that  
9           area to the north.

10          Q.    Mm-hmm.  When you spoke with landowners  
11          and local officials, did that become something they  
12          brought up, trying to stay as close to that  
13          right-of-way as possible or was that not  
14          something --

15          A.    Yes.

16          Q.    -- so much --

17          A.    Not -- not so much stay along Highway 2,  
18          but they were -- they were more concerned about  
19          the -- you know, the -- the areas to the north of  
20          Highway 2 that -- I guess, the transmission line  
21          would --

22          Q.    Stay away from there.

23          A.    -- would impact crop spraying.

24                    COMMISSIONER CLARK:  Interesting.  Thank  
25                    you.

1 JUDGE FETCH: Commissioner Cramer.

2 COMMISSIONER CRAMER: Just one  
3 specifically.

4 **EXAMINATION**

5 **BY COMMISSIONER CRAMER:**

6 Q. I notice in -- just where the line --  
7 the -- the route crosses I think it's Highway 2 and  
8 then out of -- you know, it comes down out of Tioga  
9 and then it first turns to the west, it -- it  
10 crosses and runs on the south side and then after  
11 about four or five miles, then it goes to the north  
12 side with no apparent reason to me, anyway, just  
13 looking at the map. Do you know why -- why it  
14 crossed the highway twice there?

15 A. I guess I would defer that question to  
16 Mike Murray, the lands right-of-way.

17 COMMISSIONER CRAMER: Okay. Then I have  
18 nothing else.

19 JUDGE FETCH: Thank you. Any --

20 COMMISSIONER KALK: Oh, I do.

21 JUDGE FETCH: Commissioner Kalk.

22 **EXAMINATION**

23 **BY COMMISSIONER KALK:**

24 Q. The -- thank you for your testimony too.  
25 The -- the NEPA tie-in with Western and all that,

1 give me what -- how that's going to flow together  
2 because it -- it would be hard for me as a  
3 commissioner to do anything until we get that back  
4 because -- whatever it says. What does that  
5 timeline look like?

6 A. I would say we should be, I guess -- and,  
7 again, it's -- it's -- I'm speaking for the federal  
8 agency and I -- I -- you know, it's a little  
9 difficult, but I would say, again ballpark, maybe  
10 two to three months we should have approval on the  
11 EA and -- and the -- the draft environmental  
12 assessment is, you know -- it's -- it's leading  
13 towards a finding of no significant impact. So,  
14 you know, this won't be a kick to the EIS level or  
15 anything like that.

16 Q. Okay. Just because in, you know, previous  
17 things we've done like this, it -- until that comes  
18 through, it's hard for me as a commissioner and  
19 maybe the others -- I don't speak for them -- but  
20 to do much. So that's the time frame. It might  
21 not become a limiting factor, quite honestly.

22 The -- maybe educate me a little bit about  
23 when you've got zoning approval, but you still need  
24 easements. How do those tie in together?

25 A. Well, the -- the zoning approvals are from

1 the -- the political subdivisions --

2 Q. Right.

3 A. -- and so whether it's the -- the county  
4 or the township, the easements are one-on-one with  
5 the landowners.

6 Q. Did you have any problems with any of  
7 those or are you anticipating any problems with the  
8 easements?

9 A. Again, I would defer to Mr. Mike Murray.

10 COMMISSIONER KALK: Okay. That's all.  
11 Thank you.

12 JUDGE FETCH: Commissioner Clark.

13 **FURTHER EXAMINATION**

14 **BY COMMISSIONER CLARK:**

15 Q. Just one other question. And if you'd  
16 rather answer this as part of the route testimony  
17 as opposed to corridor, but as long as I'm thinking  
18 of it right now, there are some abandoned mine  
19 lands that are identified just to the west of  
20 Williston, and I -- I didn't pick any others up on  
21 the -- in the corridor that I could see. But could  
22 you talk a little bit about those and whether --  
23 how much scoping you've done of the -- the  
24 abandoned mine lands that are under the -- the  
25 transmission towers and whether they've been

1 reclaimed or to what degree they've been mapped?

2 A. Yes, sir. Well, we actually contacted the  
3 AML, the abandoned mined lands, division of the --  
4 of the PSC to -- to get information on these,  
5 really, abandoned underground mines. I don't know  
6 that there's really surface mining per se --

7 Q. Okay.

8 A. -- but there -- there are some areas of  
9 underground mines, and these are from, you know,  
10 maybe 1910 to 1920, and -- and so there aren't  
11 fantastic records and -- and we have, I guess, what  
12 the PSC has, what AML has on it. And really what  
13 it comes down to is we'll -- we'll have to do a --  
14 a little bit more intensive geotechnical program  
15 there to determine foundation conditions.

16 Q. So when you get on site and you're  
17 actually micrositing the towers themselves, you'll  
18 be drilling down and making sure there aren't any  
19 voids underneath there?

20 A. Yes, sir.

21 COMMISSIONER CLARK: Okay. Thanks.

22 JUDGE FETCH: Commissioners, any further  
23 questions? Commissioner Cramer.

24 COMMISSIONER CRAMER: Perhaps while you're  
25 pouring cement and it just keeps going.

1 I have nothing else.

2 JUDGE FETCH: Thank you.

3 Any further questions?

4 MS. BENDISH: No, Your Honor.

5 JUDGE FETCH: Thank you, Mr. Solie.

6 It's noon. Does the Commission prefer to  
7 take a -- a lunch recess or continue with this  
8 witness.

9 COMMISSIONER CLARK: I think let's go  
10 ahead and --

11 COMMISSIONER CRAMER: Well, I'm -- just a  
12 couple of things, if I might, Your Honor.

13 JUDGE FETCH: Yes.

14 COMMISSIONER CRAMER: I would very much  
15 favor continuing on assuming that it's not a -- a  
16 lot. I don't know how much more time --

17 MS. JACOBSON: The next portion of  
18 Mr. Solie is about 15 minutes.

19 COMMISSIONER CRAMER: Okay. The other  
20 question I would have, of course, would be for the  
21 recorder who's working a lot harder than us, if  
22 she's ready for a break.

23 THE REPORTER: I am.

24 COMMISSIONER CLARK: Let's take a break.

25 JUDGE FETCH: All right. It's a little

1 after noon. We will take a lunch recess.

2 Thank you.

3 (Recessed at 12:03 p.m. to 12:46 p.m.)

4 JUDGE FETCH: All right. We'll come back  
5 to order. The time is 12:50 p.m. Central Time.

6 And at this time, Ms. Jacobson, are you  
7 continuing with Kevin Solie?

8 MS. JACOBSON: Yes, Your Honor, we are.

9 JUDGE FETCH: All right. Mr. Solie,  
10 you're still under oath. All right. Please  
11 proceed, Ms. Jacobson.

12 MS. JACOBSON: Thank you.

13 **FURTHER DIRECT EXAMINATION**

14 **BY MS. JACOBSON:**

15 Q. Mr. Solie, what have been your  
16 responsibilities in connection with the routing of  
17 the transmission facilities -- facilities  
18 associated with the Williston to Tioga project?

19 A. After the proposed corridor was  
20 identified, I was responsible for coordination of  
21 the environmental aspects of the final route  
22 selection.

23 Q. Would you please describe for us the  
24 methodology Basin Electric used in the selection of  
25 the proposed line route?

1           A.     The methodology used to select the final  
2 route was a refinement of the same methodology  
3 utilized to identify the proposed corridor.  
4 Following the identification of the proposed  
5 corridor, additional analyses were conducted to  
6 determine a suitable line route within the proposed  
7 corridor.

8                     The final line route was chosen with  
9 respect to the same 12 objectives identified in my  
10 testimony on corridor selection methodology.

11                    Several potential line routes were plotted  
12 on the corridor map. The route selection  
13 activities included a further literature review  
14 on -- on the proposed corridor to obtain additional  
15 information. Contacts were also made with various  
16 public agencies, public officials and the general  
17 public through the Western EA scoping process.

18                    In addition, individual landowners were  
19 contacted by Basin Electric in order to determine  
20 if any future development plans would be affected  
21 by construction of this transmission line. Field  
22 and aerial surveys of potential line routes were  
23 also conducted.

24                    After compiling the information gathered  
25 through literature review, field activities and

1 public input, further refinements of the proposed  
2 line route were completed and a final line route  
3 was established. This final line route was  
4 selected by a consensus of Basin Electric  
5 environmental, engineering and right-of-way staff.

6 Q. Mr. Solie, could you please describe the  
7 role of the Public Service Commission's designated  
8 exclusion areas and avoidance areas in the route  
9 selection process?

10 A. Yes. The Public Service Commission rules  
11 at NDAC Chapter 69-06-08 provide that exclusion  
12 areas must be excluded from consideration of a  
13 route for a transmission facility. The rules  
14 further provide that avoidance areas shall not be  
15 considered in routing of the transmission facility  
16 unless the Applicant shows that under the  
17 circumstances there is no reasonable alternative.

18 The rules also provide that a buffer zone  
19 of reasonable width to protect the integrity of the  
20 area shall be included, unless a distance is  
21 specified in the criteria.

22 Q. Would you please generally describe for us  
23 the route being proposed by Basin Electric?

24 A. Starting at the Williston substation, the  
25 route proceeds generally to the north, staying west

1 of the Williston airport and crossing an area of  
2 abandoned underground lignite mines. Geotechnical  
3 borings will need to be completed at structure  
4 locations to ensure adequacy of foundation  
5 conditions.

6 A burrowing owl nest location was also  
7 note -- noted in this area during the biological  
8 surveys conducted for the line. This nest would be  
9 avoided by transmission structures, and no  
10 construction would occur near the nest during the  
11 breeding or nesting season.

12 About six miles north of the Williston  
13 substation, the route stair-steps to the northeast,  
14 generally following section lines or property  
15 lines, crossing U.S. Highway 2 and the Little Muddy  
16 River Valley.

17 The line then follows the section line  
18 north just under four miles where it proceeds to  
19 the east following the route of U.S. Highway 2 for  
20 about 13 and a half miles. The line jogs a half  
21 mile to the south to set up the portion of the  
22 route that traverses to the immediate south and  
23 east sides of Ray.

24 East of Ray, the route lies one-half mile  
25 to the north of U.S. 2, following the quarter line

1 for approximately nine miles. The line then drops  
2 south again following U.S. Highway 2 for  
3 approximately four miles.

4 At this point, the route proceeds  
5 generally to the north taking advantage of routing  
6 on noncultivated land, crossing the Mountrail  
7 County line and terminating at the existing MDU  
8 Tioga substation.

9 Q. Mr. Solie, I'm going to ask you a series  
10 of questions related to the PSC transmission  
11 facility route criteria exclusion areas. Does the  
12 proposed route cross any designated or registered  
13 national parks, memorial parks, historic sites and  
14 landmarks, national landmarks, monuments or  
15 wilderness areas?

16 A. No.

17 Q. Does the proposed route cross any  
18 designated or registered state parks, historic  
19 sites, monuments, historical markers, archeological  
20 sites or nature preserves?

21 A. No.

22 Q. Does the proposed route cross any county  
23 parks and recreational areas, municipal parks or  
24 parks owned or administered by other governmental  
25 subdivisions?

1 A. No.

2 Q. Does the proposed route cross areas which  
3 are critical to the life stages of a threatened or  
4 endangered animal or plant species?

5 A. No.

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

9 A. No.

10 Q. Mr. Solie, I'm now going to ask you a  
11 series of questions related to the PSC transmission  
12 facility route criteria avoidance areas.

13 Does the proposed route cross any  
14 designated or registered national historic  
15 districts; wildlife areas; wild, scenic or  
16 recreational rivers; wildlife refuges; and  
17 grasslands?

18 A. No.

19 Q. Does the proposed route cross any  
20 designated or registered state wild, scenic or  
21 recreational rivers; game refuges; game management  
22 areas; forests; forest management lands; or  
23 grasslands?

24 A. No.

25 Q. Does the proposed route cross any areas of

1 historical, archeological or paleontological  
2 significance not designated as exclusion or  
3 avoidance areas?

4 A. Once the proposed route was established, a  
5 Class III cultural resources survey or pedestrian  
6 survey was conducted along the proposed route. The  
7 survey area consisted of a 200-foot-wide corridor  
8 centered on the proposed route centerline. The  
9 entire proposed route was inventoried for cultural  
10 resources.

11 While numerous prehistoric and historic  
12 sites were identified during the Class III surveys,  
13 all would be avoided by spanning the site if  
14 possible or by adjusting the route around the site.

15 It is unlikely paleontological resources  
16 would be affected by the project since there is  
17 little or no bedrock exposed along the route. No  
18 paleontological resources have been identified  
19 along the transmission line route.

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

22 A. Areas underlain by abandoned underground  
23 lignite mines may present stability issues;  
24 however, as mentioned earlier, detailed  
25 geotechnical work would be completed in the area to

1 ensure adequate foundation conditions are present  
2 to support the structures.

3 Q. Will the proposed route pass within  
4 500 feet of a farmhouse, rural residence or place  
5 of business?

6 A. Well, I guess the question that Ms.  
7 Bendish had earlier, I guess there's the -- you  
8 know, I guess we -- our criteria was occupied rural  
9 residences. So the answer would be no; but without  
10 the definition of a -- a residence, I guess the  
11 answer would be yes.

12 Q. Okay. Will the proposed route cross any  
13 reservoirs, municipal water supplies or water  
14 sources for organized rural water districts?

15 A. No.

16 Q. Will the proposed route cross any land  
17 under irrigation?

18 A. No.

19 Q. Will the proposed route cross any areas of  
20 recreational significance which are not designated  
21 as exclusion areas?

22 A. No.

23 Q. Mr. Solie, I will now ask you a series of  
24 questions related to the PSC transmission facility  
25 selection criteria.

1           What impact will the construction and  
2 operation of the transmission facilities have on  
3 agricultural production and family farms and  
4 ranches?

5           A.    In selecting the final line route, Basin  
6 Electric attempted to select a route that would  
7 minimize impact to agricultural production.

8           Where possible, the route crosses  
9 grassland and pastureland. When crossing  
10 agricultural land, the use of unguyed,  
11 self-supporting structures placed along section  
12 lines and the edges of fields or property lines  
13 helps reduce the impact to farming operations.

14           Construction activities will likely result  
15 in short-term effects on land and crops, depending  
16 on the season or seasons that construction occurs.  
17 Some crops may be damaged and soil compaction may  
18 occur along the right-of-way. These effects,  
19 however, are usually short-term and the land  
20 returns to its former use after the next season's  
21 plowing and seeding.

22           Landowners would be compensated for crop  
23 losses and for field damage resulting from  
24 construction.

25           Similarly, construction of the

1 transmission line will also have some effect on  
2 rangeland and grassland. However, existing  
3 vegetation within the construction right-of-way  
4 would be preserved whenever feasible.

5 In addition, surface disturbance areas  
6 would be reclaimed using native species to  
7 reestablish vegetation, reduce erosion and minimize  
8 the potential of invasion by noxious weeds.

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

15 A. The route does not cross any currently  
16 irrigated land.

17 Q. What impact will construction and  
18 operation of the propose -- proposed facilities  
19 have on surface drainage and flow patterns?

20 A. No impacts are expected.

21 Q. What impact will construction and  
22 operation of the proposed transmission facility  
23 have on noise-sensitive areas?

24 A. Sensitive noise receptors within the area  
25 include rural residents living in scattered

1 locations on farmsteads and those living in  
2 developed areas. However, these areas were avoided  
3 to the extent practicable during the detailed  
4 routing process.

5 Temporary noise impacts would result from  
6 construction activities most likely consisting of  
7 the sounds of equipment backup warning devices and  
8 diesel engine operation. Temporary construction  
9 noise would be limited to no more than a few days  
10 at any particular location along the proposed line  
11 and would be mitigated by scheduling work to  
12 daylight hours, particularly when near sensitive  
13 receptors.

14 Q. What impact will the construction and  
15 operation of the proposed transmission facility  
16 have visually on areas surrounding the proposed  
17 route?

18 A. Because of the relatively flat terrain  
19 along the route, the transmission structures would  
20 be visible in the general area of the line route.  
21 However, Basin Electric has opted for galvanized  
22 steel, single-pole transmission structures.  
23 Light-colored structures tend to become less  
24 visible with distance as they fade in with the  
25 horizon. In any case, visual impacts are expected

1 to be minimal.

2 Q. What impacts will the proposed  
3 transmission facility have on extractive and  
4 storage resources?

5 A. Oil and gas exploration and production are  
6 not expected to be affected by the proposed  
7 project. There are many small gravel pits located  
8 throughout the corridor. These sites were avoided  
9 to the extent reasonably possible through detailed  
10 line routing.

11 Q. What impacts will the proposed  
12 transmission line have on woodlands and wooded  
13 areas?

14 A. Some small patches of shrubs -- shrub --  
15 excuse me, shrubs and occasional small trees occur  
16 in the corridor and along the line route. A small  
17 number of trees and shrubs will need to be removed  
18 to allow for construction and safe operation of the  
19 transmission line.

20 As a mitigation measure, Basin Electric  
21 will replant two trees or shrubs for every tree or  
22 shrub removed during the construction of the  
23 transmission line.

24 Q. What impacts will the proposed  
25 transmission line have on wetlands?

1           A.     No permanent impacts to wetlands are  
2 anticipated as a result of project construction.  
3 Structures would not be placed in wetland areas.  
4 Basin Electric will provide a 100-foot buffer zone  
5 around wetlands whenever feasible to prevent  
6 impacts. Wetland areas along the line route would  
7 be avoided or spanned.

8                     Additionally, Basin Electric will  
9 implement mitigation measures to minimize indirect  
10 impacts to surface water and wetland resources,  
11 such as erosion and sedimentation control best  
12 management practices. Further, Basin Electric will  
13 require its contractor to -- to secure a required  
14 storm water permit for the project from the North  
15 Dakota Department of Health.

16           Q.     What impact will construction of the  
17 proposed transmission facility have on animal  
18 health and safety?

19           A.     Any effects on wildlife will generally be  
20 minor and short-term. In most instances, suitable  
21 habitat adjacent to the disturbed areas would --  
22 would be available for wildlife species until  
23 grasses and woody vegetation would be  
24 reestablished. Basin Electric would replant  
25 disturbed areas with native species as recommended

1 by the county NRCS.

2 Holes that are drilled or excavated for  
3 pole placement or foundation construction and left  
4 unattended overnight would be marked and secured  
5 with temporary fencing to reduce the potential for  
6 wildlife entering the holes.

7 Prior to surface disturbance activities  
8 during the breeding season for migratory birds,  
9 which is approximately April 15 through July 31, a  
10 qualified biologist will survey potentially  
11 suitable habitat, that is, land that is not  
12 cultivated, for nesting activity and other evidence  
13 of nesting.

14 If active nests are located or other  
15 evidence of nesting is observed, appropriate  
16 protection measures, including the establishment of  
17 buffer areas, would be implemented until the young  
18 have fledged and dispersed from the nest area.  
19 These measures will be implemented on a  
20 site-specific and species-specific basis, in  
21 coordination with Western.

22 Conductor to electrical ground and  
23 conductor to conductor distance for the proposed  
24 transmission line are approximately 8 and 20 feet,  
25 respectively. This spacing of conductors is

1 sufficient to eliminate electrocution hazards to  
2 avian species.

3 Construction activities may cause some  
4 temporary inconvenience to livestock grazing  
5 practices; however, these impacts would be minor  
6 and short-term.

7 Q. What impact will the construction of the  
8 line have on plant life?

9 A. Impacts to plant life would be limited to  
10 the disturbed portions of the proposed transmission  
11 line right-of-way. Approximately 65 percent of the  
12 land along the pro -- excuse me, the proposed route  
13 is cultivated. Construction within these areas  
14 would not affect native vegetation.

15 Rangeland and grassland disturbed during  
16 construction activities would be reclaimed with  
17 agency recommended seed mixes, restoring the  
18 vegetation and native habitat.

19 Q. Does this conclude your direct testimony?

20 A. Yes.

21 MS. JACOBSON: Your Honor, that completes  
22 my direct examination of this witness.

23 JUDGE FETCH: Thank you, Ms. Jacobson.

24 Ms. Bendish, do you have any questions?

25 MS. BENDISH: Yes.

**FURTHER CROSS-EXAMINATION**

1  
2 **BY MS. BENDISH:**

3 Q. Mr. Solie, we've talked about the  
4 unoccupied residences within 500 feet. Is that  
5 indicated on Exhibit 4?

6 A. I -- is that the -- I believe it is.  
7 The -- there are, I guess -- I need to get longer  
8 arms here. There are small icons for the --

9 Q. Mm-hmm.

10 A. -- the structures that are -- are located  
11 along the line.

12 JUDGE FETCH: Any further questions,  
13 Ms. Bendish?

14 Q. (MS. BENDISH CONTINUING) Do you know on  
15 which of the four maps of Exhibit 4 I can find that  
16 residence and which one it is?

17 A. It is on -- on map four and --

18 Q. Is it right near where the line --

19 A. Right here where -- (indicating).

20 MS. BENDISH: Okay. Thank you.

21 THE WITNESS: Mm-hmm.

22 JUDGE FETCH: Mr. Lein, do you have any  
23 questions?

24 MR. LEIN: No questions. Thanks.

25 JUDGE FETCH: Thank you.



1 JUDGE FETCH: Commissioner Cramer.

2 COMMISSIONER CRAMER: Your Honor, I might  
3 just want to make sure the record is really clear  
4 about that structure, that -- that nonoccupied --  
5 or noninhabited home, because he pointed to it and  
6 we all saw it, but I want to make sure the record  
7 is clear about where it is. So could -- could you  
8 describe it on map four of --

9 THE WITNESS: Okay.

10 COMMISSIONER CRAMER: I believe it was  
11 where the --

12 THE WITNESS: Right --

13 COMMISSIONER CRAMER: -- it crosses  
14 Highway 2 from the south to the north, but --  
15 because I -- I sense that our counsel may be going  
16 somewhere with that particular piece of  
17 information. I just want to make sure we have a  
18 clean record on it. Is that fair, counselor?

19 MS. BENDISH: That is fair, yes.

20 (Discussion off the record.)

21 THE WITNESS: All right. It's just north  
22 of Highway 2 in Section 7, Township 156 North,  
23 Range 95 West.

24 COMMISSIONER CRAMER: Thank you. I have  
25 nothing else.

1 JUDGE FETCH: Thank you.

2 Any other questions from the Commission?

3 I just have one question, Mr. Solie.

4 **EXAMINATION**

5 **BY JUDGE FETCH:**

6 Q. On the -- the maps, there is an area that  
7 says "laydown areas." What is that?

8 A. A laydown area would be where, I guess,  
9 the -- the pieces and parts for the transmission  
10 line would be staged prior to their placement along  
11 the right-of-way.

12 Q. Okay. So it's kind of a storage area?

13 A. Storage area, right.

14 JUDGE FETCH: Thank you.

15 Any other questions?

16 Thank you, Mr. Solie.

17 Ms. Jacobson, please call your next  
18 witness.

19 MS. JACOBSON: Thank you, Your Honor. My  
20 next witness is Mr. Mark Nygard.

21 (Witness sworn.)

22 JUDGE FETCH: Thank you. And we'll give  
23 you a moment to sign the sheet there.

24 Thank you. Please proceed.

25



1 eight years' construction management experience at  
2 various power generation projects in North Dakota,  
3 Virginia and Colorado, both fossil fuel and  
4 nuclear.

5 I have a total of 38 years in major power  
6 generation facility construction and maintenance.

7 Q. Please state your educational background.

8 A. I'm a 1968 graduate of Williston High  
9 School. I received a two-year technical degree in  
10 electrical design from Western Technical College in  
11 Denver, Colorado, in 1970.

12 Q. What is your responsibility in connection  
13 with the Williston to Tioga 230 kV transmission  
14 project?

15 A. My responsibility -- responsibility will  
16 be to provide supervision, along with the  
17 substation line construction supervisor, to the  
18 construction coordinators assigned to this project.  
19 The construction coordinators will coordinate  
20 owner/contact -- contractor interests, administer  
21 project quality assurance/quality control  
22 requirements, and provide a focal point for  
23 communication between project personnel,  
24 construction -- and construction contractors' field  
25 supervisors.

1           Q.     What is the purpose of your testimony at  
2 this proceeding?

3           A.     The purpose of my testimony is to provide  
4 an overview of the construction requirements.

5           Q.     Would you describe the construction  
6 procedures and workforces required for the  
7 construction of the proposed facilities?

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

14                     The construction activities for  
15 installation of a transmission line include  
16 structure staking, gate installation, foundation  
17 installation, structure hauling, framing and  
18 erection, conductor hauling, pulling, sagging and  
19 clipping, right-of-way cleanup.

20                     The various crews indicate a need of  
21 approximately 60 to 80 workers. The actual  
22 manpower needs may vary from project to project  
23 depending on time constraints, contractor  
24 procedures, terrain, seasonal conditions and other  
25 factors.

1           Other construction is -- after  
2 construction is complete, Basin Electric will  
3 complete a final inspection of the right-of-way,  
4 identifying items which require corrective action.  
5 When corrections have been verified, the contractor  
6 will be released from further responsibility.

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

14           Q.    What housing provisions are required for  
15 this type of workforce?

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

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

1           A.     Crews will generally shut down to allow  
2     the right-of-way to dry to the extent that will  
3     allow construction travel with minimum rutting.  
4     The construction contract will contain language to  
5     control and limit the contractor's activities  
6     whenever the right-of-way is likely to be damaged.

7           Q.     Will gates be closed in a satisfactory  
8     manner?

9           A.     When crossing existing fences, Basin  
10    Electric will install barb wire gap gates with a  
11    16-foot opening.  Gates will be locked, if required  
12    by property owners and/or tenants.

13          Q.     How is the clearing of trees on the  
14    easement area carried out?

15          A.     Stumps will be finished off with a level  
16    cut at an elevation not more than three inches  
17    above the ground.  If requested by the landowner,  
18    usable trees will be cut to length and delivered to  
19    the landowner for his use.  Material not wanted by  
20    the landowner -- landowner will be disposed of at  
21    an approved disposal area.

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

25          A.     The spoils from all foundations will be

1 spread at the structure site if approved by the  
2 landowner. Otherwise, it will be removed from the  
3 right-of-way.

4 Q. Does this complete your direct testimony?

5 A. Yes.

6 MS. JACOBSON: Your Honor, this completes  
7 my direct examination of Mr. Nygard.

8 JUDGE FETCH: Thank you, Ms. Jacobson.

9 Ms. Bendish, any questions?

10 MS. BENDISH: No questions, Your Honor.

11 JUDGE FETCH: Thank you.

12 Mr. Lein?

13 MR. LEIN: No questions.

14 JUDGE FETCH: Any questions from the  
15 Commissioners?

16 COMMISSIONER KALK: I have a couple.

17 JUDGE FETCH: Commissioner Kalk.

18 COMMISSIONER KALK: Thank you for your  
19 testimony.

20 **EXAMINATION**

21 **BY COMMISSIONER KALK:**

22 Q. The -- what makes the contractor  
23 specialized? You said in your testimony  
24 "specialized contractor." How did -- what -- what  
25 gives him that denotation, if you will?

1           A.    The installation of poles, having the  
2 equipment to -- to erect 100-foot poles is --  
3 requires a certain type of equipment that those --

4           Q.    But there's no --

5           A.    -- people must be trained in.

6           Q.    -- special certificate that says they're  
7 specialized? It's just experience in the field?

8           A.    Right. The installation of the -- of the  
9 conductor and proper sagging is -- all comes --

10          Q.    Okay.

11          A.    -- from experience, correct.

12          Q.    And then I guess the follow-up to the  
13 question I asked before about the -- you know,  
14 you've got union and nonunion subcontractors. How  
15 far can you go down to make sure their workforce  
16 is -- is supposed to be working in North Dakota?

17          A.    All of our construction contracts  
18 require -- have the requirement for the contractor  
19 to ensure that everybody is legally required to  
20 work in this country. And that requirement goes  
21 directly to their subcontractors, as well, and they  
22 are required to enforce that.

23          Q.    So just for sake of discussion, so, you  
24 know, the -- the things playing out in the media in  
25 different parts of the state, how does that, you

1 know, potentially -- not talking about that case,  
2 but just in general, how would that follow out if  
3 it was deemed that a subcontractor had somebody  
4 that wasn't supposed to be working? How does that  
5 play back out?

6 A. We go directly to the prime contractor who  
7 we have a -- a contractual agreement with and we  
8 make sure that they are fulfilling the terms and  
9 conditions of their contract.

10 Q. And if they're not, then --

11 A. Then they're asked to mitigate and/or  
12 change the contractor.

13 Q. And then will they be allowed to bid on  
14 future projects if they have not cleaned up their  
15 act, if you will, or how do you -- a violation at  
16 one -- one job, what does that do to the next job?

17 A. We have a -- an evaluation process within  
18 Basin Electric that evaluates all contractors on  
19 their performance and we track that very close, and  
20 performance based on these types of issues as well  
21 as safety and -- and quality.

22 Q. Because it's just -- you know, once again  
23 just general thoughts, that, you know, we get  
24 around the state a lot and everybody's excited that  
25 there's work taking place in North Dakota, but it

1 needs to be work done by people that are from here.  
2 So anything we can do to help that would be greatly  
3 appreciated.

4 A. And we watch that very close.

5 COMMISSIONER KALK: That's all I have.

6 JUDGE FETCH: Thank you.

7 Any other questions for Mr. Nygard?

8 COMMISSIONER CRAMER: Nope. Just thank  
9 you.

10 JUDGE FETCH: Thank you.

11 COMMISSIONER CRAMER: Well done.

12 JUDGE FETCH: You're excused.

13 All right. Ms. Jacobson, I believe you  
14 have one more witness?

15 MS. JACOBSON: Yes. Judge Fetch, this  
16 witness will take a few moments to set up the  
17 electronic display here.

18 JUDGE FETCH: All right. In the meantime,  
19 Mr. Murray, why don't you sign the sign-in sheet.

20 Do you need to have the lights lowered a  
21 little bit?

22 MR. MURRAY: It helps if this side is  
23 lowered, if that won't impact you too much.

24 JUDGE FETCH: Does anyone know where those  
25 are?

1 (Discussion off the record.)

2 JUDGE FETCH: How is that?

3 MR. MURRAY: It will make the screen  
4 easier to see.

5 JUDGE FETCH: All right. Are we ready to  
6 proceed?

7 (Witness sworn.)

8 JUDGE FETCH: Thank you.

9 Ms. Jacobson, go ahead.

10 MS. JACOBSON: Thank you.

11 **MIKE MURRAY,**

12 having been first duly sworn, was examined and  
13 testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. JACOBSON:**

16 Q. Mr. Murray, what is your name, business  
17 address and your occupation?

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

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

24 A. I received an Associate's degree in  
25 business administration from Bismarck State

1 College. I have worked for Basin Electric since  
2 1990 and as a right-of-way agent on numerous  
3 high-voltage transmission lines since 2000. I have  
4 over 200 hours of continuing education in the field  
5 of property and right-of-way through the  
6 International Right-of-Way Association.

7 Q. Are you a member of any professional  
8 associations?

9 A. I am a member of the International  
10 Right-of-Way Association and I have served as the  
11 president of the Dakotas Chapter of the  
12 International Right-of-Way Association from 2007 to  
13 2008. I received my senior right-of-way agent,  
14 SR/WA, designation in 2007, which is the highest  
15 designation achievable in our field, through  
16 coursework and testing.

17 Q. What is your role in connection with the  
18 Williston to Tioga project?

19 A. I am the property and right-of-way  
20 supervisor for Basin Electric. The property and  
21 right-of-way coordinator assigned to this project  
22 reports directly to me. I review all documented  
23 routing issues with our project manager, who is  
24 also the routing engineer, and our property and  
25 right-of-way coordinator.

1           I review all documented negotiation issues  
2           and give direction in an attempt for voluntary  
3           signing of easements. I also oversee the  
4           reclamation of the right-of-way after completion of  
5           construction.

6           Q.     Would you please summarize the extent of  
7           the contacts that have been made by Basin  
8           Electric's right-of-way team with the landowners on  
9           the proposed route?

10          A.     We have made an attempt to contact each  
11          and every landowner along the route in person.  
12          Some landowners had to be contacted by phone or  
13          letter. Many have been contacted several times for  
14          a variety of reasons, including the following:  
15          One, to discuss the project with them and receive  
16          survey permissions; two, to review the route and  
17          discuss any issues that they may have; three,  
18          working out adjustments in routing, where feasible;  
19          four, to negotiate the easement, which may take  
20          several visits; and, five, to keep the landowner  
21          apprised of any changes in location or design of  
22          the line.

23                 We make several attempts to visit with the  
24          landowner in person. If this fails, we will  
25          attempt to contact them by phone. If we are not

1 successful in reaching a landowner in person or by  
2 phone, we send a certified letter or FedEx letter  
3 so they have all the information.

4 Q. How many total landowners are crossed with  
5 the proposed line and what percentage of the  
6 easements have you acquired?

7 A. We have 102 landowners along this proposed  
8 line and we have signed with 92 of those or  
9 90.20 percent.

10 (Exhibits 6 and 7 were marked for  
11 identification.)

12 Q. (MS. JACOBSON CONTINUING) Mr. Murray, I  
13 show you what has been marked as Exhibit 6. Could  
14 you please identify it?

15 A. Yes, this is a series of three maps  
16 depicting the proposed route with angle points.

17 MS. JACOBSON: Your Honor, I would move  
18 for the admission of Exhibit 6.

19 JUDGE FETCH: Any objection?

20 MS. BENDISH: No objection.

21 JUDGE FETCH: Thank you. Exhibit 6 is  
22 admitted.

23 MS. JACOBSON: Thank you.

24 Q. (MS. JACOBSON CONTINUING) Mr. Murray, I  
25 show you what has been marked as Exhibit 7. Could

1 you please identify it?

2 A. It is a CD. The route maps showing  
3 electronically right now on the screen, on the  
4 computer screen, can be found on this CD.

5 MS. JACOBSON: And, Your Honor, I would  
6 move for Exhibit 7.

7 MS. BENDISH: No objection.

8 JUDGE FETCH: Thank you. Exhibit 7 is  
9 admitted.

10 Q. (MS. JACOBSON CONTINUING) Mr. Murray,  
11 would you please describe the considerations Basin  
12 Electric used to determine each segment of the  
13 proposed route?

14 A. Many considerations were taken into  
15 account in the routing of this line, including PSC  
16 criteria, topographic features, farmsteads, land  
17 uses, engineering constraints, archeological finds,  
18 access issues and landowner concerns were all a  
19 part of the process. Where feasible, many reroutes  
20 took place along this line to minimize landowner  
21 concerns.

22 Q. Mr. Murray, please describe the proposed  
23 transmission route.

24 A. Segment 1 is from the WAPA substation to  
25 angle point 9. This segment is approximately

1 6.4 miles in length. The WAPA substation is  
2 located in the southwest quarter of Section 19,  
3 Township 154 North, Range 101 West, Williams  
4 County, North Dakota.

5 From angle point 1, which is located in  
6 the southwest quarter of Section 19, Township 154  
7 North, Range 101 West, the line diagonals  
8 approximately one mile to angle point 2, which is  
9 located in the northeast quarter of Section 19,  
10 Township 154 North, Range 101 West.

11 This portion is on a diagonal due to  
12 existing electrical distribution lines and to align  
13 the proposed line along the section line. The  
14 route proceeds north parallel to the section line  
15 for .9 mile to angle point 3, which is located in  
16 the northeast quarter of Section 18, Township 154  
17 North, Range 101 West. The line diagonals to the  
18 northwest approximately .3 mile to angle point 4,  
19 also located in the northeast quarter of Section  
20 18, Township 154 North, Range 101 West.

21 The line proceeds north for .4 mile to  
22 angle point 5 located in the southeast quarter of  
23 Section 7, Township 154 North, Range 101 West, and  
24 then diagonals northeast .4 mile to angle point 6  
25 located in the southwest quarter of Section 8,

1 Township 154 North, Range 101 West. This bump-out  
2 was done at the request of the landowner who is  
3 building a new home in the southeast quarter of the  
4 southeast quarter of Section 7.

5 From this point the line continues north  
6 for 2.3 miles to angle point 7 located in the  
7 northwest quarter of Section 32, Township 155  
8 North, Range 101 West. The line then diagonals  
9 northwest for approximately .1 mile to angle point  
10 8, which is located in the northeast quarter of  
11 Section 31, Township 155 North, Range 101 West.  
12 This diagonal was necessary to avoid cropland in  
13 the west half of Section 29, Township 155 North,  
14 Range 101 West.

15 The line proceeds north for one mile to  
16 angle point 9, which is located in the southeast  
17 quarter of Section 19, Township 155 North, Range  
18 101 West.

19 Segment 2 is angle point 9 to angle point  
20 17. This segment is approximately 7.4 miles in  
21 length. After conversations with several  
22 landowners, part of this segment was rerouted to  
23 avoid existing and planned homes, recently planted  
24 shelterbelts, and a private landing strip.

25 From angle point 9 the line turns east

1 for .25 mile to angle point 9A, which is located in  
2 the southwest quarter of Section 20, Township 155  
3 North, Range 101 West to accommodate the different  
4 road right-of-way widths. The route continues east  
5 for 1.75 miles to angle point 10, which is located  
6 in the southwest quarter of Section 22, Township  
7 155 North, Range 101 West.

8 The route turns north for one mile to  
9 angle point 11, which is located in the northwest  
10 quarter of Section 22, Township 155 North, Range  
11 101 West. The line diagonals to the northwest for  
12 approximately .1 mile to angle point 12, which is  
13 located in the southeast quarter of Section 16,  
14 Township 155 North, Range 101 West. This diagonal  
15 is necessary to avoid cropland in the southwest  
16 quarter of Section 15, Township 155 North, Range  
17 101 West to minimize impact to a home and to cross  
18 County Road 8.

19 From angle point 12 the route continues  
20 north for one mile to angle point 13, which is  
21 located in the southeast quarter of Section 9,  
22 Township 155 North, Range 101 West. The line turns  
23 east for 1.2 miles to angle point 14 located in the  
24 southwest quarter of Section 11, Township 155  
25 North, Range 101 West. At angle point 14 the

1 line -- or the route turns north for one mile to  
2 angle point 15 located in the northwest quarter of  
3 Section 11, Township 155 North, Range 101 West, to  
4 accommodate a landowner's request for planting a  
5 shelterbelt.

6 The line then turns on a northeasterly  
7 diagonal for .75 mile to angle point 16, which is  
8 located in the northeast quarter of Section 2,  
9 Township 155 North, Range 101 West. This diagonal  
10 is needed to avoid gas pipelines in the southeast  
11 quarter of Section 2, a new home and shop which  
12 were built in the northwest quarter of Section 2.

13 The line continues north for .3 mile to  
14 angle point 17 located in the northeast quarter of  
15 Section 2, Township 155 North, Range 101 West.

16 Segment 3 is angle point 17 to angle point  
17 24. This segment is approximately 8.5 miles in  
18 length.

19 From angle point 17 the line goes  
20 northeast at a diagonal for .5 mile to angle point  
21 18 located in the southwest quarter of Section 36,  
22 Township 156 North, Range 101 West. This diagonal  
23 is needed to cross State Highways 2 and 85 and to  
24 route around a rural schoolhouse in the southwest  
25 quarter of Section 36, Township 156 North, Range

1 101 West, and two gas pipelines running parallel  
2 along the north side of County Road 8 from Sections  
3 36 to 33, Township 156 North, Range 100 West.

4 From angle point 18 the line goes slightly  
5 northeast for approximately .1 mile to angle point  
6 18A located in the southwest quarter of Section 36,  
7 Township 156 North, Range 101 West. This diagonal  
8 is needed to avoid an archeological site.

9 The line then heads east for 1.75 miles to  
10 angle point 19 located in the southeast quarter of  
11 Section 31, Township 156 North, Range 100 West.

12 From angle point 19 the line slightly diagonals  
13 northeast for approximately .2 mile to angle point  
14 20 located in the southwest quarter of Section 32,  
15 Township 156 North, Range 100 West. This diagonal  
16 is needed to reposition alignment on the property  
17 line.

18 The line continues east for 1.8 miles to  
19 angle point 21 located in the southeast quarter of  
20 Section 33, Township 156 North, Range 100 West.

21 The line turns slightly northeast at a diagonal  
22 for .1 mile to angle point 22 located in the  
23 southeast quarter of Section 33, Township 156  
24 North, Range 100 West. This portion runs  
25 diagonally to avoid an archeological site in the

1 southeast quarter of the southeast quarter of  
2 Section 33, Township 156 North, Range 100 West.

3           From angle point 22 the line turns north  
4 for 3.5 miles to angle point 23 located in the  
5 northeast quarter of Section 16, Township 156  
6 North, Range 100 West. The line diagonals in a  
7 northeasterly direction for .25 mile to angle point  
8 24 located in the northwest quarter of Section 15,  
9 Township 156 North, Range 100 West. This diagonal  
10 is necessary to avoid an archeological site in the  
11 northeast quarter of the northeast quarter of  
12 Section 16, Township 156 North, Range 100 West.

13           Segment 4 is from angle point 24 to angle  
14 point 31. This segment is approximately 17.1 miles  
15 in length.

16           The line turns east at angle point 24 and  
17 continues for 13.25 miles to angle point 25 located  
18 in the northwest quarter of Section 14, Township  
19 156 North, Range 98 West.

20           This segment runs parallel on the south  
21 side of North Dakota Department of Transportation  
22 State Highway 2 right-of-way to minimize impact to  
23 cropland, to avoid a gravel pit operation in the  
24 southwest quarter of Section 11, Township 156  
25 North, Range 100 West, and to avoid existing homes

1 in the southwest quarter of Section 9, Township 156  
2 North, Range 99 West; the southwest quarter of  
3 Section 10, Township 156 North, Range 99 West; the  
4 southwest quarter of Section 7, Township 156 North,  
5 Range 98 West; the southeast quarter of Section 9,  
6 Township 156 North, Range 98 West; and the  
7 southwest quarter of Section 11, Township 156  
8 North, Range 98 West.

9 The line turns slightly southeast for  
10 approximately .1 mile to angle point 25A located in  
11 the north half of Section 14, Township 156 North,  
12 Range 98 West. This diagonal is needed to avoid an  
13 obstruction with an existing approach. The line  
14 turns south for .5 mile to angle point 26 located  
15 on the quarter line of Section 14, Township 156  
16 North, Range 98 West. The line then turns east for  
17 1.5 miles to angle point 27 located on the quarter  
18 line of Section 18, Township 156 North, Range 97  
19 West.

20 The line takes a slight southeasterly  
21 diagonal for about .12 mile to angle point 28 in  
22 the southwest quarter of Section 18, Township 156  
23 North, Range 97 West to avoid a stream on the north  
24 side of the quarter line. The line heads in a  
25 slight northeasterly direction for .12 mile to

1 angle point 29 to realign on the quarter mile line  
2 of Section 18, Township 156 North, Range 97 West.  
3 This realignment to the quarter line also avoids  
4 crossing over a family cemetery in the northwest  
5 quarter of the southwest quarter of Section 17,  
6 Township 156 North, Range 97 West.

7 The line then heads east for 1.6 miles to  
8 angle point 30 located on the quarter line of  
9 Section 17, Township 156 North, Range 97 West. The  
10 line diagonals in a southeasterly direction for .1  
11 mile to angle point 31 located in the southwest  
12 quarter of Section 16, Township 156 North, Range 97  
13 West to avoid an archeological site and wetland  
14 area in the southeast quarter of the northeast  
15 quarter of Section 16, Township 156 North, Range 97  
16 West, and an existing road on the quarter line.

17 Segment 5 will be from angle point 31 to  
18 angle point 38. This segment is approximately  
19 1.5 miles in length and is designed to get around  
20 the City of Ray.

21 From angle point 31, the line heads in a  
22 northwesterly direction for .2 mile to angle point  
23 32 located in the southwest quarter of Section 16,  
24 Township 156 North, Range 97 West. The line  
25 continues east for .2 mile to angle point 33 also

1 located in the southwest quarter of Section 16,  
2 Township 156 North, Range 97 West.

3 Here the line turns diagonally in a  
4 northeasterly direction for .1 mile to angle point  
5 34 located in the northeast quarter of Section 16,  
6 Township 156 North, Range 97 West. This diagonal  
7 is necessary to avoid cropland in the southeast  
8 quarter of Section 16, Township 156 North, Range 97  
9 West.

10 From this point the line heads east  
11 for .5 mile to angle point 35 located in the  
12 northeast quarter of Section 16, Township 156  
13 North, Range 97 West. The line turns north  
14 for .5 mile to angle point 36 located in the  
15 northeast quarter of Section 16, Township 156  
16 North, Range 97 West.

17 From angle point 36 the line slightly  
18 diagonals to the northeast for approximately .1  
19 mile to angle point 37 located on the north-south  
20 section line between Sections 9 and 10, Township  
21 156 North, Range 97 West. This diagonal is needed  
22 to cross State Highway 2.

23 From angle point 37 the line runs north  
24 for approximately .25 mile to angle point 38  
25 located on the north-south section line between

1 Sections 9 and 10, Township 156 North, Range 97  
2 West.

3 Segment 6 is from angle point 38 to angle  
4 point 45. This segment is approximately 14.7 miles  
5 in length.

6 From angle point 38 the line turns east  
7 for .8 mile to angle point 39 located in the  
8 southeast quarter of Section 10, Township 156  
9 North, Range 97 West.

10 At angle point 39 the line turns north  
11 for .3 mile to angle point 40, which is located  
12 along the quarter line of Section 10, Township 156  
13 North, Range 97 West. From angle point 40 the line  
14 turns east and runs for 8.6 miles along the quarter  
15 line to angle point 41 in the west half of Section  
16 7, Township 156 North, Range 95 West.

17 The line then heads in a southeast  
18 diagonal for .7 mile to angle point 42 located in  
19 the northeast quarter of Section 18, Township 156  
20 North, Range 95 West. This diagonal is necessary  
21 to: One, avoid commercial operations in the  
22 southeast quarter of the southeast quarter of  
23 Section 7, Township 156 North, Range 95 West and in  
24 the southwest quarter of the southwest quarter of  
25 Section 8, Township 156 North, Range 95 West. Two,

1 to avoid existing homes in the southeast quarter of  
2 Section 8, Township 156 North, Range 95 West; in  
3 the southeast quarter of Section 9, Township 156  
4 North, Range 95 West; and in the southeast quarter  
5 of Section 10, Township 156 North, Range 95 West.  
6 And, three, to cross State Highway 2.

7           The line turns east and runs parallel to  
8 State Highway 2 for 3.8 miles to angle point 43  
9 located in the northeast quarter of Section 14,  
10 Township 156 North, Range 95 West. The line then  
11 diagonals to the northeast for .1 mile to angle  
12 point 44 located in the southeast quarter of  
13 Section 11, Township 156 North, Range 95 West.  
14 This diagonal is necessary to avoid a home in the  
15 northeast quarter of Section 14, Township 156  
16 North, Range 95 West, and to cross over to the  
17 north side of State Highway 2.

18           From angle point 44 the line runs east  
19 parallel to State Highway 2 for .3 mile to angle  
20 point 44A located in the southeast quarter of  
21 Section 11, Township 156 North, Range 95 West. The  
22 line runs for approximately .1 mile to angle point  
23 45, which is located in the southwest quarter of  
24 Section 12, Township 156 North, Range 95 West.  
25 This diagonal is needed to avoid a wastewater

1 treatment plant and an REC distribution line.

2 Segment 7 is from angle point 45 to angle  
3 point 53, also known as MDU's Tioga substation.

4 This segment is approximately 5.4 miles in length.

5 From angle point 45 the line turns north  
6 for approximately 3 -- .3 mile to angle point 45A  
7 located in the southwest quarter of Section 12,  
8 Township 156 North, Range 95 West.

9 From angle point 45A the line diagonals  
10 slightly to the northwest for approximately .4 mile  
11 to angle point 45B located in the northwest quarter  
12 of Section 12, Township 156 North, Range 95 West.  
13 This diagonal was requested by the landowner to  
14 accommodate his farming equipment and operations.

15 The line continues north for  
16 approximately .15 mile to angle point 46 located in  
17 the northwest quarter of Section 12, Township 156  
18 North, Range 95 West. The line then continues  
19 northwest for 1.9 miles to angle point 47 located  
20 in the southeast quarter of Section 31, Township  
21 157 North, Range 94 West. This diagonal is  
22 necessary to avoid oil well development in Section  
23 2, Township 156 North, Range 95 West.

24 From angle point 47 the line runs slightly  
25 northwest for 1.1 miles to angle point 48 located

1 in the southeast quarter of Section 30, Township  
2 157 North, Range 94 West. This diagonal is needed  
3 to avoid cropland in the east half of the southeast  
4 quarter of Section 31, Township 157 North, Range 94  
5 West, and a home in the east half of the northeast  
6 quarter of Section 31, Township 157 North, Range 94  
7 West.

8 The line turns in a slight diagonal to the  
9 northwest for .3 mile to angle point 49 located in  
10 the northwest quarter of Section 30, Township 157  
11 North, Range 94 West. This diagonal is necessary  
12 to cross Burlington Northern Railroad tracks and to  
13 avoid an archeological site in the southwest  
14 quarter of Section 30, Township 157 North, Range 94  
15 West.

16 From angle point 49 the line goes north  
17 for .4 mile to angle point 50 also located in the  
18 northwest quarter of Section 30, Township 157  
19 North, Range 94 West. The line turns in a slight  
20 northeasterly direction for .1 mile to angle point  
21 51 in order to cross County Highway 10.

22 From angle point 51 the line turns east  
23 and runs for .5 mile parallel to County Highway 10  
24 to angle point 52 located in the southwest quarter  
25 of Section 20, Township 157 North, Range 94 West.

1 The line then turns north for .4 mile to angle  
2 point 53 also located in the southwest quarter of  
3 Section 20, Township 157 North, Range 94 West,  
4 terminating at MDU's Tioga substation.

5 Q. Mr. Murray, what is the role of the  
6 right-of-way division in reclaiming the easement  
7 area at the completion of construction?

8 A. The right-of-way division will oversee the  
9 entire reclamation process. The reclamation  
10 contractor will report directly to our right-of-way  
11 office in Williston, North Dakota. Right-of-way  
12 agents will be on site on a regular basis to  
13 monitor progress and make sure reclamation is  
14 completed to the landowner's and Basin Electric's  
15 satisfaction.

16 Q. Mr. Murray, can you please explain Basin  
17 Electric's reclamation practices for transmission  
18 lines?

19 A. The construction contractor will be  
20 responsible for regrading the easement back to  
21 original contour. Basin Electric will then bring  
22 on a local reclamation contractor who specializes  
23 in the reclamation techniques required to  
24 reestablish the growth or cover of all of the  
25 disturbed areas of the project.

1           In cropland, compaction will be addressed  
2 and the damage to any crops due to construction  
3 activities.

4           In pastureland, our reclamation contractor  
5 will reseed the native grasses that were present  
6 prior to construction.

7           In CRP fields, we will replant the cover  
8 based on FSA rules and guidance.

9           All damages associated with our activities  
10 will be addressed with the landowner for settlement  
11 at completion of construction. Basin Electric will  
12 be responsible for weeds by providing weed control  
13 within the easement area for three consecutive  
14 years after construction.

15           Q.    Does this conclude your direct testimony?

16           A.    Yes.

17           MS. JACOBSON: Your Honor, that completes  
18 the direct examination of Mr. Murray.

19           JUDGE FETCH: Thank you. Could we have  
20 the lights back? Thanks.

21           Ms. Bendish, any questions?

22           MS. BENDISH: No questions.

23           JUDGE FETCH: Mr. Lein?

24           MR. LEIN: No questions.

25           JUDGE FETCH: Thank you.



**EXAMINATION**

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**BY COMMISSIONER KALK:**

Q. Okay. I want to -- I ask a lot of background questions because I'm the newest guy here on the Commission. The -- how much per mile again for construction, just a rough -- how much does it cost to build a mile of this stuff?

A. That -- Duey Marthaller, our project manager, would have to answer that for you.

Q. Okay.

A. I -- I deal strictly with the landowners and not the construction --

Q. Okay.

A. -- aspect of it, so --

Q. We'll talk off-line, I guess. The -- were the -- a follow-up to Tony's questions. Was there any area that was localized to those ten people that wouldn't sign the easement? I mean are they just all over the place or is there one area where one person talks to the next person and talks to the next person and --

A. Majority of it is generally north -- immediately north and northeast of Williston.

Q. Okay. And then can you show -- show me the spot about the -- the abandoned home that we've

1 talked about, where that's at on this map? Can you  
2 walk back to that spot just to get a feel for it on  
3 the bigger picture?

4 And also, too, thank you for your  
5 testimony. The questions tend to be critical in  
6 nature, but you guys have done a great job in  
7 preparing this. I do appreciate the work.

8 A. And I would like to offer, too, that  
9 abandoned home, we did talk to the homeowner, the  
10 landowner --

11 Q. Right.

12 A. -- to let him know where we were proposing  
13 this line, and he had no issues --

14 Q. Okay.

15 A. -- just to let you know.

16 Q. That's it right there?

17 A. Yeah.

18 COMMISSIONER KALK: Okay. Thank you very  
19 much.

20 THE WITNESS: You're welcome.

21 JUDGE FETCH: Any other questions? Any  
22 further questions?

23 MS. BENDISH: No, Your Honor.

24 JUDGE FETCH: Thank you, Mr. Murray.

25 THE WITNESS: You're welcome.

1 JUDGE FETCH: Ms. Jacobson?

2 MS. JACOBSON: We have no further  
3 witnesses.

4 JUDGE FETCH: Thank you.

5 At this time, then, I'm going to ask from  
6 members of the public -- again, this is your  
7 opportunity to let the Commissioners hear your  
8 testimony, let them know what questions, concerns,  
9 wishes that you have.

10 First, I ask that proponents come to the  
11 podium here and testify. I believe two people  
12 raised their hands. One of you.

13 And could we have that blue sign-up sheet  
14 up there for them? Please sign the sign-in sheet  
15 and then please state your name, address, and who  
16 you represent.

17 Please state and spell your name.

18 MR. HAUGEN: My name is Dale Haugen,  
19 D-a-l-e, Haugen, H-a-u-g-e-n.

20 JUDGE FETCH: And address and --

21 MR. HAUGEN: My business address is P.O.  
22 Box 1346, Williston, North Dakota.

23 JUDGE FETCH: And who do you represent?

24 MR. HAUGEN: I represent  
25 Mountrail-Williams Electric Cooperative.

1 JUDGE FETCH: Thank you.

2 (Witness sworn.)

3 JUDGE FETCH: Thank you. Go ahead.

4 **DALE HAUGEN,**

5 having been first duly sworn, was examined and  
6 testified as follows:

7 **STATEMENT**

8 **BY MR. HAUGEN:**

9 MR. HAUGEN: Your Honor, Commissioners and  
10 counsel, thank you. Again, I am providing  
11 testimony on behalf of Mountrail-Williams Electric  
12 Cooperative in support of Basin Electric's building  
13 of the 230 transmission line from Williston to  
14 Tioga.

15 Mountrail-Williams Electric's loads have  
16 increased dramatically the last three years,  
17 gaining an average of 17.4 percent, and with year  
18 2009 keeping the same trend.

19 The Bakken and Three Forks oil shale  
20 formations lie within our Mountrail and Williams  
21 County service area. This oil production, of  
22 course, as you know, requires electricity for the  
23 oil pumpers, for the gas lines and oil pipelines,  
24 secondary recovery, a lot of support industries,  
25 and, of course, new homes for the additional

1 workers. This accounts for a lot of the  
2 significant growth of that 17 percent.

3 Mountrail-Williams developed a load  
4 forecast of our energy and demand for a period of  
5 2008 to 2023, and we did this in accordance with  
6 the Rural Utilities Service or the RUS guidelines.  
7 And this ended up being a real judgmental forecast.  
8 By that I mean the trends and future -- future  
9 expectations were really reflected from the  
10 experience of my board and the knowledge we as  
11 employees have as a cooperative in our service area  
12 with this trend in the oil industry.

13 Mountrail-Williams' load is going to grow  
14 from the 2008 peak of 7.9 megawatts to a projected  
15 178.9 megawatts in that 2023. This is 1.3 times  
16 more load in the next 15 years, averaging almost  
17 8.8 percent load growth per year.

18 So in short and in conclusion, yes,  
19 Mountrail-Williams needs a real reliable  
20 transmission infrastructure in northwest North  
21 Dakota in order to achieve both our business  
22 objectives and the cooperative's.

23 And, again, to support this the  
24 cooperative really believes that this current  
25 proposal is appropriate and especially as

1 Mountrail-Williams in the future develops its  
2 marked grid technology.

3 Thank you.

4 JUDGE FETCH: Thank you.

5 And at this time, Ms. Bendish, any  
6 questions?

7 MS. BENDISH: No questions.

8 JUDGE FETCH: Or Mr. Lein?

9 MR. LEIN: No questions.

10 JUDGE FETCH: Ms. Jacobson?

11 MS. JACOBSON: None, thank you.

12 JUDGE FETCH: Any questions from the  
13 Commissioners?

14 COMMISSIONER CLARK: None, but thank you  
15 for the testimony.

16 COMMISSIONER CRAMER: I would have one,  
17 Dale.

18 JUDGE FETCH: Commissioner Cramer.

19 **EXAMINATION**

20 **BY COMMISSIONER CRAMER:**

21 Q. Is it adequate?

22 A. It's adequate.

23 COMMISSIONER CRAMER: All right. Thank  
24 you for your testimony.

25 THE WITNESS: We use ESRI Milsoft.

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(Laughter.)

COMMISSIONER CRAMER: I'm sorry I didn't ask.

THE WITNESS: Thank you.

JUDGE FETCH: Thank you.

COMMISSIONER CRAMER: Do you know what that is, Jerry, that he just said?

MR. LEIN: No.

JUDGE FETCH: Thank you. For the record, please state and spell your name.

MR. GRANT: I am Robert N. Grant, R-o-b-e-r-t, N, G-r-a-n-t.

JUDGE FETCH: From where and who do you represent?

MR. GRANT: My address is 6050 Old Highway 2, Berthold, North Dakota. I represent Mountrail-Williams Electric board of directors. I serve as the vice president --

JUDGE FETCH: Thank you.

THE WITNESS: -- currently.

(Witness sworn.)

JUDGE FETCH: Thank you.

**ROBERT N. GRANT,**

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

**STATEMENT**

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**BY MR. GRANT:**

MR. GRANT: As stated, I'm -- I'm currently the vice president of Mountrail-Williams Electric. I'm here to testify on behalf of the line from -- Basin's line from Williston here to Tioga.

The -- I've been elected to the board of directors back in 1981. The board of directors is directly responsible to our membership. It's our duty and responsibility to maintain upgrade, maintain quality and reliability of the system while giving good service at an affordable cost. That's our basic mission.

I've witnessed a lot of changes over the years. Mountrail-Williams -- Mountrail Electric Cooperative and Williams Electric Cooperative merged so that we could be more efficient, have a stronger, more diversified business that has enabled us to continue to grow, add new technologies along the way, and meet the changing needs of our customers and our members.

If you've driven around Mountrail and Williams Counties, you've witnessed the growth. New businesses have started in the area with jobs

1 available for almost any skill level. Just look at  
2 the classified section of any paper.

3 To increase the flow of oil out of the  
4 area, Enbridge has increased capacity and storage  
5 and pumping capability at the Trenton station.  
6 They've added nine pumping stations along the line  
7 to Clearbrook, Minnesota. They've upgraded those  
8 stations this year with even bigger motors.

9 Temporary or portable train-loading  
10 facilities are dotted around the area. EOG is in  
11 the process of constructing a unit-train loading  
12 facility near Stanley that will be able to load  
13 just over 100 cars per day in 16 hours. That's  
14 every day. Their plan is to do that, like I said,  
15 every day.

16 You'll see -- as you drive around, you can  
17 see what Mountrail-Williams has done by looking at  
18 the new poles, the wires, the substations. Start  
19 looking at what the oil-related companies have done  
20 and you'll see well sites, gas plants, compressor  
21 stations, pipelines, buildings. New facilities  
22 in -- in the towns around -- both implement dealers  
23 in Stanley have new facilities. New headquarters  
24 building for EOG in Stanley. New homes,  
25 apartments, businesses that are busy and other

1 infrastructure upgrades in Stanley. Expansion of  
2 the Tioga Hess Gas Plant and new headquarters  
3 building at Tioga are two of the visible sites in  
4 that area.

5 Farmsteads that have been unused for years  
6 now have people living in old houses or have  
7 trailers parked on them. Buildings in Williston  
8 that were left vacant after the oil downturn in the  
9 early '80s are now occupied with other new ones  
10 being built.

11 I could say the same things are happening  
12 in the cities, communities of Plaza, Parshall, New  
13 Town, Palermo, Ray. It's the same situation.

14 The economic growth in this area is very  
15 hard to believe, especially if you realize it's all  
16 taken place since spring of 19 -- 2007, two and a  
17 half years. I personally didn't think that it  
18 could happen this fast. With all the investment in  
19 the infrastructure I can see no sign of this being  
20 a short-lived phenomenon.

21 We need the reliability of the new line  
22 from Williston to Tioga. Our board supports that  
23 very strongly. If we are to continue to meet our  
24 membership needs, it is essential. In order to  
25 meet the long-range plans of our cooperative, we

1 need the infrastructure and backbone to do it.

2 This line is a huge piece for further  
3 development and growth in the region, not just  
4 Mountrail and Williams Counties.

5 My neighbors and friends ask me if we,  
6 meaning Mountrail-Williams Electric, will be able  
7 to continue the quality of service and the  
8 reliability they've been used to in the past. I  
9 guess my answer has always been: If WAPA and Basin  
10 are able to upgrade their service to us, we'll be  
11 able to pass that on. It's a partnership that has  
12 always been good for everyone.

13 Strong infrastructure and reliability in  
14 the area will have the ability to attract all kinds  
15 of businesses to the area. We'll be able to  
16 install the latest technologies available. It's a  
17 very positive situation for us all.

18 Thank you.

19 JUDGE FETCH: Thank you. Just a moment.

20 Any questions, Ms. Bendish?

21 MS. BENDISH: No questions.

22 JUDGE FETCH: Mr. Lein?

23 MR. LEIN: No, none.

24 JUDGE FETCH: Ms. Jacobson?

25 MS. JACOBSON: I have none. Thank you.



1 going to happen or can't it? How are we going to  
2 ever finance it? How are we going to -- what's it  
3 going to do to our ratepayers? Should we just wash  
4 our hands and walk away?

5 And for the next two meetings, I guess,  
6 there was a lot of -- a lot of talk, a lot of  
7 questions, a lot of things that were answered  
8 through visits with the other oil companies looking  
9 at our situation, realizing that our plant is over  
10 50 years old, most of it. That with -- most of the  
11 cooperatives operate on a situation where the cost  
12 causer is the cost payer.

13 So looking at the opportunity that we  
14 would be able to rebuild a line, rebuild especially  
15 Mountrail County and work our way into Williams  
16 County with the help of dollars from the oil  
17 companies or whoever comes into the area and  
18 builds, that we would have the opportunity to save  
19 our ratepayers money in the future.

20 A lot of the basic cost gets spread  
21 directly to the person that's involved and then  
22 some is spread to all of them. At this point in  
23 time we've been able to keep our rates affordable.  
24 We have had a slight rate increase this last year,  
25 but most of that was really because of the cost of

1 the dam power having to go up and paying those  
2 extra charges and just the general cost of  
3 everything else going up. I really haven't seen an  
4 impact to the ratepayer as of this.

5 We feel in the long run with the dollars  
6 that are coming in from all the new businesses, all  
7 the new activity, it will keep us pretty whole  
8 throughout the whole thing.

9 COMMISSIONER CLARK: Thank you.

10 COMMISSIONER CRAMER: Very good. Thank  
11 you.

12 JUDGE FETCH: Any other questions?

13 COMMISSIONER CRAMER: No. Just thank you.

14 JUDGE FETCH: Thank you, Mr. Grant.

15 Does anyone else wish to testify in  
16 support or as a proponent for this matter?

17 All right. Thank you.

18 And I'll ask does anyone wish to testify  
19 in opposition to this request? No more testimony?

20 All right. Thank you very much. I  
21 appreciate your attention and your -- your  
22 participation or your attendance today.

23 Counsel, is there anything else before we  
24 proceed to close this matter?

25 MS. JACOBSON: I have nothing.

1 MS. BENDISH: Nothing.

2 JUDGE FETCH: Counsel, it's my  
3 understanding that the Commission will want the  
4 Applicant to submit proposed findings of fact and  
5 conclusions of law and a proposed order for  
6 consideration of the Commission.

7 I'm going to ask at this time, counsel, if  
8 the parties want to make oral closing arguments or  
9 submit written briefs.

10 MS. BENDISH: I have nothing neither in  
11 oral closing or written brief.

12 MS. JACOBSON: And I don't --

13 JUDGE FETCH: Ms. Jacobson.

14 MS. JACOBSON: -- either. Make this easy  
15 for you.

16 JUDGE FETCH: All right. Does the  
17 Commission want to set a time by which the  
18 Applicant needs to submit its proposed findings  
19 and --

20 COMMISSIONER CLARK: I think the ball's in  
21 their court.

22 COMMISSIONER CRAMER: Yeah.

23 COMMISSIONER CLARK: I assume they  
24 would -- I assume they will have them fairly  
25 quickly.

1 MS. JACOBSON: I think so.

2 JUDGE FETCH: All right. Thank you.

3 Then at this time I'm going to call on the  
4 Commissioners for closing comments and beginning  
5 with the Commission chairman, Kevin Cramer.

6 COMMISSIONER CRAMER: Thank you.

7 Your Honor, thank you everyone who's in  
8 attendance today, and especially thank you to Basin  
9 Electric for a very thorough and complete and  
10 detailed application and case. It makes our work a  
11 lot easier. It is why we have no hesitation about  
12 the lack of an oral conclusion or briefs,  
13 counselor. I think we have good information and  
14 look forward to the proposed order.

15 Also, thank you again for your  
16 hospitality. It's -- you know, we go to a lot of  
17 places, and one of the great blessings of being us  
18 is that we get to go a lot of places in North  
19 Dakota. The legislature a long time ago set the  
20 policy of requiring siting hearings to be in the  
21 counties that are affected by the infrastructure  
22 development. That was a good idea at the time and  
23 it proves to be a great idea now as we get out of  
24 the Capitol and get close to these projects. But  
25 it's not everywhere that we get the level of



## 1 CERTIFICATE OF COURT REPORTER

2  
3 I, Stephanie A. Smith, a Registered  
4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in  
6 shorthand the foregoing proceedings had and made of  
7 record at the time and place hereinbefore  
8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the  
10 foregoing typewritten pages contain an accurate  
11 transcript of my shorthand notes then and there  
12 taken.

13 Dated at Bismarck, North Dakota, this 5th  
14 day of November, 2009.

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Stephanie A. Smith  
19 Registered Professional Reporter  
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