

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-08-48

Minnkota Power Cooperative
Pillsbury-Fargo 230 kV Transmission Line
Siting Application

TRANSCRIPT OF
HEARING

Taken At
701 First Street North
Casselton, North Dakota
May 22, 2008

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Emineth & Associates Court Reporters

BEFORE ALLEN C. HOBERG
-- ADMINISTRATIVE LAW JUDGE --

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A P P E A R A N C E S

COMMISSIONERS PRESENT:

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COMMISSIONER TONY CLARK
COMMISSIONER KEVIN CRAMER

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FOR THE PUBLIC SERVICE
COMMISSION.

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1 (The following proceedings were had and
2 made of record herein, commencing at 10:06 a.m.,
3 Thursday, the 22nd day of May, 2008:)

4 JUDGE HOBERG: We'll go on the record at
5 this time, a few minutes after ten o'clock a.m. on
6 May 22nd, 2008. Can you hear me back there? Fine.
7 Okay. Good. Thank you. This is the time and
8 place scheduled in the City Hall Auditorium in
9 Casselton, North Dakota, for the administrative
10 hearing in the matter of the siting application of
11 Minnkota Power Cooperative for a 230 kilovolt
12 transmission line.

13 My name is Allen Hoberg. I'm the
14 designated hearing officer today. I'm with the
15 Office of Administrative Hearings in Bismarck, and
16 I've been designated to preside as hearing officer
17 in this matter.

18 We'll take appearances from the parties
19 first, starting with the applicant, Mr. Kettleson.
20 Would you state your appearance, please.

21 MR. KETTLESON: Thank you, Your Honor. My
22 name is Jerry Kettleson. I'm with Pearce & Durick
23 in Bismarck, North Dakota, here today representing
24 Minnkota Power Cooperative.

25 JUDGE HOBERG: Could you hear him back

1 there? Why don't you say it again, please.

2 MR. KETTLESON: My name is Jerry
3 Kettleson.

4 COMMISSIONER WEFALD: Still not on.

5 MR. KETTLESON: How about I use this one?
6 My name is Jerry Kettleson. I'm with the law firm
7 of Pearce & Durick in Bismarck, North Dakota. I'm
8 here today representing Minnkota Power Cooperative,
9 Incorporated. Together with me at counsel table is
10 Jerod Paul. He's an attorney with Minnkota Power,
11 and also at the table is Bethany Schmidt, my
12 assistant. Thank you.

13 JUDGE HOBERG: Thank you, Mr. Kettleson.
14 Mr. Binek, would you state your appearance for the
15 Commission staff, please?

16 MR. BINEK: Yes. My name is William
17 Binek. I'm chief counsel for the Public Service
18 Commission.

19 JUDGE HOBERG: Can you hear him back
20 there?

21 COMMISSIONER WEFALD: No. He's not on.

22 MR. LEIN: We are on, but we need to turn
23 it up.

24 MR. BINEK: My name is William Binek. I'm
25 chief counsel for the Public Service Commission,

1 and seated to my left is Jerry Lein. Jerry is a
2 public utility analyst with the Public Service
3 Commission.

4 JUDGE HOBERG: Thank you, Mr. Binek. And
5 there were two petitions for intervention in this
6 matter; is that correct, Mr. Binek?

7 MR. BINEK: Yes.

8 JUDGE HOBERG: And both were denied; is
9 that correct?

10 MR. BINEK: That is correct.

11 JUDGE HOBERG: Thank you. All right. At
12 this time I'd like to ask if there's anyone in the
13 audience -- and I think there are probably
14 several -- who is a proponent, in favor of the
15 application, and you intend to testify, present
16 information or evidence to the Commission on this
17 matter. Would you raise your hand at this time,
18 please? Two people -- three people.

19 MR. PAWLUK: Point of order. What if
20 you're neither?

21 JUDGE HOBERG: Well, why don't you
22 consider yourself a proponent, in favor? Okay.
23 Would you raise your hand again, please, those who
24 are in favor or neutral? Okay. All right. Those
25 present who are protestants of this application who

1 intend to testify, please raise your hand. Okay.
2 About six, seven, or eight.

3 All right. Following the presentation by
4 the applicant, I'm going to call first on those who
5 are in favor or neutral of the application who wish
6 to testify before the Commission, then the
7 protestants who wish to testify. You'll come up to
8 the podium here -- oh, incidentally, there is a
9 sign-up or attendance sheet that's being
10 circulated. Please indicate with a Y on there if
11 you're going to be testifying, with an N if you're
12 not, after you sign your name. So you'll come up
13 to the podium and be sworn and testify at that time
14 following the applicant. Again, we'll take the
15 proponents or those in favor first and then the
16 protestants, and I'll talk more about the
17 procedures shortly.

18 And, of course, at the front we have
19 members of the Public Service Commission,
20 Commission President, Susan Wefald, in the center,
21 to your right -- or to my right, I guess I should
22 say, Commissioner Tony Clark, and on this end of
23 the table, Commissioner Kevin Cramer. At this time
24 I'm going to ask them for their comments in regard
25 to this matter, starting with Commissioner Wefald,

1 who has the electric portfolio. Commissioner
2 Wefald, please.

3 COMMISSIONER WEFALD: Good morning. It's
4 good to be here in Casselton, and I'd like to thank
5 the city for providing us with this facility. I
6 would also like to thank you very much for your
7 attendance at this hearing today.

8 It's very important to the Commission to
9 hear the thoughts of the people who are most
10 directly affected by this project, as well as to
11 hear the application of the case. That's the
12 reason we come to the area where the transmission
13 line is being proposed in order to give people the
14 easiest opportunity to participate in the hearing.

15 This project is very significant. It is a
16 60-mile-long project through the Red River Valley
17 in an area which in North Dakota is relatively well
18 populated. In the western part of the state we can
19 run a transmission line 60 miles and there may not
20 be as many people who are affected by the
21 transmission line, but in this area we have more of
22 our significant population in the state.

23 This is an important project because the
24 Commission has already had siting applications
25 before us, one we've held a hearing on and another

1 that the hearing will be held in a matter of weeks,
2 on two wind projects that are located near Lake
3 Ashtabula, and those wind projects are very
4 significant.

5 They are -- to give you an idea, right now
6 in our state we have about 400 megawatts of wind
7 that are actually in operation, and you have
8 recently read about the 200 megawatts of wind up in
9 the Langdon area, but there's other significant
10 projects, as well, so it totals about 400 megawatts
11 of wind.

12 The two projects that we're being asked to
13 approve to site in the Lake Ashtabula area also
14 total around 400 megawatts of wind, and so that
15 wind, because it's all concentrated -- that wind
16 energy, because it's all concentrated in one place,
17 one location, necessitates that there would be an
18 outlet for that energy and so that it can travel to
19 places where people need to be able to use it, and
20 so that's the purpose of this 60-mile transmission
21 line.

22 So in a way this project is not just by
23 itself. It's also very intertwined with the two
24 energy projects which I mentioned that relate to
25 these wind projects which are before the

1 Commission.

2 The -- this is significant because in the
3 past the energy development that has occurred with
4 wind energy around the state has been what we've
5 called the niches that have fit into the current
6 niches of the transmission system, 50 megawatts of
7 wind being located here, 100 megawatts there, 200
8 megawatts up in the northeastern corner of the
9 state, but none of those involve significant
10 transmission projects.

11 We've known all along that with the amount
12 of energy development that's occurring in this
13 state that we would need to have new transmission
14 development at some point that would need to occur,
15 and so that is -- this is a project that is before
16 us today. We realize that this project has come
17 upon -- has been developed rather rapidly. I'm
18 sure we'll hear reasons for that during the hearing
19 today as to why there is this rapid schedule for
20 this transmission line that's being proposed.

21 However, that doesn't make it easy for
22 people who are living in the area to have a project
23 like this of this magnitude come along in a quick
24 manner. That's why today we want to be able to
25 explore any concerns that people have in the area

1 today and see how we can address those concerns.

2 Al Hoberg has mentioned that you'll have a
3 chance to speak, but you need to know that this is
4 a technical hearing that is before the Commission.
5 In a technical hearing we need to get
6 information -- all the information on the record
7 that we're going to use to make a decision on this
8 case. So that can take an hour-and-a-half, two
9 hours of technical information. I think it will be
10 very helpful for you to understand the whole scope
11 of the project as the company presents this
12 information to us, but if there's anyone here who
13 cannot stay for that whole time who needs to be
14 able to offer their thoughts to the Commission, you
15 need to contact the hearing officer and let him
16 know about that.

17 JUDGE HOBERG: That's a good point,
18 Commissioner Wefald. Is there anyone that knows
19 that they can only stay for a short time? What's
20 your name, sir?

21 MR. PAWLUK: My name is Ken Pawluk.

22 JUDGE HOBERG: Do you have to leave by a
23 certain time?

24 MR. PAWLUK: By 11:15.

25 JUDGE HOBERG: I think we can take Mr.

1 Pawluk out of order. Anyone else? All right. Mr.
2 Kettleson, is it all right with you if before you
3 begin your presentation that we take Mr. Pawluk out
4 of order?

5 MR. KETTLESON: That would be just fine,
6 Judge.

7 JUDGE HOBERG: All right. Then let's do
8 that.

9 COMMISSIONER WEFALD: All right. And that
10 concludes my comments and welcome, and I'm looking
11 forward to a good hearing.

12 JUDGE HOBERG: Thank you, Commissioner
13 Wefald. Commissioner Clark, please.

14 COMMISSIONER CLARK: Thank you. Oh, it is
15 on. I thought maybe I'd have to wait a few
16 seconds. Well, thank you all for being here. By
17 any standards this really is a remarkable time in
18 North Dakota. You see around the country where
19 economies are slowing down. Here in North Dakota
20 we seem to be having exactly the opposite
21 phenomenon, and a good part of the reason, in
22 addition to strong crop prices, is what's happening
23 in the energy industry in North Dakota.

24 Energy by any standard is a very cyclical
25 business. It's one that tends to run in cycles

1 where there's a heavy amount of investment for a
2 period of time, maybe ten years or something like
3 that, and then for another 20 years it will slow
4 down, and we've been in a slow-down cycle for some
5 time, but these last few years and what is likely
6 to be the next few years appear to be a time of
7 very heavy investment in the energy industry and
8 specifically in North Dakota where we are an energy
9 exporting state with coal and wind resources in
10 addition to the bio resources and other forms of
11 energy that are being developed.

12 Just in North Dakota a rather remarkable
13 stat is over the last few years starting from zero
14 megawatts of wind power, having no turbines, we
15 have installed more in the last five years than the
16 entire State of California has. Now, when you
17 think about the number of people that are in
18 California and the businesses and the manufacturing
19 base they have in California, think about the
20 number of people that are here in North Dakota,
21 it's a rather remarkable statistic when you think
22 about it. It's been close to a billion dollars
23 already and probably will increase by more.

24 Now, you all know that as you hear the
25 legislature, policymakers, the governor, the

1 Congressional delegation, I think everyone is
2 pretty excited about the amount of investment
3 that's coming into North Dakota, and certainly as
4 state officials we're not immune to that
5 excitement, as well.

6 But we have a separate standard in law
7 that we have to look after as Public Service
8 Commissioners, and we take that very seriously, and
9 that is that our role is that any energy
10 development that goes on, whether it be
11 transmission lines or pipelines, wind farms, coal
12 farms -- or coal plants, it has to be done in a way
13 that minimizes the impact on our historic
14 resources, our cultural resources, the impact on
15 people, our environmental resources, and that's
16 what our job is, and we take that seriously and
17 that's why we're here today.

18 You'll probably hear from all of us up
19 here really encouraging you to speak if you have
20 something to say at this hearing, and the reason
21 that that's so important is because a regulatory
22 commission has to base its decision that it makes
23 on a record that's developed at a hearing like we
24 have here today. It's maybe a little bit unlike
25 some other meetings that you've been to, and we

1 certainly don't want you to be feeling
2 uncomfortable about that at all.

3 I come from a legislative background, and
4 if you've ever been to a legislative hearing, you
5 know that they're pretty free-flowing and you don't
6 have to be sworn in and there aren't court
7 reporters and administrative law judges who handle
8 the traffic and things like that, and at the end of
9 the day a legislative committee or even a county
10 commission or things like that can basically make
11 up their mind however they want to make up their
12 mind, whether it's something that they heard in the
13 hall outside, something they read in the newspaper,
14 or something they heard during the actual
15 testimony.

16 But kind of like judges, public utility
17 commissioners don't have that luxury. We have to
18 make the decision based on the record that's
19 developed here today under sworn testimony with the
20 ability for all parties to ask questions of the
21 person who's testifying, and that's what we have to
22 base our decision on, and if it's not in that
23 record, then we can't make a decision based on it.

24 So I would just stress the importance of
25 if you have anything to say, please do so today.

1 Today's your opportunity to be heard. By doing
2 that, it gets the information on the record and
3 it's something that we can make our decision based
4 upon.

5 So again, thank you for being here, and we
6 do truly appreciate your interest.

7 JUDGE HOBERG: Thank you, Commissioner
8 Clark. Commissioner Cramer, please.

9 COMMISSIONER CRAMER: Thank you, Judge,
10 and good morning everyone, welcome. It is great to
11 be in Casselton. It's great to be in Cass County.
12 I, as many of you maybe know, grew up here. I grew
13 up just down the road in Kindred, so most of my
14 memories of Casselton involve a football field or a
15 basketball court or picking up a date on the way to
16 Herb's Barn in Arthur.

17 But these are a little more serious times.
18 Nonetheless, they're exciting times. It was kind
19 of fun as we flew in and made that bank to the
20 runway, we had a great view of the footprint of the
21 ethanol plant here in Casselton, and it's
22 impressive to see that as the region grows and the
23 demand for consumption of all types of energy
24 grows, so does the economic opportunity for North
25 Dakota and for North Dakotans, and as Commissioner

1 Clark said, we are regulators, but we're also
2 advocates for our state, and that's an important
3 balance that we have to strike in our work every
4 day.

5 There are projects all over the state that
6 we oversee, whether it's the siting of a pipeline
7 or a permitting of a new coal mine or anticipating
8 a gasification plant, the multiple wind farms and
9 transmission lines that are being built, they're
10 exciting times, they're great opportunities, but
11 they're also important times where somebody has to
12 step in the gap between the importance of economic
13 development and the preservation of our precious
14 natural and cultural resources and people and our
15 livelihoods.

16 And Commissioner Wefald referred to the
17 short time frame we find ourselves in. We as a
18 commission have found ourselves in these kind of
19 compressed timelines many times in the last couple
20 of years. It has taxed our staff and it has taxed
21 the Commissioners themselves.

22 Companies have been forced into this sort
23 of urgency as a result somewhat of the fast-growing
24 demand and the increasing prices, but also by the
25 inactivity frankly and the inability or

1 unwillingness or something of policymakers at high
2 levels to provide some sort of stable, long-term,
3 sensible public policy that sends appropriate
4 signals, and as long as Congress fails to enact
5 policies that will relieve some of this pressure,
6 we find ourselves in these very short time frames.

7 Having said that, we will not compromise
8 the integrity of the process or the integrity of
9 our charge to protect the culture and the
10 environment and the people of our state.

11 So let me add my voice of admonition to
12 anybody who has something to say today to please
13 not leave this place without saying it. It's
14 important that we get it on the record; it's
15 important that we as your advocates hear it and
16 that we consider every -- every issue before making
17 this decision.

18 So we look forward to a good day, a
19 thorough day, and we're here as long as you need
20 us. Thank you.

21 JUDGE HOBERG: Thank you, Commissioner
22 Cramer. And just for the record, our court
23 reporter today is Stephanie Smith.

24 Very briefly also for the record, I'm just
25 going to give a short summary of the application.

1 On March 18th, 2008, Minnkota Power Cooperative and
2 Otter Tail Corporation filed an application for
3 waiver of procedures and time schedules, and a
4 consolidated application for a certificate of
5 corridor compatibility and a route permit
6 authorizing construction of a 230 kilovolt electric
7 transmission line and associated facilities.

8 On April 17th of this year the application
9 was amended with a revised corridor and route
10 proposal and with notification that Otter Tail
11 wishes to withdraw as an applicant.

12 The revised project, as was indicated,
13 consists of approximately 61.6 miles of proposed
14 230 kilovolt transmission line and associated
15 facilities in Barnes County and possibly Steele
16 County of North Dakota.

17 Commission found that the amended
18 applications were complete on the condition that a
19 map showing proposed final transmission line
20 structure locations is filed on or before May 15th
21 of this year, and on May 15th Minnkota did file its
22 proposed final transmission line structure
23 locations.

24 On April 21st of this year the Commission
25 issued its notice of filing and notice of hearing

1 scheduling today's hearing. As I indicated
2 earlier, there were two petitions or motions for
3 intervention filed with three potential
4 intervenors, and both of those intervention
5 petitions were denied.

6 This is the hearing procedure we're going
7 to follow today. As I indicated earlier, I'll call
8 on the applicant first. Mr. Kettleson will present
9 the case through how many witnesses, Mr. Kettleson?

10 MR. KETTLESON: Four witnesses, Your
11 Honor.

12 JUDGE HOBERG: There will be four
13 witnesses that will testify. He'll ask them
14 questions. Then perhaps -- well, pretty much for
15 sure the Commission staff will have some questions
16 of the witnesses. Following that the Commissioners
17 may have some questions of the witnesses.

18 Following that I'll allow such further questions
19 from the applicant's attorney and Commission staff
20 and the Commissioners as they may deem necessary.

21 When the applicant has completed its
22 presentation of its case, then I'll call on those
23 who wish to testify who are either in favor of or
24 neutral to the application. As I indicated, you'll
25 come up front. I do need to swear all of the

1 witnesses, but I'll just give the admonition I'm
2 required to give once. So you'll come up here and
3 testify.

4 The applicant is entitled to ask you
5 questions, so Mr. Kettleson may have some questions
6 for you and the Commission staff may have some
7 questions for you and the Commissioners also may
8 have some questions. But don't let that scare you.
9 It's required that we do that. So as the
10 Commissioners said, I want to encourage you also,
11 if you have anything to say, come up and say it at
12 that time.

13 Following those in favor and neutral, I'll
14 call on the protestants who wish to testify, and it
15 will be the same procedure there. I'll swear you
16 in and you'll testify and then there may be some
17 questions for you.

18 Following that I'll ask Mr. Kettleson if
19 he has any other additional information that he
20 wishes to present, and at that point we'll close
21 what's called the evidentiary portion of the
22 hearing, and likely the Commission will ask the
23 applicant to file proposed findings of fact and
24 conclusions of law and a proposed final order for
25 the Commission to consider, and we'll set a

1 schedule for that.

2 The Commissioners won't be reaching a
3 decision on this matter today. As you can see,
4 it's being recorded and transcribed, and they'll
5 review all of the evidence later, and they'll be
6 issuing an order with findings of fact and
7 conclusions of law as to whether the application
8 should be granted or denied or as to other
9 appropriate administrative action they may deem
10 needs to be taken.

11 If a party doesn't agree with the final
12 decision of the Commission, they may have appeal
13 rights or other rights under the Administrative
14 Agencies Practice Act in North Dakota, Chapter
15 28-32 of the North Dakota Century Code, or under
16 applicable Commission rules and statutes.

17 The issues and the only issues for this
18 hearing are as follows: First, will the location,
19 construction, and operation of the proposed
20 electric transmission line produce minimal effects
21 on the environment, natural resources, and upon the
22 welfare of the citizens of North Dakota?

23 Second, is the proposed electric
24 transmission line compatible with the environmental
25 preservation and the efficient use of resources?

1 And, third, will the proposed electric
2 transmission line corridor and route minimize
3 adverse human and environmental impact while
4 ensuring continuing system reliability and
5 integrity and ensuring that the energy needs are
6 met and fulfilled in an orderly and timely fashion?

7 And, finally, is it appropriate for the
8 Commission to waive the procedures as requested in
9 the application including the request for a single
10 consolidated application for corridor certificate
11 and route permit?

12 Again, those are the issues for this
13 hearing today.

14 The burden of proof is on the applicant,
15 Minnkota Power, to show by the greater weight of
16 the evidence that it is entitled to a grant of the
17 application it is seeking.

18 Perhaps it's wise at this time, too, to
19 also talk about how long we're going to go.
20 Typically at these proceedings we like to try and
21 finish it all in one sitting without breaking for
22 lunch. We'll probably take some recesses, but if
23 it looks like we can finish before lunch -- without
24 taking a break from lunch, we probably will do
25 that. We'll have to see how it goes because a

1 number of you people raised your hands and we want
2 to give everybody a chance to testify, and if
3 things aren't moving along quite as well as we
4 think, we may also break for lunch, but we'll make
5 that determination later.

6 All right. Does anyone have any questions
7 about the procedures? Mr. Kettleson?

8 MR. KETTLESON: No, Your Honor. I'm fine.

9 JUDGE HOBERG: Any questions from the
10 audience about the procedures? All right. Were
11 you going to make an opening statement?

12 MR. KETTLESON: Yes, please.

13 JUDGE HOBERG: Okay. Mr. Kettleson at
14 this time is going to make an opening statement
15 which isn't evidence, but he wants to present some
16 comments to the Commission.

17 MR. KETTLESON: Did the Court have in mind
18 to having Mr. Pawluk --

19 JUDGE HOBERG: I'm going to take him right
20 after your opening statement.

21 MR. KETTLESON: Right after. Thank you.

22 COMMISSIONER WEFALD: You can sit over
23 here if you'd like. Then everyone can see you.

24 MR. KETTLESON: Okay. Good. That will be
25 fine. I'll have to figure out which one of these

1 mikes works. Good morning. I'm Jerry Kettleson,
2 as I indicated before. I'm with Pearce & Durick in
3 Bismarck, and I represent Minnkota Power
4 Cooperative.

5 And the hearing today, as the
6 Commissioners are well aware and I'm sure that the
7 members of our audience are well aware, as well,
8 has to do with our request for a corridor
9 certificate. We're going to ask that the
10 Commission at the end of the day issue us a
11 corridor permit, and we can see on the exhibits off
12 to the left and to the right an area on the
13 right -- to my right, the blue line is the outline
14 of the corridor, and over on this side in the white
15 document the blue line, as well, the one that comes
16 down the middle there, is the outline of the
17 corridor. So that's what we're going to ask that
18 this Commission do, provide us a corridor permit.

19 The red line that runs down generally
20 through the corridor is the proposed route, and
21 we're going to ask that you issue a route permit
22 with regard to that red line, and this is the final
23 route and this is the final corridor, and I say
24 that because in this case we've had an amendment
25 with regard to the corridor and also we've had an

1 amendment with regard to the route, and that
2 amendment was filed with the Commission in April,
3 but we'll also have some discussion of some minor
4 deviations from that, as well, as we go along here
5 today.

6 The Commission has addressed the issue of
7 wind development in the area, and I think we're
8 talking, all of us, about the Pillsbury area in
9 Barnes and Steele and Griggs County, and I'd like
10 to echo those sentiments with regard to the power
11 development need, and there is a lot of activity in
12 the area, and we are more than well aware of that
13 at Minnkota.

14 We have -- we've held in this area, in
15 Casselton and in Page, public meetings before we
16 began the application process and invited people
17 after advertising both on the radio and the
18 newspaper and have invited people to those
19 meetings, and we had very good participation at the
20 meetings that we -- that we advertised and had.

21 We also have had a lot of contact in the
22 various townships and with the various county
23 officials over the past several months because in
24 our case it's a little different here than in some
25 parts of the state.

1 In Barnes County we have a zoning and
2 planning commission for the entire county, and we
3 made an application there and we were issued a
4 conditional use permit to construct our line and a
5 conditional use permit with regard to the
6 substation, as well. So that was one of our
7 hearings, but when we move into Cass County, the
8 jurisdiction is a little bit different. Each one
9 of the townships has various zoning requirements,
10 and many of them have a requirement that would lead
11 us to asking for a conditional use permit in those
12 townships, and I'm happy to express to the
13 Commission that we have, in fact, gone through the
14 process in those counties -- or those townships and
15 have eight conditional use permits there.

16 And I should make a remark with regard to
17 one. One of them we just had signed part of this
18 morning. The Commission, I believe -- or the
19 township supervisors have taken care of the work of
20 issuing the permit, but I don't know that it's
21 signed by the last of the officials, but we'll get
22 that followed up on and taken care of.

23 So we've familiarized a lot of people
24 throughout the corridor and throughout the route
25 area and throughout the greater Cass County and the

1 eastern portion, at least, of Barnes County about
2 what we're doing.

3 And what we're doing -- I know the
4 Commission has indicated, as well, but we're
5 approximately 60 miles of what we call a generation
6 outlet, and, of course, that has to do with getting
7 the power from point A to point B. Point A is the
8 area where it's in the area in which it's being
9 generated, point B being a place that's on the
10 transmission grid so we can get the electricity out
11 to be used by the public.

12 The corridor that we initially provided is
13 six miles wide, and in -- so it's kind of a big,
14 oblong-shaped affair. In April we filed an
15 amendment to the corridor, and the corridor has a
16 little different shape now than it did then, and
17 you can see that shape on the exhibit here where it
18 kind of makes a turn to the east as -- maybe I can
19 get up and you can hear me. It makes a turn to the
20 east there instead of continuing on in the
21 corridor, and that was a reason that Minnkota
22 thought was a good, solid reason for doing that,
23 and that will be discussed here today.

24 It had to do with the route changing to
25 some degree. We were generally following the

1 railroad and we were generally following what this
2 Commission has considered in the past in a siting
3 position the Cenex pipeline, and then we were -- at
4 the end, of course, we were following generally the
5 345 line.

6 But in the study and in the conversations
7 with people and in the search for a good, solid
8 route, information became available concerning a
9 drainage ditch, a drainage commission, and that is
10 up in the area where the line heads generally to
11 the east, whereas before it kind of headed in a
12 southeasterly direction.

13 Initially, this line was more of a direct
14 shot from point A to point B that I've described
15 before, and now we take that little bit of a jog,
16 and there will be some explanation as to why that
17 worked out. It ended up being a bit longer as a
18 route, but it was a route where we could use
19 some -- a drainage area -- some right-of-way for a
20 drainage area that was something that would work
21 out for the owners, the farmers, the drainage
22 people, and we thought for Minnkota, as well.

23 Now, throughout this process we've relied
24 on and engaged a consulting engineer, HDR
25 Consulting, from Minneapolis has been here and

1 assisted in the study. They're expert in this
2 area. They've done these things on other
3 occasions, and we will have testimony from one of
4 their representatives, the person who has been here
5 and on the ground for the -- most of the time that
6 we've been here, and he will describe both the
7 corridor and the route, and we will also have many,
8 many maps and many, many study results contained
9 within our applications for you to consider and to
10 study with regard to both the route and the
11 corridor.

12 And, of course, in the route we're going
13 to also be considering environmental and
14 archeological and historical and other things of
15 that sort.

16 There will be some testimony with regard
17 to the importance of this -- the distinction
18 between conditional use permits and easements. The
19 use permits are the permission that we're granted
20 by the local zoning authority, and, of course, the
21 individual easements are things that we have to get
22 permission of the landowner, and we have to -- we
23 haven't got all of the easements yet, but we're
24 relatively certain with regard to the -- to the
25 conditional use permits.

1 Although, there is one area that we're
2 going to present testimony with regard that is
3 somewhat maybe different. We're going to take the
4 position that the conditional use permit as granted
5 by Reed Township in Cass County has a condition on
6 it that is unreasonable and it's unreasonably
7 restrictive in view of existing technology, in view
8 of cost or economics, and let me explain just
9 generally what that is.

10 Reed Township is one of the townships
11 close to Fargo, and Reed Township has zoning
12 authority over one section that we're concerned
13 about, and that's Section 7, and we requested -- we
14 requested a conditional use permit to cross Section
15 7. I think the evidence will show that there is a
16 345 line -- an existing 345 line going across the
17 Section 7, and it was our intention to put
18 alongside that 345 line this 230 line that we're
19 talking about.

20 And we made that application to the
21 township and we had -- I think there were four
22 meetings, and at the fourth meeting after
23 considerable discussion and considerable back-and-
24 forth, they agreed to issue a conditional use
25 permit, and that was, I think, just recently, like

1 the 13th of May, and the conditional use permit
2 that they granted has a condition, and the
3 condition is that we double circuit the line that
4 the -- the 345 line that crosses Section 7, and
5 double circuit, of course, means that we put both
6 the 345 and the 230 on the same set of structures,
7 and we'll have some testimony with regard to that,
8 with regard to especially reliability.

9 Wally Lang from Minnkota will discuss the
10 reliability aspect of that, and we'll -- he'll also
11 discuss the economics of it. It's considerably
12 more expensive to put both of the lines on one pole
13 as opposed to on two sets of poles, and he will
14 discuss those conditions to that conditional use
15 permit with the Commission.

16 And we will request in the end that the
17 Commission indicate that that -- that conditional
18 use as applied to the conditional use permit itself
19 be found to be unreasonably restrictive, and we'd
20 ask that it be superseded and that we be permitted
21 to continue along the corridor of the 345 to I
22 believe it's the south side of the 345 as opposed
23 to putting the lines on the 345 towers, and so
24 we'll be asking that the Commission consider
25 superseding that part of the consumer -- that part

1 of the conditional use permit.

2 Wally Lang will have most of the
3 information with regard to that, and in addition we
4 will call on Al Koeckeritz, and Al Koeckeritz is an
5 employee of Otter Tail Power Company, and Otter
6 Tail Power Company is assisting as we go along in
7 some of the technical and the contracting-type work
8 that's being done here, and he will have some
9 information about the conditional use permit in
10 that Reed Township, as well.

11 We also will have some testimony with
12 regard to the criterion, the selection, and the
13 factors that the Commission relies upon or needs to
14 consider. We will have a list of waivers for homes
15 that are within 500 feet of the -- of the line.
16 I'm happy to tell you that we have waivers from
17 everyone who has a home within 500 feet.

18 We will provide information with regard to
19 the wetlands in the area and the pole placement
20 with regard to those wetlands, and we will also
21 present some information with regard to concerns --
22 health-related concerns that some folks have
23 raised, and we would like to just present some
24 information with regard to our take on those.

25 And the other -- one of the other

1 things -- we were talking about the waiver of the
2 timelines and the procedures. One of the things
3 that we've requested of this Commission is the
4 permission to go forward with a hearing concerning
5 the corridor and a hearing concerning the route at
6 the same time, and I think that is, in large part
7 the testimony will show, because of the time
8 constraints that my client, Minnkota, feels, and
9 one of them has to do with the federal production
10 tax which is scheduled to expire at the end of the
11 year, and if that were to come about, it makes the
12 economics of what Minnkota wants to do not work,
13 not so much for Minnkota because they aren't a tax-
14 paying entity, but for the people that it's going
15 to be working with and for, because before the
16 production tax can be taken advantage of by the
17 parties -- other parties who have been involved, we
18 have to get the power that we're generating from
19 point A to point B that I talked about before,
20 before the end of this year.

21 So that's a very crucial, very practical
22 kind of concern and problem as you were indicating
23 here at the beginning. That's a very practical
24 kind of problem.

25 And I know that we've had hearings before

1 the Commission in the past -- or I've attended them
2 anyway -- and I've heard members indicate that this
3 is a very ambitious schedule that Minnkota has, and
4 we acknowledge that and we're just hoping that we
5 can get everything condensed down into the -- into
6 the time frame that we're talking about and that
7 this Commission can grant us the relief and the
8 permits and certifications that we need.

9 One other thing with regard to the
10 amendment to our application, we -- and I think the
11 Commission is well aware of this -- that initially
12 Minnkota had a partner -- Otter Tail was its
13 partner, and Otter Tail has decided that partnering
14 with Minnkota isn't in its best interests, although
15 they're still on good terms and they're getting
16 along fine, but it's just that they made a business
17 decision that this should be Minnkota's ownership
18 and this should be Minnkota's application.

19 So, finally, I'd like to say that please
20 consider the information provided here today, both
21 through the applications -- the amended
22 application, the waiver, and from the testimony,
23 and please consider granting us a conditional --
24 excuse me, a corridor certification and a route
25 permit, as well as the waivers that we've requested

1 in our application.

2 Thank you very much.

3 JUDGE HOBERG: Thank you, Mr. Kettleson.

4 And before -- as I indicated, before we take your
5 witnesses, I'm going to take Mr. Pawluk as a
6 witness, but I'm going to give the admonition that
7 I'm required to give by law just once hopefully
8 today, and that is I'm required to tell all
9 witnesses at administrative hearings that the
10 maximum penalty for perjury in this state is a
11 Class C felony punishable by a maximum 5 years
12 imprisonment, \$5,000 fine, or both, and, of course,
13 perjury is essentially not telling the truth at an
14 administrative hearing such as this.

15 So at this time, Mr. Pawluk, we'll call on
16 you. And that was for the benefit of everybody,
17 not just you.

18 Please state your name for the record.

19 MR. PAWLUK: Good morning. My name is Ken
20 Pawluk. I'm a county commissioner with Cass
21 County.

22 JUDGE HOBERG: Thank you.

23 (Witness sworn.)

24 JUDGE HOBERG: Thank you. Go ahead.

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KEN PAWLUK,

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

MR. PAWLUK: Thank you for accommodating my schedule. I guess I was a little bit naive about the process, and certainly this is kind of an intimidating process for those who aren't used to dealing in the technicalities like several of my constituents who are here who I know are speaking opposed to the project.

I'm not speaking opposed to it. I'm kind like Reed Township. I'm in favor of it with certain conditions, and today I'm speaking as a Cass County commissioner, but not for the Cass County Commission as they haven't had the opportunity to review my testimony.

I'm concerned about the impact the proposed route brings to bear on many of the county residents. I have received several calls and personal contacts expressing concern. The proposed transmission line is to provide an economic benefit to the wind farm owners and its utility partners and ultimately to out-of-state users. It's not a project that benefits the citizens of the state. The proposed line should not be allowed to cross

1 private land unless the utility has negotiated
2 successfully for the right to do so.

3 The decision on where to locate the line
4 is irrevocable. It will be in place for the life
5 of those involved and of their heirs. Do not allow
6 it to be placed in locations where the landowners
7 don't want the line. Please respect the property
8 rights of those involved.

9 One of the statements I've received
10 secondhand is that if you don't sell us the
11 easement, we'll just exercise eminent domain and
12 get access, so you might as well negotiate.

13 This project is a far cry from a dam, a
14 bridge, or a road project that benefits the
15 citizens and the landowners of the area. I
16 question the public benefit of the proposed
17 powerline.

18 I do, however, recognize there is an
19 economic benefit to those involved with the
20 project, but if you allow the economic opportunity
21 to trump the private property rights of those
22 affected, I believe that the trust of the public is
23 compromised.

24 I believe there is a statewide initiated
25 measure that really deals with that issue of the

1 taking of one person's land for the economic
2 benefit of another.

3 In the absence of willing parties for
4 right-of-way several options exist. Place the line
5 on the railway right-of-way. One rail line
6 provides almost a direct shot. Place the line on
7 North Dakota-owned right-of-way. If the landowners
8 can be forced to live with the transmission line,
9 certainly the State should be able to. Collocate
10 the proposed line on existing electric right of way
11 or existing transmission towers, even if it means
12 rebuilding the towers to provide more capacity.
13 Establish an energy corridor instead of the
14 wholesale hopscotch development program that an
15 expedited hearing really does cause to happen. I
16 mean, you know, this is a long range -- this is a
17 long-range solution that is being sought, but --
18 but let's not go too fast on it.

19 North Dakota will continue to become a key
20 producer of energy for our country. Decisions made
21 now establish the precedent. I urge you to move
22 cautiously and thoughtfully as you deliberate on
23 the proposed line. Insist on willing participants.
24 Please don't make any decisions that violate the
25 property rights of our citizens.

1 Imagine if the city in which you live told
2 you that you had to surrender part of your yard.
3 How close would you want to live to a 230,000 volt
4 line? How would you feel if it were in the sight
5 lines of your home? What would you think about
6 your kids or animals playing or living in the
7 vicinity of such a project? These are the concerns
8 that my constituents have expressed.

9 That concludes my comments.

10 JUDGE HOBERG: Thank you, Mr. Pawluk.
11 Could you spell your name for us, your full name
12 for the record, please?

13 THE WITNESS: My name is spelled Pawluk.

14 JUDGE HOBERG: And your first name is
15 Kenneth or Ken.

16 THE WITNESS: Ken. And there's a copy of
17 my testimony.

18 JUDGE HOBERG: Thank you, Mr. Pawluk. Mr.
19 Kettleson, do you have any questions for Mr.
20 Pawluk?

21 MR. KETTLESON: No, I don't. Thank you.

22 JUDGE HOBERG: Thank you. Mr. Binek, did
23 you have any questions for Mr. Pawluk?

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CROSS-EXAMINATION

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BY MR. BINEK:

Q. You said -- one of the things that you said was that --

COMMISSIONER WEFALD: We can't hear you.

MR. BINEK: One of -- can you hear me now?

Q. (MR. BINEK CONTINUING) One of the things you mentioned was that the line should be placed on state land. Are you talking about like highway right-of-way or what are you talking about?

A. I'm referring to highway right-of-way.

MR. BINEK: Okay. Thank you. That's the only question I have.

JUDGE HOBERG: Thank you, Mr. Binek. Commissioner Wefald, did you have any questions.

COMMISSIONER WEFALD: I have no questions, but thank you very much.

JUDGE HOBERG: Commissioner Clark, please.

COMMISSIONER CLARK: I have none, but thank you for being here.

JUDGE HOBERG: Commissioner Cramer?

COMMISSIONER CRAMER: I don't have any, either, Commissioner. Thank you.

JUDGE HOBERG: Thank you, Mr. Pawluk.

THE WITNESS: Thank you for your time.

1 JUDGE HOBERG: Okay. At this time again
2 then we'll move back to the applicant's
3 presentation. Would you call your first witness,
4 please, Mr. Kettleison?

5 MR. KETTLESON: Thank you. Would you like
6 the witness to testify from this chair here?

7 JUDGE HOBERG: Right at the chair.

8 MR. KETTLESON: Thank you. Call Wally
9 Lang from Minnkota Power Cooperative, please.

10 JUDGE HOBERG: Mr. Lang, did you hear the
11 admonition I gave with regard to perjury?

12 MR. LANG: Yes, I did.

13 (Witness sworn.)

14 JUDGE HOBERG: Mr. Kettleison, please.

15 MR. KETTLESON: Thank you, Your Honor.

16 **WALLY LANG,**

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

19 **DIRECT EXAMINATION**

20 **BY MR. KETTLESON:**

21 Q. Would you state your name for us, please?

22 A. My name is Wally Lang.

23 Q. Wally, where do you live?

24 A. I live near Larimore, North Dakota.

25 Q. And how long have you lived in the

1 Larimore area and in North Dakota?

2 A. About 35 years.

3 Q. How are you employed?

4 A. I am the vice president of transmission
5 with Minnkota Power.

6 Q. How long have you been involved in that
7 job?

8 A. I've been employed for 34 years, have had
9 various roles through my career and have been
10 involved in that role for about the last 15 years.

11 Q. And what kind of things do you do in your
12 job as transmission vice president?

13 A. I am responsible for the power delivery
14 facilities at Minnkota, including transmission line
15 substations, control systems, telecommunication
16 systems.

17 Q. And can you tell the Commissioners what --
18 can you describe Minnkota for them?

19 A. Minnkota is a generation transmission
20 cooperative serving 11 member owners, three of
21 which are in North Dakota, eight are in Minnesota,
22 and our service territory is primarily northeastern
23 North Dakota, northwest Minnesota. Minnkota is
24 also an operating agent for a municipal power
25 agency, which serves wholesale power to 12 cities

1 in both North Dakota and Minnesota. Two of those
2 cities are in North Dakota, the other ten are in
3 Minnesota.

4 Q. Now, Mr. Lang, do you have any
5 responsibilities with regard to this generation
6 outlet that's going to be built between Pillsbury
7 and Fargo?

8 A. As part of it being a power delivery
9 facility I have some primary responsibilities
10 relative to this project.

11 Q. And that's on behalf of your company,
12 Minnkota?

13 A. Correct.

14 Q. Would you describe the project for us,
15 please?

16 A. Basically as some of the discussion
17 earlier, it is a 61-mile transmission line or
18 generator outlet line that will connect a wind
19 resource rich area of the state to the grid near
20 Fargo, which is a point where there's a lot of
21 electric load, and so it basically connects the
22 resource area with a load center where it connects
23 to the grid.

24 Q. And what is the approximate cost of the
25 project, Mr. Lang?

1 A. The transmission line itself is in the
2 range of 36-million dollars, but there's other
3 aspects of the project that actually are also part
4 of it, including the substations that add some
5 additional amount to that. We estimate it to be
6 about a 40-million-dollar project overall.

7 Q. With regard to this project, has Minnkota
8 filed an application with the Public Service
9 Commission of North Dakota?

10 A. Yes.

11 Q. And can you describe the applications that
12 have been filed?

13 A. Well, what Minnkota has filed is for a
14 waiver of procedures and timelines. We're looking
15 for a certificate of corridor compatibility. We
16 also have filed a route permit, and I think that is
17 primarily the ones that you're referring to.

18 Q. Now, Mr. Lang, there are in the room here
19 several blowups of maps. Off to your right there
20 are three of them with some aerial photos in the
21 background, and to your left there's one in a white
22 background. Are you familiar with those blowups?

23 A. Yes.

24 Q. Had a chance to look at them?

25 A. Yes, I have.

1 Q. Now, I'm going to hand you what's been
2 marked as Exhibit 1, which says "original" on it.
3 Can you tell me what these maps represent?

4 A. Basically they show the corridor area as
5 well as the route of the proposed transmission
6 line.

7 Q. And we're showing the corridor as well as
8 the route as of today?

9 A. Correct.

10 Q. And these maps that we have in this
11 Exhibit 1 are an 8-and-a-half-by-11 version of the
12 poster boards that are in the room?

13 A. It's on the exhibits. That's correct.

14 MR. KETTLESON: We'd offer Exhibit No. 1.

15 JUDGE HOBERG: All right. Any objection
16 to Exhibit 1?

17 MR. BINEK: No.

18 JUDGE HOBERG: Okay. Exhibit 1 is
19 admitted. It's how many -- it's two different
20 maps?

21 MR. KETTLESON: Actually, it's four
22 sheets, just as there are four --

23 JUDGE HOBERG: Four sheets.

24 MR. KETTLESON: And I have one for each of
25 the commissioners. I thought it would be easier

1 to --

2 JUDGE HOBERG: Why don't you pass those
3 around.

4 MR. KETTLESON: Thank you.

5 COMMISSIONER WEFALD: If you want your
6 assistant to pass those out, then it would be
7 faster.

8 MR. KETTLESON: Okay. I can do that.

9 JUDGE HOBERG: All right. As I said,
10 Exhibit 1 is admitted.

11 Q. (MR. KETTLESON CONTINUING) Now, Mr. Lang,
12 in the remarks earlier on here, I indicated that
13 the -- that Minnkota had applied for and received a
14 number of conditional use permits across Cass
15 County and in Barnes County. Are you aware of
16 that?

17 A. Yes.

18 Q. And was one of those conditional use
19 permits in Reed Township?

20 A. Yes, it was.

21 Q. And the application in Reed Township
22 involved how large an area?

23 A. It's less than a mile.

24 Q. And that would be crossing Section 7 of
25 the township?

1 A. Yes.

2 Q. And that's the area where you need the use
3 permit?

4 A. Yes, it is.

5 Q. And what is the status of that permit, as
6 far as you know?

7 A. My understanding is that it has been
8 approved and it's lacking one signature, but it
9 already has been signed by at least one individual.

10 Q. Was there a condition placed on the
11 permit?

12 A. Yes, there was.

13 Q. And what was the condition?

14 A. The condition was that on that section of
15 the line that the 230 kV line that's being proposed
16 as part of this hearing be put on the same set of
17 structures as an existing 345 line, which runs
18 parallel to that proposed line.

19 Q. Can you tell the Commissioners what a
20 double circuit means?

21 A. Double circuit basically refers to having
22 two high-voltage circuits on the same set of
23 structures.

24 Q. And are there other places on the route,
25 the line that we're talking about, where there are

1 double circuits?

2 A. There's a couple situations. They're
3 somewhat different in that there is one area where
4 the 230 and the 345 kV are going to be double
5 circuited where the proposed line crosses the
6 Sheyenne River. The other area is a double
7 circuiting of a sub transmission line near Fargo or
8 near the Maple River substation, which is one of
9 the terminal points. However, the double
10 circuiting of that is different in that it's not
11 double circuiting bulk transmission facilities.
12 One is a sub transmission and the other is a high
13 voltage line.

14 Q. Is the double circuiting of that line as
15 it crosses Section 7 an unreasonable restriction
16 placed on that conditional use permit in your
17 opinion?

18 A. In my opinion, it is.

19 Q. And can you tell us what -- what existing
20 technology or what reliability issues might be
21 involved in that double circuiting?

22 A. When power delivery facility planners look
23 to establish a system, one of the things that they
24 strive for is making sure that a single event
25 doesn't create more than one element to be out for

1 a reliability standpoint. So reliability is really
2 the key to trying to provide physical separation as
3 much as possible. This comes into play because the
4 existing 345 line is a very integral part of the
5 power grid, and to take that element out during
6 construction at a time when there may not be
7 convenient schedules because of power plant outages
8 or when the line maintenance is done, it gets to be
9 more difficult when you have two circuits on the
10 same structures, and -- but the primary reliability
11 concern is that you don't want a single event to
12 take out more than one circuit, and the probability
13 of that happening when they're on the same
14 structure is greater.

15 Q. And you indicated there are other double
16 circuits on this line in this area?

17 A. Only where it crosses the Sheyenne River
18 are the 345 and the 230 on the same structures, and
19 that's because of the unique situation of it being
20 a river crossing.

21 Q. And that would be less than this kind of
22 distance, a mile.

23 A. It's only two structures.

24 Q. And are there cost differences with regard
25 to double circuiting and with regard to running the

1 poles as we have them in our plan?

2 A. Because the design of the double circuit,
3 the distance that we're talking about has not been
4 done because it's been assumed that we wouldn't
5 have to do that, we don't know the exact costs, but
6 we generally estimate the cost of this line to be
7 in the range of \$600,000 a mile without the double
8 circuiting. For that section the cost would at a
9 conservative estimate be three times that amount.
10 So probably around 2 million dollars a mile when
11 you have to -- when you're forced to do a double
12 circuiting of that nature, especially considering
13 that you're jeopardizing -- or not jeopardizing,
14 but you're putting it on to an existing line.

15 Q. So in short you're thankful you have a
16 conditional use permit across Reed Township, but
17 you can't live happily with the condition that is
18 placed upon that permit?

19 A. We think it's an unreasonable condition.

20 Q. Okay. And you, as I understand it, Mr.
21 Lang, are the individual at Minnkota who can
22 respond to commitment questions that the Commission
23 or its counsel might have?

24 A. Yes, I am.

25 MR. KETTLESON: Okay. Thank you. I don't

1 have any other questions.

2 JUDGE HOBERG: Thank you, Mr. Kettleson.
3 Mr. Binek, do you have some questions of Mr. Lang?

4 MR. BINEK: Yes.

5 **CROSS-EXAMINATION**

6 **BY MR. BINEK:**

7 Q. Good morning. First of all, when you talk
8 about this area, this Section 7, where is that
9 located on the map? The map I'm looking at right
10 now is the white one, if you can show approximately
11 where it is on that map.

12 A. It's just west of the Sheyenne River.

13 COMMISSIONER WEFALD: Can you point that
14 location?

15 MR. KETTLESON: They each have maps,
16 Wally. That's part of Exhibit 1, yes.

17 THE WITNESS: Right here.

18 MR. KETTLESON: It shows up --

19 COMMISSIONER CLARK: It's on the large
20 handout, which is just a larger version of Exhibit
21 1.

22 MR. KETTLESON: Yes. It shows up most
23 clearly on the poster boards, of course, but it
24 does show up on the smaller maps that I've given
25 you.

1 THE WITNESS: Do you see where the
2 Sheyenne River is? It's just west of there.

3 JUDGE HOBERG: Is that on the first page
4 of Exhibit -- or I mean the second page of Exhibit
5 1, Mr. Kettleson?

6 MR. KETTLESON: It's on the second page of
7 Exhibit 1, Your Honor.

8 JUDGE HOBERG: Where it says "existing
9 Maple River substation," is it like right before
10 that?

11 MR. KETTLESON: Yes, it does. If you come
12 up then to where the line starts going directly
13 west, you can see that Section 7 is marked.

14 COMMISSIONER WEFALD: Perhaps you could
15 indicate it on the large maps --

16 MR. KETTLESON: Sure.

17 COMMISSIONER WEFALD: -- which are located
18 behind the hearing officer.

19 THE WITNESS: (Indicating.)

20 MR. KETTLESON: Here.

21 THE WITNESS: Section 7.

22 MR. KETTLESON: You can go ahead and
23 circle that, if you would.

24 THE WITNESS: (Witness complies.)

25 COMMISSIONER WEFALD: Okay. Thank you.

1 JUDGE HOBERG: All right. Mr. Binek,
2 please.

3 MR. BINEK: Thank you.

4 Q. (MR. BINEK CONTINUING) And -- okay. You
5 testified that the line will be double circuited
6 where it crosses the Sheyenne River, so it's going
7 to be double circuited right in that same area?

8 A. Two structures at the river crossing.

9 Q. Okay. With relationship to Section 7,
10 does the double circuiting that will be done cross
11 the river, does that abut Section 7?

12 A. It's right next to it, yes.

13 Q. Right next to it. Is any of it in Section
14 7?

15 A. We're going to have somebody that will
16 actually be talking about the details of that in
17 later testimony.

18 JUDGE HOBERG: But you agree that it
19 appears it is in Section 7?

20 THE WITNESS: Yes, it is.

21 MR. BINEK: Okay. I'll reserve further
22 questions for the later witness. Who will that be?

23 MR. KETTLESON: The later witness will be
24 Mitch Shields. He'll have some information, as
25 will Al Koeckeritz.

1 MR. BINEK: And Al who?

2 MR. KETTLESON: Koeckeritz,

3 K-o-e-c-k-e-r-i-t-z.

4 Q. (MR. BINEK CONTINUING) Where is the
5 location of the other double circuit that you'd
6 referred to?

7 A. It is closer to the Maple River substation
8 going north out of Maple River.

9 Q. What township, range and section?

10 A. Do you see where the Maple River
11 substation is there? It's the line just as it
12 leaves the Maple River substation going north.

13 JUDGE HOBERG: It goes west for a little
14 bit first and then goes north. It's where it
15 starts going north?

16 THE WITNESS: It's on the part going
17 north, yes.

18 Q. (MR. BINEK CONTINUING) Okay. There's a
19 route change with that?

20 MR. KETTLESON: It would be easier if we
21 had the other witness to address that detail.

22 Q. (MR. BINEK CONTINUING) Can you tell me
23 how long that double circuit line is?

24 A. I don't know the exact length. I'm sorry.

25 Q. Okay. When you talk about a single event

1 taking out a line, are you talking about like a
2 storm event or tornado or something like that?

3 A. It could be a number of things. Anything
4 from lightning strikes, it could be a
5 meteorological event certainly, it could be a
6 man-made thing, an airplane flying into it. It
7 could be other things that could actually, what we
8 call, cause faults on the line.

9 Q. How close will the proposed line be to the
10 existing 345 line?

11 A. I don't know the specific --

12 MR. KETTLESON: We will have witnesses who
13 have the actual distances. We don't have them --
14 Mr. Wally Lang doesn't.

15 Q. (MR. BINEK CONTINUING) Okay. Are the
16 lines parallel to each other?

17 A. Yes, they are, for part of the route.

18 MR. KETTLESON: We'll have an Exhibit 4
19 which shows the pole locations, and it will be
20 apparent on that exhibit how far they are apart.

21 Q. (MR. BINEK CONTINUING) As Mr. Kettleson
22 mentioned, I have a number of questions relating to
23 provisions and requirements that the Commission
24 normally incorporates in its order in siting cases.
25 Are you a representative of Minnkota Power

1 Cooperative with authority to bind the company to
2 the requirements set forth by the Commission in its
3 order?

4 A. Yes.

5 JUDGE HOBERG: Are you hearing that back
6 there still?

7 COMMISSIONER WEFALD: Talk right into the
8 mike, Bill. Move it closer to you.

9 Q. (MR. BINEK CONTINUING) From here on I'll
10 just refer to "company" when I'm talking about
11 Minnkota. Does the company agree to hold a
12 preconstruction conference prior to commencement of
13 any construction, which must include a company
14 representative, its construction supervisor, and a
15 representative of Commission staff to ensure that
16 the company fully understands the conditions set
17 forth in this order?

18 A. Yes.

19 Q. Does the company agree to comply with the
20 rules and regulations of all other agencies having
21 jurisdiction over any phase of the proposed
22 transmission line, and that it shall obtain all
23 other necessary licenses and permits, and shall
24 provide copies of all licenses and permits to the
25 Commission prior to construction of the

1 transmission line?

2 A. Yes.

3 Q. Does the company agree to inform the
4 Commission of its intent to start construction on
5 the transmission line prior to the commencement of
6 construction, and once construction has started,
7 that it shall keep the Commission updated on
8 construction activities on a weekly basis?

9 A. Yes.

10 Q. Does the company agree to construct and
11 operate the transmission line in the manner
12 described in the company's application as revised
13 at the hearing and in late-filed exhibits and
14 supplemental materials, and in accordance with all
15 applicable safety requirements?

16 A. Yes.

17 Q. Does the company agree to promptly report
18 to the Commission the presence in the permit area
19 of any critical habitat of threatened or endangered
20 species, or of bald or golden eagles which the
21 company becomes aware of and which were not
22 previously reported to the Commission?

23 A. Yes.

24 Q. Does the company understand that all
25 cultural resource mitigation plans must be

1 submitted to the North Dakota State Historic
2 Preservation Office for approval prior to the start
3 of any fieldwork and construction activity?

4 A. Yes.

5 Q. And, furthermore, does the company
6 understand and agree that if any cultural resource,
7 paleontological, archeological, historical or grave
8 site is discovered during construction, it must be
9 marked, preserved and protected from further
10 disturbances until a professional examination can
11 be made by the State Historical Society, a report
12 of such examination is filed with the Commission,
13 and clearance to proceed is given by the
14 Commission?

15 A. Yes.

16 Q. Does the company understand and agree that
17 all preexisting roads and lanes used during
18 construction must be restored to a condition that
19 will accommodate their previous use, and areas used
20 as temporary roads or working areas during
21 construction must be restored to their original
22 condition?

23 A. Yes.

24 Q. Does the company understand and agree that
25 the construction must be suspended when weather

1 conditions are such that construction activities
2 will cause irreparable damage, unless adequate
3 protection measures approved by the Commission are
4 taken?

5 A. Yes.

6 Q. Does the company understand and agree that
7 reclamation and cleanup along the right-of-way must
8 be continuous and coordinated with construction?

9 A. Yes.

10 Q. Does the company understand and agree that
11 reclamation, fertilization, and reseeding is to be
12 done by the company according to the Natural
13 Resources Conservation Service recommendations,
14 unless otherwise specified by the landowner and
15 approved by the Commission?

16 A. Yes.

17 Q. Does the company understand and agree that
18 its obligation for reclamation and maintenance of
19 the right-of-way will continue throughout the life
20 of the transmission line?

21 A. Yes.

22 Q. Does the company understand and agree that
23 the width of clearcuts through any wooded areas and
24 shelterbelts shall be kept to a maximum 50 feet
25 where possible?

1 A. That is something that we may find that
2 the width may not be wide enough on that.

3 Q. Can you -- what width would you request
4 that the Commission approve?

5 A. We are able to keep a width of 125 feet as
6 opposed to 50 feet clear. Keep the right-of-way
7 clear on 125 feet.

8 Q. What is the reason for that?

9 A. Again, it relates to reliability and it
10 has to do with making sure that the vegetation
11 doesn't cause reliability problems by it growing
12 into the transmission line, and it was something
13 that is considered utility practice to keep the
14 right-of-way clear.

15 Q. I showed you and I believe you have in
16 your -- before you a document titled Tree and Shrub
17 Mitigation Specifications that has been marked as
18 Exhibit C1. Have you reviewed that document?

19 A. Yes, I have.

20 Q. And if the Commission chose to include all
21 or a portion of the requirements and conditions
22 contained in that document, would Minnkota agree to
23 them?

24 A. The only one again is number eight where
25 it refers to the 50 feet. We'd request that it be

1 125 feet instead of 50.

2 MR. BINEK: At this time I'll offer
3 Exhibit C1.

4 JUDGE HOBERG: Any objection to C1?

5 MR. KETTLESON: No objection.

6 JUDGE HOBERG: C1 is admitted.

7 Q. (MR. BINEK CONTINUING) Does the company
8 agree to work with landowners and residents to
9 mitigate any increase in television and residential
10 radio interference that results from the route of
11 the transmission line?

12 A. Yes.

13 Q. Does the company understand and agree that
14 it must obtain approval from the Commission prior
15 to any changes in the facility route or structure
16 locations?

17 A. Yes.

18 Q. Will the company agree to provide the
19 Commission with a copy of the facility alignment
20 drawings with alignment data showing the facility
21 as built, both hard copy and electronic versions,
22 and an electronic version of the as-built facility
23 that can be imported into ESRIGIS mapping software,
24 and will the company provide these filings within
25 three months of the completion of construction?

1 A. Yes.

2 Q. Does the company understand and agree that
3 the authorizations granted by the corridor
4 certificate and route permit are subject to
5 modification by order of the Commission if deemed
6 necessary to further protect the public or the
7 environment?

8 A. Yes.

9 MR. BINEK: Those are all the questions I
10 have. I believe that Mr. Lein has a couple of
11 questions, and I would ask that he be authorized to
12 ask questions directly rather than having those
13 questions go through me.

14 JUDGE HOBERG: Certainly. Mr. Lein.

15 MR. LEIN: Thank you.

16 **CROSS-EXAMINATION**

17 **BY MR. LEIN:**

18 Q. Mr. Lang, the first question is on the
19 aspects of double circuiting and reliability
20 planning. I think the purpose of trying to avoid
21 double circuiting is to eliminate -- well, is to
22 accommodate what's known as M-minus-one
23 transmission planning?

24 A. That's part of it, yes.

25 Q. So the idea is that if you take two lines

1 out, you have to be able to still maintain -- if
2 it's a likely contingency, you have to still be
3 able to operate the system.

4 A. That's correct.

5 Q. So I guess my question is because this is
6 a radial line going to wind generation, what are we
7 really hurting if both lines go out? It's almost
8 like the wind wasn't blowing. The only thing
9 you've lost is that wind capacity till you get the
10 lines restored.

11 A. Again, the primary concern is the impact
12 that it has on the 345 because that is an integral
13 part of the network, and this would increase the
14 probability that something happening on this line
15 would affect the 345 line.

16 Q. So since they're located right next to
17 each other anyway, if a tornado or something went
18 through there, I mean it's likely going to --

19 A. Certainly seems like -- I'm sorry.

20 Q. I mean it seems like it doesn't really
21 have a big effect here in that regard; is that --
22 am I understating that?

23 A. Any physical separation that you can
24 afford improves the odds that a single event won't
25 do that, and the closer you put them together, the

1 greater the probability. You certainly don't
2 eliminate that it can't ever happen, certainly, but
3 it's a matter of reducing the probability that a
4 single event won't cause that.

5 Q. And then -- okay. Then my other question
6 is you gave some cost estimates that were kind of
7 rough figures, but looking at what looks like is
8 going on here in Section 7, it looks like part of
9 that section is going to be double circuited anyway
10 to go across the river, and I'm wondering if we can
11 get an actual estimate of the difference in the
12 cost between what you're doing already to double
13 circuit the river and what it would cost to go
14 ahead and double circuit the rest of the section as
15 required by the conditional use permit, and
16 including like detail with that estimate as to the
17 number of structures and the costs per structures,
18 stuff like that?

19 A. If the question is can a cost like that be
20 developed, yes, it could. But I don't have a
21 number for you again.

22 MR. LEIN: I guess I would ask for a late-
23 filed exhibit, if we could do that.

24 JUDGE HOBERG: Mr. Kettleson, can you
25 provide that as a late-filed exhibit?

1 MR. KETTLESON: Yes, we can, Your Honor.

2 JUDGE HOBERG: Okay. That will be late-
3 filed Exhibit 1.

4 MR. LEIN: And that's all the questions I
5 have.

6 MR. BINEK: I have one.

7 JUDGE HOBERG: Mr. Binek, please.

8 **RE-CROSS-EXAMINATION**

9 **BY MR. BINEK:**

10 Q. Who owns the 345 kV line?

11 A. Minnkota Power does.

12 MR. BINEK: Okay.

13 JUDGE HOBERG: Thank you, Mr. Binek.

14 Commissioner Wefald, did you have any questions of
15 Mr. Lang, please?

16 COMMISSIONER WEFALD: Yes.

17 **EXAMINATION**

18 **BY COMMISSIONER WEFALD:**

19 Q. That was the area of questioning that I'm
20 interested in, too. If Minnkota owns the 345 kV
21 line, is that a DC line or an AC line?

22 A. That's an AC line.

23 Q. AC line. And at conferences that I've
24 attended they talk these days about that there is
25 technology and that it is a reasonable cost to be

1 able to upgrade an existing line, and that you --
2 meaning by upgrade that you can have an existing
3 line be able to carry more power, and so my
4 question is not just for the one mile in Reed
5 Township but across any area where it's going to be
6 paralleling the 345 kV line. Why shouldn't that
7 line -- what would be the cost compared to the cost
8 of constructing a new line of upgrading, meaning
9 that the 345 kV line would be upgraded to be able
10 to carry additional power itself?

11 A. Is the question what would be the cost of
12 that?

13 Q. Yes. We know that there's a cost to
14 constructing a whole new line with all new towers,
15 and since it's the same company that is building a
16 230 line and many cases along the route you've
17 indicated to us -- how many miles does it parallel
18 the existing line? That's my first question.

19 A. I think it's eight.

20 Q. Only eight?

21 A. Right.

22 Q. I thought that there was more.

23 A. Where the two are parallel with each other
24 I believe it's about eight miles.

25 Q. Only eight miles. Well, for that eight-

1 mile area where it's parallel and -- where it's not
2 eight miles parallel, how far apart is it?

3 A. It varies because it's somewhat diagonal,
4 and it could be up to, I suppose, 30 miles, 40
5 miles apart at certain locations. I don't know the
6 exact number of that.

7 Q. How close does the 345 kV line come to the
8 Pillsbury outlet?

9 A. I'm estimating that it would be 30 or 40
10 miles.

11 Q. Okay. So it's that far apart?

12 A. Yes.

13 Q. And so -- and this eight miles where it's
14 near to it, is it near the Maple?

15 A. Yes. It's where the 345 line -- the
16 existing 345 line exits the existing Maple River
17 substation is where most of the paralleling is
18 going on.

19 Q. For that eight-mile section what would be
20 the difference in price of building a whole new
21 line, 230 kV adjacent to it, versus upgrading the
22 present 345 kV line? I don't know that that's
23 called double circuiting. It just means that you
24 would put in a different type of line that could
25 accommodate a larger amount of power going over it.

1 A. Again, we didn't do calculations of what
2 that would be because it was not part of the plan.

3 Q. But could -- could you submit to the
4 Commission what the cost of that would be?

5 JUDGE HOBERG: Mr. Kettleson, maybe it
6 would be just best to include that also within
7 late-filed Exhibit 1 since we're talking about
8 those estimates of costs.

9 MR. KETTLESON: Okay.

10 THE WITNESS: It would be similar.

11 COMMISSIONER WEFALD: Thank you.

12 JUDGE HOBERG: Thank you, Commissioner
13 Wefald. Commissioner Clark, did you have some
14 questions of Mr. Lang?

15 COMMISSIONER CLARK: I do have some.

16 **EXAMINATION**

17 **BY COMMISSIONER CLARK:**

18 Q. And I'll first ask -- this may or may not
19 be the right witness to ask these of, but there
20 were some specific questions that some landowners
21 in the Rush River II area provided the Commission
22 and wanted us to get on the record and wanted us to
23 at least question a company witness about it. It
24 may be something that they speak to later, but I
25 think it's fair enough to have constituent concerns

1 at least directly responded to by the company.
2 Would you be the best witness for those questions
3 about Rush River II?

4 A. There is another witness that will be
5 talking to that issue or would be prepared to talk
6 to that issue.

7 Q. Okay. Thanks. As far as the general
8 issue of easement acquisitions, are the easement
9 landowner acquisitions -- is that being done by
10 Minnkota, itself, or are those subcontractors that
11 are getting those done?

12 A. Otter Tail Power is working as our agent
13 for doing that.

14 Q. Okay. The reason that I bring it up, at
15 least on one occasion I had a conversation with a
16 landowner, and it was somewhat along the lines of
17 some things that Commissioner Pawluk had mentioned
18 earlier with concerns about the easement
19 acquisition process. Now, it's not something that
20 technically speaking is part of the Commission's
21 decision as far as siting the case. At least right
22 now you're probably aware there is a provision in
23 state law where those type of acquisition practices
24 can become a part of the record at some point if
25 the court orders that they become part of the

1 record, but certainly, you know, any allegation of
2 representatives of a company, either alleging
3 something not to be true or sort of subtle forms of
4 what was at least termed to me intimidation,
5 repeated calling, things like that, certainly is
6 something that the Commission doesn't find
7 acceptable, and I hope the utility company doesn't,
8 as well. And I'll allow you the opportunity to
9 respond to that, that there may have been some
10 practices where landowners felt like they were kind
11 of bullied into signing an easement.

12 A. That, again, will be something that
13 another witness, I think, could better answer some
14 of those questions.

15 Q. Okay. And you'll --

16 A. I'm not aware that that was the case,
17 but --

18 Q. Okay. Which witness shall we direct both
19 questions about Rush River II and easement
20 acquisition practices to?

21 MR. KETTLESON: Of the scheduled witnesses
22 Al Koeckeritz would be the appropriate witness, but
23 there is another individual available, as well, to
24 discuss those concerns.

25 COMMISSIONER CLARK: Okay. Thank you.

1 That's all I have.

2 JUDGE HOBERG: Thank you, Commissioner
3 Clark. Commissioner Cramer, please.

4 COMMISSIONER CRAMER: I just have a
5 couple.

6 **EXAMINATION**

7 **BY COMMISSIONER CRAMER:**

8 Q. Mr. Lang, if you could -- with regard to
9 Commissioner Pawluk's testimony about the taking of
10 property -- and we all obviously are very sensitive
11 to any issue related to the taking of property or
12 use of eminent domain or unwilling, I guess,
13 volunteers of property for a route like this, but
14 he referenced the economic value to the greater
15 good referring to, you know, the greater public
16 good, and you'd mentioned that Minnkota has eight
17 members, three in North Dakota. The three member
18 coops in North Dakota that are members of Minnkota,
19 how large a part of your Minnkota business do they
20 represent?

21 A. Roughly half. Half of our load is in
22 North Dakota and the other half is in Minnesota.
23 Even though there's fewer member owners, the member
24 owners on the North Dakota side represent, the
25 three of them together, about half of our total

1 load.

2 Q. So in terms of economic value, a half
3 would be a better representation probably, to the
4 State of North Dakota, I'm talking about --

5 A. Correct.

6 Q. -- citizens of North Dakota. Is
7 economic -- in your understanding of this issue, is
8 economic value the only real value? Because one of
9 the things that kept striking me, quite honestly,
10 was that third issue that we have to consider, that
11 being the integrity -- as we've been talking about,
12 the integrity of the system.

13 A. Sure.

14 Q. So could you respond to that a little bit?
15 His testimony was focused on economics -- economic
16 value to citizens of North Dakota.

17 A. Minnkota along with its partners has gone
18 into this project, you know, with the idea of it
19 being part of its long-range power supply portfolio
20 at the least possible cost to its members, and this
21 is just part of that overall plan to include
22 renewables in our power supply portfolio.

23 Q. I want to get back then to the topic of
24 this double circuiting without -- trying not to be
25 redundant in my questioning. Are you familiar with

1 other lines that Minnkota owns or maybe other
2 companies that you know own that double circuiting
3 is used more often than this?

4 A. Again, depends on the situation. The
5 analysis of a grid is quite complex and double
6 circuiting is used depending on the situation, and
7 Minnkota is involved in places where that sometimes
8 is necessary. As I indicated, the river crossing
9 is something that we feel is really the only option
10 for that situation, but we again make it a strong
11 priority to provide as much physical separation
12 from a reliability standpoint as possible.

13 Q. And I think we're all familiar with the
14 advantages of geographic diversity to the
15 reliability of the grid, especially in our climate
16 we understand that, but we also are seeing a
17 growing concern for the intrusion of this type of
18 development, and wherever possible and where
19 technologically feasible I think it's certainly
20 reasonable to at least explore those opportunities.

21 I would tell you that superseding local
22 authorities is painful for me to even consider, to
23 be honest, and so, you know, I think we'll be
24 exploring this issue pretty thoroughly in this
25 process, and we'll want to be -- need to be

1 convinced pretty strongly that there's a serious
2 reliability problem with this double circuiting
3 from one township. Now, on the other hand, one of
4 the concerns I have -- and you can respond to it --
5 is that if we do this, if it's not common to double
6 circuit for one section or for one township, I have
7 some concern that that precedent could become a bit
8 overwhelming, as well. So that's why I'm trying to
9 understand how common this may or may not be in
10 other parts of our state or the region.

11 A. That is our concern, also.

12 Q. Then I just have one other question about
13 that. Would double circuiting -- would double
14 circuiting this one section restrict the upgrade
15 potential of the 230 kV line? And we've not talked
16 about whether that's a possibility or not, but we
17 do know that there was an analysis done of the
18 possibility of this 230 kV line being a 345 kV
19 line. And so given again Commissioner Pawluk's
20 testimony about creating power -- or energy parks
21 as opposed to individual corridors and routes, you
22 know, is there a potential for this to be upgraded
23 if there would be a greater demand? We also know
24 there are other interested parties in developing
25 conversion facility -- conversion facilities and

1 tapping into lines. So would this double
2 circuiting restrict the potential for that upgrade?

3 A. It would make it more complicated. Not
4 that you can't do it at all. I mean, with -- you
5 know, it would be a lot more costly obviously, but
6 it makes it more complicated to do that.

7 COMMISSIONER CRAMER: All right. I have
8 no further questions, Your Honor.

9 JUDGE HOBERG: Thank you, Commissioner
10 Cramer. Commissioner Wefald, please.

11 **FURTHER EXAMINATION**

12 **BY COMMISSIONER WEFALD:**

13 Q. How much energy can a 230 kV line carry?
14 How many megawatts at the other -- at the one end
15 can be accommodated by a 230 kV line?

16 A. To answer that question really requires --
17 because of the complexity of a power grid, to say
18 that if I gave you a number, it may not be a
19 correct number without doing a more extensive study
20 because aside from the line itself, there's a lot
21 of down-line facilities that are also impacted, and
22 to answer that this particular line can carry a
23 certain amount is -- in and of itself is not, you
24 know --

25 Q. Tell me how much your interconnection

1 study requested.

2 A. 358 megawatts.

3 Q. 358 megawatts.

4 A. Yes.

5 Q. For the interconnection study?

6 A. Correct.

7 Q. Okay. And then I'm not aware of the
8 information that Commissioner Cramer indicated that
9 there have previously been studies that this should
10 be -- could be a 345 kV line. Can you tell me a
11 little more about that?

12 A. I'm not aware that that's the case,
13 actually. We haven't studied it for it being
14 anything other than to be able to carry 358
15 megawatts.

16 COMMISSIONER WEFALD: Okay. Thank you.

17 JUDGE HOBERG: Thank you, Commissioner
18 Wefald. Commissioner Clark, please.

19 **FURTHER EXAMINATION**

20 **BY COMMISSIONER CLARK:**

21 Q. I apologize if I missed this and I just
22 zoned out at some point, but the 345 and the
23 proposed line, how -- geographically how far are
24 they paralleling each other?

25 COMMISSIONER WEFALD: Eight miles.

1 Q. (COMMISSIONER CLARK CONTINUING) It's
2 eight miles. And it's the -- from approximately
3 where to where? I mean, the -- that river crossing
4 would be at what point on that eight miles in
5 Section 7?

6 A. Primarily in this area here.

7 Q. Okay. So it's pretty much a straight shot
8 there. And the 345 just continues straight west;
9 is that right?

10 A. That's correct. Eventually goes to
11 Jamestown. The existing 345 terminates in
12 Jamestown. That's why it stays pretty much
13 parallel.

14 Q. Okay. And it -- does it connect to that
15 Maple River sub, too?

16 A. Yes, it does.

17 COMMISSIONER CLARK: That's its term.

18 Okay. Thanks.

19 JUDGE HOBERG: Okay. Thank you.

20 Commissioner Cramer, please.

21 COMMISSIONER CRAMER: I just have one more
22 thing because I want the record to be very clear
23 that the analysis of the 345 kV line is found on
24 page 19 of the original filing application when
25 there was assessment of the voltage necessary to

1 meet the demand.

2 JUDGE HOBERG: Thank you. Mr. Kettleson,
3 any further questions of Mr. Lang?

4 MR. KETTLESON: I have just a couple.

5 **REDIRECT EXAMINATION**

6 **BY MR. KETTLESON:**

7 Q. With regard to the Commission placing a
8 condition on the conditional use permit, do you
9 know whether that was done after they conducted any
10 studies or after they conducted any inquiry into
11 whether that's possible.

12 A. Could you repeat the question?

13 Q. Do you know whether or not the township
14 supervisors had any input with regard to the -- the
15 viability of double circuiting the line across
16 Section 7?

17 A. I am not aware that they had any
18 information like that.

19 Q. And is this something that's just come up
20 in the recent past, the recent few days?

21 A. That's my understanding, that it's within
22 the last week or two.

23 MR. KETTLESON: Okay. Thank you.

24 JUDGE HOBERG: Thank you, Mr. Kettleson.
25 Any further questions then of Mr. Lang by anyone?

1 No further questions. Thank you, Mr. Lang. We're
2 going to take a recess here, and we're going to use
3 that clock there. Because I anticipate that we're
4 going to be going for a while today, we're just
5 going to take five minutes, and we need everybody
6 back and quiet in five minutes, which will be a
7 quarter to 12. So a short recess.

8 (Recess taken.)

9 JUDGE HOBERG: All right. We're going to
10 go back on the record. Did everybody get a chance
11 to sign the attendance sheet? Anybody that didn't?
12 You all need to be quiet now while coming back
13 here.

14 All right. We had a request at the recess
15 to take another person out of order. This would be
16 a protestant, a proponent, Mr. Duane Dahlberg.
17 Where is Mr. Dahlberg? We're going it take you
18 right now, Mr. Dahlberg, please. Could you spell
19 your name full name for the record, please?

20 MR. DAHLBERG: My first name is D-u-a-n-e,
21 Duane, middle initial A, Dahlberg, D-a-h-l-b-e-r-g.

22 JUDGE HOBERG: Thank you. Did you hear
23 the admonition I gave in regard to perjury?

24 MR. DAHLBERG: Yes, I did.

25 (Witness sworn.)

1 JUDGE HOBERG: Thank you. Please proceed.

2 **DUANE DAHLBERG,**

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

5 MR. DAHLBERG: Thank you. I am a retired
6 physicist from Concordia College. I have worked
7 with dairy farmers and beef operators for over 25
8 years dealing with the issue of the health effects
9 from electricity.

10 Since my field is physics I have to know a
11 good bit about electricity or you can't teach
12 physics, and in the process of working on this
13 problem what I have seen is that we -- when we look
14 at health effects, we are dealing with two issues.

15 One is the fact that we have the electric
16 and magnetic fields emitted from these lines, and
17 that is going to induce currents into all
18 conductors, whether it be animals or whether it be
19 the earth. Whatever is around that's a conductor
20 there will be current in those objects from these
21 lines by induction.

22 But there's also a second possibility
23 that's present all the time. In our distribution
24 system and partially in our transmission system is
25 the fact that the neutral side is grounded, and

1 what does that mean? Well, in the distribution
2 system it means that instead of electricity
3 returning to the substations on wires, which is
4 where they're supposed to be, the electricity goes
5 directly through the earth back to the substation.

6 Now, studies have been done that show that
7 on the order of 60 to 70 percent of the current
8 that returns to the substation goes through the
9 earth and not on lines.

10 In the case of transmission lines if it's
11 a Y system -- and I assume this is a Y transmission
12 line -- that means that there is a neutral wire and
13 that there is also going to be current running on
14 that neutral wire, and the neutral wire is hooked
15 to the towers into the ground, and, therefore,
16 there will be current going into the ground.

17 MR. KETTLESON: Your Honor, if I might, I
18 believe that this does not have a Y -- doesn't have
19 a neutral wire, as I understand it, but --

20 MR. DAHLBERG: Excuse me. Is this a delta
21 system?

22 MR. KETTLESON: And I'm really not the one
23 to answer.

24 MR. DAHLBERG: If it's not a delta system,
25 it's a Y, and therefore it will have been a

1 neutral.

2 JUDGE HOBERG: Anyway, why don't you
3 continue your testimony, Mr. Dahlberg.

4 MR. DAHLBERG: Okay. Thank you. So as we
5 look at the health effects for dairy farms -- and
6 I've worked in probably more than half the states
7 in our country -- there is -- in all cases there is
8 current that is returning through the earth and
9 affecting dairy cows, and I've worked with beef
10 operations, as well, both in this country and in
11 Canada, and the same thing is true there.

12 It's a current that gets into the ground
13 that's one of the major factors in the health
14 effects involving animals, and in many cases when
15 there are the problems of current getting into the
16 ground, which is quite common, it is -- it affects
17 the beef operation significantly, and certainly the
18 dairy operations are affected, and this is
19 something that -- that has not been discussed a
20 whole lot but has become a major factor for many
21 dairy farmers, as well as other people around the
22 country.

23 And I think in this particular case we
24 have a concern because of the fact that you always
25 have a water ditch, and water is an especially good

1 carrier of electricity, and so as a consequence you
2 can see current that's going to move back and forth
3 between the lines and the -- and the water ditches
4 and along the water ditches.

5 This is also true when it comes to
6 pipelines, and the electricity also is on the
7 pipelines from the current in the ground from our
8 distribution and transmission system, and so it's
9 something that we must be concerned about, and we
10 have to look very carefully about where these lines
11 go to make sure that especially operations
12 involving animals is not affected.

13 Now, it's kind of interesting, as I worked
14 on this project -- and I -- as I say, I've worked a
15 long time and I've worked with the human health
16 effects as well as the animal health effects, and
17 to me it's always strange that one can get a whole
18 lot more attention dealing with the health affects
19 on animals than you can for humans. To me that's a
20 tragedy, but I've found that occurring so often.
21 And maybe it's because it's an economic issue, but
22 that seems to be something that is just discussed
23 most clearly.

24 Well, anyway, that's my testimony. I
25 think -- so you've got to look carefully at this --

1 where you put these transmission lines in order to
2 protect both animals and people.

3 JUDGE HOBERG: Thank you, Mr. Dahlberg.
4 Mr. Kettleson, any questions?

5 MR. KETTLESON: Yes, I just have a couple,
6 Dr. Dahlberg.

7 **CROSS-EXAMINATION**

8 **BY MR. KETTLESON:**

9 Q. You indicated that this hasn't been
10 studied a whole lot. Are you aware of any peer
11 review studies that we could address ourselves to?

12 A. Well, there's a person by the name of Don
13 Zipse. He has done quite a bit of writing on this
14 subject. You can look that up, and there are a
15 number of other people, as well, but he's -- you
16 can look up his work and see what's been done.

17 Q. Is that a peer-reviewed study?

18 A. He is recognized internationally as a
19 professional engineer, electrical engineer, and
20 he's done a number of studies, and they are in the
21 peer-review literature. Yes.

22 Q. And do you know the name of it and where
23 we might find it?

24 A. That's -- you can just look it up on the
25 web, just like anything else.

1 JUDGE HOBERG: What was -- the last name
2 was what?

3 THE WITNESS: Zipse, Z-i-p-s-e. Don
4 Zipse.

5 JUDGE HOBERG: Thank you.

6 Q. (MR. KETTLESON CONTINUING) You indicate
7 in your testimony that for a long time you've been
8 working on this project. You're not referencing
9 this generation outlet project, are you?

10 A. I'm sorry?

11 Q. You're not referencing -- when you say
12 you've been working a long time on this project,
13 you're not referencing the generation outlet
14 project that we're talking about today?

15 A. I'm talking about the health effects for
16 humans and animals from electrical sources.

17 Q. And you've been working on that for a long
18 time.

19 A. Yes.

20 Q. But not necessarily this project.

21 A. That's right. But I'm a native of North
22 Dakota, so I know a little bit about North Dakota.

23 Q. As an example now, along the generation
24 outlet, are there any dairy farms?

25 A. No. The -- in this case it involves beef

1 farms.

2 Q. And are there any beef barns or beef
3 facilities like barns within 500 feet of the 230 kV
4 line?

5 A. Depends on -- the final route that I've
6 seen, I believe, is farther away than 500 feet from
7 the barns.

8 Q. Okay.

9 A. But that's not a significant factor in
10 this case.

11 Q. So it wouldn't matter to you how far?

12 A. Well, it doesn't make a difference. Two
13 things make a difference. One is certainly
14 distance, but a second is where that current is
15 moving through the earth, whether it's going to go
16 through that barn or not, and that's the important
17 thing.

18 Q. And have you identified any current going
19 through the earth along the corridor or the route
20 that we're talking about?

21 A. One would have to find that out when the
22 line is put in because the line would change
23 everything.

24 Q. So before you could determine that, the
25 line would have to be placed?

1 A. Right. But you --

2 Q. Are you suggesting that because of that
3 the line shouldn't be placed?

4 A. No. I'm saying that one has to watch very
5 carefully where that line goes to keep it as far
6 away as possible from any operation involving
7 livestock and keeping it away from any homes, and a
8 mile is not too far in the work that I've done.

9 Q. So you haven't completed any study with
10 regard to the line that we're talking about then?

11 A. That's right. Yeah. I just got involved
12 in this a short time ago.

13 Q. And these are just general observations
14 and comments that you've addressed before in other
15 cases?

16 A. Yes.

17 Q. And have you been permitted in each
18 instance where you've attempted to give testimony
19 along this regard? Have you been permitted to give
20 the testimony?

21 A. Oh, yes.

22 Q. Aren't there any instances where you've
23 been -- where your expert testimony on subjects of
24 this nature has been refused by various courts?

25 A. There are -- as I have worked on this

1 project -- and I realized, when I got into it, that
2 if you make a stand on something that's not popular
3 or that's not recognized at the time, you face a
4 lot of opposition and sometimes not very nice, and
5 I did experience that, and there's a case in
6 Indiana where I was not allowed to be involved.
7 The whole thing was done in secret almost, so the
8 report that came out denied my testimony there, and
9 I recognize that that's an issue. Any time you
10 work on something that is not accepted at the time,
11 not popular, you're going to meet this.

12 Q. And isn't that true, as well, of a case in
13 Iowa?

14 A. I don't know about that, if that was --
15 where that went because -- I don't know enough
16 about that.

17 Q. Do you recall giving testimony with regard
18 to these subjects, stray voltage and EMF, in Iowa?

19 A. Yes. Yes, I have.

20 Q. And do you recall in any instance the
21 testimony that you gave was disallowed by the
22 Court?

23 A. I don't remember that. It might -- you'd
24 have to -- you probably know more about it than I
25 do.

1 Q. So we could probably find the case --

2 A. You could look, sure.

3 Q. We can find the case and you wouldn't
4 necessarily agree with it?

5 A. I don't recall, so I can't disagree with
6 you.

7 MR. KETTLESON: All right. Thank you very
8 much.

9 MR. DAHLBERG: You're welcome.

10 JUDGE HOBERG: Thank you, Mr. Kettleson.
11 Mr. Binek, any questions of Mr. Dahlberg?

12 MR. BINEK: Just one or two.

13 **CROSS-EXAMINATION**

14 **BY MR. BINEK:**

15 Q. You said that this voltage that travels
16 through the ground --

17 A. Current.

18 Q. -- current, it affects animals and humans.
19 What do you mean by "it affects"?

20 A. Well, the -- in the case of the dairy
21 operations it affects the milk production, and the
22 veterinarians tell me -- since I'm not a vet, I
23 depend upon their information. They tell me that
24 it affects -- negatively affects the immune system
25 of the animal, and so almost anything can happen to

1 the animals when they are exposed. And in the case
2 of beef operations, again, it's -- they don't milk,
3 that's not the biggest issue, but they find
4 difficulty in conception rates, a lot of abortions
5 and miscarriages, I mean. Also, they don't -- the
6 calves don't gain. There are lots of issues in the
7 beef operations I'm aware of. In one case they had
8 to quit and in the other case they found a problem.
9 It was a -- an insulator on the transmission line
10 that had broken and was putting current into the
11 ground. Once that got solved they were able to
12 come back.

13 Q. When you talk about current in the ground,
14 does current follow the route of the transmission
15 line?

16 A. Not necessarily. We've done experiments
17 in Wisconsin and demonstrated that the current once
18 it enters the ground goes all over.

19 Q. As far as the distance from the line that
20 would be a safe distance, do you have a figure?

21 A. No. Because, again, it depends upon the
22 ground conditions. You see, the ground varies in
23 conductivity, and where you have the greatest
24 conductivity you're going to have the greatest
25 current, and especially in aquifers you're going to

1 have more current than other places. So it's very
2 difficult to determine unless you do a thorough,
3 complete study of the ground, and that is not an
4 easy job.

5 MR. BINEK: I have no further questions.
6 I believe Mr. Lein has some.

7 JUDGE HOBERG: Mr. Lein.

8 **CROSS-EXAMINATION**

9 **BY MR. LEIN:**

10 Q. I've heard a little bit before about stray
11 voltage, and it seems to me that it's common in
12 barns and things like that even when there's not a
13 transmission line in the area.

14 A. Yes.

15 Q. It's just a hazard of having electricity
16 and it is due to getting a current in your neutral
17 wire, and you can do some adjustment between your
18 phases and stuff like that on your loads and things
19 to -- and take other precautions to try and deal
20 with it; is that true?

21 A. There are a few cases where that has been
22 able to benefit, but there are other cases where
23 that cannot solve the problem, and what we found is
24 that if there's a transmission line nearby -- and
25 for dairy farms the problems are worse. So they --

1 they enhance the problem.

2 Q. Do the animals get a shock?

3 A. Not necessarily. That's the interesting
4 aspect of this. What we have learned in the
5 processes of working on this is that it's that
6 continuous current that flows through the animal.
7 See, the animal stands on the floor -- or on the
8 ground, got four feet, so current can go through
9 that animal -- current in the animals in these
10 barns.

11 MR. LEIN: That's all the questions I
12 have.

13 JUDGE HOBERG: Thank you, Mr. Lein.
14 Commissioner Wefald, please.

15 COMMISSIONER WEFALD: Thank you. I've
16 listened with interest to your testimony, and the
17 questions that I have have been asked by my staff,
18 and so I have no further questions at this time.
19 Thank you.

20 JUDGE HOBERG: Thank you, Commissioner
21 Wefald. Commissioner Clark.

22 COMMISSIONER CLARK: I have none also, but
23 thank you for being here.

24 JUDGE HOBERG: Thank you. Commissioner
25 Cramer.

1 their -- in their distribution system it's a uni-
2 grounded Y, not a delta, and so we've looked at
3 that, and so I've learned a good bit about this.

4 Q. But you haven't then conducted any
5 transmission studies per se?

6 A. I'm not a transmission line engineer, if
7 that's what you're asking.

8 Q. Yes. That's what I'm asking. Thank you.
9 And I have another question. I was asking before
10 about testimony that you've given in the past. Do
11 you recall giving testimony before the Public
12 Service Commission in Wisconsin?

13 A. Yes.

14 Q. And I wonder if I might have an exhibit
15 marked as Exhibit 18, and I'd like to show you
16 Exhibit 18 and in particular on page 31 and ask you
17 whether you are the individual that they're
18 referring to in this decision and whether you
19 recognize this as a proceeding that you testified
20 in. It indicates it's before the Public Service
21 Commission in Wisconsin.

22 A. Okay.

23 Q. I'm showing you Exhibit No. 18, and I've
24 got it open here to page 31, and there's a
25 reference in the second paragraph to Dr. Duane

1 Dahlberg.

2 A. Okay. I see that.

3 Q. And are you the Duane Dahlberg that
4 they're referencing here?

5 A. I am.

6 Q. And there's also an indication that -- if
7 I read a little further -- that Dr. Dahlberg failed
8 to offer credible testimony on the subject, and the
9 subject was EMF and ground currents. Do you have a
10 recollection of that?

11 A. Oh, yes, yes. I'm very familiar with what
12 happened there.

13 MR. KETTLESON: Okay. I'd offer Exhibit
14 18.

15 JUDGE HOBERG: Any objection?

16 MR. BINEK: No.

17 JUDGE HOBERG: 18 is admitted.

18 MR. KETTLESON: And I have no further
19 questions of Dr. Dahlberg.

20 JUDGE HOBERG: Anything further of Dr.
21 Dahlberg? Thank you, Dr. Dahlberg.

22 MR. DAHLBERG: You're welcome.

23 JUDGE HOBERG: All right. Would you
24 please call your next witness, Mr. Kettleson.

25 MR. KETTLESON: Thank you, Your Honor.

1 Our next witness is Mitch Shields.

2 JUDGE HOBERG: Mr. Shields, did you hear
3 the admonition I gave earlier in regard to perjury?

4 MR. SHIELDS: I did.

5 (Witness sworn.)

6 JUDGE HOBERG: Thank you. Mr. Kettleson,
7 please.

8 MR. KETTLESON: Thank you very much.

9 **MITCHELL SHIELDS,**

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

12 **DIRECT EXAMINATION**

13 **BY MR. KETTLESON:**

14 Q. And your name, sir, is what?

15 A. Mitchell Shields.

16 Q. And where are you from, Mitchell?

17 A. I'm from the Twin Cities area, from
18 Minneapolis.

19 COMMISSIONER WEFALD: Speak closer to the
20 mike.

21 THE WITNESS: Twin Cities, Minneapolis,
22 Minnesota.

23 Q. (MR. KETTLESON CONTINUING) And I see you
24 have an HDR on your shirt. Is that perhaps the
25 company that you work for?

1 A. It is.

2 Q. And what is the company and what kind of
3 work are you involved in?

4 A. I am a senior environmental project
5 manager at HDR. HDR is an engineering firm. We
6 have about 6600 staff in about 140 offices
7 throughout the United States, and our principal
8 business is engineering and environmental and
9 architectural services, and I'm involved in the
10 environment and resource management area, and my
11 background is in -- primarily in the environmental
12 review and analysis of linear facilities, and I've
13 been doing that work for about 12 years in the
14 energy industry, and I've been with HDR for
15 two-and-a-half years.

16 Q. Have you worked in North Dakota on various
17 studies?

18 A. I have.

19 Q. And were you engaged to assist both
20 Minnkota and at the beginning of the process,
21 anyway, Otter Tail with regard to the generation
22 outlet from Pillsbury to Fargo?

23 A. Yes.

24 Q. And did you conduct on behalf of those
25 concerns a study?

1 A. Yes. My firm was responsible and I
2 managed the preparation of the applications that
3 have been referenced today.

4 Q. And, Mr. Shields, I'm going to show you
5 what's been marked as Exhibit 2. It's titled
6 Pillsbury-Fargo Generation Outlet Project. I'd
7 like you to just take a look at that generally. Is
8 that a copy of the application submitted on behalf
9 of Minnkota in this case?

10 A. It is.

11 Q. And you were engaged by Minnkota and Otter
12 Tail to assist in the preparation of it?

13 A. Correct.

14 MR. KETTLESON: We offer Exhibit 2.

15 JUDGE HOBERG: Any objection to Exhibit 2.

16 MR. BINEK: I have no objection. I would
17 just note that -- ask the administrative law judge
18 if this document will be marked in the Commission's
19 official file as the exhibit?

20 JUDGE HOBERG: Yes. Yes, it will be. So
21 this will be admitted as Exhibit 2.

22 MR. KETTLESON: Yes. That's what I'd ask.

23 Q. (MR. KETTLESON CONTINUING) With regard to
24 Exhibit 3, same questions. It's an amendment to
25 the original application.

1 A. Yes. That's an amendment that we
2 prepared.

3 Q. And there was an indication a little
4 earlier that there was a request for pole placement
5 line structure information, as well, and I'm going
6 to show you what's been marked as Exhibit 4, and
7 does that appear to be the pole placement line
8 structure document?

9 A. It is.

10 Q. And that was asked -- that was requested
11 as part of the amendment, I believe.

12 A. Requested as part of the hearing notice, I
13 believe.

14 MR. KETTLESON: Right. And we offer
15 Exhibits 3 and 4 then to be part of the hearing
16 record here today, as well.

17 JUDGE HOBERG: Any objection?

18 MR. BINEK: No objection.

19 JUDGE HOBERG: 3 and 4 are admitted.

20 Q. (MR. KETTLESON CONTINUING) Now, Mr.
21 Shields, those applications and the amendment to
22 the application consider materials that you
23 gathered up through the dates, I presume. Have you
24 gathered additional information with regard to the
25 corridor and with regard to the route since the

1 15th of April?

2 A. We have.

3 Q. And is the information that you've
4 gathered since in any way, shape or form -- does it
5 change any of your bottom-line conclusions with
6 regard to --

7 A. No, it doesn't. It supports our
8 conclusions.

9 JUDGE HOBERG: What was the rest of the
10 question? With regard to what? He answered the
11 questions -- you need to let him finish the
12 question before you answer.

13 THE WITNESS: Okay. I'm sorry.

14 JUDGE HOBERG: You said with regard to
15 something and he answered the question.

16 MR. KETTLESON: What was the answer then?
17 I just --

18 JUDGE HOBERG: He said no.

19 Q. (MR. KETTLESON CONTINUING) Okay. With
20 regard to the -- with regard to the time from April
21 15th through the end of our -- through today, did
22 you have -- find any significant findings that
23 would adversely affect anyone with regard to this
24 route or this corridor?

25 A. No.

1 Q. So the conclusions that you drew or that
2 you're indicating to us with regard to the exhibits
3 are the same as we sit here today as they were
4 then?

5 A. Yes.

6 Q. Okay. Now with regard to the analysis
7 that you conducted, I understand that it had to do
8 with finding exclusionary areas and also avoidance
9 areas along the route.

10 A. It does.

11 Q. And have you analyzed the route from the
12 time of April 15th forward as to additional
13 avoidance areas or additional exclusion areas?

14 A. We have.

15 Q. And as to the route, are there any
16 additional avoidance areas that you've -- that
17 you've discovered?

18 A. No.

19 Q. Now, the avoidance areas with regard to
20 homes that are within 500 feet of the route, are
21 there any of those along --

22 A. I'm sorry. I thought you were referring
23 to exclusion areas. Yes. There has been some
24 additional avoidance areas with the changes.

25 Q. There were some initially up through the

1 15th of April and from that time forward there are
2 some additional?

3 A. Yes.

4 Q. Okay. I'm going to hand you what's been
5 marked as Exhibit 5. It's entitled waivers, and
6 I'd ask you if you can identify that, please.

7 A. I can.

8 Q. And what is it?

9 A. It's a list of property owners and the
10 townships they're located in that have homes or
11 occupied residences within 500 feet of the final
12 route, and it indicates whether or not they have
13 provided waivers for the placement of the
14 transmission line within 500 feet of their
15 residence, and in all cases it indicates that
16 waivers have been received.

17 Q. Are the actual waivers attached to the
18 exhibit?

19 A. They are. And in addition there are maps
20 that show aerial photo based and overview maps that
21 show the proposed center -- the final centerline,
22 the home location, the distance from that
23 centerline to the home, and the -- the name of the
24 property owner and the township name, as well.

25 MR. KETTLESON: Thank you. We offer

1 Exhibit 5.

2 JUDGE HOBERG: Has this previously been
3 filed or not?

4 MR. KETTLESON: I don't believe so.

5 THE WITNESS: This has not been filed.

6 JUDGE HOBERG: Do you have copies for the
7 Commission?

8 MR. KETTLESON: I do.

9 JUDGE HOBERG: Any objection to Exhibit 5?

10 MR. BINEK: I just have a question. Does
11 this include waivers for the entire transmission
12 line?

13 THE WITNESS: Yes.

14 MR. BINEK: Okay. Thank you. I have no
15 objection.

16 JUDGE HOBERG: Okay. Exhibit 5 is
17 admitted.

18 Q. (MR. KETTLESON CONTINUING) Now, with
19 regard to the line, I understand there's a document
20 normally prepared called a pedestrian survey.
21 Would you tell us what that might be?

22 A. Well, it's an analysis for cultural
23 resources and archeological resources that may be
24 affected.

25 Q. And have you conducted a pedestrian survey

1 with regard to this generation outlet project?

2 A. We have.

3 Q. And have you received the written report?

4 A. It's actually being prepared as we speak.
5 We've completed a 100 percent survey of the entire
6 alignment in areas of potential effect, and we are
7 anticipating we may be able to electronically file
8 that report with the Commission by the close of
9 today.

10 Q. And with regard to the bottom line, do you
11 know what the result of that pedestrian survey was?

12 A. They were very positive in terms of no
13 potentially eligible cultural resource sites would
14 be affected by the route.

15 Q. Now, have you also conducted on behalf of
16 Minnkota a wetlands survey?

17 A. We have.

18 Q. I'm going to hand you what's been marked
19 as Exhibit No. 8. Is that a copy of the wetlands
20 survey prepared?

21 A. It is.

22 MR. KETTLESON: We offer Exhibit 8.

23 MR. BINEK: I have no objection.

24 JUDGE HOBERG: Exhibit 8 is admitted. You
25 indicated that Exhibit 7, Mr. Kettleon, was going

1 to be filed later.

2 MR. KETTLESON: Yes. We're going to file
3 that as soon as maybe tomorrow or later today.

4 THE WITNESS: Yeah. It's in production as
5 we speak.

6 JUDGE HOBERG: And that's the cultural
7 resources pedestrian survey report; correct?

8 THE WITNESS: Correct.

9 MR. KETTLESON: Yes.

10 JUDGE HOBERG: Okay. Well, then we'll
11 consider that to be late-filed Exhibit 7 then. And
12 Exhibit 8 is admitted.

13 MR. KETTLESON: Thank you. I think you
14 all have copies of Exhibit 8.

15 JUDGE HOBERG: They've been filed?

16 MR. KETTLESON: I think they were filed
17 yesterday.

18 MR. LEIN: It was filed. It wasn't
19 docketed yet, so --

20 COMMISSIONER WEFALD: So we don't have it
21 yet.

22 MR. LEIN: Don't have it with.

23 JUDGE HOBERG: Do you have copies of that?

24 MR. KETTLESON: I have one copy. The
25 others were filed at the Commission yesterday, so I

1 don't --

2 COMMISSIONER WEFALD: That's a copy of
3 what?

4 MR. LEIN: Wetlands study. It was a
5 couple hundred pages.

6 MR. KETTLESON: Wetland delineation.

7 JUDGE HOBERG: Well, we need one for the
8 record here.

9 MR. KETTLESON: Yeah.

10 JUDGE HOBERG: Thank you.

11 MR. KETTLESON: I'm sorry. I understand
12 those were delivered to your office yesterday,
13 but --

14 MR. LEIN: They were.

15 JUDGE HOBERG: They were.

16 MR. LEIN: We have them.

17 MR. KETTLESON: Thank you.

18 Q. (MR. KETTLESON CONTINUING) And in the
19 course of your investigation of the route corridor
20 as it stands today, did you also make a study of
21 permits and conditional use permits and other kinds
22 of permits that would be required for this line to
23 proceed across Barnes, Cass County?

24 A. Yes. In the application we provided a
25 list of required permits and approvals.

1 Q. And I'm going to show you what's been
2 marked here as Exhibit 6.

3 A. Okay.

4 Q. And what is that, please?

5 A. This is an updated list of required
6 permits and approvals as of today.

7 MR. KETTLESON: Okay. We'd offer Exhibit
8 6.

9 JUDGE HOBERG: Has that been filed
10 previously?

11 MR. KETTLESON: We have copies, Your
12 Honor.

13 THE WITNESS: This is an updated list. An
14 original table was filed as part of the application
15 and amendment. This is an updated list.

16 JUDGE HOBERG: Any objection to 6, Mr.
17 Binek?

18 MR. BINEK: No.

19 JUDGE HOBERG: Okay. 6 is admitted.
20 Thank you.

21 Q. (MR. KETTLESON CONTINUING) With regard to
22 your study of this corridor and the route, could
23 you discuss the adverse effects that you found and
24 whether they were minimal adverse effects or other?

25 A. Sure. In terms of the corridor it's

1 really a good corridor. It has only one exclusion
2 area that we identified, a county park that's
3 within the corridor, and that exclusion area does
4 not occupy more than 50 percent of the corridor
5 width. So it was -- there was room within this
6 corridor to establish a route. The route, itself,
7 has no significant impacts, and Minnkota's gone
8 through great efforts to minimize effects to
9 environmental features such as avoiding residences
10 and collocating adjacent to existing corridors and
11 facilities to the extent possible, avoiding
12 irrigated land, irrigated facilities, and there are
13 two wetlands that we could not keep poles out of,
14 but that's out of 54 wetlands and out of 540 poles.
15 So there is a -- there's a lot of wetlands
16 obviously in North Dakota, but unfortunately, we
17 couldn't avoid two, but to the extent possible
18 Minnkota minimized impacts to wetlands. They have
19 no poles in any water bodies. And we just -- it
20 seems like it's a very good route in terms of
21 minimizing and avoiding environmental effects.

22 Q. Okay. Now, Mitch, I've got two exhibits,
23 Exhibit No. 9 and Exhibit No. 10. I'd like you to
24 take a look at these and tell us what they are.

25 A. These summarize some minor route changes

1 since the April amendment was filed. These were
2 filed with the Commission, I believe, on Tuesday of
3 this week, which would be the 19th, and hard copies
4 would have been filed yesterday. They summarize
5 six locations where since April minor revisions
6 were identified in the route, minor in terms of --
7 in terms of -- excuse me -- in terms of the route
8 simply goes across a street in some locations. I
9 stand corrected. There's five minor route
10 locations, and the other two are relatively minor
11 changes. So this information summarizes the nature
12 of those changes relative to the amended route and
13 summarizes whether these changes affect any other
14 exclusion or avoidance areas or to what extent.

15 Q. And what about Exhibit No. 10? How does
16 that relate to 9?

17 A. Exhibit 10 provides blow-up maps of each
18 of those locations. This has not been filed with
19 the Commission yet, so this would be another
20 exhibit. For each of these locations there's maps
21 that show the amended route and the final route and
22 what's changed.

23 Q. And I note on the map here that's the
24 first page of Exhibit 10 there are little brownish,
25 yellow spots. Do they correlate somehow to the

1 additional pages?

2 A. They do. They highlight the areas where
3 the amended route has changed slightly.

4 MR. KETTLESON: We offer Exhibits 9 and
5 10.

6 JUDGE HOBERG: Okay. Do you have copies
7 of 10, the map then?

8 MR. KETTLESON: Yes.

9 JUDGE HOBERG: The other one, I think, is
10 in the file already. Any objection to 9 and 10,
11 Mr. Binek?

12 MR. BINEK: No.

13 JUDGE HOBERG: Exhibits 9 and 10 are
14 admitted.

15 MR. KETTLESON: And, Your Honor, at this
16 time I'd offer Mr. Shields for cross-examination.

17 JUDGE HOBERG: Thank you, Mr. Kettleson.

18 Mr. Binek, do you have any questions of Mr.
19 Shields?

20 MR. BINEK: Yes. Thank you.

21 **CROSS-EXAMINATION**

22 **BY MR. BINEK:**

23 Q. You mentioned a county park exclusion
24 area.

25 A. Yes.

1 Q. How close does the transmission line come
2 to the county park?

3 A. I'd like to go point to where it is on the
4 poster boards, and then I will talk a little bit
5 further about that.

6 JUDGE HOBERG: All right. So that's also
7 found on Exhibit 1; is that correct?

8 MR. KETTLESON: Yes, it is. And maybe you
9 could address where it's found on Exhibit --

10 THE WITNESS: Yeah. It's found on the
11 third sheet of Exhibit 1. Right in the middle
12 you'll see a large lake, which is associated with a
13 dam, and it's a county park. It's called Bremer
14 Lake Park, and that's identified as an exclusion
15 area, and it's within the corridor. It's not
16 affected by the route. It's about a mile north of
17 the final route.

18 Q. (MR. BINEK CONTINUING) Okay. Thank you.
19 This Exhibit 8, the wetlands delineation report,
20 can you summarize the results of that report?

21 A. Well, yeah. Let me be clear that that
22 report also covers an analysis of sensitive species
23 and habitats, so it was a biological survey. It's
24 a result of 100 percent survey of the centerline of
25 this final route and a 200-foot-wide corridor that

1 went 100 feet on either side of that centerline and
2 looked for wetlands and sensitive species and
3 habitats that were identified by agencies during
4 the environmental consultation process. And just
5 to summarize, there were 54 wetlands that are
6 crossed by the alignment, and with the exception,
7 as I indicated, of two wetlands, all poles
8 associated with this facility will be outside of
9 wetlands.

10 Q. Now, did you state that there were no
11 poles -- no poles would be placed in water?

12 A. That's correct. In like perennial streams
13 or drains or rivers.

14 Q. Okay. What about these wetland areas?
15 Any water in those wetland areas that you talked
16 about, specifically the two that you referred to?

17 A. Well, as wetlands they do have periodic
18 inundation, but they're not the type of wetlands
19 that are -- have standing water year-around.

20 Q. So at times will there -- will poles be in
21 water at times in these areas?

22 A. They may. They may be a little wet around
23 the base.

24 Q. Are they U.S. Corps of Engineers
25 jurisdictional?

1 A. One of them is isolated and would not be
2 and the other would be.

3 Q. You're going to need a permit for that
4 one?

5 A. The Corps of Engineers has issued
6 nationwide permit 12 for this type of activity.

7 Q. What were the locations of -- of these two
8 wetlands?

9 MR. LEIN: Is it in the report?

10 JUDGE HOBERG: Is it in the report?

11 THE WITNESS: It sure is. It's actually
12 on the last page of the report, the last figure --
13 well, one of them is, and the other is -- there's
14 two -- the report provides aerial photo-based maps
15 of the delineated wetland boundaries. And it shows
16 the final pole placement relative to those
17 boundaries.

18 MR. BINEK: Thank you.

19 JUDGE HOBERG: Thank you, Mr. Binek.

20 Commissioner Wefald, do you have any questions of
21 Mr. Shields?

22 COMMISSIONER WEFALD: I do. I have just
23 one question to follow up.

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EXAMINATION

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BY COMMISSIONER WEFALD:

Q. In E, appendix E, you know, we have a letter from the State of North Dakota, the office of the state engineer, and in that it said you assured -- their letter to you said to -- actually it went to Mitchell Shields, the letter went to -- you assured my staff that the project would not result in adding any materials in wetlands or bodies of water but will, in fact, span all water bodies along the same route, and then it says, If your project does -- does not result in material being placed in water bodies or river beds along the route, you should not need a sovereign lands or any other permit from the office of the state engineer, but I'm just drawing to your attention that you may need one from the state engineer. I didn't see it on your list of permits needed if you are planning to put a -- even in a wetland.

A. I don't believe that's the case that the state engineer's jurisdiction is restricted to the waterways and not the wetlands, and so in that we're avoiding waterways, no permit is required from the state engineer.

Q. I'm just wondering why he mentioned

1 wetlands in his letter then.

2 A. Well, if I recall that conversation
3 correctly, I did indicate that it was our intent --
4 as has been stated in the application, that it was
5 Minnkota's intent to avoid all wetlands to the
6 extent possible with their pole placement, and that
7 certainly has been what we've tried to do here.
8 The two wetlands that we can't avoid are of a
9 certain location or length that -- concerning other
10 factors we cannot stay out of them.

11 Q. I understand you may not be able to stay
12 out of them. I just want to alert to you that you
13 should probably check again about the office of the
14 North Dakota State Engineer, and that's as far as
15 I'll go with this. All right?

16 A. Thank you.

17 Q. Thank you. And then on the cultural
18 resource study that's being done for the State
19 Historical Society, in the materials -- and I can't
20 tell you exactly what page of your report -- it
21 indicated that in the -- in the corridor permit
22 there were two -- two spots that met National
23 Historic Register eligibility and they were
24 bridges, but are you telling me that in the -- in
25 the route itself you had said there was no -- no

1 places that are eligible for National Historic
2 Register eligibility, so once you've narrowed it
3 down now to the route -- is that correct, according
4 to your final report?

5 A. Yes. The survey corridor as recommended
6 by the State Historic Preservation Office for this
7 project was to be a mile wide centered on the
8 centerline, and there are two sites that are
9 potentially eligible if in turn they are associated
10 with bridges, but along the centerline there are no
11 sites that we found during our pedestrian survey of
12 the corridor -- the centerline.

13 COMMISSIONER WEFALD: Thank you. That
14 answers my question.

15 JUDGE HOBERG: Thank you, Commissioner
16 Wefald. Commissioner Clark, please.

17 COMMISSIONER CLARK: I have none. Thank
18 you.

19 JUDGE HOBERG: Commissioner Cramer.

20 COMMISSIONER CRAMER: I just have one.

21 **EXAMINATION**

22 **BY COMMISSIONER CRAMER:**

23 Q. A constituent in the room would like to
24 know why do you avoid putting poles in water?

25 A. Well, it -- reduces -- in water or in

1 wetlands?

2 Q. In water. Whether it's a wetland or any
3 other type of water.

4 A. I'm sure there's engineering reasons for
5 it, but from an environmental standpoint it would,
6 you know, impact fish or other aquatic resource
7 habitat and, you know, is probably not a good idea
8 from a flooding standpoint or things like that. It
9 would preclude the free-flow of water, I would
10 suspect.

11 Q. And I don't want to presume too much from
12 the person that wanted the question asked, but
13 perhaps you could even help us a little bit with
14 some of the regulations that place avoidance of
15 water at a fairly high priority. Is that fair to
16 say?

17 A. Yes, yes. You know, obviously the office
18 of the state engineer's jurisdiction kicks in when
19 you're working in a stream or a sovereign water.
20 The Corps of Engineers kicks in. There's other
21 agencies that have an interest in water quality and
22 species habitat, so --

23 Q. So in determining a route, there are lots
24 of things to consider obviously, and wetlands and
25 other water is a pretty significant part of that

1 consideration?

2 A. Absolutely.

3 COMMISSIONER CRAMER: I have nothing
4 further.

5 JUDGE HOBERG: Thank you, Commissioner
6 Cramer.

7 COMMISSIONER WEFALD: I have one more.

8 JUDGE HOBERG: Commissioner Wefald,
9 please.

10 **FURTHER EXAMINATION**

11 **BY COMMISSIONER WEFALD:**

12 Q. Is there any section along this route,
13 especially the areas that are adjacent to wetlands,
14 that you would recommend that the company
15 install -- I know that there's been recommendations
16 in the report from the U.S. Fish & Wildlife Service
17 that there would be like special balls or markers
18 to help prevent avian collisions in those areas.

19 A. There are no areas that we've identified
20 yet that would require that.

21 Q. So even the areas that are adjacent to
22 wetlands?

23 A. Yes. And the reason is that they're just
24 not very large wetlands or extensive or they don't
25 seem to be a part of like a fly-way corridor.

1 Q. All right. And what is the largest
2 wetlands you're crossing?

3 A. I don't have the length in front of me,
4 but it could be more of a linear wetland that's
5 more associated with the rail -- well, actually the
6 one that we can't span is about 1200 -- or 1400-
7 feet long, and it seems to be associated with the
8 construction of the rail line in history. It might
9 have impounded a drainage way or something.

10 COMMISSIONER WEFALD: Thank you.

11 JUDGE HOBERG: Thank you, Commissioner
12 Wefald. Mr. Binek, did you have some further
13 questions?

14 MR. BINEK: Yes.

15 **RE-CROSS-EXAMINATION**

16 **BY MR. BINEK:**

17 Q. I was just looking at my notes, and I
18 realized when Mr. Lang testified, I was asking
19 about the double circuiting, that he mentioned your
20 name as a witness who may be able to provide some
21 information. Are you a witness that can help us
22 with that or -- there was another individual named,
23 as well. Who should answer the question?

24 A. Well, I remember the question about
25 whether or not the poles are at -- in Section 7

1 that are being double circuited are in Section 7.
2 That was the question, and I believe they are, but
3 I would defer to Al Koeckeritz or the project
4 engineer to describe the issues associated with
5 that area in more detail.

6 MR. BINEK: Okay. Thank you.

7 JUDGE HOBERG: Thank you, Mr. Binek. Mr.
8 Kettleson, any further questions for Mr. Shields?

9 MR. KETTLESON: No, Your Honor. Thank
10 you.

11 JUDGE HOBERG: All right. Thank you, Mr.
12 Shields.

13 THE WITNESS: Thank you.

14 COMMISSIONER CRAMER: Would you ever
15 consider giving a workshop to other potential
16 witnesses before the Commission? You did very
17 well.

18 THE WITNESS: Thank you very much.

19 COMMISSIONER CRAMER: Your answers were
20 short.

21 JUDGE HOBERG: All right. I think at this
22 time we are going to take a luncheon recess. What,
23 45 minutes, or should we go till 1:30?
24 Commissioner Wefald, should we go till 1:30?

25 COMMISSIONER WEFALD: That would be fine.

1 JUDGE HOBERG: Okay. We'll be back
2 promptly at 1:30.

3 (Noon recess taken.)

4 JUDGE HOBERG: Okay. Let's go back on the
5 record. It's about 1:30, a little bit after. I
6 just want to ask if there's anybody that hasn't
7 signed the attendance sheet yet? Everybody sign
8 the attendance sheet? Okay. Well, then we're
9 going to resume with the presentation by the
10 applicant. Mr. Kettleson, do you want to call your
11 next witness, please?

12 MR. KETTLESON: Yes. Thank you, Your
13 Honor. Al Koeckeritz, please.

14 JUDGE HOBERG: Mr. Koeckeritz, did you
15 hear the admonition I gave earlier in regard to
16 perjury?

17 MR. KOECKERITZ: Yes, I did.

18 (Witness sworn.)

19 JUDGE HOBERG: Thank you. Mr. Kettleson,
20 please.

21 **AL KOECKERITZ,**
22 having been first duly sworn, was examined and
23 testified as follows:
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DIRECT EXAMINATION

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BY MR. KETTLESON:

Q. Now, I spelled your name for the court reporter. Did I spell it right or wrong?

A. I believe you spelled it right.

Q. Thank you. Mr. Koeckeritz, would you tell us where you're from?

A. I live in Fergus Falls, Minnesota, and I'm an employee of Otter Tail Power Company.

Q. How long have you been employed by Otter Tail?

A. I've been employed by Otter Tail almost 20 years.

Q. In what capacity currently are you employed with Otter Tail?

A. Currently I serve as the project manager in the project development area.

Q. Are you working or have you been working on this generation outlet project from Pillsbury to West Fargo?

A. I have. I've been working on this project since its inception.

Q. And now you're working at the behest and direction of Minnkota; is that correct?

A. I am. I'm working as an agent for

1 Minnkota.

2 Q. And what has your job been throughout the
3 duration here?

4 A. Well, I'm the project manager for the
5 project, so that entails primarily making schedule
6 and trying to get the project done on budget.

7 Q. Did you have any involvement in the
8 creation of the corridor or the generation of the
9 route?

10 A. I was part of the process as we went
11 working on that together. Yes.

12 Q. Can you tell us the general process you
13 engaged in developing the route?

14 A. Well, as we looked at the corridor of the
15 route, of course, what we looked for is the
16 selection criteria and the avoidance areas and the
17 exclusion areas that the state has laid out, and
18 then we chose to, of course, work with all the
19 landowners, as well.

20 Q. Okay. And did you have some existing
21 corridors, if we might call them that, that you
22 were paying attention to in your process?

23 A. Yes. We certainly focused our efforts on
24 something similar that paralleled the railroad
25 right-of-way initially. That was one of our

1 primary focuses.

2 Q. And were you able to use that in any
3 respects?

4 A. We were able -- as Mr. Mitch Shields
5 mentioned earlier, we were able to use the railroad
6 right-of-way and the Cenex pipeline that had been
7 placed there and used their cultural information
8 for our project, as well.

9 Q. There were places where it worked, but
10 were there places along those two lines, also, that
11 it didn't work?

12 A. Yes. There was some locations that --
13 they weren't together, for example, in all
14 locations and so we couldn't be adjacent to those
15 facilities.

16 Q. And in April, I believe, Minnkota filed an
17 amendment to their application, and that included
18 an amendment to the route. Can you tell us
19 generally why the route was changed and how it was
20 changed at that point?

21 A. Yes, I can. It was in the application, as
22 you said, under Section 4 there, but the route
23 changed. On Exhibit 1 it would be your second
24 sheet there, if you want to refer to that. The
25 route changed there when it went east and west more

1 so instead of paralleling the railroad or the
2 pipeline in Rush River Township area.

3 Q. And what was the reason for that?

4 A. The reason for that was as we tried to
5 initially route the line along close to the
6 railroad, we had an airport situation that affected
7 the route. We also had the congestion in the area
8 of Amenia with an airport communication tower, the
9 City of Amenia, as well. We had a few landowners
10 that weren't receptive at that place, as well, and
11 so we chose to find a different location.

12 Q. And what was it you found when you went to
13 look for a different location?

14 A. Well, the landowners in the area or local
15 people -- I'm not sure which ones -- but they had
16 suggested that there was a watershed district ditch
17 up along Rush River Township and that they felt
18 that would be a good location for the line, and so
19 we diverted our efforts to looking in that location
20 for a new route.

21 Q. And what did you find when you looked
22 there?

23 A. We found that the watershed district,
24 itself, was very willing to have the line placed on
25 their property, and also the majority of the

1 landowners along there -- we've secured several
2 easements along that route already, as well, and so
3 we have what we think is a real reasonable route.

4 Q. And even though it apparently was a bit
5 longer than the other portion of the route?

6 A. Yes, it was. It added approximately five
7 to six miles to the route.

8 Q. Okay. Now, are you familiar with the
9 equipment that was used in Raymond Township to --
10 or will be used in Raymond Township to build our
11 line?

12 A. I think in Raymond Township -- the
13 structure I think is what you're referring to
14 there.

15 Q. Yeah. And maybe we could describe
16 generally where Raymond Township is, too. I guess
17 that would be a good thing to do.

18 A. Sure. Earlier the discussion was the
19 double circuit portion at Reed Township. Raymond
20 Township is just west of Section 7 in Reed
21 Township. It would be the portion of line
22 primarily where the 345 kV line and the 230 line
23 are proposed to parallel each other.

24 Q. And in Raymond Township the proposal is
25 for the 345 and the 230 to be side by side?

1 A. It is. The Raymond Township Board issued
2 us a conditional use permit indicating that they
3 would want to have both the lines parallel to each
4 other and that they would want to have the
5 structures placed structure for structure so that
6 as they farmed they wouldn't have to farm if they
7 were, for example, farming north to south, they
8 wouldn't have to go around additional structures on
9 their land. So the 230 line and the 345 line would
10 be structure for structure the same along that
11 route.

12 Q. And was there any discussion of double
13 circuiting those lines there in Raymond Township?

14 A. There was no discussion of that. The
15 conditional use permit actually says that we should
16 have our poles 140 feet apart in Raymond Township.

17 Q. And does that have some significance with
18 regard to double circuiting?

19 A. Well, certainly. It's really an
20 indication that there wouldn't be a double circuit
21 in Raymond Township because the conditional use
22 permit says the structure needs to be 140 feet from
23 the 345 structure.

24 Q. And now if we continue on from Raymond
25 into Section 7 of Reed, is there a situation there

1 that -- where we have double circuits already?

2 A. Mr. Lang spoke to that right at the river.
3 Due to the congestion and getting across the river,
4 it was chosen to double circuit the 345 and 230,000
5 volt line.

6 Q. You heard the testimony this morning about
7 the potential -- or the request of Reed Township
8 that the line across Section 7 be double circuited;
9 right?

10 A. I did.

11 Q. Were you involved in the public meeting --
12 the township public meetings with regard to that
13 conditional use permit?

14 A. Of the four meetings, I was at three of
15 them. Yes.

16 Q. And the -- of the first three meetings is
17 it your understanding there was any request or any
18 discussion with regard to double circuits?

19 A. No, not at the first three meetings.

20 Q. And when was the fourth of the meetings?

21 A. The last meeting was May 13th.

22 Q. And was there a discussion of double
23 circuits at that time?

24 A. There was. The township commission
25 indicated that they would like to see a structure

1 for structure -- I'm sorry. They would like to see
2 the 230 and the 345,000 volt line on one set of
3 structures.

4 Q. And was that something that you
5 recommended or suggested?

6 A. Certainly it wasn't our recommendation.
7 We did indicate to them at that time that, in fact,
8 it would probably require more structures to work
9 around because you wouldn't be parallel more than
10 likely. The spans probably wouldn't be 8- to 900
11 feet like they are now. They probably would be
12 much shorter than that.

13 Q. So although you can get both -- if you
14 were to double circuit, you would end up with more
15 poles because the distances are smaller.

16 A. That's our first point that we're at. We
17 haven't done the design as we've spoke to the
18 township, as well, and I think it was spoken to
19 earlier, but generally that would be our thought.
20 Yes.

21 Q. So when this condition was placed upon the
22 conditional use permit, there was no plan in place
23 at Minnkota to accommodate that kind of
24 circumstance or no planning had been done with
25 regard to that.

1 A. No. No, there had not.

2 Q. And as we sit here today, has planning
3 been done to facilitate a double circuit on that
4 345 line?

5 A. We have not been down that path planning
6 for that double circuit at this point in time.

7 Q. I think there was a request with regard to
8 a late-filed exhibit that had to do with the area
9 to the west of Reed Township, the seven or so
10 miles. Do you recall that? Were you here when
11 that was made?

12 A. I recall Commissioner Wefald asking about
13 a late-filed exhibit.

14 Q. Do you have -- do you understand what it
15 is?

16 A. I think we need to clarify more closely
17 what the desire would be so we could speak to that
18 in an exhibit.

19 Q. In what respect, Al?

20 A. Well, I wasn't quite sure if it was a
21 situation where she wanted us to indicate that we
22 would leave the 345 in place and try to put new
23 facilities on that or if we would try to
24 potentially increase the capacity of the existing
25 345 line. I wasn't quite exactly sure.

1 Q. And you don't have any current plans in
2 place that address that kind of circumstance?

3 A. No, we don't. We'd just have to clarify
4 that so we can move ahead.

5 MR. KETTLESON: I wonder, with the
6 indulgence of the Court, could we ask the
7 Commissioner to discuss that a bit?

8 JUDGE HOBERG: Commissioner Wefald, could
9 you help us with some clarification?

10 COMMISSIONER WEFALD: Yes. It was the
11 second option to increase the capacity of the 345
12 kV line.

13 THE WITNESS: Thank you.

14 Q. (MR. KETTLESON CONTINUING) And is that
15 clarification enough to --

16 A. Well, currently the plan is for a 230,000
17 volt line, so increasing the capacity in that
18 general location we'd have to put a substation or
19 something out there, I would guess, to go from 230
20 to 345,000 volts and then bring it into Maple
21 River.

22 Q. Are there plans in place for that kind of
23 circuit or --

24 A. No, there's not.

25 Q. So based on the information that you've

1 got now that you've developed in this plan, can you
2 provide the information that we were requested to
3 provide?

4 A. I don't know how we would address this in
5 a reasonable fashion. The interconnection request
6 is for the 230,000 volt system, and so if we were
7 to connect to the 345, we'd have to do something
8 completely different.

9 JUDGE HOBERG: Isn't that what you're
10 asking, Commissioner, is what they need to do
11 additionally?

12 COMMISSIONER WEFALD: Yes. That's exactly
13 what I'm asking. What do you need to do and what
14 would the cost be to do that?

15 THE WITNESS: Well, we could look at
16 something out where they come together. We have a
17 230,000 volt line now, all the plans are for that,
18 but we could look at perhaps where they intersect
19 and put a substation or something in there, if
20 that's what you're asking.

21 COMMISSIONER WEFALD: Whatever is needed.

22 THE WITNESS: Okay. The only thing I
23 don't know that I'm not sure that we could address
24 would be the developers have an interconnection
25 request for -- it might be voltage specific. I

1 don't know that question.

2 COMMISSIONER WEFALD: I don't know that
3 answer, either.

4 THE WITNESS: I guess what I'm saying is
5 it might not be workable, but we can get you that
6 information.

7 MR. KETTLESON: I don't have any other
8 questions for Mr. Koeckeritz. Mr. Koeckeritz is
9 one of the witnesses who can answer some of the
10 public input questions, not all of them, because
11 we've got another man who is probably in a better
12 position with regard to some of the appraiser-type
13 things.

14 JUDGE HOBERG: Well, Mr. -- is it
15 Koeckeritz?

16 THE WITNESS: Yes.

17 JUDGE HOBERG: He'll have to tell us if
18 he's not the one.

19 MR. KETTLESON: He will.

20 JUDGE HOBERG: Thank you, Mr. Kettleson.
21 Mr. Binek, please.

22 MR. BINEK: Thank you.

23 **CROSS-EXAMINATION**

24 **BY MR. BINEK:**

25 Q. My questions are going to be with regard

1 to the double circuiting in Section 7. First of
2 all, it's been testified to that there will be
3 double circuiting across the Maple River. What --
4 what are the number of structures that are affected
5 by that double -- that double circuit?

6 A. That is -- would be two.

7 Q. One on each side of the river?

8 A. Yes.

9 Q. Okay. And what distance does that span?

10 A. I would need to let Mr. Phillips speak to
11 that, but the reason we looked at a double circuit
12 was because of the soil instability conditions that
13 are there.

14 Q. To double circuit across Section 7, how
15 many structures would be needed if that was to be
16 done across the entire Section 7?

17 A. Again, we haven't done the design on that,
18 and so Mr. Phillips could speak to that generally,
19 but until we actually had a design, that would be
20 the time where we could tell you for sure how many
21 structures it would be. My -- generally I would
22 think it would be more than what's there right now.

23 Q. Do you understand that that is information
24 that we want in the late-filed exhibit?

25 A. The number of structures --

1 Q. Right.

2 A. -- that might be there? We can provide
3 that.

4 JUDGE HOBERG: That's part of late-filed
5 Exhibit 1, I believe, Mr. Kettleson.

6 Q. (MR. BINEK CONTINUING) Do you know the
7 distance between structures right now in the 345 kV
8 line?

9 A. Mr. Phillips can speak to that, but it's
10 in the 8- to 900 foot range.

11 MR. BINEK: Okay. I have no further
12 questions, but Mr. Lein does.

13 JUDGE HOBERG: Mr. Lein, please.

14 MR. LEIN: Thank you.

15 **CROSS-EXAMINATION**

16 **BY MR. LEIN:**

17 Q. I'm looking at the reroutes in the Rush
18 River Township area and wondering if anything was
19 explored. As I look at Section 2, you're cutting
20 right across the center of that, too, it looks
21 like, following a drainage ditch going through
22 there.

23 A. I have to take a look at this.

24 Q. It is -- this is where the cattle are at.

25 A. The drainage ditch would be west of there.

1 Q. So as you cut right across the middle of
2 Section 2 there, to the north you have the land
3 with the beef cattle?

4 A. That's my understanding.

5 Q. And I'm wondering what alternatives have
6 been looked at, if there's a way to get out of
7 going through that area. As I look at it, for
8 instance, looking at the map, it seems like you
9 could come down the section line on the west side
10 of Section 3 and then go across the south border of
11 Section 3 and 2 and then join them at the route,
12 and that's just an alternative. It wouldn't add
13 any length to the line. I'm wondering if some of
14 these other things have been explored?

15 A. Well, as you know, routing a transmission
16 line is -- takes a lot of -- takes a lot of
17 consideration. One of them, we had very good
18 meetings with the landowners along that route
19 originally. We felt that we had a good route, and
20 as we looked at that route, we felt that as we were
21 going to take a route to the Commission, we should
22 take a route that we felt was viable, and so that's
23 what we brought to you today.

24 JUDGE HOBERG: Just for the record, we're
25 on Exhibit 10 now.

1 Q. (MR. LEIN CONTINUING) So I guess my --
2 the answer is that we haven't explored these other
3 alternatives?

4 A. You know, our land agents worked in that
5 area. I can't speak to every piece of property or
6 landowner that they spoke to, but they've been out
7 and met with several people in that area. Perhaps
8 Bob Krava could speak to that later.

9 MR. LEIN: Okay. Thank you.

10 JUDGE HOBERG: Thank you, Mr. Lein.
11 Commissioner Wefald, did you have some questions of
12 Mr. Koeckeritz?

13 COMMISSIONER WEFALD: Yes, I do.

14 **EXAMINATION**

15 **BY COMMISSIONER WEFALD:**

16 Q. You explained at the beginning of your
17 testimony why you chose to go down into the Rush
18 River area versus an area that had been proposed
19 first of all, and you did answer as why those
20 routes were abandoned and you decided that this
21 would be a better place to have the route. Then
22 why -- there were -- the Commission was asked to
23 ask this question, and I think it's a good one:
24 Why are some landowners allowed to be not receptive
25 to having powerlines on their property and others

1 are not given the same choice? Why did you say so
2 easily to these folks up in the north part, well,
3 okay, you don't want a powerline running near your
4 property; can you tell us where some people are who
5 may want to have this running through their
6 property? And they gave you an area that you
7 thought sounded pretty good and you went down there
8 and you found that, yes, some people were receptive
9 but you found others were not. Why didn't you go
10 back up to the original route then when you found
11 that there were others who were not?

12 A. Well, I would indicate that we had survey
13 permission for the whole route when we originally
14 were out there, and so we continued to look at the
15 route as a viable route. We definitely look to
16 anybody that says no and we move on to someone
17 else. So we don't force anybody to take the route.
18 We have to talk to people.

19 Q. Well, you just said to -- you just said in
20 answer to Jerry Lein on our staff -- he asked
21 whether you had explored another route possibly
22 through this area, and you said, no, we have not.

23 A. No. I said -- if I did, I -- let me
24 correct what I said. I tried to say that I don't
25 know what all our land agents have looked at, but

1 we felt that we had a viable route to bring to the
2 Commission.

3 Q. So this is a proposed route, and I guess
4 we're interested in having you at some point in the
5 hearing look at options to the proposed route that
6 may address some of the landowners' concerns that
7 we've heard about prior to this hearing. There
8 are -- there's many people on this route, including
9 absentee owners, who want the money and are willing
10 to have poles on their land. Why doesn't the power
11 company search for more of these rather than to
12 force some powerline on farmers who maybe do not
13 want one?

14 A. Again, we try to find groups of people
15 that are amenable to the route. That's generally
16 how we get a line routed. When you get a few
17 people that are interested in the route, you need
18 to continue to pursue it in that fashion. It's
19 hard to find out who might be interested in just
20 the financial burden of it, and if, in fact, you
21 could group enough of those people that just were
22 financially interested in it, could you even group
23 them all together to get a route that was 61 miles
24 long? I think that would be a real challenge to
25 make that happen.

1 Q. I know I've been on the Commission for 16
2 years, and we've generally found that the proposals
3 for whether it's powerlines or other types of
4 facilities in the state seems to go the best when
5 the company is as flexible as possible about
6 working with landowners and trying to meet
7 landowner concerns. I said at a recent hearing
8 that in the 16 years I've been on the Commission
9 that there hasn't been one case where they've had
10 to go to eminent domain to get easements; that they
11 have always in North Dakota in those years been
12 able to work with landowners. And I think that's
13 one of the reasons we have really good success in
14 our state in having property sited, because
15 companies have been willing to be flexible. So I
16 would really encourage you to be flexible in your
17 dealings with landowners.

18 I have one more question. Where exactly
19 do the first proposed -- where did the first
20 proposed route go and -- the one that was
21 originally proposed? You've shown us where the
22 route is that's presently being proposed, but where
23 exactly on your corridor map did the original route
24 go?

25 A. The original route -- it was in our

1 initial filing. If you'd like me to get up and
2 point to it on the map, I will do that.

3 Q. Yep. That would be good.

4 JUDGE HOBERG: It's in the application
5 filing, Mr. Kettleson; correct?

6 COMMISSIONER WEFALD: Yes. I mean in this
7 section that is just --

8 THE WITNESS: It generally came down
9 through this direction right through here.

10 Q. (COMMISSIONER WEFALD CONTINUING) Okay.
11 And all of those landowners were opposed to that
12 proposed route?

13 A. As I mentioned earlier, not all the
14 landowners, but we had a congested area there. We
15 had communication towers, we have an airport, we
16 have the town and village City of Amenia, as well,
17 that were congested right in that one area, and so
18 as we looked at routing in that area -- and we had
19 some landowners that weren't amenable to it, as
20 well. As I mentioned, the suggestion was to look
21 at where this ditch was, and so we then went to
22 pursue that option. As I mentioned, we've had good
23 success. We have a lot of easements along that
24 route already, and I would offer that we feel like
25 we are working with the people. We actually have

1 almost 70 percent of the land under easement or
2 option for easement. I think that speaks well in
3 working with the people in the short time frame
4 we've been working on the project.

5 COMMISSIONER WEFALD: Okay. Thank you
6 very much. And my fellow Commissioners will
7 probably have some more questions, as well.

8 THE WITNESS: Okay.

9 JUDGE HOBERG: Thank you, Commissioner
10 Wefald. Commissioner Clark, please.

11 COMMISSIONER CLARK: Sure.

12 **EXAMINATION**

13 **BY COMMISSIONER CLARK:**

14 Q. I think we'll just kind of divide some of
15 these questions up that we've received and go from
16 there, and understand some of these are a little
17 bit similar, so I may combine some. There are
18 along the route a number of open sections and I
19 think Mr. Lein was getting to this point that don't
20 have families or cattle. Would these be preferable
21 routes? Is the company open to looking at areas
22 that might be more open from a standpoint of
23 proximity to either inhabited residences or
24 livestock operations?

25 A. You know, we certainly want to be good

1 neighbors, there's no doubt about that. We --
2 again, we use North Dakota's criteria for
3 selection, and I think we followed all those
4 criteria for selection, and we've had people that
5 have been willing to work with us. Certainly if
6 there was other places, we would consider that.
7 It's -- when you have -- again, when you have a
8 segment of landowners that are willing to work with
9 you, to abandon that and move to something
10 different is quite a challenge. You would never
11 get a line routed, I don't think, if you had to,
12 you know, abandon some of the efforts you've put
13 into it already.

14 Q. There's at least one landowner in Rush
15 River II who has concerns about the interaction
16 between high-voltage lines and the drainage ditch
17 that's there and registered cattle-breeding
18 operation that's there. Could you speak to that
19 concern and if it's something that the company has
20 taken into consideration attempting to avoid these
21 types of operations? Sure. And if you could
22 have -- I think I know where it is, but if you
23 could point it to us in Exhibit 10, that would be
24 helpful.

25 A. To --

1 Q. To exactly where the cattle operation is.

2 A. Okay. And so it would be in -- C would be
3 the area of the change here. I think I've got this
4 here. So Section 2, you can see the farmstead
5 there and the --

6 Q. And if you could just -- the page number
7 would be good.

8 JUDGE HOBERG: It's C up at the top.

9 THE WITNESS: It would be C on the top
10 where it says final route change, C.

11 COMMISSIONER WEFALD: Oh, C. I'm looking
12 at B.

13 Q. (COMMISSIONER CLARK CONTINUING) I think
14 we've all got it in front of us now.

15 A. Okay.

16 Q. So we're looking at Section 2. It looks
17 like on Section 2 there are two operations of some
18 sort, one on the northern border, one on the
19 southern border?

20 A. That looks correct.

21 Q. Could you lead us through exactly which is
22 which?

23 A. The one in the north half of Section 2
24 would be the ranching operation.

25 Q. And on the southern half would be a more

1 traditional farming operation?

2 A. I can't answer that question.

3 Q. Do you have an easement signed with the
4 southern --

5 A. You know, I would have to look at our
6 records. Mr. Krava speak with that, but we do have
7 some easements signed up along that route. Yes.

8 Q. Okay. And as I understand, that witness
9 will be the one who will be able to address what
10 Mr. Lein was talking about perhaps dropping it down
11 in a more easterly -- or westerly location?

12 A. Yes.

13 COMMISSIONER CLARK: There is a question
14 on here and I'll just make it -- it's a question to
15 the PSC, and I'll try to answer it quickly, and if
16 my colleagues want to chime in, they're certainly
17 welcome to do it. The question is regarding the
18 actual timing of the Commission hearing as well,
19 why the Commission chose today to do it, during the
20 day as opposed to night, during, you know,
21 potentially a seeding season versus during other
22 times of the year that might be slower for people
23 who are in production agriculture. To a great
24 degree the timetable that the Commission has to
25 schedule these hearings are defined in state law.

1 Once we get an application, we have a certain
2 amount of time for us to be able to make that
3 decision, and that's very much driven by when we
4 have to get newspaper notices out, legal notices,
5 make sure that the law is followed. And so to a
6 great degree when we receive the applications
7 determines the basic time frame in which the
8 Commission holds these hearings.

9 With regard to at night versus the day,
10 the Commission does hold from time to time public
11 input sessions at night, but oftentimes for more
12 formal hearings it really is best we handle it
13 during the day. We understand that that does
14 sometimes cause problems for folks, but we find
15 that there's really no perfect time. Whenever we
16 choose a slot, there are bound to be some conflicts
17 that come up. So much like the legislature or
18 courts or other administrative agencies, we just
19 have to do our best, pick a time, and hope that
20 folks are able to make it when they can.

21 JUDGE HOBERG: Thank you, Commissioner
22 Clark. Any further comment on that?

23 COMMISSIONER CRAMER: You know, I might
24 comment a little further because I was struck by
25 this question, as well, and although we don't -- at

1 least as I've been on the Commission, we've never
2 had a hearing in the evening. Oftentimes when
3 there's a project of probably greater magnitude
4 than this generally, the company, itself, will hold
5 a number of public meetings in the evening and
6 accommodate -- and I think this one did. You had
7 two of them; is that correct?

8 THE WITNESS: Yes, we did.

9 COMMISSIONER CRAMER: And so those are
10 intended to accommodate, you know, the citizens and
11 get input, but I don't want to dismiss this out of
12 hand, either, because I am not so sure we shouldn't
13 as a Commission have a discussion about the timing
14 of hearings. It's worthy at least of our -- of our
15 consideration and discussion. So I appreciate the
16 question, and I mean that sincerely. When there's
17 an issue like this, a case like this that so many
18 people want to testify on, we maybe should consider
19 it. Of course at the rate this is going, we might
20 be here tonight. So, anyway, I would just add that
21 comment.

22 COMMISSIONER CLARK: And that's a fair
23 point.

24 JUDGE HOBERG: Commissioner Clark, did you
25 have some more questions.

1 COMMISSIONER CLARK: I'll ask one or two
2 more and then turn it over to Commissioner Cramer.

3 Q. (COMMISSIONER CLARK CONTINUING) Looks
4 like the next question, I think, has already been
5 asked and answered related to livestock operations.
6 And I think this may have been referred to in an
7 earlier witness's response to a question, but could
8 you talk about the timing for this application? In
9 choosing to file it for the time of the year for
10 which a number of farmers and people involved in
11 production agriculture, it's a very busy time of
12 the year.

13 A. Well, I can appreciate the time is busy
14 for everybody. Spring in and of itself people want
15 to be out doing other things. We have been working
16 on this diligently since we undertook the project,
17 which was really back in January. If we delayed
18 the project timing and any kind of things in that
19 matter, we wouldn't get the line built in time for
20 the wind developers to meet their goals, their
21 production tax credit. If we -- and there's almost
22 no possible way to do it any sooner. I think we've
23 worked diligently to do that; we've submitted our
24 route applications as quickly as we could the first
25 time-out; we realized we had to amend that;

1 submitted the amendment, as well. Certainly we
2 would -- we'd like to do all these things in the
3 wintertime. That would be the benefit to
4 everybody, but we don't have that luxury in this
5 case, similar to there's no perfect timing for
6 anything, as you mentioned earlier.

7 Q. And then just a final question related to
8 this that was submitted to us, and it relates to
9 land easement acquisitions, and I'd like to know if
10 you've been made aware of any sort of inappropriate
11 behavior in obtaining these easements, things like
12 repeatedly asking some of the farmers and
13 landowners the same question, calling -- I think
14 when I talked to someone earlier, they said they
15 were calling day after day at eight in the morning,
16 things like that. Have you been made aware of
17 that? What's your company's policy regarding how
18 its land acquisition agents interact with
19 landowners?

20 A. Mr. Krava will be available. He's our
21 land management expert.

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

24 JUDGE HOBERG: Thank you. Commissioner
25 Cramer, please.

EXAMINATION

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BY COMMISSIONER CRAMER:

Q. I'm just looking over the remaining questions. I think most of them will be most appropriate for the land manager. There's a lot of -- there are a lot of questions about the frustration over the squeezed time frame, and we all feel that. Believe me, we do, and I will just say again I lay a lot of this on members of Congress who fail to provide a decent bill that gives us some certainty. Along those lines, maybe I could just ask you: Would it be helpful for you to plan projects like this better if Congress was to pass, say, a five-year production tax credit instead of having a deadline every year to pass one? Would that be helpful to you?

A. Well, it would be just my opinion, of course.

Q. Of course.

A. But certainly that would help the process. No doubt about it.

Q. Then I think the rest of the questions will be best saved for another witness, but I do have one more for you. Oh, well -- I'll wait. I have one more for you related to this double

1 circuiting issue. Mr. Lang had testified quite
2 well to the impact that double circuiting has in
3 case of a catastrophic or any type of event on the
4 230 kV. The impact that would have on the 345 line
5 would really be a redundant, negative impact
6 because of the double circuiting, but isn't the
7 fact that there's even the little bit of double
8 circuiting across the Sheyenne River -- doesn't
9 that already make that vulnerability exist and any
10 further double circuiting would not really be any
11 more harmful?

12 A. I would agree that it does already open up
13 a vulnerability there that we're not that thrilled
14 about. I think, though, any time you make it
15 longer, it's going to be worse than it is if you
16 just have one single spot, you know. If you double
17 circuit the whole line, of course that would be not
18 necessarily the best. So I would agree that there
19 is some vulnerability with the double circuit, but
20 adding more to it, I think, just makes the
21 situation worse.

22 COMMISSIONER CRAMER: I have nothing
23 further.

24 JUDGE HOBERG: Commissioner Wefald,
25 please.

1 with them about distance from roadways for all of
2 your facilities?

3 A. We have that information, and I think that
4 we have to apply for that variance yet, so --

5 Q. You have to apply to them for what?

6 A. The variance. We have to look at that
7 variance information yet.

8 Q. And what is -- the variance is that you
9 want to be closer to the roadways than what they
10 presently allow?

11 A. Based on the landowner input, yes.

12 COMMISSIONER WEFALD: Thank you.

13 JUDGE HOBERG: Thank you, Commissioner
14 Wefald. Any further questions by Commissioners?
15 Mr. Kettleson, any further questions of Mr.
16 Koeckeritz?

17 MR. KETTLESON: No, thank you.

18 JUDGE HOBERG: Mr. Binek?

19 MR. BINEK: No.

20 JUDGE HOBERG: Thank you, Mr. Koeckeritz.

21 THE WITNESS: Thank you.

22 JUDGE HOBERG: Your next witness, please.

23 MR. KETTLESON: Yep. We'd like to call
24 Duane Phillips, please, for some --

25 JUDGE HOBERG: And this is your last

1 witness?

2 MR. KETTLESON: Well, I think, Your Honor,
3 we will also call Bob Krava with regard to some of
4 the landowner issues, but Mr. Phillips will not be
5 a lengthy witness, I don't believe.

6 JUDGE HOBERG: Okay. Mr. Phillips, did
7 you hear the admonition I gave earlier in regard to
8 perjury?

9 MR. PHILLIPS: Yes, I did.

10 (Witness sworn.)

11 JUDGE HOBERG: Thank you. Mr. Kettleson,
12 please.

13 **DUANE PHILLIPS,**
14 having been first duly sworn, was examined and
15 testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. KETTLESON:**

18 Q. Name, please?

19 A. Duane, D-u-a-n-e, my last name, Phillips,
20 P-h-i-l-l-i-p-s.

21 Q. How are you employed?

22 A. I am employed with the engineering
23 consultant firm, Stanley Consultants.

24 Q. All right. Are you involved with this
25 generation outlet line?

1 A. Yes, I am. I'm the project manager for
2 the engineering group that is doing the design and
3 engineering work associated with this line.

4 Q. This morning a gentleman made a remark
5 with regard to this being a Y line or a D line, I
6 believe he said. Were you here when he said that?

7 A. Yes, I was.

8 Q. And he wasn't certain which it is. Will
9 you tell us which it is in your understanding?

10 A. It is a Y configuration. The
11 configuration of the distribution line, which is --
12 really the configuration I think that he was
13 alluding to more and the configuration of an
14 overall transmission line are just a little
15 different. Distribution lines lined up with Y have
16 a neutral conductor on it that is considered a
17 potential conductor that would actually carry load
18 current. On a high voltage transmission line like
19 what we have, we have a shield wire that would only
20 have a current on it during a fault or an abnormal
21 condition.

22 Q. Now, he indicated that he thought that our
23 line had a neutral on it. Do we have a neutral on
24 our line?

25 A. Well, from a purely engineering

1 perspective, you can consider the shield wire a
2 neutral wire because it is grounded to the earth,
3 but it does not operate the same way for the
4 reasons I just explained as a distribution system.
5 So it is possible to find current under our normal
6 loading conditions. On a distribution neutral line
7 you would not have that on the shield wire of a
8 high voltage transmission line.

9 Q. And is there -- have you done any tests or
10 will you be doing any tests with regard to that
11 subject in this line?

12 A. Yes. One of the analysis as part of our
13 engineering design for the line is we will do an AC
14 induction analysis. So we will look at the
15 operating conditions of the line prior to even
16 having a line construction and actually be able to
17 make an engineering analysis if there will be
18 induced voltage into such things such as railroads
19 or pipelines or any adjacent facility that is in
20 the area in the proximity of the overall line. And
21 then so what that study will do is to make sure
22 that we don't have any voltage being induced
23 anywhere.

24 Q. All right. And the doctor referenced EMF.
25 Is that a term you're familiar with?

1 A. Yes, I am.

2 Q. And do we address EMF in the application
3 that's been filed with the Commission?

4 A. Yes, we do. In the application and in
5 Section 5.4 on, I believe, page 49 in there, there
6 is a section that talks about EMF. Just very
7 briefly to conclude that section, there has been no
8 scientific study or research that connects EMF off
9 a transmission line with any kind of -- of health
10 hazards associated with livestock or people.

11 Q. Now, with regard to the double circuiting
12 question that we've talked about a little earlier,
13 are you familiar with the area in Reed Township
14 that we're talking about?

15 A. Yes, I am.

16 Q. And have you studied and determined
17 whether or not double circuiting would be a
18 possibility in that area?

19 A. We looked at the possibility of that in
20 that area. Our recommendation and from an
21 engineering perspective was that we would not
22 double circuit anywhere for the reasons I think
23 that were already addressed, so I'm not going to go
24 through those again because I thought they were
25 well presented earlier, but that's normally our

1 recommendation in building transmission lines.

2 Q. Are you involved in routing at all in this
3 case?

4 A. I have not been involved in the actual
5 obtaining of routes or easements or anything like
6 that. They give me where the route is and I design
7 around it.

8 MR. KETTLESON: All right. I don't have
9 any other questions, but Mr. Phillips is available
10 with regard to double circuiting and other
11 subjects, as well, in the event you have questions.

12 JUDGE HOBERG: Thank you, Mr. Kettleason.
13 Mr. Binek, do you have some questions of Mr.
14 Phillips?

15 MR. BINEK: Yes. Thank you.

16 **CROSS-EXAMINATION**

17 **BY MR. BINEK:**

18 Q. With regard to the double circuit, you
19 said your recommendation is not to double circuit;
20 right?

21 A. That is correct.

22 Q. But in Section 7 you are double circuiting
23 across the river; is that correct?

24 A. Yes, we are, sir.

25 Q. Okay. And I had asked a previous witness

1 about the number of structures that would be needed
2 to double circuit across Section 7, and I think I
3 was referred to you --

4 A. Two structures --

5 Q. -- at least that's what my notes indicate.

6 A. Pardon me, sir.

7 Q. So can you answer that question?

8 A. Yes, I can. There are currently in the
9 overall design two structures, one on the west side
10 of the river, one on the east side of the river.
11 They are 980 feet apart, approximately.

12 Q. Okay. So to double -- or double circuit
13 across Section 7, are you saying that you would
14 need a structure roughly every thousand feet, 980
15 feet? A structure every thousand feet, is that
16 what you'd need to get across Section 7?

17 A. Well, from an engineering design
18 perspective there is a balance that we have to try
19 to maintain with what the lengths of the spans are
20 and how many structures that we want to put out
21 there. The structures going across the Sheyenne
22 are approximately a 14 times greater cost than any
23 of the other structures that we have out there. So
24 to have longer spans like that and to do the
25 engineering load analysis that you would have to

1 have to put those further apart is obviously a much
2 increased cost. So what we would do is we would
3 have to look at what kind of an overall span length
4 we would have to do to go across the remainder of
5 Section 7 and balance that out against the overall
6 cost. So we have not looked at that yet. You
7 know, I've done obviously some preliminary looks at
8 it, but I don't have a definitive answer for you at
9 this time, sir.

10 Q. To double circuit can you use the existing
11 structures that are on Section 7? Realizing
12 across -- across the Sheyenne River you have two
13 different types of structures, but do you have to
14 totally replace the existing structures in order to
15 double circuit?

16 A. Yes, we would. Absolutely.

17 Q. The 345 line, is it correct that that will
18 be out of service when you do the river crossing?

19 A. Yes, it will. During construction, yes,
20 sir.

21 Q. Any idea how long that line will be out of
22 service?

23 A. I don't have the construction schedule,
24 but we had looked to make the construction schedule
25 coordinate with outages that already exist. There

1 is an outage planned for the early part of the June
2 time frame, which should we be able to get
3 construction going then, we would go in and pour
4 the foundations and get those set, and then when we
5 come in to an overall peak loading period where you
6 wouldn't want to have that generation line -- or
7 the generators or the 345 line out of service, so
8 we are looking at -- at the September/October time
9 frame to possibly schedule another outage. So we'd
10 have to do it basically right now in two parts.

11 MR. BINEK: Thank you. I have no further
12 questions.

13 JUDGE HOBERG: Thank you, Mr. Binek.
14 Commissioner Wefald, did you have any questions of
15 Mr. Phillips?

16 **EXAMINATION**

17 **BY COMMISSIONER WEFALD:**

18 Q. So do you have another time frame for the
19 outage rather than early June scheduled?

20 A. No, we do not. Not at this time.

21 Q. Well, what if the Commission -- this is
22 now the -- what is the date today?

23 JUDGE HOBERG: 22nd.

24 Q. (COMMISSIONER WEFALD CONTINUING) 22nd of
25 May. So what is the dates for your scheduled

1 outage?

2 A. Right now I believe the scheduled outage
3 is June 6th to June 12th, ma'am.

4 Q. Okay. So let's just say because of the
5 late-filed exhibits that need to be filed, et
6 cetera, with the Commission that that is not the
7 time frame that the Commission can make this
8 decision in. So then what would be your second
9 option for an outage?

10 A. I believe all the other options are after
11 the peak loading period, which is -- which will
12 land sometime in September.

13 Q. So then you're telling us we would have
14 all summer then to make our decision because you
15 wouldn't need to be able to get started then until
16 September; is that correct?

17 A. I cannot speak to all of the issues of the
18 deciding on that. Obviously, there's a lot more
19 than just the construction. With the outages
20 that's across the Sheyenne River, that's only a
21 small portion of the line. The rest of the line
22 still needs to be constructed, as well, and that
23 all takes time.

24 Q. Okay. So it's just the section of the
25 crossing of the Sheyenne River that needs an outage

1 period; is that correct?

2 A. There is the section across the Sheyenne
3 River that will require the outage of the 345 line,
4 and there is also a crossing section due west of
5 there in -- approximately eight miles west in the
6 Harmony Township to where we are actually taking
7 the 230 kilovolt line and going across the 345
8 line. That will require a relatively short outage,
9 though.

10 Q. Okay. All right. So you could get
11 started on other parts of the project.

12 A. Oh, yes, ma'am.

13 COMMISSIONER CLARK: Yes. All right.
14 Thank you.

15 JUDGE HOBERG: Thank you, Commissioner
16 Wefald. Commissioner Clark, please.

17 **EXAMINATION**

18 **BY COMMISSIONER CLARK:**

19 Q. Could you just describe the different
20 tower structures that are going to be used along
21 the route?

22 A. Yes. Right now the primary is monopole
23 steel structures. We have four different types of
24 those, tangents. There is a running angle, which
25 it's called in the industry, not very much of a

1 high angle, and then there's like a higher angle,
2 45 degree to 90 degree, dead-end structure, which
3 is where the line would end and you'd have a much
4 higher tension on that. We're also using wood
5 H-frame structures where we will be paralleling the
6 Minnkota 345 line, and then now we have the river
7 crossing structure, which will be a lattice tower-
8 type structure.

9 Q. Okay. So primarily it's the single-pole
10 structure where the lines are hung off the side
11 basically at different angles; is that right?

12 A. Yes.

13 Q. And then where it's paralleling the 345
14 it's the wood H-frame?

15 A. Yes, sir.

16 Q. And for the Sheyenne crossing it's the
17 larger towers?

18 A. Yes, sir.

19 Q. The existing 345, is that -- are those
20 tower structures entirely or are they H-frame?

21 A. Those are actually lattice H-frame-type
22 structure.

23 COMMISSIONER CLARK: They are. Okay.
24 That's all I've got. Thanks.

25 JUDGE HOBERG: Thank you, Commissioner

1 Clark. Commissioner Cramer, please.

2 COMMISSIONER CRAMER: I have no questions
3 for this witness.

4 JUDGE HOBERG: Thank you. Mr. Kettleson,
5 any further questions of Mr. Phillips?

6 MR. KETTLESON: No, thank you.

7 JUDGE HOBERG: Mr. Binek, anything
8 further?

9 MR. BINEK: Jerry would like to.

10 JUDGE HOBERG: Okay. Mr. Lein.

11 **CROSS-EXAMINATION**

12 **BY MR. LEIN:**

13 Q. You discussed a study for making sure that
14 your shield wire didn't have any current in it.
15 Was that going to be a measurement or could you
16 just describe that a little bit more and how can we
17 be sure that there's no current in that wire?

18 A. Well, the study is actually an AC
19 induction analysis, and what it will do is it will
20 look at the operating parameters of the line and it
21 will look at anything in close proximity to the
22 line, and it would determine if there is any
23 induction into components such as pipelines,
24 railroads, fences, anything that might be within a
25 close proximity to the line. We have accepted-

1 engineering practices and models that we have that
2 can go take a look at that, and there's also
3 measurements that can be performed once a line is
4 energized to verify that analysis.

5 Q. What if there's current in there then?
6 You can fix it?

7 A. Yes.

8 MR. LEIN: That's all the questions I
9 have.

10 JUDGE HOBERG: Thank you, Mr. Lein. Any
11 further questions of Mr. Phillips then? Thank you,
12 Mr. Phillips. Next witness, please, Mr. Kettleson.

13 MR. KETTLESON: Thank you. We'd call Bob
14 Krava, please.

15 JUDGE HOBERG: I didn't catch the last
16 name again. It's Bob --

17 MR. KRAVA: Krava.

18 JUDGE HOBERG: Could you spell that for
19 us, please?

20 MR. KRAVA: K-r-a-v-a.

21 JUDGE HOBERG: Thank you, Mr. Krava. Did
22 you hear the admonition I gave earlier in regard to
23 perjury?

24 MR. KRAVA: Yes, I did.

25 (Witness sworn.)

1 JUDGE HOBERG: Thank you. Mr. Kettleson.

2 ROBERT KRAVA,

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

5 DIRECT EXAMINATION

6 BY MR. KETTLESON:

7 Q. Your name is Bob Krava?

8 A. Robert Krava. I go by Bob, yes.

9 Q. And you're employed by Otter Tail Power
10 Company?

11 A. Yes, I am.

12 Q. Have you been working on the Minnkota
13 project?

14 A. Yes, I have.

15 Q. The outlet line from Pillsbury to Fargo?

16 A. Yes.

17 Q. And what's your capacity in that project?

18 A. My capacity is supervising or managing the
19 land acquisition process for the project.

20 Q. So that people in the field are people
21 that report to you then?

22 A. That's correct, yes.

23 MR. KETTLESON: I'd like to make Mr. Krava
24 available to the Commissioners with regard to the
25 questions they have on that subject matter.

1 JUDGE HOBERG: You don't have any
2 questions of him?

3 MR. KETTLESON: I don't.

4 JUDGE HOBERG: Thank you, Mr. Kettleison.
5 Mr. Binek?

6 MR. BINEK: I don't believe I had any
7 questions.

8 JUDGE HOBERG: Okay. Commissioner Wefald,
9 please.

10 **EXAMINATION**

11 **BY COMMISSIONER WEFALD:**

12 Q. Some people along the powerline feel that
13 they have received a lot of pressure from land
14 agents, people who are calling them at all hours of
15 the day or consistently at eight o'clock in the
16 morning, and they're feeling pressured to sign
17 easements. Would you please comment to the
18 Commission about those concerns?

19 A. Yes. We've done -- we've been calling
20 people. All hours of the day, I'm not aware of
21 that, but, yes, we've been calling people due to
22 again the time frame issues that have been, you
23 know, put to us on this project, and a lot of times
24 the people are working and they don't want us to
25 call them at work, and work is probably a wrong

1 term because a number of them are farmers and
2 that's their work, but during the day they're on
3 the tractors and things like that. So we call in
4 the morning, we call in the evening, and we call on
5 the weekends. Yes.

6 Q. And what's your purpose in calling them so
7 regularly and so often?

8 A. To get an indication of if they have
9 questions, because a number of times the form work
10 is mailed to them. Other times it's just to get an
11 answer back. Some of them wanted to review the
12 forms with their attorney staff.

13 Q. Do you give them between your first
14 contact and a second contact time for them to
15 consult with their attorney?

16 A. Yes. If they would like to do that,
17 certainly.

18 COMMISSIONER WEFALD: All right. That
19 answers my questions at the present time.

20 JUDGE HOBERG: Thank you, Commissioner
21 Wefald. Commissioner Clark, please.

22 **EXAMINATION**

23 **BY COMMISSIONER CLARK:**

24 Q. But you understand there can be at least
25 from a perception standpoint a fine line between a

1 company doing due diligence and from a landowner's
2 perspective just being more of a nuisance?

3 A. I understand that, yes.

4 Q. We have some questions that are related to
5 the contracts, and I'll read it and see if you can
6 respond to it. The question is: Why are terms on
7 contracts conflicting to those given verbally by
8 power company reps to landowners, that is to say,
9 no obligation whatsoever to let them survey? Are
10 you familiar with what this question may be
11 referring to?

12 A. My opinion of what they're referring to
13 there is that the survey permission that we ask the
14 people to sign states that there's no obligation
15 for them to sign an easement at a later date.

16 Q. Say that one more time.

17 A. The survey permission form that we ask the
18 people to sign allows us to get onto their property
19 for survey only. It does not tie them or obligate
20 them to signing an involuntary easement.

21 Q. Following up on that, I think, why would
22 power company reps tell us no obligations when
23 surveying and verbally explain terms of easement,
24 then write conflicting facts into the actual
25 easement to be signed? And in parentheses, some

1 who have signed don't even understanding what they
2 have signed. So I think they're alleging some sort
3 of conflict between what's told them regarding the
4 surveying forms and then the actual easement signed
5 itself.

6 A. Again, my -- and I did call the landowner
7 that did write a letter trying to identify what
8 some of those -- some of these, you know, comments
9 that she made through Mr. Rafferty to the
10 Commission. So I did try and call that individual,
11 and her comment to me was we're being told there's
12 no down-guys due to what Mr. Phillips just said.
13 This line is designed to take away the
14 complications of down guying, but the form does
15 have -- because it's a standard form -- does have
16 that terminology on it. A number of people have
17 asked to have that stricken and we have done that.

18 COMMISSIONER CLARK: Okay. That's all the
19 questions I have.

20 JUDGE HOBERG: Thank you, Commissioner
21 Clark. Commissioner Cramer, please.

22 **EXAMINATION**

23 **BY COMMISSIONER CRAMER:**

24 Q. Is it unreasonable to expect landowners,
25 especially during the spring planting season,

1 calving, and all of the other things that are going
2 on, to be confused and feel threatened by a high-
3 pressured pitch, if you will, to get a project like
4 this done in a short time? I mean, is it
5 understandable that people would feel that way to
6 you?

7 A. Is it understandable to me?

8 Q. Yes.

9 A. I can understand that some people may feel
10 that way, yes.

11 Q. With regard to the agents on the ground
12 that, you know -- if I can call them that -- how
13 are they compensated? Are they compensated based
14 on how many signatures they get or are they
15 compensated by how many people they approach or --

16 A. Oh, okay. No. There's no compensation
17 based on a quota. The compensation is each of
18 their companies, their respective companies -- and
19 there are four Otter Tail Power Company agents
20 working on the project, there are two Minnkota
21 agents working on the project, and there are two --
22 there was a third, but that person has left very
23 early in the project from Kadrmas, Lee & Jackson
24 firm, and they are each paid by their firm whatever
25 they are paid, and I'm not sure on some of the

1 other companies if it's a monthly salary or if it's
2 a weekly, but there's no bonus situation or quota
3 situation, if that's -- if that's the question.

4 Q. That's exactly the question. That is
5 exactly the question.

6 A. There is none.

7 Q. And are you -- are you intimately
8 knowledgeable of each agent and each agent's
9 practices? I mean, you just cited three different
10 companies that the agents work for. I do find that
11 a little uncomfortable. I understand you're
12 partners and you need the bodies, but we have had
13 enough experience recently with siting to know that
14 the further removed the agent is from
15 accountability directly to the company involved,
16 there are more --

17 COMMISSIONER WEFALD: Potential problems.

18 Q. (COMMISSIONER CRAMER CONTINUING) --
19 potential for problems.

20 A. Yes. I've known all of these agents --
21 many of them for upwards of 20 years. Two of the
22 individuals I've known for approximately three
23 years, but they are not first -- first-time-out
24 individuals.

25 COMMISSIONER CRAMER: Okay. I have

1 nothing further.

2 COMMISSIONER WEFALD: I have one more.

3 JUDGE HOBERG: Thank you, Commissioner
4 Cramer. Commissioner Wefald, please.

5 **FURTHER EXAMINATION**

6 **BY COMMISSIONER WEFALD:**

7 Q. If you're not the correct person to help
8 me with this then, I want to find out who might be
9 the correct person. Who is the correct person for
10 the Commission to address regarding a potential
11 change of the route that Mr. Lein brought up
12 earlier?

13 A. Okay. I can try and address it. The
14 route -- the route changing has been done based on
15 again all the facts that you've heard here, so
16 it's --

17 Q. But we have a potential route in front of
18 us, and we're wondering now if it could be
19 potentially changed. We know that any route can be
20 potentially changed, and so we'd like to just
21 have -- find out who the person is who can at least
22 explore this route change and then to --

23 A. That would be me.

24 Q. -- get back to the Commission?

25 A. Yes.

1 Q. All right. So, Mr. Lein, I'm going to ask
2 you to help me with this. So listen carefully to
3 what I describe and then tell me if I have it
4 correct.

5 JUDGE HOBERG: Okay. We're on Exhibit 10,
6 I believe.

7 Q. (COMMISSIONER WEFALD CONTINUING) We're on
8 Exhibit 10, C. It says Final Route Change - C at
9 the top. We're interested in the company exploring
10 whether at 159th Avenue Southeast --

11 A. Yes.

12 Q. If the route could go down at 159th Avenue
13 Southeast, turn south, travel for the distance
14 of -- it would be one mile?

15 MR. LEIN: Two.

16 COMMISSIONER WEFALD: Two miles. And
17 would it go along the south part of Section 3?

18 MR. LEIN: I'm sorry. We would go one
19 mile south.

20 COMMISSIONER WEFALD: That's what I
21 thought. One mile south on 159th Avenue Southeast.

22 MR. LEIN: Or maybe more than that.

23 COMMISSIONER WEFALD: Well, I thought it
24 would go over then on 25th Street.

25 MR. LEIN: That's one possibility, but it

1 could go further south, if it need to be.

2 COMMISSIONER WEFALD: I'm sorry. I don't
3 have that map. My map doesn't show it going any
4 further, so I can't refer to that.

5 MR. LEIN: If I -- I'm noting a farmstead
6 or something there.

7 COMMISSIONER WEFALD: Okay. So if it went
8 two miles south on 159th Street Southeast and then
9 turned east and went on -- what is the name of the
10 street then that runs -- that isn't labeled for us.

11 COMMISSIONER CLARK: It would just be a
12 section line.

13 MR. LEIN: 26th would be two miles.

14 COMMISSIONER WEFALD: Then runs east over
15 to 161st Avenue Southeast before it turns south
16 again.

17 MR. KETTLESON: Excuse me. Which map
18 should we be looking at?

19 JUDGE HOBERG: I'm not sure.

20 COMMISSIONER WEFALD: Should be looking at
21 Final Route Change - C in Exhibit 10.

22 MR. KETTLESON: Okay. Thank you.

23 THE WITNESS: If we're talking about going
24 one mile south -- I'm sorry. I did not bring my
25 glasses up here, which was a fault of mine.

1 COMMISSIONER WEFALD: I don't have mine
2 today, either, so we're both at a disadvantage
3 here, but you can maybe get yours. He needs his
4 glasses, if someone can help him.

5 THE WITNESS: Just simple reading glasses.
6 No --

7 Q. (COMMISSIONER WEFALD CONTINUING) Okay.
8 Someone's holding a pair up back there.

9 A. Not quite my style, but --

10 Q. We note that what we're suggesting here
11 does not extend the length of the route. It just
12 has it go in a different direction. Go ahead.

13 A. If we're talking one mile south and then
14 going to the east --

15 Q. All right.

16 A. -- there are a number of --

17 Q. Go through that option first.

18 A. There are a number of homes --

19 Q. Along that way. And so that's why my
20 staff member said look, if you went two miles south
21 and then cross to the east.

22 MR. LEIN: And then that one home, are we
23 talking about in the southwest corner of Section 2?
24 Oh, I see. And then another one there. We've got
25 two of them.

1 COMMISSIONER WEFALD: Maybe we should have
2 time for a break and then we could have staff
3 and -- and then come back and they'd probably have
4 an easier time answering.

5 JUDGE HOBERG: All right. Why don't we do
6 that? Let's take a seven-minute, eight-minute
7 recess. We'll be back at ten minutes to three.

8 (Recess taken.)

9 JUDGE HOBERG: Okay. Let's go back on the
10 record here. I think did you -- who's asking
11 questions? Was it Commissioner Wefald?

12 Q. (COMMISSIONER WEFALD CONTINUING) What I'd
13 just like to clarify is we're not expecting a
14 response today, yes, we could do this, or, no, we
15 can't. What I'm asking is whether Otter Tail would
16 be -- will explore a potential route change and get
17 back to the Commission as to whether they feel it
18 could be a workable route.

19 A. We have looked at what Mr. Lein was
20 talking about, and there are some houses in that
21 area, also, and we have talked to a number of those
22 landowners and they have not been receptive to the
23 project. So I think we've looked at it as well as
24 many, many, many areas to go with this, and up
25 until a week ago the people in the area that we've

1 applied for were willing to work with us and talk
2 to us and they held a landowners' meeting, which we
3 were not invited to.

4 Q. Which is fine.

5 A. Understandably. And at that meeting Mr.
6 Dahlberg was present, and after that they wouldn't
7 talk to us, but we had already made the application
8 and we had already researched all of these other
9 possibilities that Mr. Lein is talking about.

10 Q. However, what is -- what is hard for these
11 folks to understand is, as you've just said, you've
12 researched a number of other opportunities, and
13 those people said, you know, they're not
14 interested. So why then this map -- now at this
15 point is it that you're running out of time, that
16 now you have to just put through -- we don't care
17 anymore whether people are interested; we're just
18 going to have a route?

19 A. No. No, that's not the fact.

20 Q. You're still willing to negotiate and to
21 find a better route if one can be found; is that
22 correct?

23 A. That's correct.

24 COMMISSIONER WEFALD: All right. Thank
25 you.

1 at the table, which is just a miniature version of
2 this -- or a larger version of one of the exhibits.
3 I can't remember.

4 COMMISSIONER WEFALD: It's a larger
5 exhibit of Exhibit 1.

6 COMMISSIONER CLARK: Yeah. It's a blowup
7 of Exhibit 1.

8 MR. KETTLESON: I think we're on the page
9 that you're referencing there, Mr. Clark.

10 Q. (COMMISSIONER CLARK CONTINUING) It would
11 be figure one of three.

12 JUDGE HOBERG: You're on page two?

13 MR. KETTLESON: Yes. Your Honor, is
14 this -- I don't know that this has been offered.
15 This is the material that's back on the table, I
16 think.

17 JUDGE HOBERG: Oh, okay. Is that part of
18 the --

19 COMMISSIONER CLARK: That's correct. I
20 just picked it up because it's a lot easier to read
21 this one than it is to read Exhibit 1.

22 MR. KETTLESON: Maybe then we could --

23 JUDGE HOBERG: Why don't we just mark that
24 one.

25 MR. KETTLESON: That would be good. Thank

1 you.

2 JUDGE HOBERG: 19. So that wasn't
3 previously filed then; is that correct?

4 MR. KETTLESON: No. And we'd offer 19
5 then, Your Honor.

6 JUDGE HOBERG: All right. Do the
7 Commissioners have that one?

8 COMMISSIONER CRAMER: No.

9 COMMISSIONER WEFALD: No. Tony's got one.
10 It's the same as what we have.

11 COMMISSIONER CRAMER: It's the same as
12 Exhibit 1.

13 MR. KETTLESON: We might need to refer to
14 that.

15 JUDGE HOBERG: So essentially this is
16 Exhibit 1 with a different detail on it; is that
17 right?

18 COMMISSIONER CRAMER: It's bigger.

19 COMMISSIONER WEFALD: Bigger.

20 JUDGE HOBERG: Okay. I'll admit Exhibit
21 19.

22 MR. KETTLESON: And, Your Honor, if we
23 might use that. We don't have a --

24 JUDGE HOBERG: Oh.

25 MR. KETTLESON: These were provided for

1 the audience and we didn't make an exhibit of it,
2 but -- okay. We're ready. Thank you.

3 JUDGE HOBERG: Commissioner Clark.

4 Q. (COMMISSIONER CLARK CONTINUING) Okay.
5 The question was look at where the ditch was.

6 A. Okay. If you look at figure 2-3 or page
7 two of three -- can I get up and just point on your
8 map?

9 JUDGE HOBERG: Well, can you describe it
10 first? Maybe you can describe it for the record.

11 THE WITNESS: Okay. It runs -- the ditch
12 runs -- on this project where the ditch water
13 resource district has allowed us to use it -- along
14 Section 6, Section 5, Section 4, and then it goes
15 up into where our one mile in Gunkel Township is
16 along Section 34, and if I can point it out for
17 you, Commissioner Clark --

18 COMMISSIONER WEFALD: Maybe point it out
19 on the big map, too.

20 MR. KETTLESON: This map over here, Bob.

21 THE WITNESS: (Indicating.)

22 MR. LEIN: And it goes north on Section 3
23 and 4.

24 THE WITNESS: Section 34 of Gunkel. It
25 crosses into a different township.

1 JUDGE HOBERG: Are we finding it?

2 MR. LEIN: So where you cross the road at
3 then, you lose the ditch?

4 THE WITNESS: The ditch continues on,
5 but --

6 Q. (COMMISSIONER CLARK CONTINUING) Okay.
7 And then at that point the ditch -- where the
8 transmission line turns south, the ditch keeps
9 going to the east?

10 MR. KETTLESON: He's talking about here.

11 THE WITNESS: It crosses the road here.
12 The ditch is on the south side of the road here.
13 It crosses over and is on the north side of the
14 road in Section 34.

15 COMMISSIONER CLARK: Okay. All right.

16 MR. KETTLESON: And the ditch we're
17 talking about in Section 34 is another township.
18 It's Gunkel Township.

19 COMMISSIONER WEFALD: Yeah.

20 MR. LEIN: And so we stay on the ditch all
21 across.

22 JUDGE HOBERG: Wait a minute, wait a
23 minute. We're getting into a free-for-all here.

24 COMMISSIONER CLARK: Okay. And from here
25 on out, I can ask the questions and it should be

1 fine.

2 JUDGE HOBERG: Okay. Yes. Sit down,
3 please.

4 Q. (COMMISSIONER CLARK CONTINUING) Okay. So
5 understanding where the ditch is now, I can
6 understand how that brings the transmission line if
7 you follow that into Section 34 of Gunkel Township,
8 but what I don't understand is why then that
9 eliminates other options for routing the
10 transmission line as it works its way east after
11 it's past the ditch. So, in other words, it --
12 well, let's see. The -- I mean, all that that
13 ditch -- by crossing into Gunkel Township it gets
14 you a few hundred feet further east, I guess.

15 A. A mile.

16 Q. It gets you a full mile further east?

17 A. Yes.

18 Q. So it follows along all the way to where
19 34 and 35 abut; is that correct?

20 COMMISSIONER WEFALD: 160th Avenue
21 Southeast.

22 Q. (COMMISSIONER CLARK CONTINUING) 160th
23 Avenue?

24 MR. KETTLESON: Here's 160th right here.

25 THE WITNESS: Yes. It goes east to 160th

1 Avenue.

2 Q. (COMMISSIONER CLARK CONTINUING) Okay. So
3 the ditch follows all the way to 160th?

4 A. Yes.

5 COMMISSIONER CLARK: All right. Thank
6 you. That's all I have.

7 JUDGE HOBERG: Thank you, Commissioner
8 Clark. Commissioner Cramer, do you have any
9 questions of Mr. Krava?

10 COMMISSIONER CRAMER: I do not.

11 JUDGE HOBERG: All right. Thank you. Any
12 further questions of Mr. -- is it Krava or Krava?

13 THE WITNESS: Krava.

14 COMMISSIONER WEFALD: Well, then I want to
15 just have a late-filed exhibit filed of the homes
16 that would be within 500 feet of the powerline and
17 any other cultural resources that would be along
18 that route.

19 JUDGE HOBERG: Along the route --

20 COMMISSIONER WEFALD: The other proposed
21 route that we discussed during the break.

22 JUDGE HOBERG: And do we know what that
23 is?

24 MR. LEIN: What if -- just show the
25 alternatives to get around Section 2 and why

1 they're not feasible.

2 COMMISSIONER WEFALD: Okay. Would you
3 please provide us a late-filed exhibit, the
4 alternatives to --

5 MR. LEIN: To get around --

6 COMMISSIONER WEFALD: -- to get around.

7 MR. LEIN: -- Section 2.

8 COMMISSIONER WEFALD: -- Section 2 and why
9 they're not feasible.

10 THE WITNESS: Yes.

11 MR. LEIN: In Rush River Township.

12 JUDGE HOBERG: All right. Can you provide
13 that, Mr. Kettleson?

14 MR. KETTLESON: Yes, we can.

15 JUDGE HOBERG: All right. That'll be
16 late-filed Exhibit 2, please.

17 Q. (COMMISSIONER CLARK CONTINUING) I may
18 have one more, and I don't know if I'm going to be
19 able to put it exactly right, but the -- so as I
20 understand it and understanding now where the ditch
21 runs and that you have this access through the
22 water board, that's what forced the action that
23 decided to move it to 160th Avenue. Were there
24 unwilling landowners in Section 3, Section 10, in
25 that area where the line could have dropped down

1 and then also made the cut over to the southbound
2 route?

3 A. In Section 3 and in Section 10? I'm
4 sorry. I didn't --

5 Q. Right. Mr. Lein had talked about why not
6 drop the line down the west side of Section 3,
7 perhaps the west side of Section 10. I could see
8 where, you know, perhaps you could cut off halfway
9 through the section across 10 and 11 and meet up
10 with the same .2 miles. Why not make the cut that
11 way instead of the way you've chosen, and you said,
12 well, it's because the water board brought us over
13 to 160th, but yet you still have unwilling
14 landowners -- after that point, if you drop down on
15 3 and 10, do you have unwilling landowners there,
16 and I guess it gets back to the question that the
17 folks have asked us, which is why would one
18 landowner's opposition carry more weight than
19 another landowner's?

20 A. I can answer your question, yes, there was
21 unwilling landowners in Section 10.

22 Q. Then why would the unwilling landowner in
23 Section 10 carry more weight than the unwilling
24 landowner in Section 2?

25 JUDGE HOBERG: Well, is there an unwilling

1 landowner in Section 2?

2 COMMISSIONER WEFALD: There is.

3 THE WITNESS: Yes, there is.

4 JUDGE HOBERG: Okay.

5 Q. (COMMISSIONER CLARK CONTINUING) And the
6 Commission needs to make a decision based on kind
7 of a factual base. What's the minimum impact? Is
8 there anything that would tip one route over
9 another from a minimum impact on environmental,
10 cultural, historic resources, efficiency of --

11 A. I'm not sure of the question, to be
12 honest.

13 JUDGE HOBERG: Do you want to rephrase it,
14 Commissioner Clark?

15 COMMISSIONER CLARK: Well, I'll try.

16 Q. (COMMISSIONER CLARK CONTINUING) Either
17 way you go, regardless of the water board issue and
18 that you've got a right-of-way where you do or
19 you've got easements where you do, you run into
20 landowners who don't want it on their land. So how
21 is the Commission to decide which -- why this
22 particular route that was picked was picked? I
23 mean, is it just you get a little bit further with
24 the easement you've got from the water district?

25 A. Yes.

1 Q. It is a little bit more circuitous route,
2 though, isn't it? I mean, you've got two 90-degree
3 turns instead of just one if you dropped it down
4 earlier; right?

5 A. There are other homes that I don't believe
6 are showing up real well on the map.

7 Q. Where would those homes be?

8 JUDGE HOBERG: Is that Section 10 and 11
9 or --

10 THE WITNESS: These maps just do not have,
11 I mean, the area to be able to answer that.

12 JUDGE HOBERG: You don't know that off the
13 top of your head then?

14 THE WITNESS: No, I do not.

15 COMMISSIONER CLARK: If you could file a
16 late-filed exhibit that shows there are more
17 residences along that other route than the one
18 you've proposed, that could be helpful.

19 JUDGE HOBERG: Why don't you include that
20 with late-filed Exhibit 2 what residences are of
21 concern there?

22 MR. KETTLESON: Those are in our amended
23 application, I believe, the avoidances, and the
24 homes should be in there. Yeah. Mitch, could you
25 address us to the page?

1 MR. SHIELDS: It would be figure two, I
2 believe.

3 COMMISSIONER WEFALD: What page?

4 MR. SHIELDS: It's in -- behind the
5 figures tab in the amended application. Figure 2A.

6 MR. KETTLESON: We've located it, I
7 believe.

8 JUDGE HOBERG: Perhaps, when we're talking
9 about the alternatives to get around Section 2, in
10 late-filed Exhibit 2 you could just include the
11 avoidances of those houses as part of that exhibit.
12 That's all I'm talking about. That would
13 include -- have you got that, Mr. Kettleson? That
14 would include what Commissioner Clark was talking
15 about, too, to --

16 MR. KETTLESON: So we can file with it
17 Figure 2A, which indicates the avoidances and
18 exclusions.

19 JUDGE HOBERG: Right. Make that part of
20 our late-filed Exhibit 2.

21 MR. EDWARD OLSON: Excuse me. Would it be
22 out of order to say something?

23 JUDGE HOBERG: Yes, yes. I'm sorry.

24 MR. EDWARD OLSON: I could clarify this
25 pretty fast.

1 COMMISSIONER CLARK: That's all I've got
2 right now.

3 JUDGE HOBERG: Thank you, Commissioner
4 Clark. Commissioner Cramer, do you have any
5 questions of -- well, I think we actually went all
6 the way around once. Any further questions of Mr.
7 Krava? No further questions. Thank you, Mr.
8 Krava.

9 THE WITNESS: Thank you.

10 JUDGE HOBERG: All right. Mr. Kettleison,
11 have you concluded your presentation?

12 MR. KETTLESON: Yes, thank you. We rest.

13 JUDGE HOBERG: What about -- thank you.
14 What about the other exhibits in your preliminary
15 exhibit list, 11, 12, 14, 15, 16, 17? You're not
16 offering those?

17 MR. KETTLESON: No, we aren't.

18 JUDGE HOBERG: Okay. Thank you. All
19 right. Well, we're at that point finally when the
20 applicant has indicated that they are through with
21 their presentation to the Commission. So at this
22 time I am going to open the floor, and we're going
23 to start, as I said earlier, with those who are
24 proponents or in favor of the application or
25 neutral, and as I indicated, you just come up to

1 the front. I'll have to -- I guess those that can
2 come up first will testify first, and here comes
3 somebody right now. And then we'll move to the
4 protestants after we've taken care of those who are
5 in favor of neutral.

6 And would you state your name for the
7 record, please?

8 MS. STARLING: Sure. Holly Starling,
9 S-t-a-r-l-i-n-g.

10 JUDGE HOBERG: And what was the first name
11 again.

12 MS. STARLING: Holly, H-o-l-l-y.

13 JUDGE HOBERG: Okay. Ms. Starling, did
14 you hear the admonition I gave earlier in regard to
15 perjury?

16 MS. STARLING: Yes, I did.

17 (Witness sworn.)

18 JUDGE HOBERG: Thank you.

19 **HOLLY STARLING,**
20 having been first duly sworn, was examined and
21 testified as follows:

22 MS. STARLING: Good afternoon. I'm Holly
23 Starling, like I mentioned before. I'm project
24 manager for FPL Energy, LLC. I'm currently
25 involved with the development of our Ashtabula wind

1 project in Barnes County and the expansion of the
2 Langdon wind project in Cavalier County.

3 I'm here today to express FPL Energy's
4 support of this transmission line and to encourage
5 the Commission to approve Minnkota's request to
6 enable construction of this needed transmission
7 line to commence as soon as possible.

8 As you are aware, FPL Energy currently has
9 330 megawatts of wind energy installed in North
10 Dakota. We're anticipating completion of an
11 additional 237 megawatts by the end of December
12 2008. These projects would not have been possible
13 without the strong support from our local
14 communities and our strong partnerships with
15 companies such as Minnkota Power Cooperative.

16 FPL Energy has focused much of our effort
17 to date in working with this Commission and other
18 stakeholders to develop large amounts of wind
19 energy in your state despite the severe lack of
20 capacity on transmission lines leading to load
21 centers particularly east into Minnesota.

22 As the transmission grid is asked to do
23 more, FPL Energy is concerned that opportunities to
24 squeeze a little bit more out of the existing
25 transmission system in North Dakota may become even

1 more difficult. For this reason this critical new
2 transmission line sought by Minnkota Power
3 Cooperative is so vital. It provides a pathway for
4 approximately 400 more megawatts of clean wind
5 energy invested in North Dakota to serve electrical
6 needs in the midwest region.

7 On May 2nd, 2008, the Commission held
8 hearings for site compatibility, transmission
9 corridor compatibility, and a transmission route
10 permit on behalf of Ashtabula Wind, LLC. The
11 electricity generated from the Ashtabula Wind
12 facility is scheduled to tie into Minnkota's
13 proposed transmission line that is the subject of
14 this proceeding.

15 The success of our project and other
16 projects in the immediate area rest on the
17 Commission approving this transmission line.
18 Without the Commission's approval of this line the
19 Ashtabula project may face delays that could
20 jeopardize the commercial in-service date and
21 jeopardize its ability to take advantage of the
22 federal production tax credit that is set to expire
23 on December 31st, 2008. Such a result would be a
24 tremendous loss for Barnes County, FPL Energy,
25 Minnkota Power Cooperative, Otter Tail Power

1 Company, and the entire State of North Dakota.

2 This Commission has an outstanding record
3 and reputation for promoting policies that ensure
4 low cost, reliable electricity for its citizens, to
5 protect the environment and facilitate greater
6 renewable energy investment in North Dakota.

7 The applicant has put on an impressive
8 case creating a full record that demonstrates why
9 their line should receive a favorable ruling from
10 the Commission. For all these reasons FPL Energy
11 respectfully urges the Commission to approve this
12 application.

13 Thank you.

14 JUDGE HOBERG: Thank you, Ms. Starling.
15 Mr. Kettleson, any questions of this witness?

16 MR. KETTLESON: No questions.

17 JUDGE HOBERG: Thank you. Mr. Binek, any
18 questions?

19 MR. BINEK: No questions.

20 JUDGE HOBERG: Commissioner Wefald, any
21 questions of this witness?

22 COMMISSIONER WEFALD: No questions.

23 JUDGE HOBERG: No. Commissioner Clark?

24 COMMISSIONER CLARK: None. Thank you.

25 JUDGE HOBERG: Commissioner Cramer?

EXAMINATION

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BY COMMISSIONER CRAMER:

Q. Well, I would ask, Ms. Starling, you the same question that I've asked, I guess, other witnesses with regard to -- since you've brought it up -- the production tax credit that Congress continues to not to continue, except on an occasional patchwork basis. Wouldn't it be just a lot easier to develop these low cost -- in fact, wouldn't it even be a lower cost if we had the certainty that would come with, say, a five-year production tax credit instead of an annual update maybe?

A. Right. I think it would definitely help the industry as a whole.

Q. And so we should all maybe be getting on members of Congress' case a little bit and telling them to advocate for better policies so that we can see this development done in a better manner, a more organized manner, and probably more friendly to the citizens.

A. Yes.

COMMISSIONER CRAMER: All right. I have nothing further, Your Honor. Thank you.

JUDGE HOBERG: Thank you, Commissioner

1 Cramer. Anything further? Thank you, Ms.

2 Starling.

3 MS. STARLING: Thank you very much.

4 JUDGE HOBERG: All right. Anyone else who
5 is in favor or neutral? I thought we had three or
6 four.

7 COMMISSIONER WEFALD: They maybe left.

8 COMMISSIONER CRAMER: We wore them out.

9 JUDGE HOBERG: No one else who wishes to
10 testify in favor or neutral? All right. Then
11 we'll move on to the protestants. Anyone who
12 wishes -- yes, sir. Come on up. And your name,
13 sir, for the record?

14 MR. EDWARD OLSON: Edward Olson from -- I
15 live in Section 2 in Rush River Township.

16 JUDGE HOBERG: All right. Mr. Olson, did
17 you hear the admonition I gave earlier in regard to
18 perjury?

19 MR. EDWARD OLSON: Yep.

20 (Witness sworn.)

21 **EDWARD OLSON,**

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

24 MR. EDWARD OLSON: I live right here on
25 this map right here, and the powerline is

1 designated to go down --

2 JUDGE HOBERG: Sir, you need to talk into
3 the mike, so we can -- please.

4 COMMISSIONER CRAMER: Thank you for
5 pointing that out.

6 MR. EDWARD OLSON: Well, we had a lot of
7 problems here figuring out where the line is, but
8 that's where I live, right over there in Section 2
9 in Rush River Township. The powerline is
10 designated to go on both sides of us. Half a mile
11 west of us it will be going south a half-mile, and
12 then it will be going a whole mile, and we own that
13 whole half-section there.

14 About three weeks ago Curt Beckler come
15 over to our farm and he wanted to talk to us about
16 the powerline, and we had to go to a funeral home
17 that night for an open house, and so we came
18 back -- he came back the next day. When we were on
19 our way home from the funeral that next day, then
20 he -- we saw some survey people out there surveying
21 the land on the legal water drain, and so we asked
22 them what is the deal here, and so they said, Well,
23 we're surveying for the powerline. Hmm, the
24 powerline, huh?

25 So then Beckler came into our yard and we

1 visited with him a little bit, and then we found
2 out then that they were going to build probably a
3 powerline. They would use the right-of-way from
4 Northern Cass Water Resource District to build this
5 powerline there, and incidentally, that's about a
6 six-mile stretch of land that they own. That's ten
7 percent of the line -- the 61-mile line that
8 they're getting. So they didn't have to even bend
9 over backwards at all to get the right-of-way on
10 it.

11 So it isn't quite like they say it is, you
12 know, that they had a lot of people there because
13 it was only one person they had to contact about
14 it.

15 Well, then I'm going to tell you a little
16 bit about our cattle operation. We have a
17 registered polled Hereford and Red Angus cattle
18 operation, and we have that headquartered right
19 there on the north side of Section 2 in Rush River
20 Township, right surrounded by two sides by the
21 powerline.

22 We have an intensive grazing system at our
23 place. That means, in case you don't know, that we
24 rotational graze our pastures. We have any time
25 from at least five up to eight small pastures that

1 we rotate around to. So we have a lot of cattle in
2 a small area, and we're really concerned about the
3 potential for stray voltage.

4 I had two cousins from over in
5 Minnesota -- powerline was about a half-mile from
6 their farms. They milk cows, and they had to get
7 out of the dairy business because the cattle quit
8 being productive. They went down on milk
9 production, they went down on flushing ability, and
10 they just wouldn't eat and drink very good. I
11 should say some of the cows -- not 100 percent of
12 the cows were that way -- but they did lose enough
13 production and couldn't fight the power company.
14 They didn't have a bit of a problem until the
15 powerline came in.

16 So that means that there has to be
17 something to this stray voltage, and we're
18 concerned about it. We'd like for the power
19 company to keep this powerline at the -- probably
20 two miles away from our farm. We kind of think
21 that the powerline should be a good deal, you know,
22 I mean, for the country and for the -- and we're
23 not opposed to the powerline, but we'd like to keep
24 it at least a couple miles, possibly the minimum of
25 one mile from our farm.

1 Now on that section of land there is six
2 homes on that section of land.

3 JUDGE HOBERG: That's Section 2?

4 MR. EDWARD OLSON: On Section 2 in Rush
5 River Township. Five of the people there are in
6 favor of -- no, excuse me. Five of them are
7 absolutely opposed to the powerline, and one of the
8 homes is -- is kind of on the borderline. I
9 shouldn't say that there's five of them -- there's
10 five homes within a half-mile of the powerline.
11 Two of them would be in Section 1 of Rush River
12 Township.

13 So we're really opposed because of the
14 health of the animals and plus the health of the
15 people. Now, animals are really a lot more
16 sensitive to electricity than people are. I mean,
17 you can -- you could put your -- if you have a
18 short in your automatic cattle waterer, for
19 instance, a person couldn't feel the short,
20 absolutely not, but the animals would not be able
21 to touch it.

22 So there's an area there that just -- it's
23 really kind of a gray area, and we don't know for
24 sure if we can be involved in having a powerline
25 very close to us.

1 Now, we have a high profile cattle
2 operation. We have gained national recognition
3 from our cattle. Now, we had a Red Angus cow sale
4 last fall, and it was the top averaging cow sale in
5 the United States that year, in 2007. We had a
6 bull sale this spring that averaged like \$3500
7 apiece, and we devote about 200 acres -- 220, 230
8 acres to our cattle operation, and they'll probably
9 bring in per acre about \$2500 an acre income on
10 that.

11 So this is a big, important deal to us,
12 this powerline. We have -- probably 70 percent of
13 our net income comes off of the cattle deal. So
14 we're asking that the power commission and the
15 Otter Tail Power and Minnkota Power try really hard
16 to figure out a different way to run that powerline
17 so it's at least at the very minimum a mile and
18 more than likely two miles from our farm.

19 And they really have not worked as hard as
20 they could to find a different way, and it's
21 probably because they've got a short window of time
22 to get it done, but they can -- I'm going to go
23 over there to the map and I'm going to just kind of
24 show you quite a simple way that it could be done
25 and nobody's talked about it.

1 There's an area right here and there's
2 about a six-mile area right here that the water
3 board owns and they've got the right-of-way. If
4 they went about a mile north of there, they could
5 go from about here, maybe about a 12- or 15-mile
6 stretch right to the west where there would only be
7 one farmyard where people live. I don't have any
8 idea if they explored that.

9 Whenever I talked to the person coming out
10 here to survey -- or to talk to us about this, it
11 seemed like they had their minds made up simply
12 because this was the easiest and probably the most
13 direct route, but they won't even consider anything
14 else, and it really bothers us really, really bad.

15 Thank you for your time, and I hope the
16 Public Service Commission and Otter Tail and
17 Minnkota can see what we're talking about.

18 JUDGE HOBERG: Thank you, Mr. Olson.
19 There may be some questions for you, though. Mr.
20 Kettleson, do you have any questions of this
21 witness?

22 MR. KETTLESON: No, I don't. Thanks.

23 JUDGE HOBERG: Thank you. Mr. Binek?

24 MR. BINEK: No.

25 JUDGE HOBERG: Commissioners, any

1 questions for -- Commissioner Wefald.

2 COMMISSIONER WEFALD: I understand your
3 situation. I thank you for coming and for giving
4 us other suggestions. Thank you.

5 MR. EDWARD OLSON: I actually -- I'm sure
6 that us people that live in that area that are
7 really affected would like to work with you people
8 and to -- but we'd have to be -- you know, have to
9 really be open and all that. Now we finally got
10 our crops in and I think there might could be time.

11 JUDGE HOBERG: Thank you very much, Mr.
12 Olson. Okay. Anyone else wishing to testify as a
13 protestant? Mr. Burchill?

14 MR. BURCHILL: Yes. Kyle K. Burchill.

15 JUDGE HOBERG: Thank you. And it's
16 B-u-r-c-h-i-l-l?

17 MR. BURCHILL: That's correct.

18 JUDGE HOBERG: Okay. Mr. Burchill, did
19 you hear the admonition I give earlier in regard to
20 perjury?

21 MR. BURCHILL: I did.

22 (Witness sworn.)

23 **LYLE BURCHILL,**
24 having been first duly sworn, was examined and
25 testified as follows:

1 MR. BURCHILL: Well, I'm a former proposed
2 route landowner, I guess you might call that, just
3 north of Pillsbury in Section 9-143-56, and I did
4 not sign an easement. I told the agent -- and
5 incidentally my agent -- and she's here today --
6 did not pressure me, but I said I was going to wait
7 till after this hearing before I made a decision.
8 Well, in the meantime they jumped across the road,
9 went on Fish & Wildlife land and proceeded. Well,
10 that's all right. I don't apparently have the
11 tower now.

12 But anyway, the reason I procrastinated on
13 signing was that I was concerned that they weren't
14 building this line heavy enough; they weren't
15 putting enough capacity in it. And the statement
16 has been made here that this is a wind rich area,
17 and it is, and when I talk to Mr. Wally Lang or
18 others they say, well, we cannot -- our patrons
19 will not let us build an excessive capacity
20 because, you know, it's not cost-effective, and so
21 on and so forth.

22 Well, when you build a power plant, I
23 don't think you build a power plant the size that
24 you need right now. I think you project into the
25 future and you build powerlines to those power

1 plants.

2 But that's an interesting idea that,
3 Commissioner Wefald, you have. Mr. Lang had said
4 that the distance between the substation and 345 kV
5 line was 30 miles. It's 18. In fact, it could be
6 less than that because FPL has to go north to the
7 substation. If the substation was moved south a
8 few miles, it would facilitate FPL better. Empower
9 would have to extend their connection line to it,
10 which would be a smaller line or a lower voltage
11 line.

12 JUDGE HOBERG: You're talking about the
13 proposed Pillsbury substation?

14 THE WITNESS: Right, yeah. I'm sorry.
15 I'm sorry. Yes. The proposed substation where
16 they start it. And I did talk to a landowner here
17 over noon that has the 345 line crossing their
18 property, and they had no problem with -- would
19 have no problem upgrading it or double circuiting
20 it or whatever, you know, needs to be done, but I
21 didn't know until about ten days ago that that was
22 a Minnkota line, but it does have some merit and I
23 think it should be explored.

24 Incidentally, you mentioned the fact that
25 they have to get this going -- these wind turbines

1 going yet this year for this for this tax credit.
2 I know that there's plans to put temporary lines to
3 a Pillsbury substation that's south of Pillsbury, a
4 small one, to get those wind turbines going until
5 the line is built. I know that for a fact. So
6 they've already made -- you know, that's already in
7 the plans.

8 And I guess that kind of summarizes why
9 I'm here today. I'm just concerned that it's not
10 being built heavy enough, and this idea of
11 Commissioner Wefald's has got some merit, I think,
12 and incidentally I am a member of the Peak Wind
13 group, too.

14 Are there any questions?

15 JUDGE HOBERG: Thank you, Mr. Burchill.
16 Mr. Kettleson, any questions of Mr. Burchill?

17 MR. KETTLESON: I have no questions.

18 JUDGE HOBERG: No questions. Mr. Binek?

19 MR. BINEK: No.

20 JUDGE HOBERG: Commissioners, any
21 questions of Mr. Burchill?

22 **EXAMINATION**

23 **BY COMMISSIONER WEFALD:**

24 Q. How do you know that there's an
25 arrangement already been made?

1 A. Well, I have land involved. Well, I
2 shouldn't say -- I don't have land involved
3 personally, but I know of people that have said so.

4 Q. Okay. So hearsay.

5 A. Well, no. Better than that. A little bit
6 better than that.

7 JUDGE HOBERG: Good hearsay.

8 Q. (COMMISSIONER WEFALD CONTINUING) Good
9 hearsay.

10 A. Well, I yes. I mean, people that own land
11 that say they're going to run this line here and
12 they're going to use some existing poles to get to
13 the substation, so on and so forth.

14 COMMISSIONER WEFALD: Thank you.

15 JUDGE HOBERG: Thank you. Anything
16 further of Mr. Burchill? Thank you, Mr. Burchill.

17 COMMISSIONER CRAMER: No. I want to --

18 JUDGE HOBERG: Oh, Commissioner Cramer.

19 **EXAMINATION**

20 **BY COMMISSIONER CRAMER:**

21 Q. I might more respond to a couple of things
22 that you brought up, Mr. Burchill. The issue of a
23 greater capacity line has been discussed a little
24 bit earlier today, although it's not really
25 relevant to this proceeding, of course, because

1 this is a siting proceeding. However, it's
2 relevant to my greater issue of better planning,
3 and there is -- for those interested there is a
4 very thorough analysis of a 230 kV versus a 345,
5 and I may have sent that to you in the mail.

6 A. Yes, you did, and I thank you for it.

7 Q. You're welcome. So there has been an
8 analysis done by the applicants of the possibility
9 of the -- a greater capacity. Obviously a lot of
10 it's economics. You know, without going into a lot
11 of detail, a lot of it has to do with the ability
12 to recover the costs, as you've pointed out, and
13 although commonsense would tell you build extra
14 capacity for future growth, that is a lot easier
15 for common sense people in North Dakota to talk
16 about than regulators and companies seem to be able
17 to accomplish. So we hear your point loud and
18 clear, but it is -- it is a complicated issue.

19 A. Well, it would -- and another thing,
20 without going to 345, if you put a heavier
21 conductor and still run the 230 over it
22 temporarily, it would be in place for future
23 expansion. Now, I know that's 30 percent extra
24 cost and that's no small chunk of change, but the
25 only thing cheap these days is money, I guess.

1 COMMISSIONER CRAMER: No. You've got that
2 right. The dollar, yeah. Thank you.

3 JUDGE HOBERG: Thank you, Commissioner.
4 Thank you, Mr. Burchill. Mr. Kelsch, would you
5 state your full name please?

6 MR. KELSCH: Thomas D. Kelsch.

7 (Witness sworn.)

8 JUDGE HOBERG: Thank you. Please.

9 **THOMAS KELSCH,**
10 having been first duly sworn, was examined and
11 testified as follows:

12 MR. KELSCH: Thank you, Your Honor. My
13 name is -- Commissioners, my name is Thomas D.
14 Kelsch, and I'm here today on behalf of RES
15 Americas Development, Inc., and Peak Wind
16 Development, LLC.

17 RES Americas is a leading wind developer
18 in the United States and is in a cooperative
19 agreement with Peak Wind for a wind development
20 project in Barnes County, just right adjacent to
21 this proposed transmission line.

22 Peak Wind is compromised of 80 citizens
23 and landowners holding approximately 30,000 acres
24 of land spanning 20 miles and including parcels in
25 six townships in Barnes County.

1 We are -- although I'm testifying, I
2 guess, here as a protestant, we're not opposed to
3 the line. We are, I guess, requesting that it be
4 done right, and I appreciate your comments,
5 Commissioner Cramer, about the capacity and also
6 appreciate your comments about -- or perhaps
7 criticisms of the Federal Government in their lack
8 of long-term, I guess, planning for this.

9 And that's, I think, our key issue here,
10 is that Peak Wind is, I guess, able or ready to
11 develop their wind farm, not in 2008, but perhaps
12 as early as 2009 and most assuredly in 2010, and
13 what we don't want to have as an organization is to
14 be back here next year in front of the Commission
15 at this same meeting in front of a lot of --
16 probably a number of these same property owners
17 saying we want another transmission line built from
18 the same place to the same place to transmit our
19 wind energy.

20 As I think somebody had testified -- I
21 think one of the Minnkota witnesses had testified
22 that this is a wind-rich area. I think the
23 information that I received from my clients is that
24 it's up to maybe 1200 megawatts in that area, not
25 just our clients, but including the Ashtabula site

1 and Empower in this area. So there's clearly a lot
2 of potential there.

3 Peak Wind is looking at a 400 megawatt
4 wind generation site, and so the analogy that I
5 would use is if you're building a highway and you
6 know that in a couple years you're going to need a
7 four-lane, do you build a two-lane and then come
8 back two years later and build an extra two-lane?

9 And I understand some of the -- some of
10 the cost issues, but I guess I would argue that it
11 is a siting issue, as well, because certainly if
12 you have to build two lines in the same place,
13 you're going to have a much greater environmental
14 and personal impact on the citizens of North Dakota
15 than you will if you build one line or build the
16 line with the bigger capacitors that you can just
17 exchange a little bit -- lines that could have a
18 higher capacity or the double capacity lines that
19 was talked about earlier this morning, because
20 certainly those are the issues that will come up
21 and certainly have come up in this line.

22 And on behalf of Peak Wind and RES
23 Americas I don't want to be in a position next year
24 to be saying, well, we're sorry, another line here
25 is just one too many, you know, we can't -- it's

1 too much environmental damage and so we're not
2 going to allow another transmission line in this
3 area or that we're going to have to collocate and
4 some of the same issues that we're talking about
5 now.

6 The -- and because of that we urge the
7 Commission and in the Commission's powers to
8 encourage Minnkota to certainly consider, because
9 of those potential adverse both direct and indirect
10 environmental effects that would be cautioned by
11 additional lines, to consider this other
12 development.

13 I think one of the requirements that the
14 Commission does have in statute is that utilities
15 are required to put ten-year plans together, and I
16 think that's part of the reason. We don't want to
17 look at -- certainly the Commission as a regulator
18 doesn't want to look at this industry in one-year
19 segments, and if you're looking at a ten-year time
20 plan, the Peak Wind project and the Ashtabula
21 project and this transmission line are all really
22 in one ten-year period, basically the same time,
23 and should be considered the same -- at the same
24 time, and to look at it individually you're
25 encouraging or may be encouraging sort of a

1 hodgepodge transmission of that.

2 And that basically is the -- as certainly
3 the Commission knows, is the problem with wind
4 generation in North Dakota, is you need the
5 transmission, and that's the problem for Peak, is
6 we need transmission, and so that's why we're here,
7 to encourage Minnkota to consider us in this
8 transmission and to consider that capacity when
9 they're constructing their line.

10 The -- and I think Mr. Lang testified this
11 morning that one of Minnkota's long-term or
12 long-range plan included using wind energy as part
13 of their portfolio, and I think that's going to be
14 a bigger rather than a smaller part of their
15 portfolio, and certainly if this is here now, why
16 not consider that?

17 Now, part of it's the time crunch, and
18 certainly a number of witnesses have talked about
19 that and certainly the Commission is aware of that
20 because of the production tax credits, and
21 certainly that's a fact of life. I guess it's not
22 really the Commission's problem that the companies
23 came on this short time frame. It really isn't
24 Peak Wind's problem, either, but I guess we're
25 urging the Commission to make sure it's done right

1 now and not just rush it through and then, you
2 know, like I said, be back here again next year
3 for -- and then spending more money that will be
4 passed on to the consumers, because certainly if
5 you have to build two lines, that will have to be
6 passed on to the consumers. The companies aren't
7 going to pay that cost.

8 And so when you look at all those factors
9 included and put it into an environmental siting
10 situation, I think this Commission does have
11 authority to say, well, Minnkota, maybe you better
12 rethink -- rethink this. Maybe you should look at
13 the environmental impact and consider building it
14 and doing it right in the first place rather than
15 perhaps rushing through.

16 So thank you. That's all I have.

17 JUDGE HOBERG: Thank you, Mr. Kelsch. Mr.
18 Kettleson, do you have any questions for Mr.
19 Kelsch?

20 MR. KETTLESON: No, I don't. Thank you.

21 JUDGE HOBERG: Mr. Binek?

22 MR. BINEK: No.

23 JUDGE HOBERG: Commissioners, any
24 questions for Mr. Kelsch? Commissioner Wefald.

25

EXAMINATION

1
2 **BY COMMISSIONER WEFALD:**

3 Q. You raised some very good issues, and I
4 appreciate you bringing them to the attention of
5 the Commission. I just don't -- I have some, you
6 know, questions about what our authority is in a
7 siting case. You know, we were given the authority
8 to site or not site or make changes to a powerline
9 that comes before us, but I don't know whether the
10 Siting Act gives us the ability to order a company
11 to build a different size line. I don't know if I
12 could order them to build, for example, instead of
13 a 230, a 115 or I could order them to build a 345
14 or a 500. You know, that's what is a concern to me
15 with your arguments. So if there are any citations
16 in North Dakota law that you can provide the
17 Commission, that would be helpful to me so that I
18 can consider more thoroughly whether I have the
19 authority to do what you're asking.

20 A. I don't have any right now. I'm not a
21 party to the action. I'm not sure what authority I
22 have to add anything, other than my testimony here
23 today, but I do know the Commission does have some
24 broad authority and certainly has in the past
25 exercised some discretion in requiring certain --

1 that things be built a certain way, if you want to
2 put it that way. And I think tying it back into
3 the environmental impact, if you would know -- if
4 you take as a given that another line is -- is
5 going to be needed in this same area from the point
6 A to point B to transmit this energy, I think in
7 your siting authority concerning environmental
8 impact you could say it doesn't make sense to do it
9 one way. And why else would you have the
10 requirements for ten-year plans where you have
11 provisions in there that look at the total system
12 and what the effects are on the system.

13 So I would leave that probably to your
14 legal counsel and perhaps even your administrative
15 law for the legal argument, but it seems to me that
16 you may have some discretion there and certainly
17 could -- as I requested, certainly encourage
18 Minnkota to look at that issue.

19 COMMISSIONER WEFALD: Well, we've heard in
20 the last two weeks that Minnkota's planning to
21 build another 345 kV line from Center to somewhere
22 else in the Red River Valley in the next few years,
23 so I hope they will include that in their ten-year
24 plan. I agree with you that it's important to
25 start thinking about energy corridors here in North

1 Dakota.

2 JUDGE HOBERG: So, Mr. Kelsch, your
3 argument actually is the issue one, will the
4 location, construction, and operation of the
5 proposed electric transmission line produce minimal
6 adverse effects on the environment?

7 MR. KELSCH: Yes, Your Honor.

8 JUDGE HOBERG: Commissioner Clark.

9 **EXAMINATION**

10 **BY COMMISSIONER CLARK:**

11 Q. I, too, appreciate the concern and can
12 understand where Peak and RES Americas -- where
13 they're coming from. I do share some of the
14 concerns my colleagues have expressed, but I'm not
15 exactly sure what this Commission can do about it.
16 I think perhaps the analogy of the highway may be a
17 little bit off in that when you're planning a
18 highway, it's only government that is responsible
19 for and maintains and plans these highways. So
20 it's easy for government to take into consideration
21 those factors.

22 What we have here are two private
23 companies that are in the same space, and so it's a
24 different type of collaboration, and you've got one
25 company putting up its private capital that's ready

1 to go, another company that may be willing to but
2 isn't ready to go quite yet. It would seem like
3 there could be an answer, but it might not be a
4 government-imposed answer. It would seem like in a
5 marketplace if there can be efficiencies in
6 economies of scale, then there's a price that can
7 be reached by two firms that are looking in
8 relatively the same time frame to do that. Have
9 there been those discussions and negotiations
10 between RES and Minnkota to discuss if there isn't
11 some sort of accommodation that could be made that
12 would be in the financial interests of both
13 companies?

14 A. Commissioner Clark, there have been and I
15 believe there still are some ongoing discussions.
16 You know, of course, we're facing some of the same
17 problems, the timing and if it could be built this
18 year. I mean, there are some problems with that,
19 and I think that's caused some of the -- I guess I
20 should say added impact on the financial concerns,
21 too, but -- and I guess the only other comment I
22 would have is understanding the impact on the
23 environment. If next year it is RES or Peak that's
24 coming in asking for a transmission line or
25 something, we don't want to be put into a position

1 where you say, well, there's too many there now, we
2 don't need another one or we don't want another
3 one, too. I mean, that's another concern that we
4 have, or whether it would be Minnkota putting up
5 another line for us or Otter Tail or whoever it
6 might be. That is a concern that my clients have.

7 COMMISSIONER CLARK: That's all I have.
8 Thanks.

9 JUDGE HOBERG: Thank you, Commissioner
10 Clark. Commissioner Cramer?

11 **EXAMINATION**

12 **BY COMMISSIONER CRAMER:**

13 Q. Well, I was just going to ask what the --
14 what impact, I guess, this issue would have on the
15 likelihood of success in having Peak, you know,
16 built? In other words, is Peak's ability to build
17 its project contingent on their ability to tap into
18 this line?

19 A. The -- Peak Wind -- I guess, the viability
20 of Peak Wind is dependent upon transmission. So if
21 we don't have transmission, it doesn't make sense
22 to build the generation because there isn't
23 enough -- a need for the generation in that area.
24 So we need to transmit it to an area that we can
25 either sell it or to an area that can use it. So

1 certainly it would have to be done in
2 conjunction -- if not with this line, then with
3 some other either transmission line to transmit it
4 out, and that's kind of what's holding us back at
5 least for our plan for 2009, is do we have
6 transmission and where is that going to come from?

7 The -- one other comment, if I may. The
8 issue number three -- we probably are also involved
9 in issue number three that talks about will the
10 proposed route ensure energy needs are met and
11 fulfilled in an orderly and timely fashion. So I
12 think -- to answer, I guess, a couple of the
13 Commissioners' questions, I think it's within that
14 area that you do have authority, and that the
15 orderly construction of facilities certainly is
16 something that I think the Commission can try to
17 encourage to see that that gets accomplished.

18 Q. In all honesty, Mr. Kelsch, I take that
19 third issue very seriously, and it's usually the
20 one most overlooked because we seem to focus so
21 much on environmental protections and things
22 appropriately that we sometimes forget that other
23 charge, so I thank you for reminding us. I think
24 it is important. Of course, the issue that's
25 different here is -- back to the other statement is

1 the cost factor and how it's recovered and who pays
2 for it, especially in the meantime, and has the
3 North Dakota transmission authority been approached
4 about that topic as it relates to the extra costs?
5 No doubt you have read the analysis, the 230 kV
6 versus 345 kV analysis. I mean, the financial
7 impact is pretty dramatic. So there's got to be
8 some way to bridge that gap obviously, and I'm just
9 wondering if the transmission authority has been
10 consulted at all.

11 A. Commissioner Cramer, not that I'm aware.
12 They certainly may have, but I personally didn't,
13 and if somebody from Peak or RES knows, they may be
14 able to respond to that. And I did read that in
15 the initial proposal, that comparison on the 345 to
16 the 230, and I guess the comment would be, yes,
17 that's an impact and -- probably is certainly an
18 impact that if we were included in that, we should
19 probably bear some of the burden -- financial
20 burden of that, but the impact would be less than
21 building two lines within, say, two years.

22 JUDGE HOBERG: Thank you, Commissioner
23 Cramer. Commissioner Wefald, please.

24

25

FURTHER EXAMINATION

BY COMMISSIONER WEFALD:

1 Q. I need a little help from Jerry on this.
2
3 On a powerline when it's constructed -- I'm just
4 trying to think to the future -- because that's
5 what you're asking us to future -- be futuristic
6 for a little bit. When you construct a powerline,
7 is there a way that you could construct it so that
8 it holds 230 kV now, but that it's possible in that
9 infrastructure that you're constructing to put
10 in -- to put in some piece of the facilities -- not
11 the line itself that's going to be able to
12 accommodate another 230 kV line, but so that the
13 structure can accommodate another line in the
14 future? Do you understand what I'm saying? I
15 don't -- I'm not a -- I am in no way a transmission
16 expert. I know how things, you know, generally
17 work from a very high level, but I'm just
18 wondering -- like we build other structures that
19 can grow as you need the facilities. Is there any
20 ability to do that with transmission lines that you
21 can have one go -- hold -- I know they told us
22 reliability, they don't like to do that, but we all
23 know that they're planning 765 kV lines across this
24 country one of these days, which if plowed into by
25

1 an airplane is going to cause a lot of disruptions.
2 So I know that one facility can handle a lot of
3 electricity without being a real reliability risk.

4 A. Commissioner Wefald, I don't know all
5 there is to know about the transmission lines,
6 either, but I think there's a couple things you
7 could do. You can build a tower so you could
8 put -- add another line to it, like they were
9 talking about this morning. Of course, you have to
10 overbuild that tower initially and there's added
11 costs for that, and as I think Mr. Burchill was
12 talking about and I think is discussed in the
13 original application, that you can put -- build
14 basically again the structure there to then put in
15 higher voltage lines -- or that can handle higher
16 voltage but have the capacitors in to --

17 Q. But it would be less cost than building
18 two separate groups of structures and two separate
19 lines.

20 A. I guess that's our point. It would be
21 probably less costly and then also certainly less
22 impact on the environment and on the people.

23 COMMISSIONER WEFALD: Thank you.

24 JUDGE HOBERG: Commissioner Wefald. Mr.
25 Binek, you did have a question?

1 MR. BINEK: Yes.

2 CROSS-EXAMINATION

3 BY MR. BINEK:

4 Q. Is the issue between your group and
5 Minnkota money?

6 A. Mr. Binek, I -- I don't -- well, I suppose
7 money cures lots of things, but I think the biggest
8 thing right now is probably the time crunch. They
9 want it built this year and they've ordered the
10 things to be built this year, and to expand it to
11 include -- to make it large enough to build a tower
12 that could be expanded, they'd have to probably
13 order additional equipment for that. And so
14 probably the time crunch is probably the biggest
15 thing and the potential expiration of the
16 production tax credits at the end of this year, as
17 Commissioner Cramer has noted.

18 Q. Well, are you basically saying that they
19 realistically can't build a 345 line if they want
20 to have it built -- to be in service by the end of
21 this year?

22 A. I think that's questionable -- although,
23 it may be questionable at this late stage whether
24 they can get it built anyway, but, I mean, it's
25 a -- it's an aggressive, aggressive timetable, I

1 guess I would -- is probably a better statement.

2 MR. BINEK: Thank you.

3 JUDGE HOBERG: Thank you, Mr. Binek. Any
4 further questions of Mr. Kelsch? Commissioner
5 Clark.

6 COMMISSIONER CLARK: This is may be more a
7 comment than a question, but one of the things that
8 I do take into consideration, too, is that we're
9 weighing the concerns of lots of landowners in that
10 particular area, as well, and while, you know,
11 perhaps it would be great if we could all have the
12 timing be perfect and have a 345 come along that
13 would enable all sorts of wind projects, we also, I
14 think, need to take into consideration those folks
15 who maybe have one in hand who might lose it if the
16 project doesn't go through. So from a Commission
17 standpoint all of this puts us in a very difficult
18 situation because you're weighing and balancing
19 varying competing landowners' interests and
20 concerns, and some have projects that are perhaps
21 ready to go now, some a little bit later, and it
22 does place a tremendous burden on all of us. So
23 just please know that that's at the forefront of
24 our minds, as well.

25 MR. KELSCH: That's why we're not opposed

1 to the project. I want to make that clear. I
2 mean, we -- we'd like to have it done right, but
3 we're not opposed to the project.

4 JUDGE HOBERG: Thank you. Any further
5 questions of Mr. Kelsch? Thank you, Mr. Kelsch.

6 MR. KELSCH: Thank you.

7 JUDGE HOBERG: Okay. Sir, your name?

8 MR. CARL OLSON: My name is Carl Olson.

9 JUDGE HOBERG: S-o-n?

10 MR. CARL OLSON: S-o-n, yep.

11 JUDGE HOBERG: Okay. Mr. Olson, did you
12 hear the admonition I gave earlier in regard to
13 perjury?

14 MR. CARL OLSON: Yes.

15 (Witness sworn.)

16 JUDGE HOBERG: Thank you. Please.

17 **CARL OLSON,**

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

20 MR. CARL OLSON: Like I said, my name is
21 Carl Olson, and I farm with my parents in the
22 Section 2 that my dad just spoke about a couple
23 persons ago, and I want to back up what he said
24 about this is -- and the possible effects that
25 there could be on us with our production of cattle

1 in that area intensively grazing and such.

2 We've been in the business since 1936, and
3 it's taken us a long time to build up our
4 reputation, establish what we do. It is what we
5 do. It's a major portion. It's our ability to
6 earn an income, and it's everything that we have
7 done.

8 We're not talking about, you know, an
9 airport or not liking the look of the pole or such.
10 It's -- it is our ability to earn an income and it
11 is what we do.

12 So I just wanted to make that point again,
13 and our family does have some land -- a half-mile
14 of it a mile west of Section 2, also, that's along
15 that proposed route that we have, you know.

16 So as you'll find out, there's going to be
17 a couple more people testify from that particular
18 section in that area. I have plans in the very
19 near future to move into Section 2, also. That's
20 going to make seven families within that half-mile
21 area of Section 2 where that proposed line is going
22 to run through. If you study that area, you won't
23 see very many sections, if any, that have that
24 intensity of population of families as we do within
25 that Section 2.

1 So again, I ask you, as my dad has, to
2 find another location in that respect.

3 So, again, I thank you for your time and
4 your patience.

5 JUDGE HOBERG: Thank you, Mr. Olson. Just
6 hold on a second. Any questions, Mr. Kettleson?

7 MR. KETTLESON: No questions. Thank you.

8 JUDGE HOBERG: Mr. Binek?

9 MR. BINEK: No.

10 JUDGE HOBERG: Commissioners?

11 COMMISSIONER WEFALD: No.

12 COMMISSIONER CLARK: None.

13 JUDGE HOBERG: Thank you, Mr. Olson.

14 Thank you very much. We do need to take a short
15 recess here for the court reporter. We'll be back
16 promptly at five minutes after four.

17 (Recess taken.)

18 JUDGE HOBERG: Okay. Let's go back on the
19 record. We're taking protestants at this time
20 still. We want to encourage you, if you have
21 something to say, to come up and say it. If we
22 could have it quiet, please. Your name, sir.

23 MR. WIEERS: Larry Wieers, W-i-e-e-r-s.

24 JUDGE HOBERG: W-i-e-e-r-s.

25 MR. WIEERS: W-i-e-e-r-s.

1 JUDGE HOBERG: Thank you, Mr. Wieers. Did
2 you hear the admonition I gave earlier in regard to
3 perjury?

4 MR. WIEERS: Yes, I did.

5 (Witness sworn.)

6 JUDGE HOBERG: Thank you. Please.

7 **LARRY WIEERS,**

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

10 MR. WIEERS: My folks, Phyllis and Ralph
11 Sullivan, and my wife and I have three quarters and
12 an 80 involved in this, and we live in Section 2 of
13 Rush River Township in Cass County.

14 About a month ago when I signed -- first
15 of all, I have nothing against renewable energy. I
16 think it's great. I have no livestock, but when I
17 signed the form to have the surveying done, I
18 didn't realize it would turn into this.

19 The representative from Otter Tail Power
20 Company has not been truthful with me from the
21 beginning. He told my neighbors, Olsons, that I
22 was willing to move this line over on my side to
23 help them, and he also said my folks said that, and
24 we said no such thing. And he also was telling
25 people down the line to the south that I was for

1 it, and I am not. And he told me that one of my
2 landlords was for it, so I called her and she said
3 that she said no such thing. She didn't tell him
4 she wasn't for it, but she hadn't made up her mind
5 yet. So we're not being told the truth here.

6 And then last Thursday morning I got
7 another phone call from this particular person, and
8 one of the things that they said they would do --
9 we've got existing powerlines on the east end of a
10 couple quarters from Cass County Electric, and they
11 said they would bury them so we wouldn't end up
12 with two sets of poles. So I called Cass County,
13 and Cass County said yes, they agreed to do that as
14 long as they pay for it, so fine.

15 He calls me -- well, then a couple days
16 before last Thursday I talked to him on the phone
17 again and realizing how much deceit was going on
18 here I said, no, I'm not signing anything till
19 things get straightened out. Last Thursday morning
20 he calls me up on my cell phone and the
21 conversation went like this: He asked me how was I
22 doing. I said, Fine, and he said, You know, if
23 this land goes to court, you might not get those
24 powerlines buried and you might end up with both
25 powerlines on your land.

1 A. Okay. I wasn't aware of that.

2 Q. Are you aware of that?

3 A. No, I am not.

4 Q. Well, there is a section of law that says
5 that.

6 A. Okay. Thank you.

7 JUDGE HOBERG: Any further questions of
8 Mr. Wieers?

9 COMMISSIONER CLARK: Just real briefly.

10 JUDGE HOBERG: Commissioner Clark.

11 **EXAMINATION**

12 **BY COMMISSIONER CLARK:**

13 Q. So I understand exactly where you're at,
14 I'm looking at --

15 A. We're on the south side of Section 2.

16 Q. Okay. You're in one of the groups of
17 residences on the South Half of 2?

18 A. Yes. I'm the east farm, my folks are kind
19 of in the middle, and then the Olson farm is to the
20 west. So there's three farms in a row there.

21 Q. Okay. Very good. Thank you. And the
22 tower structures themselves are on your half of the
23 south of Section 2?

24 A. Yes. North side of the southeast quarter,
25 yes, running east and west. And then they would go

1 across the east end of Section 2 and also 11,
2 across the highway there, and then also farther
3 down on 24, which is my folks' land.

4 COMMISSIONER CLARK: Okay. Thank you.

5 JUDGE HOBERG: Any further questions for
6 Mr. Wieers?

7 COMMISSIONER CRAMER: I've been to Mr.
8 Wieers' parents' homes many times, and I'd be
9 afraid to start inquiring too deeply. He might
10 reveal something. We had a lot of fun when I was
11 younger.

12 JUDGE HOBERG: Okay. Thank you,
13 Commissioner Cramer.

14 MR. WIEERS: Long time ago.

15 JUDGE HOBERG: All right. Thank you, Mr.
16 Wieers. Okay. Any further protestants? Yes, sir.

17 MR. DEVITO: I was going to let Tom Kelsch
18 do all the talking today, but there was a couple
19 questions that were raised, so I thought it might
20 be good for me to get up. Joe DeVito with RES
21 Americas.

22 JUDGE HOBERG: Could you spell the last
23 name?

24 MR. DEVITO: D-e-V-i-t-o, and before --

25 JUDGE HOBERG: Thank you. I do need to

1 swear you in, though.

2 MR. DEVITO: I'm sorry.

3 (Witness sworn.)

4 JUDGE HOBERG: Thank you. Mr. DeVito.

5 **JOE DEVITO,**

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

8 MR. DEVITO: Before Mr. Cramer asks me, I
9 agree with you 100 percent on the PTC extension. I
10 do think that if the Federal Government had a
11 consistent policy on production tax credit, it
12 would help the industry out tremendously.

13 We're in a little bit of a unique
14 situation with our partners with Peak. This is a
15 true joint venture-type situation that has a
16 tremendous amount of value for the landowners. I
17 mean, this is -- at RES Americas we are one of the
18 few majors in the wind industry that have
19 flexibility on the ownership side so we can get
20 kind of creative, and the folks at Peak came to us
21 and said, look, we're trying to get this done,
22 we're having some difficulties with it, do you want
23 to partner with us? And so they stand to benefit
24 directly from the wind farm development.

25 So I think that that's a great thing, a

1 great precedence set in North Dakota. Not only are
2 we doing renewable energy, but we're doing it in a
3 way that keeps money in North Dakota. So this is a
4 great project.

5 I was out there last week just with my
6 construction guys checking out the site, and this
7 is a very, very nice site to build.

8 I just wanted to answer a couple questions
9 that were brought up. The overall cost for the
10 transmission line from what Minnkota has said is
11 about 40 million. The investment we're looking to
12 make on the wind farm, if we do the full 400
13 megawatts, is 800 million. So just from a scale
14 perspective, I mean, the transmission is five
15 percent of that overall cost.

16 So people up here were asking is this a
17 money issue? You know, you could double circuit --
18 you could prepare the line for a double circuit,
19 put in a first circuit, and last time I did
20 engineering numbers, which I'll admit was a while
21 ago, it was about a 20 percent cost adder to
22 prepare a transmission line for a double circuit.
23 It's something that utilities in fast-growing areas
24 of the country do all the time because they know
25 they don't have the need right away, but they know

1 in five years they're going to, and in this case I
2 think your timeline's a lot sooner.

3 You know, going back to planning days, you
4 know, in terms of a ten-year plan, if you're
5 someone that looks consistently on a ten-year
6 horizon, these projects are happening virtually at
7 the same time. Now, I know production tax credit
8 is a very real issue here. You know, so I think
9 folks do need to balance out the different needs,
10 but let's realistically take a look at production
11 tax credit risk and the risk of losing the other
12 project, and I think that that's a valid concern.

13 Realistically, politically something is
14 going to happen with the PTCs, and I do believe
15 that, you know, there's probably some ways that the
16 folks on the Ashtabula side are working around to
17 avoid that risk. So I would encourage the
18 Commission to truly understand what is that risk.
19 Is there an opportunity -- as one of the gentlemen
20 said, you know, it's a matter of hearsay, but
21 certainly folks at Ashtabula should be able to tell
22 you directly, is there some other way that they're
23 mitigating this risk? And if there is, you know,
24 factor that in the overall decisionmaking.

25 You know, we chatted with Minnkota, and

1 I've been chatting with Al Tschepen quite a bit.
2 It's been a nice discussion and we're trying to
3 work through some of the issues. You know, the
4 fact of the matter is they're pushing at such a
5 timeline, though, it's very, very difficult. And I
6 just wanted to state that we were back chatting
7 with them back in February.

8 Our interconnection request on the Otter
9 Tail system went back in last October, yet no one
10 came to us and said, you know, RES or Peak, would
11 you be interested in jumping in on this
12 transmission line? And they should have. I mean,
13 they're making room here for Otter Tail, they're
14 making room here for FPL, but they're not making
15 room here for Peak.

16 So as you take a look at all these
17 factors, I'd say maybe these companies should have
18 taken it upon themselves to reach out to us and
19 say -- I mean, because we didn't know this was
20 happening until they did a press release, even
21 though we sat down and we talked to them far
22 earlier than that.

23 So you look at all that and you say, all
24 right, we understand your schedule, but you're
25 burdening us with your schedule and not doing this

1 to the full capacity that needs to be done here.
2 As Tom has said, we don't oppose this line. We
3 think building transmission in North Dakota for
4 wind needs to happen in order to get wind to happen
5 in this state, and we're fully supportive of that.
6 We just want to have an equal opportunity to
7 participate.

8 JUDGE HOBERG: Thank you, Mr. DeVito. Did
9 you give us your title.

10 MR. DEVITO: I'm sorry. Director of
11 development for RES Americas. I pretty much handle
12 the development activities from eastern Montana to
13 New England for RES Americas, and just to give you
14 a little idea about the company, last year we did
15 about 25 percent of the wind development and
16 construction in the U.S.

17 JUDGE HOBERG: Thank you. Mr. Kettleson,
18 any questions of Mr. DeVito?

19 MR. KETTLESON: No, I have none. Thank
20 you.

21 JUDGE HOBERG: Mr. Binek, any questions?

22 MR. BINEK: No.

23 JUDGE HOBERG: All right. Thank you.
24 Commissioner Wefald.

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EXAMINATION

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BY COMMISSIONER WEFALD:

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Q. I'm going to repeat a question that Commissioner Cramer asked earlier, and that is: Have you gone to the transmission authority -- North Dakota transmission authority and said to them, will you put up 8 million dollars, which you said is 20 percent of approximately this 40 million that it would cost to put in an adder for an added circuit? Have you gone and asked them if they'll do that?

A. I don't think money is the issue. To answer your question, no, because I didn't realize that was an opportunity, but to answer your question more fully, money is not really the issue here. I think we could probably figure out something to make that happen. You know, it's the timing, you know, and had we been given some time, I think we would have worked something out there.

Q. It's your understanding that there's no ability to do that now?

A. We've been told by Minnkota's staff that, you know, they basically, in order to meet this aggressive timeline, have ordered poles and wires and as a result it's difficult for them to slow it

1 down. That's the issue that they're having.

2 COMMISSIONER WEFALD: So maybe I should
3 ask them when they are -- a little later in the
4 hearing with another question. Thank you.

5 JUDGE HOBERG: Thank you, Commissioner
6 Wefald. Commissioner Clark, please.

7 COMMISSIONER CLARK: I have none. Thank
8 you.

9 JUDGE HOBERG: Thank you. Commissioner
10 Cramer.

11 COMMISSIONER CRAMER: I have no questions.

12 JUDGE HOBERG: Anything then of Mr.
13 DeVito? Thank you.

14 MR. DEVITO: Thank you. All right.
15 Any -- could I just get a brief show of hands how
16 many more people wish to testify? About three
17 more, four. Your name, ma'am?

18 MRS. OLSON: My name is Jeanne Olson. One
19 more Olson with a letter from another Olson.

20 JUDGE HOBERG: And your first name is
21 Jeanne.

22 MRS. OLSON: Jeanne, J-e-a-n-n-e.

23 JUDGE HOBERG: Ms. Olson, did you hear the
24 admonition I gave earlier with regard to perjury?

25 THE WITNESS: Yes.

1 (Witness sworn.)

2 JUDGE HOBERG: Thank you.

3 **JEANNE OLSON,**

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

6 MRS. OLSON: I have a letter from our
7 other son, who also has land on this line, which he
8 asked me to read. He had planned to be here, but
9 this is what it says: Dear Public Service
10 Commission, it is with deep passion that I regret
11 that I'm unable to be with you. Instead I will be
12 attending a funeral of a very close friend's father
13 who died unexpectedly.

14 The issue of the powerline has been very
15 troubling to me, as well as my extended family. I
16 have three points that I would like to have you
17 hear.

18 First, let me say that I believe that the
19 power company has not been truthful with their
20 presentation. I was very first approached about
21 surveying my property of which I said I would not
22 sign anything. At that point they indicated that
23 verbal permission would be acceptable, of which I
24 said I guess I cannot say no then. At that time I
25 was reassured at more than one occasion that even

1 though they surveyed, I would not be under any
2 obligation to give up my land.

3 Lo and behold, I now have been asked to
4 give up my land. This seems very deceiving to me.
5 I regret ever having said anything but an absolute
6 no.

7 Also, the power company has not been able
8 to definitely answer the question of how much
9 voltage the line will carry and how much more can
10 be run through it in the future. Again, this is a
11 red flag in my opinion. Where and when does this
12 lack of trust end?

13 On my second point, this past weekend on
14 Saturday my employment took me to the Langdon,
15 North Dakota, area. As you know, the big wind farm
16 is located there. It was quite fascinating to say
17 the least. I did note in my travel along the north
18 side and west side of the area that nearly all the
19 powerlines run straight for many miles, very little
20 turns or zigzags. I just can't even imagine what
21 it would look like to see the same line that
22 zigzags across Cass County. I believe that the
23 power company should be obligated to find the most
24 direct route possible.

25 Let's keep in mind that this line will

1 outlive my generation and likely all generations of
2 people living today. Virtually this line will be
3 here forever. I feel strongly that it would be in
4 the best interests of the state and county that
5 this line run as straight as possible for as long
6 as possible. Appearance should be a very -- be
7 very important, in my opinion.

8 Finally, let me say at this point I assume
9 that they have found -- I assume that they have
10 found an alternate route than over my land. I
11 received three phone calls two weeks ago about the
12 easement and have not heard from anyone since.
13 This leads me to believe that they have opted for
14 another route, which I think thank God for.

15 Should I be so lucky, then I thank you for
16 the time. If this is not the case, then I ask why
17 this lack of communication and specifically the
18 lack of honesty is allowed to continue?

19 In conclusion I appreciate you hearing
20 from me. I'm very frustrated with the lack of full
21 disclosure and communication from the power
22 company. If normal business functioned the way
23 they have, they would be out of business. I truly
24 feel that this line needs to run as straight as
25 possible. Aesthetics should be a consideration, if

1 not a priority. I believe that if the line would
2 run straight as possible it would minimize the
3 adverse human impact and environmental issues. For
4 the power company this would result in greater
5 efficiency.

6 I urge you to be considerate of we little
7 citizens and of the greater community.
8 Respectfully, Craig W. Olson. And it is notarized.
9 I didn't know if it should be or not, but I asked
10 him to do that.

11 JUDGE HOBERG: And, Ms. Olson, his land is
12 where again?

13 THE WITNESS: It's to the south. It's
14 just an 80, but it's to the south in -- let's see.
15 What section is it in?

16 MR. EDWARD OLSON: 13.

17 MRS. OLSON: 13.

18 JUDGE HOBERG: And that's in Gunkel
19 Township?

20 MRS. OLSON: No. It's in Rush River.

21 JUDGE HOBERG: Rush River. Okay.

22 MRS. OLSON: It's on the east side at the
23 corner on 13, the north corner.

24 JUDGE HOBERG: Thank you.

25 MRS. OLSON: I wanted to -- I heard a

1 couple things today that I wanted to address before
2 I say anything else. One is that there was all
3 this talk about the wetland and the importance of
4 the wetland and how you people were very careful to
5 not touch any wetlands, but if you go up and look
6 at this ditch that you cross for 6.1 miles, you'll
7 find out that that's a wetland, too, and there are
8 ducks in there all the time and there are dams in
9 there, and at different times of the year it's
10 full, and sometimes the dams hold up little ponds
11 and they're just real busy in there. So it's
12 really a wetland, too.

13 And the other thing, I heard a comment
14 about our group meeting that we had with our
15 neighbors, and it was from Mr. Krava. We didn't
16 all change our minds when Dr. Dahlberg was out
17 there. We all had our minds made up what we
18 thought before he ever was there. So he just
19 happened to be a guest there, and he gave us his
20 opinion and his thoughts on the things that we
21 asked about, but he didn't change our opinion of
22 anything.

23 Most of what I want to say -- that's the
24 beauty of coming in at the very last, is that a lot
25 of the points that I wanted to bring up have

1 already been brought up, and I thank you for
2 addressing our questions because those really
3 answered a lot of our questions as far as, you
4 know, the routes and why some people were given a
5 bye and some of us weren't. I wish I had my water
6 with me.

7 The other thing that I wanted to address
8 is that I feel like Mr. Wieers. I felt that I was
9 harassed and bothered because I was the person that
10 was called every day, and the first day that I was
11 called by the power company representative I talked
12 to him for two hours, and I tried to explain to him
13 all the reasons that I didn't want this on my land,
14 and they were -- they all had to do with our cattle
15 business.

16 My husband and I have been married for 40
17 years and we have three kids, and we have all
18 worked very, very hard to build our purebred cattle
19 business, and it's -- it's pretty successful,
20 without bragging. We've sold cattle recently in 25
21 states and Canada, and we don't want it to stop
22 because one of the reasons we've built this
23 business is to hand down to our son who has been
24 with us since he got out of college for 17 years.

25 And we feel that with our background of

1 our families and the dairy business and knowing
2 that those people had to sell out, we are not going
3 to expose our cattle to electrical problems that
4 could cause them to falter in any way. We can't
5 afford to have calves that don't grow, we can't
6 afford to have cows that don't milk.

7 Last year we sold a bull for -- in March
8 for \$28,000. We aren't going to sell any \$28,000
9 bulls if they can't walk or if they aren't fertile,
10 and we feel that we just cannot have this line
11 crossing our land or we are going to lose our
12 business and our livelihood, and we're going to
13 lose the thing that we love to do and we want to
14 pass on.

15 And we tried to tell that to the company
16 representatives, and it seemed like we were being
17 targeted. The representative that called us, he
18 called every single day. I didn't answer because I
19 had caller waiting and I had talked to him two
20 hours the day before and he knew exactly how I
21 felt. I didn't feel obligated to talk to him, so I
22 didn't talk to him. I was called every day.
23 Thursday of the next week I picked up the phone
24 again, and I said, Okay. What is it? I haven't
25 changed my mind about a thing. I'm not ever going

1 to sign anything; I'm not going to let you have my
2 business. I won't. I will not.

3 And I feel very, very strongly about it,
4 and I will never sign anything, and if you want to
5 come across my land, you're going to have to push
6 me out of the way because I can't give up my
7 business, and I don't think I should have to.
8 Nobody else has cattle out there.

9 We also have seven families, and the
10 people that live out there -- we're all friends.
11 Some of those people have been there for a hundred
12 years, their families, four generations, and I just
13 am -- I don't think powerlines are safe for people,
14 and we have people and cattle. Please, if you can
15 help us, we'd be eternally grateful. Amen.

16 JUDGE HOBERG: Thank you, Ms. Olson. Any
17 questions of Ms. Olson, Mr. Kettleson?

18 MR. KETTLESON: No, Your Honor.

19 JUDGE HOBERG: Mr. Binek?

20 MR. BINEK: No.

21 JUDGE HOBERG: Commissioner Wefald?

22 COMMISSIONER WEFALD: No. But thank you
23 so much for coming and for sharing some of your
24 concerns with us before you came.

25 MRS. OLSON: And thank you for listening

1 to everything I said, and you thank your Mr.
2 Rafferty. He was really wonderful, and I
3 appreciate -- I just appreciate everything you
4 people have done. I really do.

5 JUDGE HOBERG: Commissioner Clark,
6 Commissioner Cramer?

7 COMMISSIONER CLARK: I have no questions
8 but just thank you.

9 COMMISSIONER CRAMER: Thank you.

10 MRS. OLSON: Thanks.

11 JUDGE HOBERG: Thank you, Ms. Olson. All
12 right.

13 MS. LUNDWALL: My name is Wanda Lundwall,
14 and --

15 JUDGE HOBERG: Could you spell your last
16 name?

17 MS. LUNDWALL: Yes. It's L-u-n-d-w-a-l-l.

18 COMMISSIONER WEFALD: Can you bend the
19 mike a little closer to you?

20 MS. LUNDWALL: Yes. Can you hear me now?

21 JUDGE HOBERG: I do need to swear you in,
22 though. Did you hear the admonition I gave
23 earlier?

24 MS. LUNDWALL: Yes.

25 (Witness sworn.)

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WANDA LUNDWALL,

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

MS. LUNDWALL: Well, I guess what I'm going to say is just kind of repetition to what Jeanne just said, too, but I am Wanda Lundwall. My husband, Peter, and I live in the northwest corner of Rush River Township, Section 1. Also on the same farm, our son-in-law and daughter, Kevin and Lisa Rasmusson, live along with their two --

JUDGE HOBERG: What are their names again?

MS. LUNDWALL: Kevin and Lisa Rasmusson, and they along with their two children have their home. Our farm is less than one-fourth mile of the Ed and Jeanne Olson cattle ranch.

We are opposed to the powerline coming across Section 2 in Rush River Township where there are three other families in addition to the Olsons and their cattle. We feel that there are many risks involved with these lines being so close to livestock and people. This has been very stressful to all of us, some people more than others because they have been harassed.

We don't feel the power company has acted professionally or with common courtesy in handling

1 this situation. We think there are plenty of
2 sections of land the power company could seek out,
3 many with no farms or businesses on them, rather
4 than force their way through a cattle business
5 that's been in the family for four generation.

6 The Olsons and all families living here
7 are honest, decent people and deserve more respect.
8 We feel this has been handled -- has not been
9 handled in a fair way.

10 Thanks to the Public Service Commissioners
11 Tony Clark, Susan Wefald, and Kevin Cramer for
12 hearing our comments. And I guess when I spoke
13 about "we," I meant the four of us, Peter and Wanda
14 Lundwall, Kevin and Lisa Rasmusson.

15 Thank you.

16 JUDGE HOBERG: Thank you. Just hold on a
17 second. There may be some questions. Mr.
18 Kettleson, do you have any questions?

19 MR. KETTLESON: I have no questions.

20 JUDGE HOBERG: Mr. Binek?

21 MR. BINEK: No.

22 JUDGE HOBERG: Commissioners?

23 COMMISSIONER WEFALD: Just show me -- can
24 you tell me again where your home is located?

25 MS. LUNDWALL: We're in Section 1 in the

1 northwest corner of Rush River.

2 COMMISSIONER WEFALD: Yes. I found it on
3 my map. Thank you.

4 JUDGE HOBERG: Thank you, Commissioner.

5 **EXAMINATION**

6 **BY COMMISSIONER CRAMER:**

7 Q. I have one just kind of a general question
8 because we've heard now repeatedly that land agents
9 haven't been professional, they haven't been
10 courteous, and that always concerns us, and I think
11 it concerns the company, quite honestly, when those
12 allegations are made. And this is not a cynical
13 question. This is an honest question. If the land
14 agent was more courteous and more professional,
15 would it change your mind about the project?

16 A. Well, I guess I have concerns of the
17 health risks to our family, and I guess we have
18 grandchildren that are only eight and five.
19 They're going to live there for a long time, and,
20 you know, they are going to be close to this, only
21 a half a mile, and, you know, they're the future of
22 our country. They're going to live there a long
23 time and our children will, too, and so I guess I
24 have those concerns, and I also am very concerned
25 for our neighbors. And like they have said before,

1 there are seven families, and I've added up, that's
2 a total of 19 people living in this Section 2 and
3 1.

4 COMMISSIONER CRAMER: That's it for me.
5 Thank you.

6 JUDGE HOBERG: Thank you, Commissioner
7 Cramer. Anything further? Thank you, Ms.
8 Lundwall. All right.

9 MS. STAPLES: Good afternoon. My name is
10 Brenda Staples, S-t-a-p-l-e-s, and I'm here on
11 behalf of myself and my mother who owns land. Her
12 name would be Marvel Brodsho, and that's
13 B-r-o-d-s-h-o.

14 JUDGE HOBERG: S-h-o.

15 MS. STAPLES: S-h-o, correct.

16 JUDGE HOBERG: Did you hear the admonition
17 I gave earlier?

18 MS. STAPLES: Yes, I did.

19 (Witness sworn.)

20 COMMISSIONER WEFALD: If you can talk
21 right into that mike. Thank you.

22 **BRENDA STAPLES,**
23 having been first duly sworn, was examined and
24 testified as follows:

25 MS. STAPLES: Okay. I will do that.

1 Thank you for hearing our concerns this afternoon.
2 I represent -- our land is in two sections,
3 actually, that we're talking about. Reed, Section
4 7; Reed, Section 17; and Raymond, Section 12. Our
5 family has owned the same land and farmed for over
6 75 years on that, and now I continue with that
7 tradition and I'm farming that land.

8 The transmission lines that they've
9 proposed to us represents one-and-a-half miles in
10 their transmission route and encompasses all but 20
11 acres of our farmland. We now have seven poles
12 that Minnkota has going across our land, and with
13 their original proposal they were proposing 18 to
14 20 poles be put on our farmland. So, like I said,
15 that encompasses all but 20 acres of our entire
16 farm.

17 Their initial proposal was to run a
18 parallel set of poles along Minnkota's existing
19 poles on our land, which we objected to for many
20 reasons, but just the ease of -- farming is what we
21 do with that land now, and I guess we were asking
22 for an alternative site.

23 At the latest township meeting -- at Reed
24 Township meeting we suggested that if an alternate
25 site wasn't a possibility, we would appreciate

1 maybe going to that single transmission pole, and
2 our land is the land that would be adjacent to the
3 Sheyenne River crossing where they are running that
4 single pole.

5 When this was brought up at the township
6 meeting, this was what the township officers
7 suggested in their conditional use permit, that
8 they would just run a single set of poles like they
9 were when they were crossing the river.

10 It seems to me that right now we're just
11 kind of being unjustly asked to bear a lot of the
12 burden for -- it just seemed like 19, 20 poles on
13 our land was just a lot for us to bear personally,
14 and I'm sure the cost of poles would be significant
15 to Minnkota and Otter Tail, but we're looking at it
16 as a personal case, I guess, the loss of our land.
17 The devaluation of our property would be
18 significant to put that many poles.

19 Farming around these poles is not easy. I
20 don't know if any of you have a farming background,
21 but when you go and farm around poles, you're going
22 around the same pole six, seven, eight times a year
23 with seeding, harvesting, spraying for weeds, and
24 tillage, which ends up to be a lot of miles and a
25 lot of trips around the poles. It not only is an

1 issue with soil compaction so our crop production
2 is less around those poles; it also takes up a lot
3 of extra time. Sorry. This isn't my favorite
4 thing to do.

5 COMMISSIONER CRAMER: You're doing very
6 well.

7 COMMISSIONER WEFALD: Yes.

8 MS. STAPLES: It also limits our ability
9 to aerial applicate our land. Our spray pilot that
10 sprays our crops, if it's too wet for us to get in
11 there, has expressed great concern and has probably
12 come to the conclusion he wouldn't be able to
13 aerial applicate our land anymore, which would
14 adversely affect our crop production in wet years.
15 We would not be able to spray for weeds and any
16 insects that would be on our crops. So we feel
17 that's a real significant loss to our farming
18 operation.

19 Also, we really have an issue with the
20 valuation of our property. We, like I said, have a
21 single set of Minnkota poles going through our
22 property right now. We have a half section and the
23 poles go approximately down the middle of it.

24 Right now the land is being used for
25 farming and that's what we want to do, but I guess

1 when you look at the growth of Fargo and how close
2 we are to Fargo, we also have to look at the
3 potential of development some day.

4 They're telling us that we have -- they
5 have to have a 500 foot corridor on each side of
6 the pole setback, so that -- for easement so people
7 don't build houses 500 feet under those poles.
8 Well, when you use those measurements and you
9 consider we have two sets of poles, that's a human
10 amount of land that's coming out of -- that's
11 devaluating our property permanently, and like
12 we've said before, this isn't a short-term thing.
13 This is going to be here forever.

14 I guess it is also river lots, and as you
15 know, the south side of Fargo, river lots are worth
16 a lot of money, and we have river lots basically,
17 and like I said, we have one powerline going there
18 now, and to add another one and then the setback,
19 it would just be a tremendous amount of land that
20 would just be totally taken out of any realm of
21 possibility, not only because of the setback rule,
22 but who wants to build under a powerline? I mean,
23 that's not aesthetically pleasing.

24 They have offered compensation, but at
25 what -- what's that worth? As today's value -- say

1 10, 15 years down the line we want to develop that
2 land. That little bit of compensation they've
3 offered us now isn't going to amount to anything.

4 Back in the Seventies Minnkota
5 purchased -- or didn't purchase -- but paid my
6 parents money for the seven poles that they put
7 in -- an easement to put in those seven poles, and
8 looking back now, that money was nothing. I mean,
9 what is it? It doesn't amount to anything in
10 today's value, and now they're offering to pay us
11 money, and we haven't settled, we haven't talked
12 about it, but at what cost? I mean, it just limits
13 our potential to do anything else.

14 I strongly feel that you should look at
15 the stipulations that Reed Township put in their
16 conditional use permit. I can speak for myself and
17 my family. We would love to have the lines go
18 someplace else. We don't want them across our
19 property at this point.

20 I guess I really would like to commend Mr.
21 Pawluk on his statement to the board -- or to you
22 guys this afternoon -- or this morning. I thought
23 he brought out some excellent points. I realize
24 the cost of the poles to put in the single line is
25 significant to Minnkota, but I also realize the

1 cost to the devaluation of our property is hugely
2 significant to us. We're a small farm, they're a
3 big company, and it affects our whole farm, the
4 entire farm that we farm.

5 As far as the stray voltage and things
6 like that, you know, we've heard talk about the
7 cows and things like that. We have horses. My
8 horses won't even walk on the land the powerlines
9 are on because they can feel the voltage in the
10 ground. We've tried several times and they can't
11 walk through it because they feel that voltage.

12 One other thing, the waivers from property
13 owners that people they've alluded to have gotten,
14 I guess some of the waivers they've gotten have
15 been from some of our neighbors, and I guess when
16 they've gotten the waivers what choice do you have?
17 They want to come through and they'll either buy
18 you out or you sign a waiver. So you sign a waiver
19 so you can stay in your home and in your community.
20 So I don't think that's really a winning point for
21 them to say they've gotten their waivers.

22 And I guess one of the things I want to
23 close on is one of the last meetings we were at --
24 the last meeting, I guess, we were at we did ask --
25 someone posed the question, what happens if we

1 don't settle with you, and the comment was made,
2 well, what will you do? Will you just condemn it?
3 And they all kind of looked and said, you know,
4 that's what can happen.

5 I think I've hit everything I wanted to
6 say. I thank you again for listening to me and
7 sharing -- letting us share our concerns.

8 JUDGE HOBERG: Thank you, Ms. Staples.
9 Just hold on a second. There may be questions.
10 Mr. Kettleson, did you have any questions?

11 MR. KETTLESON: No, I don't have any
12 questions.

13 JUDGE HOBERG: Mr. Binek?

14 MR. BINEK: No.

15 JUDGE HOBERG: Commissioners, any
16 questions of Ms. Staples?

17 COMMISSIONER WEFALD: Yeah. I have a
18 question about the waiver business.

19 **EXAMINATION**

20 **BY COMMISSIONER WEFALD:**

21 Q. So you say your option was that rather
22 than the company going 500 feet from your home,
23 they said you either sign the waiver or we'll buy
24 you out?

25 A. No. One of our neighbors signed a waiver

1 to have the powerline go through a drainage ditch
2 instead of across their field, and as far as the
3 waivers go, you know, what choice did they have?
4 You know, do they --

5 Q. Well, they have the choice of saying we
6 want it 500 feet away from our home. That's what's
7 stipulated in state law.

8 A. But it wasn't a possibility brought to
9 them.

10 Q. But it's an option.

11 A. Yeah.

12 Q. Everyone should know that you -- that the
13 company's required to have it 500 feet from your
14 home unless you sign a waiver. So if they don't
15 sign a waiver, the company just has to move that
16 line slightly and put it 500 feet away from your
17 home.

18 A. I don't think us as average citizens know
19 the rules to all this.

20 Q. But that's why we do advise people to
21 consult an attorney.

22 A. I understand. And we do have an attorney,
23 so.

24 JUDGE HOBERG: Any further questions of
25 Ms. Staples? Commissioner Clark?

1 COMMISSIONER CLARK: No. I do thank you
2 for your testimony, and I would just advise if
3 there are folks out there who have obtained waivers
4 and felt that there was some sort of
5 misrepresentation to certainly, you know, take that
6 into consideration and do seek legal counsel. I
7 mean, that does exist for that reason.

8 JUDGE HOBERG: Thank you. Commissioner
9 Cramer.

10 COMMISSIONER CRAMER: I have nothing for
11 this witness, but thank you for your testimony.

12 MS. STAPLES: Okay. Thank you.

13 JUDGE HOBERG: Thank you, Ms. Staples.
14 All right.

15 MS. SCHUTT: Hi.

16 JUDGE HOBERG: Your name, please?

17 MS. SCHUTT: Patricia Schutt.

18 JUDGE HOBERG: Would spell yourself last
19 name, please?

20 MS. SCHUTT: S-c-h-u-t-t.

21 JUDGE HOBERG: Ms. Schutt, did you hear
22 the admonition I gave earlier in regard to perjury?

23 MS. SCHUTT: Yes.

24 (Witness sworn.)

25 JUDGE HOBERG: Thank you. Please.

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PATRICIA SCHUTT,

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

MS. SCHUTT: The question came up earlier about production tax credits, and I heard that mentioned when you were on the radio with WDAY, Mike Tanner, at the time of the dedication, and the comment came -- and I don't know if Michael Sullivan made it, who is the senior vice president for Florida Power & Light or if someone else said it, and in regards to the production tax credit they are thinking that they will get a one-year extension. So apparently they've been in negotiation, so for what it's worth.

I own land in Rush River Township in Section 36, the southeast one quarter. I had first heard about this project when Vickie -- I think it's Severson or Sorenson -- Severson -- Vickie Severson from Otter Tail Power Company called me, and I met with her, and she said that it would be a 99-year contract for the easement because that's the way it is in North Dakota. In reality that is the maximum for an easement in North Dakota, and I asked if she had a copy of the contract and she said no.

1 She wanted to put the poles in the middle
2 of the field. If you're acquainted with the Surrey
3 cutoff, it goes through that field, and so my
4 quarter section of land is split but not evenly.
5 And so I suggested to her that along the south edge
6 of the property would be better, and I think I
7 added on then, and I did later, where the field
8 meets the ditch.

9 It was later that I -- in April I met with
10 Kelly Anderson from Minnkota Power, and she told me
11 that there would be no guy wires on the poles, and
12 then she repeated again there would be no guy
13 wires, and she put a contract for me to -- to sign,
14 and it was actually in three parts, an option to
15 purchase a right-of-way and then a payout page and
16 then the easement contract. And she said she would
17 give me a few minutes to look it over before I sign
18 it, and she then mentioned somewhat casually that
19 there would be a hearing on May 22nd, today, and I
20 took the contract with me to look it over.

21 And when I read the contract I found that
22 there was a long list of privileges that Minnkota
23 put in for themselves, and they also put extreme
24 restrictions on me and my use of the land, and I
25 can't put hay bales under it or build anything

1 under the lines -- the powerlines and -- well,
2 anyway, they had privileges and I would still have
3 the thrill of paying the real estate taxes on that
4 land.

5 This project is not for the public good.
6 It is for the benefit of Xcel Energy Power Company
7 and their stockholders. The Maple River substation
8 on 32nd Avenue North has the name Xcel Energy on
9 it, and I'm wondering why that wasn't brought up
10 earlier. And that is a Minnesota company and
11 they'd be taking our wind energy, you know, and
12 taking it elsewhere.

13 These poles will interfere with farming,
14 and it's difficult to go around the poles
15 because -- well, as I said earlier, the railroad
16 also already cuts through my property, and then to
17 have to farm around these poles would make a very
18 difficult situation, and that's because the farmers
19 I have use very large equipment.

20 Just last Wednesday night when I was at a
21 meeting I found out that the California State
22 Department of Health has done research on
23 powerlines, and since I don't have Internet access
24 I found it last night at the library and have not
25 had time to look at it, and there's lots of it, and

1 I am concerned about these -- these powerlines for
2 the health reasons.

3 And then with the kind of contract that
4 Minnkota wants, this is a forever deal. It forever
5 devalues my land and that reflects my income.

6 Now, I -- oh, what I found last night was
7 from -- this pamphlet has a website in it, and
8 that's where it talks about the research that was
9 done in California, and I want that website
10 included in the testimony. It's
11 <http://www.dhs.ca.gov/ps/deodc/ehib/emf>. And
12 that's where you can get information on the health
13 hazards. There's a lot of information there, and
14 it was reviewed by three scientists.

15 There are alternative routes. They could
16 run a line straight south from the wind farm to
17 I-94. They could bury the line and use the
18 railroad property, the Surrey cutoff, and since
19 another company wants to have a line there, too,
20 well, they could each have one on each side of the
21 railroad. Or they could put the wind turbines next
22 to the substation and then we farmers wouldn't have
23 to deal with it.

24 I had been in conversation with my
25 daughter one evening and I was telling her about

1 what's going on on the farm here, and she right
2 away said, Well, I sure wouldn't want to live under
3 those powerlines, and she said, And then the cattle
4 get cancer. Well, you may think that's just my
5 kid, you know, but she holds a Bachelor's degree in
6 electrical engineering from NDSU, and she also has
7 a Master's degree, and she is a biomedical engineer
8 for the VA system. So I take that on good
9 authority.

10 These farms are our life and our
11 livelihood. This farm is also my heritage. My
12 dad's family came to North Dakota in 1919 and
13 bought land from the Dalrymple family, and my
14 grandparents came on some very hard times and lost
15 some of the land, but my dad said -- and this is
16 the way he talked -- he said, Old man Dalrymple was
17 good to us, and so now I'm wondering what he's
18 saying. And because of that -- and my parents
19 worked very, very hard to pay for the land, so
20 that's why I have farmland today, and that's all I
21 have.

22 So any questions?

23 JUDGE HOBERG: Thank you, Ms. Schutt. Mr.
24 Kettleson, any questions?

25 MR. KETTLESON: No questions. Thank you.

1 JUDGE HOBERG: Mr. Binek?

2 MR. BINEK: No.

3 JUDGE HOBERG: Commissioner Wefald.

4 **EXAMINATION**

5 **BY COMMISSIONER WEFALD:**

6 Q. I have just one, and that is, tell me
7 again where your farm is located. I just want to
8 make sure I know exactly.

9 A. Okay. I have a quarter section in Rush
10 River Township, Section 36.

11 Q. And that's in Section 236?

12 JUDGE HOBERG: 36.

13 THE WITNESS: No, no, no. 36. Section 36
14 in the southeast one quarter, and I have land in
15 another township, too.

16 JUDGE HOBERG: What was the other
17 township?

18 THE WITNESS: Berlin Township.

19 JUDGE HOBERG: Oh, that's not in this.

20 THE WITNESS: No, no.

21 JUDGE HOBERG: Okay. I see. So that
22 cutoff you were talking about, is that that half
23 street northeast cutoff?

24 THE WITNESS: It's the Surrey cutoff.

25 JUDGE HOBERG: Yeah. Does that run down

1 to the northern tip of your land?

2 THE WITNESS: No. Right kind of through
3 the middle of it.

4 JUDGE HOBERG: Oh, okay. It must not be
5 on the map.

6 THE WITNESS: I don't know.

7 Q. (COMMISSIONER WEFALD CONTINUING) It
8 doesn't show on our map that it's going through the
9 middle of your land. That's why I was wondering.

10 A. Oh, you mean the line.

11 Q. Yes.

12 A. I don't know what the plan is now for
13 where the line will go.

14 COMMISSIONER WEFALD: All right. Maybe we
15 should have someone show her right now where the
16 line is going to go through her property.

17 JUDGE HOBERG: Can we do that right after
18 she testifies?

19 COMMISSIONER WEFALD: Yes. All right.

20 JUDGE HOBERG: All right. Any further
21 questions of Ms. Schutt then? Thank you, Ms.
22 Schutt.

23 COMMISSIONER WEFALD: Maybe the company
24 representative can do that.

25 JUDGE HOBERG: Okay. Perhaps somebody

1 from the company could show her where the line is
2 going now, because I don't think it's going through
3 the middle of her property. Okay. Thank you
4 again. Right here. Any further testimony? Yes,
5 sir. Right here.

6 MR. VANEK: My name is Curtis Vanek. I'm
7 the chairperson for the Reed Township board of
8 supervisors. Just taking a few plugs this
9 afternoon.

10 JUDGE HOBERG: Could you spell your last
11 name for us, please?

12 MR. VANEK: V, like in Victor, a-n-e-k.
13 First name is spelled with a C, not a K.

14 JUDGE HOBERG: Curtis. Okay. Mr. Vanek,
15 did you hear the admonition I gave earlier in
16 regard to perjury?

17 MR. VANEK: Yes, I did.

18 (Witness sworn.)

19 JUDGE HOBERG: Okay. Thank you. Please
20 proceed.

21 **CURTIS VANEK,**
22 having been first duly sworn, was examined and
23 testified as follows:

24 MR. VANEK: I have one request and I have
25 a few suggestions. I'll try to be brief on the

1 suggestions because it is getting a little bit
2 late. The request I have relates to a request that
3 you received to set aside an agreement that was
4 made on the 13th day of May at our township
5 meeting.

6 The reason I'm asking you to not honor
7 that first request is that because this was an
8 agreement. We came to an agreement and they, the
9 company, Otter Tail Power's people, typed up the
10 agreement, took it to the attorneys for the people
11 who are living in the township, and the attorney
12 said it was fine, and so we -- we signed the
13 agreement. Now, if that agreement wasn't good on
14 this date, it shouldn't have been good on the 13th,
15 and so I'm asking you not to honor the request that
16 was made of you today.

17 The second thing is that -- are my
18 suggestions. It is truly an exciting time for
19 North Dakota. With our oil production potential
20 and our power production potential, all of a sudden
21 North Dakota has become a pretty important state.
22 In my career I've traveled around the United States
23 and worked around the United States, and North
24 Dakota was kind of thought of as buffalo commons,
25 but it's become pretty important.

1 The thing about it is, is that the people
2 who are going to benefit the most from this power
3 do not live in this state. When you look into the
4 future, that power is going to go out of this
5 state. The problem is that the people who are
6 going to pay the price for this power going to
7 other people for their benefit are the farmers in
8 this state because of those powerlines that are
9 going across their fields.

10 Now, when we take a look at years gone by
11 where some farmer had an eight-foot or ten-foot
12 cultivator and there was a couple of poles around,
13 it wasn't a big problem. But now when I fly over
14 the country and I look at North Dakota, there are
15 powerlines all over the place, and this is just the
16 beginning.

17 Now, we have to think about the fact that
18 in the near future we're going to have equipment
19 that's going to exceed 80 feet in width and there's
20 not going to be an operator in that tractor. It's
21 going to be run by remote control. Well, it's
22 going to be kind of tough getting around all these
23 poles, and how are the farmers going to deal with
24 that?

25 Now, they say that maybe there's no other

1 way, but I think that we're transmitting power the
2 way we did 100 years ago, and certainly if we can
3 have a person in Fargo sit at a control and man an
4 aircraft, say, out of Grand Forks that can fly
5 halfway around the world and drop a bomb on a
6 pinpoint, we should be able to figure out a better
7 way to transmit power. So I think that's something
8 we all need to think about.

9 And with that I'll end.

10 JUDGE HOBERG: Thank you, Mr. Vanek. Mr.
11 Kettleson, any questions?

12 MR. KETTLESON: No questions.

13 JUDGE HOBERG: No questions. Mr. Binek?

14 **CROSS-EXAMINATION**

15 **BY MR. BINEK:**

16 Q. What is the agreement you were talking
17 about?

18 A. Did you give the agreement to them?

19 MR. KETTLESON: You're talking --

20 THE WITNESS: The agreement for the
21 dual -- for putting the power on one set of poles
22 instead of a dual set of poles.

23 MR. KETTLESON: The agreement -- I have
24 the conditional use permit, the one that you signed
25 this morning.

1 THE WITNESS: That's what I'm talking
2 about, yes, the conditional use permit. That
3 agreement where we stipulated that we would use one
4 set of poles instead of two sets of poles.

5 MR. KETTLESON: Yeah. I have --

6 JUDGE HOBERG: You didn't offer that, Mr.
7 Kettleson.

8 MR. KETTLESON: I didn't offer it, no.

9 JUDGE HOBERG: Exhibit 16.

10 MR. KETTLESON: Oh, and the reason -- one
11 of the reasons is that we didn't have -- it just
12 happened after we got -- after we had started this
13 morning, I believe, right?

14 THE WITNESS: No.

15 MR. KETTLESON: Did you sign it before --

16 THE WITNESS: Yes.

17 MR. KETTLESON: -- about the time we got
18 started.

19 THE WITNESS: Yes. That was another thing
20 that bothers me, sir. When I returned home from
21 being gone for three days, there was a couple of
22 messages on my telephone from the representatives
23 of Otter Tail Power telling me that there was going
24 to be a meeting today in Bismarck. Fortunately, I
25 talked to another supervisor from the township who

1 told me that the meeting was here in Casselton.
2 Otherwise I'd have been waiting for you in Bismarck
3 someplace.

4 JUDGE HOBERG: Anyway, Commissioner
5 Wefald, would you like to have that as an exhibit?

6 COMMISSIONER WEFALD: Yes, I would.

7 JUDGE HOBERG: Okay? Can we have that
8 one?

9 MR. KETTLESON: Sure. We'll mark it here.

10 JUDGE HOBERG: Do you already have it
11 marked as 16.

12 MR. KETTLESON: Well, the one I have
13 marked is different than the one Mr. Vanek's
14 talking about because when he came here this
15 morning, he signed it, and I had --

16 JUDGE HOBERG: If you're not offering 16,
17 why don't we just substitute that then as 16.

18 MR. KETTLESON: Okay. I will.

19 THE WITNESS: Sir, you must have the one
20 that we dealt with this morning.

21 MR. KETTLESON: I'll offer 16.

22 JUDGE HOBERG: All right. Any objection?

23 COMMISSIONER WEFALD: I would like to have
24 a copy of both.

25 JUDGE HOBERG: Both of them?

1 COMMISSIONER WEFALD: Yes. If they're two
2 different documents, I'd like to have a copy of
3 both.

4 JUDGE HOBERG: We'll make one 16A.

5 MR. KETTLESON: The only difference is --

6 MR. BINEK: Is it the same document but
7 just with the signature?

8 MR. KETTLESON: Well, it's the same
9 document. 16 has an e-mail attached to the back of
10 it and 16A doesn't, but --

11 JUDGE HOBERG: So the one I marked as 16
12 is the one that was signed this morning by Mr.
13 Vanek; correct?

14 MR. KETTLESON: I believe so, Your Honor.
15 Is there a signature on it?

16 JUDGE HOBERG: And 16A is the unsigned one
17 with the e-mail; correct?

18 MR. KETTLESON: Yeah. I believe that's
19 correct.

20 JUDGE HOBERG: Okay. So I'll admit
21 Exhibit 16A and 16. All right.

22 MR. BINEK: I have no further questions.

23 JUDGE HOBERG: No further questions.
24 Commissioner Wefald, did you have any questions of
25 Mr. Vanek?

EXAMINATION

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BY COMMISSIONER WEFALD:

Q. Just help me explain now -- tell me a little bit more about the agreement. You said that's this -- what is the proper word for it?

JUDGE HOBERG: Conditional use agreement -- permit actually.

Q. (COMMISSIONER WEFALD CONTINUING)
Conditional use permit?

A. It's a conditional -- application for conditional use permit, is what it is.

Q. On the 13th of May --

A. On the 13th of May --

Q. -- tell me what happened then.

A. We had one of a number of meetings in our township regarding this transmission line, and at that date it was agreed between the parties that the township would approve the application with that stipulation that the power be run on one set of poles instead of two sets of poles, and that's basically in Section 7 of Reed Township.

Q. And then just explain to me why -- I think there's one document here that's signed and one that's not signed. Explain to me the signing this morning.

1 A. I don't know which one -- I don't know
2 what you have that's not signed.

3 COMMISSIONER CRAMER: Same thing as the
4 one that it is.

5 JUDGE HOBERG: Actually, I'm not sure
6 myself. There's an e-mail attachment to it. Are
7 they actually the same?

8 MR. KETTLESON: Well --

9 Q. (COMMISSIONER WEFALD CONTINUING) Would
10 you like to look at both documents?

11 A. I would like to see them.

12 COMMISSIONER WEFALD: Go ahead and take a
13 look at them.

14 MR. KETTLESON: This one was signed this
15 morning.

16 THE WITNESS: Maybe to answer your
17 questions, the one that I signed stipulates that
18 the power would be run on one set of poles, not two
19 sets of poles, and I think Ms. Staples addressed
20 that, also, if I'm not mistaken.

21 COMMISSIONER WEFALD: Just wait one
22 moment, please.

23 JUDGE HOBERG: There are some differences,
24 but I think the content of the -- the typed content
25 is the same. One's signed and one is unsigned, but

1 they have some additional -- some added information
2 on one that's not on the other one.

3 COMMISSIONER WEFALD: All right. Could I
4 ask the person who's standing before us to look at
5 both of these documents?

6 MR. KETTLESON: Sure.

7 COMMISSIONER WEFALD: Thank you.

8 THE WITNESS: Did you say that they were
9 not the same? They look the same to me.

10 JUDGE HOBERG: I think he said they were
11 the same except for some added comments on the
12 bottom of one and one has an e-mail attached to it.

13 THE WITNESS: The only thing I see is that
14 one has an e-mail attached to it. Do you agree?
15 They appear to be the same document -- or identical
16 document.

17 MR. KETTLESON: I'll show you what I mean
18 here.

19 JUDGE HOBERG: Let's just go off the
20 record here.

21 (Off the record.)

22 Q. (COMMISSIONER WEFALD CONTINUING) Okay.
23 So you've had a chance to review both documents,
24 and is it your opinion that the agreement is
25 identical?

1 A. Yes, it is.

2 Q. All right. And do you have anything after
3 reviewing both documents that you'd like to share
4 with the Commission?

5 A. No, I don't.

6 COMMISSIONER WEFALD: All right. Thank
7 you.

8 JUDGE HOBERG: Wait. Mr. Vanek, please, I
9 think there's some more questions.

10 THE WITNESS: Oh, I'm sorry.

11 JUDGE HOBERG: Mr. Binek, did you have
12 another question?

13 MR. BINEK: Yes. Could I see this?

14 **RE-CROSS-EXAMINATION**

15 **BY MR. BINEK:**

16 Q. I notice that the agreement that was
17 signed has your signature as chairman of the
18 township board of supervisors. There's also a line
19 for chairman of the township zoning commission.
20 Who is that?

21 A. That is Dennis Martin.

22 Q. And has Dennis Martin signed anything, to
23 your knowledge?

24 A. To my knowledge, no.

25 Q. And there's no date on this instrument.

1 JUDGE HOBERG: But you did sign it -- you
2 testified that you signed it today.

3 THE WITNESS: I testified I signed that
4 agreement this morning.

5 Q. (MR. BINEK CONTINUING) And you said this
6 agreement was between the parties?

7 A. Between the township, the parties that
8 have Section 7, and the representatives of Otter
9 Tail Power Company. The representative was the
10 attorney from -- I believe he was from -- is it
11 Fergus Falls or Detroit Lakes? It was not you, and
12 I don't remember his name right off. Do you?

13 MR. KETTLESON: I'm not sure who it was.

14 Q. (MR. BINEK CONTINUING) Well, I guess my
15 question really is: When you talk about being an
16 agreement between the parties, are you saying that
17 Otter Tail -- or it's actually Minnkota. Otter
18 Tail was acting as an agent for Minnkota, as I
19 understand it. Are you saying that they agreed to
20 that condition?

21 A. That's correct.

22 Q. And when did they make that agreement?

23 A. On the 13th day of May.

24 MR. BINEK: Okay. Thank you.

25 JUDGE HOBERG: Thank you, Mr. Binek. Any

1 further questions of Mr. Vanek? Mr. Kettleson, any
2 questions?

3 MR. KETTLESON: No questions.

4 JUDGE HOBERG: Thank you, Mr. Vanek. All
5 right. Anyone else wishing to testify? This is
6 the last chance that you have to testify in this
7 matter today. We'll be closing the evidentiary
8 portion shortly. I'm going to ask Mr. Kettleson if
9 he has anything he wants to bring on in rebuttal
10 witnesses, but anyone else wishing to testify in
11 this matter? All right. Thank you all very much
12 for your participation. Mr. Kettleson --

13 COMMISSIONER WEFALD: I have one question.
14 I have to ask someone.

15 JUDGE HOBERG: Yes, Commissioner Wefald.

16 COMMISSIONER WEFALD: I have a question,
17 and you can bring to the stand whoever you need to
18 answer my question. It has to do with timing of
19 purchasing poles for the transmission line.

20 JUDGE HOBERG: Okay. Well, Mr. Kettleson,
21 I was going to ask you anyway if you have any
22 rebuttal witnesses you want to bring on. You might
23 want to consider Commissioner Wefald's question as
24 to who you bring on or how many people you bring
25 on.

1 MR. KETTLESON: Okay.

2 JUDGE HOBERG: Besides that question that
3 Commissioner Wefald has, do you have any rebuttal
4 testimony?

5 MR. KETTLESON: If I might have just a
6 moment, Your Honor, to consider that?

7 JUDGE HOBERG: Sure. Let's go off the
8 record then. We'll just stay in place.

9 (Off the record.)

10 JUDGE HOBERG: Mr. Kettleison, were you
11 intending to call anyone else?

12 MR. KETTLESON: Yes. We would re-call Al
13 Koeckeritz.

14 JUDGE HOBERG: Now, is this just for the
15 purpose of this question or otherwise?

16 MR. KETTLESON: For the purpose of this
17 question and for just brief testimony with regard
18 to Exhibit 16, which we considered, and 16A.

19 JUDGE HOBERG: Okay. Mr. Koeckeritz, I
20 just need to remind you you're still considered to
21 be under oath. Mr. Kettleison, please.

22 MR. KETTLESON: Thank you.

23 **AL KOECKERITZ,**
24 having been previously duly sworn, was examined and
25 testified further as follows:

REDIRECT EXAMINATION

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BY MR. KETTLESON:

Q. Now, Al, you testified here earlier this afternoon. A couple things have come up. With regard to the Reed Township conditional use permit, we have both Exhibits 16 and 16A, and you were present the evening of May 13th when this resolution was passed at Reed Township?

A. I was.

Q. And were you involved in what transpired after that with regard to the condition to the conditional use permit?

COMMISSIONER WEFALD: Bring the microphone closer, please.

THE WITNESS: I was at the meeting when the directive was given to the -- to Chris Svingen, the attorney representing Minnkota at the township meeting.

Q. (MR. KETTLESON CONTINUING) And what -- what was the directive?

A. The directive was that -- was that the lawyer for the utilities and that the lawyer representing the landowner draw up a conditional use permit indicating that there would be one set of structures with a double circuit on them, and

1 that was a directive indicating that the township
2 would only approve a conditional use permit with
3 that information in it. There's no -- we're not a
4 signator to any of the conditional use permit, but
5 that was the directive given to the attorneys, to
6 come back to them and then the township would
7 consider issuing the permit with that language in
8 it.

9 Q. Okay. Does that clarify the issue as far
10 as your understanding is?

11 A. I believe it clarifies the issue. We are
12 not a signator to the agreement. We were given the
13 directive to bring the conditions to the township.

14 JUDGE HOBERG: Well, Mr. Kettleson, on
15 Exhibit 16 there is a signator block for the
16 applicant that was signed by -- applicant's
17 signature.

18 MR. KETTLESON: The application for the
19 conditional use permit. Yes. I signed that on
20 behalf of the client, but I wasn't -- it wasn't the
21 other material. I wasn't involved in that. It was
22 the application. I don't know when that was dated.
23 It probably says it was --

24 JUDGE HOBERG: March 4th.

25 MR. KETTLESON: March 4th, yeah.

1 JUDGE HOBERG: Anything further of this
2 witness?

3 MR. KETTLESON: I'd offer this witness to
4 answer the pole questions of Commissioner Wefald.

5 JUDGE HOBERG: Thank you. Any questions
6 further on the conditional use permit, Mr. Binek?

7 MR. BINEK: I don't believe so.

8 **RECROSS-EXAMINATION**

9 **BY MR. BINEK:**

10 Q. Basically what you're saying is that the
11 company did not agree to the conditional use
12 permit. You were just directed to prepare it in
13 that way; is that what you're testifying?

14 A. Yes, that's what I'm saying.

15 MR. BINEK: Thank you.

16 JUDGE HOBERG: Thank you, Mr. Binek.
17 Commissioner Wefald, did you have a question then?

18 COMMISSIONER WEFALD: Yes, I do.

19 **FURTHER EXAMINATION**

20 **BY COMMISSIONER WEFALD:**

21 Q. My question is: Has Otter Tail -- not
22 Otter Tail -- Minnkota -- has Minnkota already
23 ordered all of the pole equipment for this line?

24 A. Not all of the pole equipment has been
25 ordered for the line, but some of it has been

1 ordered. Yes.

2 Q. All right. What percentage would you say
3 has already been ordered?

4 A. I would say probably about 70 percent.
5 I'm not exactly sure, Commissioner.

6 Q. About 70 percent?

7 A. Yes, Commissioner. And we do have the
8 ability for cancelation on at least some of the
9 material that we have on order, as well.

10 Q. All right. And so on -- approximately how
11 much in advance did you need to order -- let's say
12 you hope to start constructing the line in July.
13 When did you need to order the equipment?

14 A. Some of the equipment has very long
15 delivery times. Some of it is in the neighborhood
16 of 12 to 14 to 16 weeks; some of it is much
17 shorter, 4 to 7 weeks.

18 COMMISSIONER WEFALD: Okay. Thank you.

19 JUDGE HOBERG: Thank you, Commissioner
20 Wefald. Any further questions then? Commissioner
21 Clark, do you have a question?

22 COMMISSIONER CLARK: I do have one. It's
23 on a little bit different subject, and I just can't
24 recall if it ever got answered or not.

25

FURTHER EXAMINATION

BY COMMISSIONER CLARK:

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3 Q. A number of people who have testified have
4 brought up the idea of why didn't you just run the
5 line down at some more westerly point than you have
6 down to about the 94 corridor, the existing 345
7 that's north of 94, and just run it parallel to
8 that?

9 A. Well, as you -- as we've talked about
10 earlier, certainly we want to make the line the
11 minimal length as possible, and a number of people
12 have testified to the fact to make it as short as
13 possible themselves, and so going that direction
14 would probably add about 40 percent or better to
15 the original line length, and so when we look to
16 route a line, we look to follow the corridor that
17 seemed reasonable at the time and met the selection
18 criteria of the state.

19 Q. Why would that add -- I may not know
20 exactly where that 345 runs, but why does it add
21 that much more? As I look at that map, I can see
22 how the corridor, itself, is shorter running
23 northwest to southeast, but within the corridor the
24 line itself takes a -- doesn't take a particularly
25 northwest to southeast diagonal route. It takes a

1 lot of 90-degree turns. Is the route, itself, 40
2 percent savings as opposed to the corridor?

3 A. I would have to -- you know, I haven't ran
4 any of the numbers. I'm just taking an educated
5 guess at this, but in my opinion, we went -- when
6 the line was relatively parallel to the railroad
7 track, it was 55 miles long. We added about
8 another five miles through that reroute, so you can
9 see even that small reroute added five miles to
10 that section. If we went all the way down to I-94
11 and across, it would add significant length to the
12 line and cost to the project, as well.

13 Q. Not necessarily 94, but let's say the 345,
14 the existing one, is that -- was that possible
15 route studied at all?

16 A. We did not look closely at that route.
17 Again, we were given -- we looked at this corridor,
18 we had some of the actual local wind developers out
19 there that had done some research on this
20 corridor -- felt they'd done some research on this
21 corridor, and that was the one that we felt we
22 should consider.

23 Q. Okay. And, again, the reason for
24 diverting from the railroad track was the town of
25 Amenia and the airstrip and the towers that were in

1 there area; correct?

2 A. I'm sorry. Could you repeat that?

3 Q. Oh, the reason for diverting from the
4 railroad track --

5 A. Right.

6 Q. -- was the town of Amenia, the rail -- or
7 I mean the communications towers and the airstrip?

8 A. Right, as I mentioned earlier.

9 COMMISSIONER CLARK: Okay. Thanks.

10 JUDGE HOBERG: Thank you, Commissioner
11 Clark. Commissioner Cramer, anything?

12 **FURTHER EXAMINATION**

13 **BY COMMISSIONER CRAMER:**

14 Q. Just how big a factor was the railroad
15 right-of-way or the railroad, itself, in the
16 initial decision to use that route?

17 A. Well, initially we had hoped that we could
18 be relatively parallel to that as an existing
19 utility corridor and a common-use type of facility.
20 Now, with the pipeline there, the pipeline
21 generally sits on the south side of that railroad
22 right-of-way. As we looked at where we could be,
23 that continued to put poles in a position that
24 probably wasn't as workable for the landowners, and
25 so it was initially and then again with the

1 pipeline and the cultural and natural resources
2 information that we had from that.

3 COMMISSIONER WEFALD: And I have a
4 followup.

5 JUDGE HOBERG: Commissioner Wefald.

6 **FURTHER EXAMINATION**

7 **BY COMMISSIONER WEFALD:**

8 Q. I'm going to ask this because otherwise
9 I'll go home thinking why I didn't ask this
10 question, and that is we had one person who stood
11 up from the public who said that the 345 kV line is
12 only 18 miles from the substation. Why didn't
13 Minnkota consider -- was it because Otter Tail was
14 going to be a co-owner that you wanted to build a
15 new line? Why didn't Minnkota consider upgrading
16 the existing 345 kV line all the way along so that
17 we don't have to have a new route?

18 A. I can't answer that question.

19 Q. Well, who can from Minnkota?

20 A. You'd have to ask Minnkota.

21 Q. You're not with Minnkota?

22 A. I am not, no.

23 COMMISSIONER WEFALD: Okay. I really need
24 to have that basic concept so that I can understand
25 because we don't need a whole bunch of -- I agree

1 we need new transmission lines, but if it's
2 possible to use an existing transmission line
3 that's already there and upgrade it, I just wonder
4 why that wasn't explored, if it's that close to
5 this facility.

6 JUDGE HOBERG: Okay. Maybe, Mr.
7 Kettleson, we can get another witness, but is there
8 any further questions of this witness at this time?
9 All right. Thank you.

10 THE WITNESS: Thank you.

11 MR. KETTLESON: Yes. Wally Lang is still
12 here. He's available.

13 JUDGE HOBERG: Okay. Mr. Lang, I just
14 need to remind you you're still considered to be
15 under oath, and perhaps you can address
16 Commissioner Wefald's question.

17 **WALLY LANG,**
18 having been previously duly sworn, was examined and
19 testified further as follows:

20 **FURTHER EXAMINATION**

21 **BY COMMISSIONER WEFALD:**

22 Q. Thank you.

23 A. Thank you. If I understand your question,
24 it's why wasn't it considered going straight south
25 and then tying into the existing 345 line?

1 Q. And upgrading the 345 kV line instead of
2 building a totally new 230 kV line?

3 A. Basically, as I indicated somewhat earlier
4 this morning, that the existing 345 line is an
5 integral part of the grid as it is, and when
6 capacity of connecting generation to the grid is
7 studied, there are a lot of factors. It's a very
8 complex study process that determines what the
9 capability of a particular connection point is, and
10 just to assume that you can -- by connecting onto
11 the existing 345 automatically assumes that it will
12 carry the power out of that area is not a correct
13 assumption. That is done based on studies that are
14 required, and the capacity of the existing 345 line
15 basically you can't be assured that it could handle
16 the additional power that's coming from this wind
17 farm.

18 Q. Well, I understand that the existing 345
19 kV line can't handle the power that's coming from
20 this wind farm, but I'm asking whether it was
21 studied whether if you upgraded that line, let's
22 say, to a 500 kV line -- whether that was
23 considered as a viable option to constructing an
24 entirely new 230 kV line?

25 A. Again, based on feasibility, converting

1 the existing line to 500 kV and having it out of
2 service for the time that it's required to
3 construct the line and the fact that there is a --
4 the port at the Maple River substation that this
5 ties into is one that actually is available, so
6 just from a feasibility standpoint it was much
7 easier to tie into the 230 kV system at Maple
8 River. There's no other 345 kV lines in or out of
9 Maple River at the present time, and to push any
10 more power into the 345 creates problems with the
11 transformers at Maple River because they
12 automatically get overloaded if you try to push
13 more power on a 345 line. But again, those were
14 feasibility determinations that were made that says
15 that it would be better to get the power into the
16 230 kV system rather than to the 345, and that was
17 based on judgment knowing what the limitations of
18 the system are.

19 Q. I think that there are some new
20 technologies that you don't have to even upgrade
21 from 345 to 500 kV but you can force more power
22 over existing powerlines with new technology
23 developments, and they talk to us all the time
24 about these at our National Association of
25 Regulatory Utility Commission meetings, and they

1 tell us to explore these at hearings. Do you
2 have -- did you explore other options other than
3 upgrading, let's say, to a 500 kV line that you
4 explored just putting additional enhancements on an
5 existing 345 kV line that can enable it to carry
6 more power? Because we're told constantly that
7 this can happen?

8 A. Again, every situation is unique, and to
9 automatically say -- I think one of the things that
10 you're referring to probably is a type of low-loss
11 conductor, for example, that you hear quite a bit
12 about. Generally, the application for the low-loss
13 conductor has more to do with congested areas
14 around large cities where you reduce the actual
15 losses on it, but most of the electrical
16 characteristics, even if you replace the conductor
17 with this low-loss conductor, wouldn't appreciably
18 increase the capacity of being able to carry the
19 power from this wind farm to the Fargo area. Some
20 of those technologies do get looked at, but a lot
21 of times the limitations of those other
22 technologies aren't necessarily brought forward
23 because unless you actually do that study, you
24 really don't know for sure, and that's why it's
25 somewhat difficult to say increasing the line

1 voltage, for example, the 345, automatically will
2 carry more power out of that area because, again,
3 you get limitations beyond Maple River because,
4 again, that's the only 345 line. You have to have
5 someplace for the power to go once it gets to Maple
6 River, and to us tying into the 230 kV was the most
7 feasible thing to do based on our judgment of the
8 power grid.

9 COMMISSIONER WEFALD: Thank you.

10 JUDGE HOBERG: Thank you, Commissioner
11 Wefald. Commissioner Clark?

12 **FURTHER EXAMINATION**

13 **BY COMMISSIONER CLARK:**

14 Q. I do want to ask just about again this --
15 the extent to which alternative routes were
16 explored. I get the sense that early on that
17 railroad right-of-way really drove where the
18 corridor, itself, was.

19 A. It was considered to be probably the least
20 disruptive because there was something already
21 there that made up that angle that otherwise you
22 have to add line miles to it. It was the most
23 direct route from the partners that we were working
24 with to the load center in Fargo.

25 Q. Right. And I can see, you know, certainly

1 from the map to the extent that that existing
2 railroad is followed, it certainly does look like
3 the shortest route. My question is: Once it
4 became clear that at a certain point, it looks like
5 somewhere sort of after Highway 38 there as you're
6 moving eastward, that that rail right-of-way would
7 not become a viable option. At that point was
8 there any consideration of dropping down basically
9 along Highway 38 and connecting with that existing
10 345 corridor further south?

11 A. Again, we relied on the land agents in
12 terms of what they felt was a feasible way to get
13 from the Pillsbury wind substation to the Maple
14 River, and it was their judgment to use the route
15 that was being talked about and that's part of this
16 hearing.

17 Q. It would be easier if I had a pointer. I
18 could just show you what I'm thinking about. Maybe
19 I will. I'll just draw what I'm thinking.

20 MR. KETTLESON: We have a pointer here
21 somewhere. Here you go.

22 COMMISSIONER CLARK: That's all right.

23 Q. (COMMISSIONER CLARK CONTINUING) I mean,
24 right about here it's pretty clear where you have
25 deferred from the railroad, but after this point

1 having deferred you're basically taking it to
2 north/south angles, which really doesn't save you a
3 lot of mileage. You can go just as easily this way
4 and like that. I guess my question is: Why not at
5 this point, instead of kind of zigzagging across
6 the country, basically east and west and then
7 dropping down, why not just drop down along 38,
8 connect with what I assume is the 345, which is
9 here, and just using existing corridor?

10 A. The -- again, some of the testimony that
11 we -- that was presented earlier about the
12 availability of some of the right-of-way on the
13 drainage ditch, that type of thing, drove some of
14 those decisions. The other thing is I also made
15 reference to geographic diversity, and there would
16 have been considerably more miles of line where the
17 existing 345 and the 230 would have been close to
18 each other. As it is, we're about eight miles
19 apart -- or eight miles where that's true, and that
20 would have been even a further distance where they
21 would have been close to each other. And so
22 geographic diversity basically would suggest that
23 we would try to get there in a way other than
24 paralleling the 345.

25 COMMISSIONER CLARK: Okay. Thanks.

1 JUDGE HOBERG: Thank you, Commissioner
2 Clark. Commissioner Cramer, anything?

3 COMMISSIONER CRAMER: I have nothing
4 further.

5 JUDGE HOBERG: Nothing further of this
6 witness then?

7 MR. KETTLESON: Nothing further. Thank
8 you.

9 JUDGE HOBERG: Thank you.

10 THE WITNESS: Thank you.

11 JUDGE HOBERG: Do you have any further
12 testimony or evidence to present?

13 MR. KETTLESON: No, Your Honor, we don't.

14 JUDGE HOBERG: All right. Then before we
15 get to closing comments from the commissioners,
16 we'll talk about proposed findings of fact,
17 conclusions of law, and a proposed final order. Is
18 that something you can do relatively quickly?

19 MR. KETTLESON: Yes, it is.

20 JUDGE HOBERG: When can you have that?

21 MR. KETTLESON: We'd like to have it by
22 mid next week, by Wednesday.

23 JUDGE HOBERG: All right. Wednesday next
24 week then.

25 MR. KETTLESON: Yes. We'd like to.

1 JUDGE HOBERG: That's fine. I mean, it's
2 up to you when you went to --

3 MR. KETTLESON: Right.

4 JUDGE HOBERG: Yeah. That'll be a target
5 date. Let's see. That'll be the 28th. Is that
6 the --

7 COMMISSIONER CRAMER: 27th.

8 JUDGE HOBERG: 27th of May. Okay. So
9 you'll have the proposed findings and proposed
10 order by the 27th. Okay. If there's nothing else
11 to bring to the attention of the Commission at this
12 time, I'll call on the Commissioners for their
13 closing comments before we close this hearing.
14 Commissioner Wefald, please.

15 COMMISSIONER WEFALD: Thank you. I'm
16 impressed by the endurance of the crowd and the
17 fact that this shows me how important this issue is
18 to the people who have taken time to attend today
19 and that you stayed with us for eight hours of
20 hearing, and the Commission will be spending a
21 considerable amount of time thinking about these
22 issues, and you've helped us develop a very good
23 record.

24 Thank you, everyone.

25 JUDGE HOBERG: Thank you, Commissioner

1 Wefald. Commissioner Cramer, please -- I'm sorry,
2 Commissioner Clark.

3 COMMISSIONER CLARK: I would just thank
4 you, as well. It's always a pleasure to get to the
5 eastern part of the state. Like Commissioner
6 Cramer, I grew up here in Cass County, and I have
7 admit I'm a little jealous, especially this time of
8 year when I see all the green grass and lawns and
9 beautiful green pastures in this part of the state
10 and I look out at my brown lawn in Bismarck. But,
11 on the other hand, when you're still frozen in the
12 icebox and I am able to get out and maybe golf a
13 day or two in March, I suppose you all are jealous
14 of us. So you take the good with the bad. But
15 thanks again and it's good to be here.

16 JUDGE HOBERG: Thank you, Commissioner
17 Clark. Commissioner Cramer.

18 COMMISSIONER CRAMER: Just a couple of
19 things. I'll resist giving the same speech I gave
20 this morning, shall we say. Every time we get the
21 opportunity to go out into the public -- and that
22 has been a lot lately because of the massive amount
23 of development that's going on that we're
24 responsible for overseeing as a Commission -- we're
25 reminded of what a blessing it is to be in public

1 life because it's really the truth that, in my view
2 anyway, the best part of public life is the public,
3 and we have nice offices in Bismarck, but it's not
4 nearly as pleasurable as getting out into the
5 public, and I mean that.

6 One of the things I really want to spend a
7 moment talking about because it's been addressed so
8 often and I think somewhat inaccurately, quite
9 honestly, and that is that this transmission line,
10 whether you are against it or for it or whether
11 you're for it but in a different place, is
12 important to the wealth creation in North Dakota.

13 It's been said that none of the wealth
14 stays in North Dakota. That's just not true, and I
15 think it's important to point that out. Minnkota
16 Power is a North Dakota cooperative, half owned by
17 rural North Dakotans in places like Casselton and
18 Page and Kindred and all around this part of the
19 state. Otter Tail Power is -- has its corporate
20 headquarters in Fargo and the power company, of
21 course, in Fergus Falls, Minnesota, but serves lots
22 of North Dakotans in this area who will benefit
23 ultimately from this.

24 So -- and by the way, hundreds of
25 landowners who will have turbines, may have

1 turbines on their land, perhaps even some equity
2 ownership in a couple of the projects that have
3 been talked about today. That's real wealth that
4 does stay in North Dakota, and I don't want to
5 diminish this discussion by neglecting to make that
6 point, and if I sound biased when I say that, I
7 apologize for that, but it's a statement I felt had
8 to be made, Your Honor.

9 So I thank you all. I congratulate the
10 company on getting such a quick concurrence from
11 the railroad, by the way. When I first learned
12 that this might be next to the railroad, I thought,
13 well, we won't have to worry about this for a
14 couple years, but you obviously did that quickly.

15 We are blessed to have a very open
16 government in North Dakota. We as government
17 officials are the blessed ones. Thank you.

18 JUDGE HOBERG: Thank you, Commissioner
19 Cramer. Just before I close the hearing, I'd also
20 remind you, Mr. Kettleson, of the two late-filed
21 exhibits.

22 MR. KETTLESON: Yes.

23 JUDGE HOBERG: Okay. It's about 5:37, and
24 this hearing is closed. Thank you all again very
25 much.

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(Concluded at 5:37 p.m., the same day.)

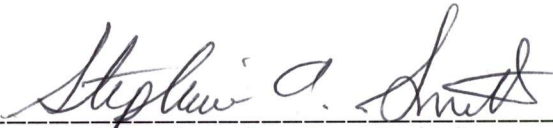
CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered
Professional Reporter,

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

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

Dated at Bismarck, North Dakota, this 9th
day of June, 2008.



Stephanie A. Smith
Registered Professional Reporter

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