

1
STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

3 Minnkota Power Coop, Inc. Case No. PU-09-670
345 kV Transmission Line - Center to Grand Forks
Siting Application

6 TRANSCRIPT OF PROCEEDINGS

7 10:04 o'clock a.m.
8 June 17, 2011

11 Taken Before: Al Wahl, Administrative Law Judge
12 Office of Administrative Hearings
13 1707 North Ninth Street
14 Bismarck, North Dakota

18 Taken At: Chieftain Conference Center
19 60 Fourth Avenue South, Tepee Room
20 Carrington, North Dakota

24 Taken By: Joy Filipski, Court Reporter

2
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5 Kevin Cramer, Commissioner
6 Brian P. Kalk, Commissioner

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18 Jerry Lein
19 Stephan Mellert
20 Public

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<p>5</p> <p>1 (Whereupon, 2 the following proceedings were had to-wit: 3 4 MR. WAHL: Let's be in order, 5 please. 6 Good morning. 7 I am Al Wahl, I'm the 8 Administrative Law Judge, pursuant to Temporary 9 Appointment, designated by the Office of 10 Administrative Hearings, upon the request of 11 the North Dakota Public Service Commission to 12 serve as the hearing officer for this hearing. 13 This is a hearing of the 14 application of Minnkota Power Cooperative for a 15 Certificate of Site Compatibility for a 16 transmission facility corridor for 17 approximately 260 miles of 345 kilovolt 18 transmission line and associated facilities to 19 be constructed from the Center substation near 20 Center, North Dakota, to the Prairie substation 21 near Grand Forks, North Dakota. 22 This is North Dakota Public Service 23 Commission Case No. PU-09-670. 24 There are three hearings for 25 Minnkota's application. Yesterday, at</p>	<p>7</p> <p>1 participating, of course, here today, and at 2 our third hearing in Washburn. 3 As Judge Wahl indicated, the, the 4 Commission actually had, had rescheduled this 5 particular hearing to hold it on this date, as 6 opposed to a little earlier, be -- primarily 7 because we received a number of requests from 8 affected landowners. 9 And, and the reason that the 10 Commission takes that seriously is these, these 11 types of proceedings, there's a reason in the 12 law that they're held in the communities and in 13 the counties in which the projects are to go 14 in, and it's so that we can facilitate public 15 information. 16 So we do want you to testify today, 17 if you have anything to, to tell the Commission 18 at all. 19 These, these types of investments 20 have the impact on the landscape for years to 21 come. You all, as, as landowners and the 22 affected people in the community, know your 23 land better than we do and you can provide us 24 with information that, that we need to help 25 make an informed decision.</p>
<p>6</p> <p>1 Northwood; today, here; and June 24 at 2 Washburn. 3 These hearings were initially 4 scheduled to be held on May 3 at Grand Forks, 5 May 4 at Carrington and May 13 at Washburn and 6 were rescheduled upon the requests of persons 7 wishing to testify at a later date after spring 8 fieldwork was expected to be completed. 9 Before proceeding with the hearing, 10 I will ask the Commissioners for their comments 11 and any directions for the hearing. 12 Commission Chairman, Tony Clark. 13 MR. CLARK: Just good morning to 14 everyone and thank you for being here. 15 The Commission held a hearing 16 yesterday in Northwood, but if you weren't able 17 to attend that hearing, then you're in the same 18 spot that I was. Due to some travel 19 complications, courtesy of our friends at 20 Delta, I wasn't able to, to make yesterday's 21 hearing. 22 Fortunately, we have a good hearing 23 record that's produced at these, so I'll be 24 able to hear everything that was said there. 25 And, and then look forward to fully</p>	<p>8</p> <p>1 Now, if you haven't been to a, a 2 Public Service Commission hearing before, 3 there's probably a few things that are, are 4 worth noting. 5 It's probably a little bit more 6 formal than you're used to, if you haven't been 7 to, to one of these types of proceedings. It's 8 a little less like county commission hearings 9 and a little less like city commission or even 10 legislative hearings. And it's a little -- 11 feels probably more like a courtroom. 12 We have an administrative law judge 13 here, we have attorneys that sort of handle 14 traffic, we have witnesses that, that are -- 15 have sworn testimony and, and are 16 cross-examined and so on and so forth. 17 And, and the reason that we do that 18 is because the law says that we have to develop 19 a record in, in such a manner, it's not because 20 we want to discourage anyone from testifying, 21 in fact, it's just the opposite. 22 When it comes time for public 23 testimony, and, and the judge will, will ask 24 for it, we really encourage you to testify. 25 And the reason is, because the</p>

<p>9</p> <p>1 Commission can only make a decision under the 2 law based on what's developed here at these 3 hearing records. 4 If, if there's something that you 5 have on your mind, there's something that you 6 want us to consider as part of our 7 decision-making process, if you don't say 8 anything during the, the, the hearing part of 9 it, and then catch one of us or all three of us 10 outside the hearing in the hallway after the 11 hearing, we can't take that into consideration. 12 So it's very important that, that 13 you do testify. And, and it's a pretty easy 14 experience. Judge Wahl makes it fairly 15 painless. 16 So we, we certainly encourage you 17 to do so, if you -- if you'd like us to 18 consider something. 19 With that, I'll turn it over to my 20 fellow Commissioners and just say thanks again 21 for, for being here today. 22 MR. WAHL: Commissioner Kevin 23 Cramer. 24 MR. CRAMER: Thank you. 25 And good morning to everybody and</p>	<p>11</p> <p>1 advocates for a, a, a growing economy, to 2 ensure that, that it is done in a way that has 3 minimal adverse impacts on cultural and natural 4 resources and the welfare of, of people and of 5 our citizens. 6 That it's done in a way that 7 ensures the reliability of, of what has become 8 a very reliable energy system in, in our 9 country and in our state. 10 We're blessed beyond words in North 11 Dakota, really. 12 But, but, nonetheless, nonetheless, 13 we want to do things in the right way. 14 You know, with regard to 15 electricity, and, and, and, frankly, all of the 16 energy that's used and, and developed in North 17 Dakota, we're big u -- energy users, aren't we? 18 We're not just big energy 19 producers, we're big energy users out here with 20 the distance between places, with the, the 21 climate that we work in and live in. 22 I don't know, we, we are big energy 23 users. 24 But with regard to electricity, 25 we're especially fortunate that we have very</p>
<p>10</p> <p>1 thank you for getting here so early, much 2 earlier than us. We, we had a little bit of a 3 challenge getting around some storms, but here 4 we are. And great to be in Carrington. 5 And Tony has wrapped up very nicely 6 the, the reason for being here. And we just -- 7 I think you'll hear this admonition from all of 8 us, we want to encourage you to participate. 9 It's why we're here and not in our own hearing 10 room in Bismarck. 11 We live in a remarkable place and a 12 remarkable time. We, we are a state of, of 13 agriculture that is used to producing a product 14 that the -- America and the world needs. And 15 we're, we're very good at doing that. We're 16 very good at getting that product to market. 17 We're also, though, an, an energy 18 state, an energy producer, an energy marketer. 19 And, and when you have the 20 juxtaposition of these two giant industries 21 coming together, sometimes you, you know, you, 22 you want to make sure you do it, but you want 23 to make sure you do it right. 24 And that's our charge, it is our 25 job as advocates for our state and, and, and</p>	<p>12</p> <p>1 low cost of electricity in North Dakota. 2 In fact, according to the 3 Department of Energy's Energy Information 4 Administration, the, the last numbers that are, 5 that are available and most recent numbers 6 available, aggravate numbers, anyway, show that 7 in 2009, North Dakota's electricity rates were 8 the lowest in the country on average for, for 9 retail customers. 10 So all of this is important stuff. 11 So that brings us here, to ensure 12 that while we, you know, see necessary 13 development of, of an electric grid, that we do 14 it in the right way. 15 Let me just add and close with 16 this. Do not leave here today wishing you had 17 said something. If you have something to say, 18 whether it's a word of encouragement, whether 19 it's a word of, of criticism, if it's co -- 20 outright opposition or, probably more likely, 21 some concern, make sure that you take this 22 opportunity when it's presented to step before 23 this microphone and, and tell us. It's 24 important to us and it's why we're here. 25 So thank you and we look forward to</p>

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1 a, a good day in Carrington. Thank you.
 2 MR. WAHL: Commissioner Brian Kalk.
 3 MR. KALK: Well, just good morning.
 4 And my colleagues usually do a
 5 great job, like they always do, of setting it
 6 up.
 7 Just want to throw a couple of
 8 thoughts out there, that, you know, the way
 9 this kind of lays out, is yesterday we had a
 10 very similar hearing in Northwood and it went
 11 about eight hours.
 12 And it was good because the company
 13 will lay out all their Exhibits and they'll
 14 talk about the background and all this.
 15 And, and we asked a lot of
 16 questions as Commissioners yesterday.
 17 But then we get to the portion
 18 where the, where the public involvement comes
 19 and a lot of folks then testify to different
 20 ideas, different concerns about the
 21 transmission line. And then that prompted us
 22 to ask a whole bunch more questions.
 23 And that's the reason we're sitting
 24 here today, is we want to hear what your
 25 concerns are. And then that'll help us shape

14

1 some of our questions and some of the things
 2 that we, we might be looking at.
 3 So a lot of the testimony that
 4 you'll see today is things that we've seen,
 5 that I've seen yesterday, so we might not have
 6 a lot of the questions, but there'll be a
 7 unique portion that addresses the are -- region
 8 around Carrington. That's the part that I
 9 suspect there'll be a lot of questions that
 10 I'll have today.
 11 And just, lastly, just always good
 12 to be here in Carrington. I grew up in
 13 Bottineau, we came down here all the time for
 14 football. I don't think we ever won a game
 15 here. So maybe today we'll, we'll change that
 16 luck.
 17 Thank you all.
 18 MR. WAHL: Thank you,
 19 Commissioners.
 20 The record will show that it is a
 21 little after 10:00 o'clock a.m., June 17, 2011,
 22 the time and date set for the second of three
 23 hearings as scheduled by the Notice of
 24 Rescheduled Hearings issued by the North Dakota
 25 Public Service Commission, April 20, 2011, in

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1 Case No. PU-10-164 (sic), for a hearing of the
 2 application of Minnkota Power Cooperative for a
 3 Certificate of Site Compatibility for a
 4 transmission facility corridor for
 5 approximately 260 miles of 345 kilovolt
 6 transmission line and associated facilities to
 7 be constructed from the Center substation near
 8 Center, North Dakota, to the Prairie substation
 9 near Grand Forks, North Dakota.
 10 As I have previously recited, and
 11 as is set forth in both the initial Notice of
 12 Filing and Notice of Hearings and the Notice of
 13 Rescheduled Hearings, and shown by the map,
 14 which is part of each Notice and which have all
 15 been duly published in accordance with the
 16 requirements of statute and rule.
 17 The Commission's Notice of
 18 Rescheduled Hearings for this hearing specified
 19 the following issues to be considered and
 20 determined upon this hearing.
 21 One, will the location,
 22 construction and operation of the proposed
 23 facilities produce minimal adverse effects on
 24 the environment and upon the welfare of the
 25 citizens of North Dakota?

16

1 Two, are the proposed facilities
 2 compatible with the environmental preservation
 3 and the efficient use of resources?
 4 Three, will the proposed facility
 5 locations minimize adverse human and
 6 environmental impact while ensuring continuing
 7 system reliability and integrity and ensuring
 8 that energy needs are met and fulfilled in an
 9 orderly and timely fashion?
 10 And fourth, is it appropriate for
 11 the Commission to approve a 1,000-foot-wide
 12 corridor as requested in the application?
 13 Ms. Smith, please state your
 14 appearance and the appearance of co-counsel for
 15 the record.
 16 MS. SMITH: Yes. I'm Mollie Smith,
 17 I'm here on behalf of Minnkota Power
 18 Cooperative. With me is Gerad Paul. Gerad
 19 Paul is with Minnkota. And I'm with Fredrikson
 20 & Byron.
 21 MR. WAHL: Mr. Sagsveen, please
 22 state your appearance for the record and the
 23 appearance of Commission Staff who will
 24 participate for the hearing.
 25 MR. SAGSVEEN: My name is Matthew

<p>17</p> <p>1 Sagsveen and I'm an Assistant Attorney General 2 in the state of North Dakota and I'm here on 3 behalf of the Public Service Commission. 4 And to my left is Jerry Lein, 5 Public Service Commission Staff. 6 MR. WAHL: May I have, please, a 7 show of hands of those people who either plan 8 on making a statement to the Commissioners or 9 who think they may make a statement to the 10 Commissioners? 11 Good, good. 12 Well, let me -- le -- if you're not 13 sure, that's fine. Let me just say a few 14 things about that. 15 I will call for what is called 16 public testimony or st -- public statement. I 17 wouldn't put too much emphasis on testimony, 18 although the law requires your statement to be 19 under oath, but, nevertheless, you should not 20 hesitate to come forward. 21 As you will see during the process 22 of the hearing, this is, as Commissioner Clark 23 said, a, a bit more formal than the usual 24 meeting of the county commission or even 25 testimony in a legislative committee hearing,</p>	<p>19</p> <p>1 questions you have, to mark your Exhibits and 2 so on. 3 You really should not hesitate to, 4 to make a statement to the Commissioners. It's 5 important that whatever you think the 6 Commissioners should know about the company's 7 application in this case, that you tell them. 8 We'll also -- I'm sure we're going 9 to be recessing for lunch. I, I tend to recess 10 either a little early or a little late, 11 generally a little later, so we can avoid the, 12 the, the crowd for lunch. So we'll probably be 13 recessing someti -- I would guess, sometime 14 after 12:00. 15 And, again, I will stay here, I 16 will be here during the, the recess for lunch 17 and I'll be glad to meet with anybody then, 18 either before you go to lunch or if you come 19 back early, however it is. 20 But, but I'm -- part of my job is 21 to help you get your statement to the 22 Commissioners. 23 Ms. Smith, you may proceed. 24 MS. SMITH: I'll just give a brief 25 overview of the filings that have made so far</p>
<p>18</p> <p>1 but that shouldn't stop you a bit. 2 And I'm, I'm very happy, I'm very 3 pleased to assist you however I can to answer 4 any questions you have about what you would 5 like to say to the Commissioner. 6 If you have photographs, maps, 7 other documents that you think the Commission 8 should see, if you will bring those to me 9 during a, a recess, a break, I will mark them 10 as an Exhibit for you. I'll tell you how you 11 can handle those to make them part of the 12 record for the Commissioners to consider. 13 And I will help you during your 14 testimony to get them into the record, so to 15 speak, so that they are a part of the record of 16 these proceedings. 17 Now we'll be taking some recesses, 18 and we all need a break, but the court reporter 19 particularly needs a, a little breather from 20 time to time. 21 And we'll recess for ten minutes or 22 so and I'll stay -- well, this is probably not 23 the best place, I'll -- maybe, maybe over on 24 that side, there's some space. I'll, I'll be 25 glad to meet with you then, to answer any</p>	<p>20</p> <p>1 in this docket. 2 On October 5, 2009, Minnkota filed 3 a Letter of Intent with the North Dakota Public 4 Service Commission. 5 On October 28, 2009, the Commission 6 acknowledged that Letter of Intent. 7 And then on February 5, 2010, 8 Minn -- Minnkota submitted a letter requesting 9 routing guidance. In particular, Minnkota was 10 seeking input regarding the potential for a 11 designation of an up to 1,000-foot-wide route 12 within a combined proceeding with the 13 Certificate of Corridor Compatibility and Route 14 Permit application. 15 On May 13, 2010, the Public Service 16 Commission Staff re -- provided Minnkota with a 17 response letter. And in that letter, they 18 indicated that they preferred that the 19 Certificate of Corridor Compatibility 20 application process be separate from the Route 21 Permit application process. And also indicated 22 that a preferable approach to submitting a 23 1,000-foot-wide route would be to submit a 24 1,000-foot-wide corridor in the Corridor 25 application.</p>

<p style="text-align: center;">21</p> <p>1 On July 16, 2010, an app -- 2 Minnkota filed an application for Waiver of the 3 Corridor Width Requirement. 4 And then in -- August 19 of 2010, 5 Minnkota submitted a letter just requesting 6 that that waiver be considered along with its 7 Corridor application. 8 On February 18, 2011, Minnkota 9 submitted the Certificate of Corridor 10 Compatibility application. 11 And in -- March 18, Minnkota 12 submitted a slight modification to the corridor 13 and that was in Painted Woods Township. 14 On March 24, 2011, the Commission 15 issued the First Notice of Hearing. And, 16 again, as was indicated, in April of -- April 17 20, the application was acc -- accepted as 18 complete. And then a new noting -- not -- 19 Hearing, Hearing Notice was issued for these 20 June dates. 21 On June 9, 2011, Minnkota submitted 22 a couple of modifications to the corridor, very 23 slight, again, one in Painted Woods Township 24 and one in Wells County. 25 And just as an initial matter,</p>	<p style="text-align: center;">23</p> <p>1 generation to serve load in Minnkota's service 2 territory. 3 The second witness will be Tim 4 Bartel. Mr. Bartel is the systems engineering 5 manager for Minnkota. 6 He will provide a brief overview of 7 the need for the proposed project from a grid 8 reliability standpoint. 9 The third witness is Mike Hennes. 10 Mr. Hennes is the system project manager for 11 Minnkota. He is also the project manager for 12 this particular project. 13 His testimony will provide an 14 overview of the project and the intensive 15 corridor selection process that resulted in the 16 proposed project corridor. 17 He will discuss the factors that 18 played a role in selection of the proposed 19 corridor. And he also will discuss the 20 approach to right of way acquisition and 21 project benefits. 22 The fourth witness is Duane 23 Phillips. Mr. Phillips is with Stanley 24 Consultants and he is manager for the project 25 engineering team.</p>
<p style="text-align: center;">22</p> <p>1 Commissioners have heard this, I just want to 2 mention this again, that the Corridor Waive -- 3 Wai -- Waiver application, we understand from 4 Public Service Commission Staff, that a waiver 5 is not necessary, so we would simply ask that 6 the application be used as support for the 7 thousand-foot-wide corridor. 8 And then there was also a reference 9 to lay-down areas that Minnkota may seek to 10 have approval of certain lay-down areas in this 11 particular proceeding, and that won't need to 12 happen. Minnkota's going to utilize two 13 existing lay-down areas that -- or operate on 14 property that it already uses for its 15 operations and does not need to have 16 preapproval of those lay-down areas. 17 Just give a brief review of the 18 witnesses that are going to be testifying. 19 The first witness is Al Tschepen. 20 Al, Mr. Tschepen is the vice president of 21 planning and system operations for Minnkota. 22 And his testimony will provide 23 background regarding Minnkota, development of 24 the proposed project and the need for the 25 project to ensure access to adequate base load</p>	<p style="text-align: center;">24</p> <p>1 His testimony will give a 2 background information regarding engineering 3 and operational design for the proposed 4 project, right of way design, the associated 5 facilities and project components and 6 development of the proposed project corridor, 7 including the factors that were considered in 8 selection of the project corridor location. 9 And his testimony will focus on the 10 area of the corridor that is pertinent to this 11 particular hearing. 12 The fifth wil -- witness will be 13 Terry Fasteen. Mr. Fasteen is with Kadrmas, 14 Lee & Jackson, and he is the project right of 15 way task leader. 16 He will provide testimony regarding 17 right of way acquisition for the project. 18 And the last witness will be Brian 19 Hunker. Mr. Hunker is with HDR Engineering. 20 He's the environmental consulting project 21 manager. 22 And he will provide testimony 23 regarding the environmental studies that were 24 performed, the environmental analysis that was 25 conducted with respect to the proposed project</p>

<p>25</p> <p>1 and he will discuss the National Environmental 2 Policy Act, or NEPA process, that the project 3 is undergoing, as well as the agency 4 consultations that are required as part of that 5 project. 6 And I should note that there are 7 two other witnesses that will not be testifying 8 today. One is Mike Silva. And Mr. Silva's the 9 pres -- president of ENERTECH Consultants. 10 Yesterday, he provided expert 11 witness testimony regarding the Global 12 Positioning System, also known as GPS, its use 13 in agricultural operations and his research 14 regarding use of GPS near transmission lines. 15 And at the next hearing, in 16 Washburn, we will have another expert witness, 17 his name's Dr. Peter Valberg. And he's 18 principal for Environmental Health with 19 Gradient. 20 And he will provide expert 21 testimony regarding power line electric and 22 magnetic fields, which are also known as EMF, 23 scientific research regarding the possible 24 health effects from power line EMF on humans 25 and on animals. And he will discuss the EMF</p>	<p>27</p> <p>1 MS. SMITH: Thank you. 2 3 DIRECT EXAMINATION 4 BY MS. SMITH: 5 Q. Could you please state your full 6 name for the Commission? 7 A. Al Tscheppen. 8 Q. And by whom are you employed? 9 A. Minnkota Power Cooperative. 10 Q. And what is your business address? 11 A. 1822 Mill Road; Grand Forks, North 12 Dakota. 13 Q. And what is your position with 14 Minnkota? 15 A. Vice president of planning and 16 system operations. 17 Q. And could you just briefly discuss 18 your education and your work history? 19 A. Sure. 20 I have a bachelor of science degree 21 in electrical engineering from North Dakota 22 State University. 23 I have been employed by Minnkota 24 for 34 years, the last 23 years of that in 25 senior management.</p>
<p>26</p> <p>1 standards and guidelines. 2 And I would just note that the 3 testimony that's being provided today focuses 4 on the corridor selection process and testimony 5 that's specific to the routing process will be 6 provided as part of that particular process. 7 MR. WAHL: You may proceed. 8 MS. SMITH: I would call my first 9 witness, Al Tscheppen. 10 MR. WAHL: I note for the record 11 that at -- Mr. Tscheppen testified yesterday 12 under oath. 13 And, of course, Mr. Tscheppen, you 14 understand that your testimony continues today 15 under oath and subject to penalties of 16 perjury? 17 THE WITNESS: Yes, I do. 18 19 A L T S C H E P E N, 20 called as a witness, being previously first 21 duly sworn, was examined and testified on his 22 oath as follows: 23 24 MR. WAHL: You may proceed, Ms. 25 Smith.</p>	<p>28</p> <p>1 Q. And what is your role with respect 2 to the proposed project? 3 A. I worked on electrical load 4 forecasting, which looks -- very detailed 5 analysis of what the electrical needs of our 6 system and members will be. 7 And then developed resource options 8 that would serve those growing electrical needs 9 on a least cost basis. 10 Q. And having worked for Minnkota for 11 34 years, 23 of those years in senior 12 management, are you familiar with Minnkota's 13 purpose, service obligations and operations? 14 A. Yes, I am. 15 Q. Could you please explain what 16 Minnkota is and what its purpose is? 17 A. Yes. 18 Minnkota's a generation and 19 transmission cooperative headquartered in, in 20 Grand Forks, North Dakota. 21 Our, our purpose, as a 22 non-for-profit organization, is to provide all 23 of the wholesale power, energy and transmission 24 needs of our eleven distribution cooperatives 25 that are located in eastern North Dakota and</p>

<p>29</p> <p>1 northwestern Minnesota.</p> <p>2 We have all-requirements contracts</p> <p>3 signed with them, where it is our purpose to</p> <p>4 provide all of their energy and transmission</p> <p>5 needs.</p> <p>6 And then they, in turn, serve the</p> <p>7 retail end-use customers in the rural areas.</p> <p>8 Q. And what obligations does Minnkota</p> <p>9 have to its member-owner distribution</p> <p>10 cooperatives with respect to providing service?</p> <p>11 A. Minnkota, as a not-for-profit</p> <p>12 organization, provides these services on a, on</p> <p>13 a -- the lowest cost option basis.</p> <p>14 We have contracts in place for</p> <p>15 long-term, 2055, so we definitely have an, an</p> <p>16 ongoing obligation for a long period.</p> <p>17 Q. And what areas do Minnkota's</p> <p>18 distribution cooperatives serve?</p> <p>19 A. It's a roughly 35,000-square-mile</p> <p>20 area located in eastern North Dakota and the</p> <p>21 northwestern corner of, of Minnesota.</p> <p>22 Within that territory, the</p> <p>23 cooperative serve mainly the, the rural</p> <p>24 customers. There's roughly about 120,000</p> <p>25 meters that the cooperative serve and serving</p>	<p>31</p> <p>1 Minnkota need to construct the proposed</p> <p>2 project?</p> <p>3 A. Minnkota needs increased base load</p> <p>4 generation to serve the projected ongoing needs</p> <p>5 and increasing needs of our, of our member</p> <p>6 owners.</p> <p>7 And this project will deliver those</p> <p>8 base load needs to the service territory of</p> <p>9 Minnkota on a least cost basis.</p> <p>10 Q. And when you use the term: base</p> <p>11 load generation, what do you mean?</p> <p>12 A. It's generation that's available</p> <p>13 around the clock, 24 hours a day, seven days a</p> <p>14 week generally, except when there's maintenance</p> <p>15 being done on the, on the power plants.</p> <p>16 It's characterized by generally</p> <p>17 higher fixed costs but lower total operating</p> <p>18 costs.</p> <p>19 Q. And why does Minnkota need</p> <p>20 additional base load generation?</p> <p>21 A. The Minnkota members have their</p> <p>22 greatest usage of electricity during the cold</p> <p>23 winter days in, in North Dakota and in</p> <p>24 Minnesota.</p> <p>25 You can imagine a 25-below-zero</p>
<p>30</p> <p>1 approximately 300,000 people.</p> <p>2 Q. And who controls Minnkota?</p> <p>3 A. Minnkota and its member</p> <p>4 distribution cooperatives are, are owned by</p> <p>5 the, the members, the end-use customers. And</p> <p>6 the individual cooperatives have one board</p> <p>7 member from each of the eleven cooperatives</p> <p>8 that make up Minnkota, on the Minnkota board.</p> <p>9 And that board, the Minnkota board, controls</p> <p>10 Minnkota.</p> <p>11 Q. And what are the business</p> <p>12 principles on which Minnkota operates?</p> <p>13 A. Like most cooperatives, Minnkota</p> <p>14 sets its rates based upon our cost of service,</p> <p>15 plus a margin. And that margin is returned to</p> <p>16 the customers as deemed so appropriate by the</p> <p>17 Board.</p> <p>18 Q. And I believe you testified earlier</p> <p>19 that your work with respect to the project is</p> <p>20 focused on load forecasting and identifying</p> <p>21 least cost resource options to meet identified</p> <p>22 needs. Is that right?</p> <p>23 A. That is correct.</p> <p>24 Q. And based on your load forecasting,</p> <p>25 your resource option assessment, why does</p>	<p>32</p> <p>1 day, with high northwest winds, the demand for</p> <p>2 electric heat is high. A, a lot of cars are,</p> <p>3 are plugged in with their, with their heaters.</p> <p>4 Lighting needs on, on top of that in the early</p> <p>5 morning and, and, and late evening.</p> <p>6 And when we look at our load</p> <p>7 forecasting, and we do a, a rigorous load</p> <p>8 forecast. The, the members, and Minnkota,</p> <p>9 every two years. So it's refreshed on a</p> <p>10 routine basis. We take a, a, a good look at</p> <p>11 what the projected needs are going to be.</p> <p>12 The most current forecast was</p> <p>13 performed in 2009, and that indicated that over</p> <p>14 the next 25 years, the electric load would grow</p> <p>15 at approximately 1.9 percent per, per year.</p> <p>16 And that will drive the need then</p> <p>17 for additional base load resources to, to serve</p> <p>18 that load.</p> <p>19 We've been studying that and have</p> <p>20 identified that need for, for about ten years.</p> <p>21 And we've pinpointed generally</p> <p>22 we're going to need that new base load to serve</p> <p>23 the increased electric load by about 2013.</p> <p>24 Q. All right. And if you -- I could</p> <p>25 direct you to the Exhibit book that's in front</p>

<p style="text-align: center;">33</p> <p>1 of you, and to what was previously admitted as 2 Exhibit 1.</p> <p>3 MS. SMITH: And I should note, that 4 there are two Exhibit binders, blue binders in 5 the back room on the table, that are available 6 if you need to look at them to see what we're 7 looking at, since it's a little hard to see 8 today.</p> <p>9 And we do have Exhibit 1 on the 10 board as well.</p> <p>11 Q. (By Ms. Smith) Could you just 12 explain what's depicted in Exhibit 1?</p> <p>13 A. Exhibit 1 is a load growth chart.</p> <p>14 MR. WAHL: Excuse me, Ms. Smith. I 15 wonder, can we move that chart a little bit 16 further closer to the people who are in 17 attendance? Maybe closer to the table?</p> <p>18 I, I don't -- don't worry about Mr. 19 Sagsveen and Mr. Lein, they don't need to see 20 it, they've got it memorized already I think.</p> <p>21 Okay.</p> <p>22 A. Exhibit --</p> <p>23 MR. WAHL: Go ahead.</p> <p>24 A. -- 1 is a, is a load growth chart.</p> <p>25 Q. (By Ms. Smith) And do you want to</p>	<p style="text-align: center;">35</p> <p>1 For example, a coal-fired power 2 plant would probably take seven to, to eight 3 years from the day you decide that you'd have 4 to have something online.</p> <p>5 In addition to that, nuclear power 6 and some of the other more exotic ways to 7 generate electricity could even take, take 8 longer than that.</p> <p>9 There's a lot of things that go 10 into factoring what resource option will be the 11 best.</p> <p>12 First, we start looking for a, a 13 long-term adequate and stable fuel supply. We 14 look at, is there any environmental constraints 15 or, or limitations at the potential sites. Is 16 there availability of water to operate the 17 plant. Is there available work force.</p> <p>18 And most, probably most 19 importantly, is the total cost in line and is 20 it the least cost.</p> <p>21 Q. And in your role with respect to 22 the project, did you study various alternatives 23 to addressing Minnkota's forecasted base load 24 generation needs?</p> <p>25 A. Yes, we did.</p>
<p style="text-align: center;">34</p> <p>1 go ahead and explain what is depicted in, in 2 that chart?</p> <p>3 A. Sure.</p> <p>4 And for the, for the crowd, I'll, 5 I'll kind of use a pointer here to indicate 6 that this is the amount of, of energy consumed 7 by the, the Minnkota distribution cooperatives, 8 from zero, all the way up to 7 mill -- billion 9 kilowatt hours on an annual basis.</p> <p>10 And along the bottom is an annual 11 tick mark here, from 1988, all the way to the 12 year 2033.</p> <p>13 The, the first 20 years shows our 14 actual usage of electricity, from 1988, up 15 through 2008.</p> <p>16 And then from the middle of the 17 chart and beyond, is the projection of where we 18 think electrical needs will, will grow to over 19 the next 25 years.</p> <p>20 Q. And how far in advance does 21 Minnkota have to plan in order to address 22 forecasted base load generation needs?</p> <p>23 A. A long time. And, and the reason 24 is it, it takes a long time to build base load 25 generation.</p>	<p style="text-align: center;">36</p> <p>1 Q. And what alternatives did you 2 study?</p> <p>3 A. Several years ago, when we started 4 our efforts, we had visited with Otter Tail 5 Power, a couple of different times. They were 6 trying to develop a Big Stone 2 project.</p> <p>7 Just to get familiar with that, 8 that is a -- an existing site where there is a 9 Big Stone 1 power plant, about a 450-megawatt 10 power plant in northeast South Dakota.</p> <p>11 They had plans to develop an 12 additional unit there. And we visited with 13 them about being a partner in that particular 14 project.</p> <p>15 We also visited with our neighbors 16 to the north, Manitoba Hydro. We received even 17 power proposals from them for having them 18 supply hydro generation as, as a base load 19 requirement for us.</p> <p>20 We also were part of a group of 21 other generation and transmission cooperatives 22 and, and municipal cities, where we looked at 23 even constructing or planning on a potential 24 nuclear unit in the upper Midwest here.</p> <p>25 We also looked at the combination</p>

<p style="text-align: center;">37</p> <p>1 of putting in a combustion turbine and 2 augmenting that from the marketplace to meet 3 our base load needs.</p> <p>4 And then most recently, we looked 5 at the option of establishing another coal-fire 6 generation unit at the Young station. There 7 are two units there now, Young 1 and Young 2. 8 And we looked at the possibility of adding a 9 third unit there, called Young 3.</p> <p>10 And just, incidentally, that unit 11 would have also required the project line that 12 we're, we're talking about here today, Center 13 to Grand Forks 345 kV line.</p> <p>14 Q. And what led to the development of 15 the proposed project, rather than one of the 16 alternatives that you just discussed?</p> <p>17 A. It is a result of, I think, good 18 busi -- business relationships we have with 19 Square Butte Electric Cooperative and, and 20 Minnesota Power.</p> <p>21 Square Butte Electric Cooperative 22 is owned by the same distribution cooperatives 23 that own Minnkota.</p> <p>24 Square Butte owns the second unit 25 at the Young station, Young No. 2, and, and</p>	<p style="text-align: center;">39</p> <p>1 had some favoritism towards North Dakota to do 2 that.</p> <p>3 But at the same time, they, they 4 very well knew Minnkota's needs for additional 5 base load capacity. And through di -- 6 discussions with them, we came to a, a business 7 arrangement where they would buy the DC line 8 from Square Butte Electric, they would then 9 develop additional wind in North Dakota, 10 transmit that wind over the DC line, because 11 that DC line runs from Center, North Dakota, to 12 Duluth. So it would deliver North Dakota wind 13 from Center to Duluth, to the heart of the 14 service territory.</p> <p>15 But the other part of that business 16 arrangement, the one that's important to 17 Minnkota, is, is that they would then release 18 their 50 percent share of the Young 2 station, 19 which is an existing power plant since 1977, to 20 Minnkota.</p> <p>21 Since the DC line would not be 22 available for the outlet of Young No. 2, since 23 that is going to be used for transmitting the 24 Minnesota Power wind, Minnkota, per the 25 business arrangement, has to build the project</p>
<p style="text-align: center;">38</p> <p>1 also owned the DC line.</p> <p>2 Minnesota Power was an off taker of 3 that particular unit. Half of the power from 4 Young 2 went to Minnesota Power, the other half 5 went to Minnkota.</p> <p>6 And Minnesota Power was part of our 7 Young 3 exploration project over, over the 8 years and so we, we got to know them quite well 9 and what their, their needs were.</p> <p>10 They, at the same time, were being 11 faced with the renewable energy standard in the 12 state of Minnesota that requires 25 percent of 13 their power supply comes from renewables by 14 2025.</p> <p>15 And that they had, had identified 16 that their wind characteristics in northern 17 Minnesota, where their service territory is, 18 Duluth and the taconite area, is not very, not 19 very good.</p> <p>20 Being associated with the Young 2 21 unit, they've been out to Bismarck area here 22 and they knew the wind characteristics were 23 considerably better here.</p> <p>24 And so we, we knew they had a, a 25 need to develop low-cost wind and they, they</p>	<p style="text-align: center;">40</p> <p>1 line that we are talking about.</p> <p>2 And the project line will, will 3 deliver that additional base load generation to 4 our, our service territory on a, on a least 5 cost basis.</p> <p>6 And one additional good thing about 7 the line, it, it will solve a lingering 8 reliability issue that we have in, in eastern 9 North Dakota. And Tim Bartel, of Minnkota, the 10 next witness from Minnkota, will address that 11 particular issue.</p> <p>12 Q. And does the project then provide a 13 long-term needs -- means of addressing 14 Minnkota's need for the additional base load 15 generation?</p> <p>16 A. Yes, it does. And it does so 17 without having to build another power plant. 18 The power plant is already ex -- existing.</p> <p>19 The, the line will transmit that, 20 that generation to the, the heart of Minnkota's 21 service territory.</p> <p>22 And this new added base load 23 generation, we think, will satisfy the load 24 growth of our customers to about the year 2030.</p> <p>25 So, yes, it does satisfy our base</p>

<p>41</p> <p>1 load needs.</p> <p>2 MS. SMITH: I have no further</p> <p>3 questions.</p> <p>4 MR. WAHL: Mr. Sagsveen?</p> <p>5</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MR. SAGSVEEN:</p> <p>8 Q. Mr. Tschepen, when I look at</p> <p>9 Exhibit 1, would you say that the projected</p> <p>10 growth is going to be about the same as the</p> <p>11 historical growth? I don't see it. There's no</p> <p>12 percentage for the historical growth.</p> <p>13 A. That's an interesting question,</p> <p>14 because if you look at it on a percentage</p> <p>15 basis, going forward, the percentage is going</p> <p>16 to be a little bit less per year. The 1.9</p> <p>17 percent is a little bit less than it would be</p> <p>18 if you calculate the percentage where we are.</p> <p>19 And the reason is, is that the base</p> <p>20 gets larger. So even though it appears, and I</p> <p>21 have checked the, the detail on this, that the</p> <p>22 incremental growth from year to year going</p> <p>23 forward is approximately the same as it'd been</p> <p>24 done in the past.</p> <p>25 Q. Okay.</p>	<p>43</p> <p>1 seems like there's quite a movement of foot</p> <p>2 across the nation to not build new coal plants.</p> <p>3 MR. KALK: Right.</p> <p>4 THE WITNESS: And so we've seen a</p> <p>5 lot of opposition that has been developing to</p> <p>6 the Big Stone 2 project, which is, which is</p> <p>7 nearby. And, quite frankly, if we didn't have</p> <p>8 to go through that, we preferred not to.</p> <p>9 MR. KALK: Sure.</p> <p>10 Thank you.</p> <p>11 MR. WAHL: Any --</p> <p>12 Commissioner Cramer.</p> <p>13 MR. CRAMER: Al, again, like Brian,</p> <p>14 thought of another thing or two with -- when</p> <p>15 you -- and forgive my simplicity, if you will,</p> <p>16 my nonengineering terminology.</p> <p>17 Does what's left of 2, that becomes</p> <p>18 yours, that will be on this line, I guess it</p> <p>19 will be all of Young 2, quote, fill the, the</p> <p>20 line? In other words, will there be more</p> <p>21 capacity than will be filled by that, by</p> <p>22 Youn -- Young 2?</p> <p>23 THE WITNESS: Yes, there will be</p> <p>24 some additional capacity. And the next</p> <p>25 witness, Tim Bartel, will talk about more</p>
<p>42</p> <p>1 MR. SAGSVEEN: Thank you.</p> <p>2 MR. WAHL: Mr. Lein?</p> <p>3 MR. LEIN: No questions.</p> <p>4 MR. WAHL: Questions from the</p> <p>5 Commission?</p> <p>6 Commissioner Kalk.</p> <p>7 MR. KALK: Thanks, Al. I've</p> <p>8 thought of one question since yesterday.</p> <p>9 The -- no kidding, uhm? Wait'll</p> <p>10 next Friday.</p> <p>11 The Young 3, just, what was the</p> <p>12 deciding factor of not moving forward with</p> <p>13 that, just out of curiosity?</p> <p>14 THE WITNESS: The -- a, a couple</p> <p>15 reasons. One was cost.</p> <p>16 The costs, when we were looking at,</p> <p>17 at increase substantially over the years, and</p> <p>18 we thought by the time we would bring that</p> <p>19 online, it would cost probably in the area of</p> <p>20 about 7 cents a kilowatt hour.</p> <p>21 This existing arrangement that</p> <p>22 we've come up with here, call, we call it the</p> <p>23 Young 2 deal, is significantly less costly than</p> <p>24 that.</p> <p>25 The other issue is, just the -- it</p>	<p>44</p> <p>1 details as to potentially how much that could</p> <p>2 be.</p> <p>3 MR. CRAMER: I have nothing else.</p> <p>4 Thanks.</p> <p>5 MR. WAHL: Anything further from</p> <p>6 the Commission?</p> <p>7 Ms. Smith, follow-up?</p> <p>8 MS. SMITH: I have nothing, your</p> <p>9 Honor.</p> <p>10 MR. WAHL: Mr. Sagsveen?</p> <p>11 MR. SAGSVEEN: I have nothing, your</p> <p>12 Honor.</p> <p>13 MR. WAHL: Mr. Lein?</p> <p>14 MR. LEIN: Nothing.</p> <p>15 MR. WAHL: Thank you very much, Mr.</p> <p>16 Tschepen.</p> <p>17 (Whereupon, the witness was</p> <p>18 excused.)</p> <p>19 MS. SMITH: Our next witness is Tim</p> <p>20 Bartel.</p> <p>21 MR. WAHL: Mr. Bartel, I note for</p> <p>22 the record that you testified under oath</p> <p>23 yesterday at the hearing. And you understand,</p> <p>24 of course, that your testimony continues today</p> <p>25 under oath, it's subject to penalties of</p>

<p>45</p> <p>1 perjury?</p> <p>2 THE WITNESS: Yes.</p> <p>3</p> <p>4 T I M B A R T E L,</p> <p>5 called as a witness, being previously first</p> <p>6 duly sworn, was examined and testified on his</p> <p>7 oath as follows:</p> <p>8</p> <p>9 MR. WAHL: Ms. Smith.</p> <p>10</p> <p>11 DIRECT EXAMINATION</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Could you please state your full</p> <p>14 name for the Commission?</p> <p>15 A. Timothy Bartel.</p> <p>16 Q. And by whom are you employed?</p> <p>17 A. Minnkota Power Cooperative.</p> <p>18 Q. And then you are at the same</p> <p>19 address as Mr. Tschepen; is that --</p> <p>20 A. Yes.</p> <p>21 Q. -- correct.</p> <p>22 And what is your position with</p> <p>23 Minnkota?</p> <p>24 A. Systems engineering manager.</p> <p>25 Q. And what does your position as</p>	<p>47</p> <p>1 by this proposed project?</p> <p>2 A. I would make two, two points along</p> <p>3 those lines. One is, that it provides the</p> <p>4 capability to provide power delivery from Young</p> <p>5 2 to Minnkota's system load region.</p> <p>6 We need major substation</p> <p>7 connections for that, due to the large amount</p> <p>8 of power transfer.</p> <p>9 The second point that I would make</p> <p>10 is that it improves the reliability of the</p> <p>11 service to load in the Minnkota power region,</p> <p>12 as well as a, a larger region in eastern North</p> <p>13 Dakota and northwestern Minnesota.</p> <p>14 Q. And what are the risks of not</p> <p>15 meeting the needs that you've identified?</p> <p>16 A. Again, stating that in, in two</p> <p>17 major areas, one is, we may have the -- we</p> <p>18 not -- may not be able to deliver power from</p> <p>19 Young 2 specifically to Minnkota Power's load</p> <p>20 region.</p> <p>21 And the risk there would be that if</p> <p>22 we don't meet that need, we would overload the</p> <p>23 existing system and transmission facilities</p> <p>24 between the Young station and Minnkota's load</p> <p>25 region.</p>
<p>46</p> <p>1 systems engineering manager entail?</p> <p>2 A. Among other things, I study the</p> <p>3 reliability of the high voltage grid, as well</p> <p>4 as researching ways to improve that grid to</p> <p>5 accomplish new requirements.</p> <p>6 Q. And could you just briefly outline</p> <p>7 your education and your work history?</p> <p>8 A. I have a bachelor's degree in</p> <p>9 electrical engineering from NDSU.</p> <p>10 And I've been at Minnkota Power</p> <p>11 Cooperative for 25 years, working in the area</p> <p>12 of system studies; for the past three years,</p> <p>13 I've been the systems engineering manager.</p> <p>14 Q. And what is your role with respect</p> <p>15 to the proposed project?</p> <p>16 A. I supervised the studies that</p> <p>17 selected the best alternative for the new</p> <p>18 delivery from the Young 2 station to the</p> <p>19 Minnkota power load.</p> <p>20 Q. And Mr. Tschepen, in his testimony,</p> <p>21 indicated that part of the need for the</p> <p>22 proposed project is to address some grid</p> <p>23 reliability issues.</p> <p>24 Could you just please discuss the</p> <p>25 grid reliability needs that would be addressed</p>	<p>48</p> <p>1 And then the second risk would be</p> <p>2 that we would be unable to serve appropriate --</p> <p>3 in an appropriate manner Minnkota's load from</p> <p>4 any source in any direction. And this would be</p> <p>5 due to overloading of the facilities coming</p> <p>6 into our region from all directions.</p> <p>7 And the problem that arises there</p> <p>8 is referred to as voltage instability.</p> <p>9 And voltage instability, by</p> <p>10 definition, is we're unable to maintain system</p> <p>11 voltages within appropriate limits, such that</p> <p>12 the, the grid can operate as it needs to.</p> <p>13 And the risk if we do not have</p> <p>14 voltage stability is brownouts, which is</p> <p>15 frequent source of damage to large motors or</p> <p>16 even small residential motors on refrigerators</p> <p>17 and so forth.</p> <p>18 And in the ultimate extreme, the</p> <p>19 risk would be regional blackout.</p> <p>20 And, of course, we work to manage</p> <p>21 the system even if we are deficit in</p> <p>22 transmission so that we wouldn't be to the</p> <p>23 point of an unanticipated blackout.</p> <p>24 The way we do that is we work</p> <p>25 together with our reliability coordinator,</p>

<p>49</p> <p>1 which is the Midwest ISO, or MISO, and we 2 establish load serving limits and place those 3 requirements on the power system. 4 The system operators would then, in 5 anticipation of exceeding those limits, we 6 would choose instead to implement public 7 appeals for load reductions, or if necessary, 8 again, in the extreme, we would use rotating 9 blackouts so that we can at least manage the 10 load that is outaged, rather than having the 11 system respond in a way that we cannot manage. 12 And, additionally, I would make the 13 point that system margin is something that we 14 try to ensure that we have. 15 And the margin especially comes 16 into play when we have major weather events 17 that do things to us that we can never 18 anticipate. And that could involve major 19 outages to multiple facilities at one time. 20 Q. And you mentioned that if the 21 proposed project is not constructed, the load 22 within Minnkota's service territory may be 23 unable to be served by any source due to this 24 voltage instability. 25 What indicates that that is a risk?</p>	<p>51</p> <p>1 line out of service. 2 And, therefore, we established 3 limits that were actually below what we 4 perceived we would be experiencing that winter 5 and developed procedures for what I referred to 6 earlier, which might come to the point of 7 rotating blackouts to keep loads within 8 serveable limits. 9 As a result of those discussions 10 and the stringency of what we saw on the system 11 capabilities, the companies got together and 12 built a temporary 10-mile line to get service 13 restored from that outaged facility. 14 And the, the final or long-term 15 facilities were designed and constructed, 16 somewhat later, to replace that temporary line 17 that was put in service. 18 In, another event, in November of 19 2005, we had an ice storm that outaged 35 high 20 voltage facilities in North Dakota, South 21 Dakota and Minnesota. 22 Making the point that it's not just 23 one outage of one facility we have to be 24 prepared for, we have to be prepared for things 25 that can be much more severe. And that gets</p>
<p>50</p> <p>1 A. Well, I'd point to three 2 weather-related events that have happened in 3 the past eleven years. 4 And the earliest of those would be 5 in August of 2000, a 230 kV line west of Devils 6 Lake, North Dakota, was forced out of service 7 due to damage to about 10 miles of structures. 8 Again, this was west of Devils 9 Lake. 10 At first -- the first assessment 11 was it would take about one year to restore 12 those 10 miles of line to service. 13 It was especially complicated 14 because a lot of that transmission equipment 15 was in a -- in the Devils Lake area and high 16 water issues to deal with. 17 So the regional companies, 18 including Minnkota, got together, analyzed the 19 system and what we anticipated our limitations 20 might be to serve the system load for that, 21 with -- that upcoming winter season, without 22 the benefit of having that line in service. 23 And at the time, we felt that we 24 would not be able to serve the loads that we 25 anticipated for that upcoming winter with that</p>	<p>52</p> <p>1 back to what I said about margin being 2 something valuable to build into the system. 3 And then just last spring, we had a 4 two-month outage on one of Minnkota's 230 kV 5 lines near Grand Forks due to spring flooding. 6 That, that outage was for two months. 7 Q. So then do these events indicate a 8 need for system improvements such as the 9 proposed project within Minnkota's service 10 territory? 11 A. Yes. 12 Q. And how urgent, then, is the need 13 for system improvements? 14 A. I'd begin by explaining a few 15 terms. 16 We often use the term N or N-1 or 17 N-2 when we talk about the transmission system 18 and the operating condition, and it's intended 19 to refer to the sum total of high voltage 20 facilities in the region. 21 N-1 means one of those major 22 facilities is out of service. N-2 means two 23 are out of service and so forth. 24 So when we had 35 major elements 25 of -- out of service, we were way beyond what</p>

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1 we usually talk about, we were at N-35.
 2 So in the planning realm, when we
 3 do system studies, we especially focus on N-1.
 4 We always want to be prepared for
 5 the most critical facility that we can identify
 6 in the system. We want to be prepared to
 7 operate without that facility and still be
 8 within the appropriate limits.
 9 Then when it comes to real-time
 10 operations, on any given day, we look at the
 11 system as it stands at that moment. And we're
 12 prepared for one more contingency, one more
 13 element out of service. So then we're doing
 14 research.
 15 Given the, the situation we have
 16 today, what is the next most critical facility
 17 to our system and what will it take to be ready
 18 to live without that element in service.
 19 In 2000, the contingen --
 20 contingency we had was 10 miles of line west of
 21 Devils Lake out of service. We were in an N-1
 22 condition.
 23 And so we were attempting to
 24 prepare for N-2 and found that we were not
 25 prepared for it without some special load

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1 serving limits being placed on the system.
 2 It's now eleven years later and we
 3 have not constructed yet, any major facilities
 4 into that region.
 5 And so we have done technical
 6 studies for our project and we feel that in
 7 approximately 2013 to 2015, we will not even be
 8 prepared for N-1 unless some new high voltage
 9 equipment is put into service.
 10 And so we believe our project is
 11 especially timely, given this research that
 12 we've done.
 13 Q. And I would refer you to Exhibit 2,
 14 that's in the notebook, and it's also on the
 15 board next to you, that's been previously
 16 admitted.
 17 Could you just explain how Grand
 18 Forks was chosen as the eastern terminus of the
 19 project?
 20 A. Yes.
 21 The green area on this Exhibit is
 22 the outline of Minnkota's load service
 23 territory.
 24 The blue circle is not -- it does
 25 not directly overlay the green area. The blue

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1 circle is the -- is an, an approximation for
 2 the portion of the grid that will be benefited
 3 by our project.
 4 And the studies that were conducted
 5 after that 2000 outage of the line west of
 6 Devils Lake -- throughout the 2000s, we
 7 conducted a, a number of studies in, in that
 8 decade.
 9 And we began to realize that we had
 10 a, a region that was at risk for reliable
 11 service to load due to the fact that the, the
 12 power generation stations in North Dakota are
 13 off to the west, in Minnesota, they're off to
 14 the we -- east -- off to the east, and so we
 15 had a constrained region inside that blue
 16 circle.
 17 Furthermore, we took note over the
 18 course of those studies that in the northern
 19 portion of that region, especially per this map
 20 centered around the Grand Forks area, but also
 21 including Devils Lake and Bemidji, there were
 22 only four high voltage lines that provided
 23 support to that area.
 24 Whereas, in the southern portion of
 25 that region, including Valley City, Jamestown,

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1 Fergus Falls, but co -- somewhat centered on
 2 Fargo, there are ten major transmission lines,
 3 one 345 kV and nine 230 kV lines that support
 4 that region.
 5 Now for the purposes of Minnkota's
 6 system design, as I mentioned earlier, we need
 7 a major substation to terminate our new
 8 delivery point from Young 2. Minnkota had two
 9 good possibilities for that, one is near Grand
 10 Forks and one is near Fargo.
 11 And per the discussion I already
 12 mentioned, Grand Forks' terminus lies in the
 13 northern portion of that region, Fargo lies in
 14 the southern portion of that region.
 15 And, therefore, just by observation
 16 of the significantly less number of
 17 transmission lines supporting the northern
 18 portion, it made it obvious that Grand Forks
 19 would be a better place for us to terminate our
 20 line than Fargo, to support the region that has
 21 only four, rather than ten lines supporting it
 22 today.
 23 And we did some analysis to put
 24 numbers to this, as to the releva -- relative
 25 merit of building to Grand Forks, rather than

<p>57</p> <p>1 to Fargo.</p> <p>2 And we established that we could</p> <p>3 support further load growth of approximately 25</p> <p>4 percent if we build to Grand Forks; whereas, if</p> <p>5 we built to Fargo, we're only really</p> <p>6 supplementing load growth capability by</p> <p>7 approximately 6 percent.</p> <p>8 Additionally, I would point out</p> <p>9 that, of those ten lines going to the Fargo</p> <p>10 area, three of those high voltage lines run</p> <p>11 from the North Dakota generation region and the</p> <p>12 Bismarck area, over to Fargo.</p> <p>13 So if we would build to Fargo, we</p> <p>14 would be adding another line to a corridor in</p> <p>15 approximation that -- and I say in</p> <p>16 approximation, because there is some mileage</p> <p>17 between some of those circuits, but we would be</p> <p>18 building another connection from the North</p> <p>19 Dakota generation region and the Bismarck area,</p> <p>20 over to Fargo.</p> <p>21 So when storms come through that</p> <p>22 take out multiple facilities, there's some risk</p> <p>23 by establishing another line along that</p> <p>24 200-plus-mile corridor, that would put us at</p> <p>25 risk of losing multiple elements at once, or at</p>	<p>59</p> <p>1 know if we would be designing in any</p> <p>2 showstoppers in the selection of conductor that</p> <p>3 we're using.</p> <p>4 Is there any particular thing that</p> <p>5 we would be designing in that would immediately</p> <p>6 prevent them from proceeding and have to, for</p> <p>7 instance, rebuild the whole line with a</p> <p>8 different conductor or something like that. We</p> <p>9 didn't want that to happen.</p> <p>10 We found that our conductor</p> <p>11 selection was not a problem. That we could</p> <p>12 accommodate additional wind generation to a</p> <p>13 significant degree.</p> <p>14 And we also established a few ways</p> <p>15 that our design could be modified by making</p> <p>16 further connections between our project and</p> <p>17 other existing transmission or building other</p> <p>18 lines that might interconnect from our project</p> <p>19 to other locations on the grid.</p> <p>20 And we posted that study on</p> <p>21 Minnkota's website.</p> <p>22 Q. And when you talked about</p> <p>23 modifications, are you talking at all about</p> <p>24 double circuiting the existing line or changing</p> <p>25 the structures or anything like that?</p>
<p>58</p> <p>1 greater risk; whereas, if we build to Grand</p> <p>2 Forks, there's a whole lot less of common</p> <p>3 corridor between our project and other</p> <p>4 transmission lines.</p> <p>5 Q. And when developing the proposed</p> <p>6 project, did Minnkota consider the ability of</p> <p>7 the project to accommodate renewable</p> <p>8 generation?</p> <p>9 A. Yes, we did. We took a look at the</p> <p>10 generation requests in our generation</p> <p>11 interconnection queue and identified those</p> <p>12 projects that may stand to benefit by working</p> <p>13 with us on this project, possibly modifying our</p> <p>14 design to support additional generation</p> <p>15 delivery capability.</p> <p>16 And we talked to those customers</p> <p>17 associated with those requests and asked them</p> <p>18 if they would be interested in working with us,</p> <p>19 providing financial support to modify our</p> <p>20 project in any way. And they did not have an</p> <p>21 interest at that time.</p> <p>22 However, we did conduct a</p> <p>23 feasibility study that looked specifically at</p> <p>24 the projects in our queue and, and specifically</p> <p>25 at these projects, and especially wanted to</p>	<p>60</p> <p>1 A. No. A double circuit would require</p> <p>2 that we go back and change all the structures.</p> <p>3 And that would not be required to accommodate</p> <p>4 these revisions to our design.</p> <p>5 Q. And did Minnkota take into</p> <p>6 consideration other major transmission projects</p> <p>7 that are being developed in the region when</p> <p>8 designing this particular project?</p> <p>9 A. Yes, we did.</p> <p>10 There are two principal projects</p> <p>11 that could -- that are, that are definitely</p> <p>12 major projects into this reliability region,</p> <p>13 this blue circle, on the, on the Exhibit.</p> <p>14 And one of those is the</p> <p>15 Bemidji-Grand Rapids 230 kV line that's ex --</p> <p>16 expected to be in service, that runs from</p> <p>17 Bemidji to generation over in the Grand Rapids</p> <p>18 area.</p> <p>19 Minnkota is a partner in that</p> <p>20 project, as well as a group of utilities who</p> <p>21 refer to themselves as CapX2020. And that line</p> <p>22 is due in service in 2012.</p> <p>23 That line is designed to especially</p> <p>24 benefit the load around the Bemidji region, but</p> <p>25 it does provide benefit to the rest of the load</p>

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1 within this blue circle.
 2 Another project that is being con
 3 -- brought forward by the CapX2020 group, is
 4 the Fargo to St. Cloud 345 kV project, expected
 5 to be fully in service in around the 2015 time
 6 frame.
 7 That project, if I haven't already
 8 said, is exclusively being brought forward by
 9 CapX2020 group.
 10 Anybody who drives I-94 to the Twin
 11 Cities, will see that project coming together
 12 now from the Twin Cities, it's being built from
 13 the east, moving to the west, towards Fargo.
 14 You'll see a lot of high voltage structures
 15 going up along I-94, between the Twin Cities
 16 and St. Cloud.
 17 So when we look at our project and
 18 where it comes into the system, we are crossing
 19 this blue circle here.
 20 And again, just by virtue of the
 21 fact that all the load within that blue circle
 22 is constrained voltagewise, it's beneficial to
 23 build lines that cross that circle from the
 24 outside, from major generating sources, to, to
 25 strengthen the ties across that blue circle.

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1 And all of these three lines do.
 2 Our project now is the first from
 3 the west at 345 kV, a very strong connection.
 4 So working together, those two
 5 projects coming into the circle from the east
 6 and the south, and our project coming in now
 7 from the North Dakota generation from the west,
 8 work together very nicely.
 9 And we coordinated, we have a
 10 coordinated study process. The groups that
 11 study the Bemidji-Grand Rapids line, the
 12 Fargo-St. Cloud line and our project, we all
 13 coordinate on development of our models. And
 14 we participate in the discussions on how
 15 effective these projects are.
 16 And we believe that the projects
 17 jointly will meet the North Dakota load serving
 18 needs in this circle of interest, especially
 19 for the next 30 years, we should not be needing
 20 additional transmission to support this load.
 21 Q. And could you also address
 22 Commissioner Cramer's question regarding
 23 additional capacity on this particular line?
 24 A. Yes.
 25 The capacity of the line can be

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1 stated in two ways. One is, its thermal
 2 capacity, meaning, it will not overheat. And
 3 that's the highest limit of the two, that's
 4 approximately 1200 MVA.
 5 We have a 455 megawatt generator,
 6 so 455 megawatts can be, in a sense, compared
 7 to that 1200 MVA limit. And you could say we
 8 have approximately three times the capacity of
 9 the generator that we're putting on that line
 10 to start with.
 11 However, there's another limit that
 12 comes into play, especially on long lines. And
 13 250 miles or 260 is a very long line. And that
 14 is the voltage operation capability of the
 15 line. Again, getting back to the voltage
 16 stability issue.
 17 And that limit is approximately 600
 18 MVA, unless we modify the line by tapping it,
 19 adding new connection points on the line to
 20 improve the voltage performance. Or there's
 21 something we can do called series compensation,
 22 which can be done by establishing a sub -- a
 23 substation somewhere along the length of the
 24 line and putting in capacitors.
 25 Q. And so then how does that relate

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1 to, then, the capacity? What is the excess?
 2 A. That -- depending on -- oh, I'm
 3 sorry.
 4 So I talked about the limits.
 5 The excess, then, is the difference
 6 between the power that we're putting on the
 7 line and those limits.
 8 We see flows -- the line is a part
 9 of an AC network. We don't direct the
 10 electrons once we place them on the system,
 11 they go where they want to go. They go where
 12 the load is.
 13 And during our critical need for
 14 service to our load, the great majority of that
 15 455 megawatts will be flowing directly on that
 16 line.
 17 And so you can compare that 600 MVA
 18 limit with 455, that's approximately 150
 19 megawatts of remainder that's out there.
 20 And, again, if the facility's
 21 modified with series capacitors or other
 22 connections, you can make use of more of that
 23 capacity all the way up to 1200 MVA.
 24 So that would be 1200 minus 455,
 25 somewhere in the 750 megawatt range remaining.

<p style="text-align: center;">65</p> <p>1 MS. SMITH: All right. I have no 2 further questions. 3 MR. WAHL: Mr. Sagsveen? 4 MR. SAGSVEEN: I do have a few 5 questions. 6 7 CROSS-EXAMINATION 8 BY MR. SAGSVEEN: 9 Q. With respect to Exhibit 2, in the 10 right, bottom right-hand corner, it says: 11 Adopted from: Transmission Improvement 12 Planning Study, 2006. 13 Did Minnkota take part in a 14 transmission study in 2006 or is this a, a 15 different -- 16 A. The 2006 study was the first study 17 released that formalized the results of studies 18 that had been going on since the 2000 outage 19 west of Devils Lake. 20 And there were other interests that 21 prompted those studies as well. The 22 transmission planning arena is, is always 23 active, but we kind of point to that outage 24 west of Devils Lake as kind of a game changer 25 for us, as to, a wake-up call, as to really</p>	<p style="text-align: center;">67</p> <p>1 of, of questioning and that relates to the, the 2 Devils Lake and then the rolling blackouts. 3 And you said that that was a -- 4 kind of the extreme, extreme scenario. 5 And so one line goes down, as this 6 relates to reliability issues in the Public 7 Service Commission's analysis, one line goes 8 down and then you consider rolling blackouts. 9 Is the margin between reliability, 10 that, that prob -- reliability problem one 11 line? I mean, is it that, that extreme; 12 whereas -- let me try to clear this up. 13 One line goes down, you're 14 considering rolling blackouts or is it just 15 that line that caused the problem? 16 A. We have two -- as I mentioned, 17 there are four high voltage lines entering the 18 northern portion of this blue circle. 19 Two of them tend to be the most 20 critical. 21 The line coming west, from the 22 west, through Devils Lake, and into the Grand 23 Forks area, is one of them. 24 The other is the one coming down 25 from Manitoba, through Drayton and to Grand</p>
<p style="text-align: center;">66</p> <p>1 getting something out there or getting some 2 studies published. 3 So we often refer to that, we 4 shorten those letter -- those -- that phrase to 5 the TIP Study, we call it. We refer to that as 6 some of our submittals as well. 7 But I participated in the study 8 report that was released in 2006, referred to 9 it as the TIP's Update. I was on the team that 10 authored that report. 11 I wanted to give credit to that 12 group so that I could say that this was -- 13 Minnkota was not the sole author of this 14 effort. We're making use of regional planning 15 work. 16 When we draw this blue circle, the 17 circle is mine, they had made a more jagged 18 edge perimeter designation, that more 19 specifically showed exactly which cities and 20 which transmission lines were impacted. 21 I wanted it to be a, a, more public 22 presentable and approximation for ease of 23 explanation. 24 Q. Okay. And so shifting gears a 25 little bit, I just have kind of one more area</p>	<p style="text-align: center;">68</p> <p>1 Forks. 2 Those are the two that typically 3 show up as critical in studies. 4 So if either one of them is out of 5 service, we're studying what's going to happen 6 if the other one goes out. 7 Q. Okay. And then with respect to the 8 new power coming on -- or the new lines coming 9 online between Bemidji and Grand Rapids and 10 Fargo and St. Cloud, is that going to draw more 11 power out of the, the area to -- so that if 12 this line wasn't built, there would be further 13 instability or further reliability problems? 14 A. Those lines were built to deliver 15 power into this blue circle. 16 Q. Okay. 17 A. Those were -- that was the 18 justification for both of those projects. 19 They do -- when we don't need the 20 power inside the circle, they do facilitate the 21 ability to export power out of the circle as 22 well. 23 MR. SAGSVEEN: I don't have any 24 further questions. 25 MR. WAHL: Mr. Lein?</p>

<p>69</p> <p>1 MR. LEIN: Yeah, I do have one. 2 This is from yesterday. 3 We were, yesterday, discussing the 4 paralleling of that WAPA 230 kV line over by 5 the, the -- Grand Forks, in there. 6 And so my question is: did you 7 study the possibility of losing this line and 8 that WAPA line, as far as a contingency 9 analysis study in minus one? And could you do 10 that and then still lose the Ramsey line or 11 the, the Manitoba line and not have the system 12 go down? 13 THE WITNESS: I would answer that 14 from, from, perhaps, two perspectives. 15 One is, what do the rules say; and 16 then secondly, what would I personally choose 17 to do or direct a group of engineers to do. 18 The rules require that we consider 19 any common tower outage, which would be double 20 circuits or even triple or beyond, and any 21 common right of way. 22 And this particular line that 23 you're referring to is neither. It's, it's 24 adjacent right of way. So it's not tightly 25 enough coupled that the rules require anything</p>	<p>71</p> <p>1 not our highest concern, it's not on the radar 2 as our biggest concern. 3 So I'm less concerned about 4 paralleling with that particular line for that 5 reason. 6 And I know what the studies show, 7 because I know what the studies show today with 8 the WAPA line out of service when our project 9 is not yet constructed. 10 So I know the technical answers to 11 that question as far as performance. 12 And I also would say that I'm 13 always -- I always ask the team: can we 14 prevent running lines close together? 15 But I know that there's a practical 16 consideration of, of addressing landowner 17 concerns as well as cost. 18 So I, I understand the -- there's a 19 conflict there in terms of interests between 20 reliability and costs. 21 This, this common -- it's not a 22 common corri -- or it might be a common 23 corridor, it's not common right of way. It's, 24 as I understand it, to be 4 to 5 miles in 25 length. And, therefore, it's much less of a</p>
<p>70</p> <p>1 in particular for studies. 2 As I mentioned earlier, now, now 3 I'm moving onto the second point, what would I 4 choose to do, and I would choose to consider 5 that. 6 And, as I mentioned earlier, our 7 N-1 condition today that we are most concerned 8 about, would be outage of either the source 9 coming from the west through Devils Lake or the 10 source coming from the north through Drayton 11 from Manitoba. 12 Today's situation is that either of 13 those two lines are most critical. 14 The line coming from Jamestown up, 15 which we've been referring to as the WAPA line. 16 The line coming from Jamestown up into the 17 Grand Forks region is not one of the two most 18 critical circuits today. 19 Well, in the future, when we get 20 our project in service, and we want to consider 21 N-2, meaning our project and this WAPA line 22 that we're referring to, we'll be back to the 23 situation where we would be today in an N-1. 24 Is that clear? 25 So today it's not a particu -- it's</p>	<p>72</p> <p>1 concern to me than something like a 2 200-plus-mile common corridor, if you will, 3 from Bismarck to Fargo, as I described earlier. 4 MR. LEIN: So today, if you lost 5 the WAPA line and the Ramsey line, we'd be in 6 an N-2 situation and be in real trouble? 7 THE WITNESS: It would be a cause 8 for serious concern, yes. 9 MR. LEIN: Okay. 10 THE WITNESS: It's not the most 11 critical thing that can happen, but if the 12 Ramsey line is out, I'm concerned about losing 13 any other line. And by losing, I don't mean we 14 can't find it, of course everybody probably 15 understands that, but I've been reminded I 16 shouldn't say that we lose facilities. 17 It just means they're out of 18 service and we're unable to restore it in any 19 timely manner. 20 So -- sorry, now, did I answer the 21 question? 22 MR. LEIN: Yeah, I think so, thank 23 you. 24 THE WITNESS: Okay. 25 MR. WAHL: Anything further, Mr.</p>

<p>73</p> <p>1 Lein?</p> <p>2 MR. LEIN: No, thanks.</p> <p>3 MR. WAHL: Questions from the</p> <p>4 Commission?</p> <p>5 Commissioner Clark.</p> <p>6 MR. CLARK: Just a couple of quick</p> <p>7 ones, thanks.</p> <p>8 Fill in my blanks here, I was</p> <p>9 taking notes.</p> <p>10 The, the -- you indicated that,</p> <p>11 that if the new line was built into the Fargo</p> <p>12 region, it would have 6 percent generation</p> <p>13 capacity -- or -- and how -- was it 26 percent</p> <p>14 to Grand Forks?</p> <p>15 THE WITNESS: No, I'd restate that,</p> <p>16 I'm --</p> <p>17 MR. CLARK: Okay.</p> <p>18 THE WITNESS: -- sorry.</p> <p>19 We have approximately 6 percent the</p> <p>20 ability to serve load.</p> <p>21 MR. CLARK: Okay.</p> <p>22 THE WITNESS: 6 percent load growth</p> <p>23 that we support with the project.</p> <p>24 Again, since I'm focusing on the</p> <p>25 load within this region, I want to kind of</p>	<p>75</p> <p>1 it would -- there'd be that much of a</p> <p>2 disparity, when there isn't that much of a</p> <p>3 disparity in load?</p> <p>4 THE WITNESS: I find it to be so.</p> <p>5 MR. CLARK: Okay.</p> <p>6 THE WITNESS: And, and that's a --</p> <p>7 part of my point.</p> <p>8 MR. CLARK: Okay. And then, you</p> <p>9 may not be able to answer this, if so, feel</p> <p>10 free to kick it to, to somebody else.</p> <p>11 The -- although it sounds like</p> <p>12 you'll have the potential, depending on how you</p> <p>13 condition the line, for several hundred</p> <p>14 megawatts more than it currently'll be taking</p> <p>15 just off of, of Young 2. Minnkota's not a part</p> <p>16 of the, the market, the, the Midwest ISO. Is</p> <p>17 that, that correct?</p> <p>18 THE WITNESS: We are not a Midwest</p> <p>19 ISO member.</p> <p>20 MR. CLARK: So --</p> <p>21 THE WITNESS: We do pay them --</p> <p>22 MR. CLARK: But --</p> <p>23 THE WITNESS: -- for reliability</p> <p>24 coordination services.</p> <p>25 MR. CLARK: Okay. So if, if</p>
<p>74</p> <p>1 isolate that from the generation question.</p> <p>2 MR. CLARK: Okay. So --</p> <p>3 THE WITNESS: And then the 25</p> <p>4 percent was the, the load growth capability</p> <p>5 that we provide with this project going into</p> <p>6 the northern portion.</p> <p>7 MR. CLARK: Okay, thanks.</p> <p>8 The -- explain to me how it's</p> <p>9 developed such that the northern region has 45</p> <p>10 percent of the load and yet has only 4 of 14</p> <p>11 major transmission lines, the southern portion</p> <p>12 has 10 of the 14 and has 55 percent.</p> <p>13 I'm just sort of doing simple math,</p> <p>14 I think it'd be more like a -- 8 in one region,</p> <p>15 6 in another.</p> <p>16 How did it develop such that, that</p> <p>17 the northern region is so under -- has such</p> <p>18 less infrastructure compared to Fargo?</p> <p>19 THE WITNESS: You're asking --</p> <p>20 MR. CLARK: Or the other --</p> <p>21 THE WITNESS: -- me to recount</p> <p>22 things that happened before my time.</p> <p>23 MR. CLARK: Yeah, I'm just curious.</p> <p>24 Is, is it -- maybe from an engineering</p> <p>25 standpoint, it, it -- is that sort of odd, that</p>	<p>76</p> <p>1 someone besides Minnkota wished to interconnect</p> <p>2 with your line, they would have the ability to</p> <p>3 do so, I -- from what I'm recalling and</p> <p>4 understanding?</p> <p>5 THE WITNESS: Yes, we have a</p> <p>6 process --</p> <p>7 MR. CLARK: But they would have</p> <p>8 to -- if they were going to be passing it</p> <p>9 through Minnkota to somewhere else in the</p> <p>10 market, they would have to tariff 50 percent?</p> <p>11 THE WITNESS: That is correct.</p> <p>12 MR. CLARK: Okay.</p> <p>13 Okay. But you do -- but there is</p> <p>14 a -- an obligation to interconnect with anyone</p> <p>15 who wishes to interconnect?</p> <p>16 THE WITNESS: Yes. We have a</p> <p>17 process posted on our website and a queue there</p> <p>18 showing all the generation interconnection</p> <p>19 requests that have been made.</p> <p>20 MR. CLARK: Okay. And are there a</p> <p>21 number of those interconnect requests that are</p> <p>22 out there right now?</p> <p>23 THE WITNESS: Yes, there are.</p> <p>24 MR. CLARK: Okay. So will this,</p> <p>25 once it's put into service, does it speed up</p>

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1 that, that queue, as it were? Does it enable
 2 some of those to happen that might not
 3 otherwise would? I --
 4 THE WITNESS: Yes, it does.
 5 MR. CLARK: Okay. Is the nature of
 6 them all wind projects? Is there anything but
 7 wind? Is there anything but wind that's
 8 seeking to interconnect?
 9 THE WITNESS: Yes, there are a few.
 10 MR. CLARK: Are there.
 11 What type of facilities? Gas or --
 12 THE WITNESS: I believe one is a
 13 gas facility. And I said: few, now I'm trying
 14 to think of anything beyond that one.
 15 I'm sorry, I -- it might just be
 16 all but one that are wind.
 17 MR. CLARK: Okay.
 18 Thank you.
 19 MR. WAHL: Further questions fro --
 20 Commissioner Cramer.
 21 MR. CRAMER: Just to follow up.
 22 And, first of all, thank you for
 23 clarifying the capacity question. And, and
 24 probably I should thank Mollie, because she
 25 helped articulate it better than I could

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1 yesterday. That was very, very helpful. But,
 2 frankly, I didn't even know what 1200 MVA
 3 meant, except that it was too high.
 4 You -- but following up on Mr.
 5 Lein's point about that 5-mile southwest to
 6 northeast angle that parallels WAPA, and I
 7 understand from a rule standpoint.
 8 But I think in trying to clarify
 9 this yesterday, Mr. Phillips testified that he
 10 wou -- he had less concern about it because of
 11 that angle, that it didn't -- wasn't a direct
 12 west to east or north to south, thereby, not
 13 quite as perhaps vulnerable to prevailing
 14 weather patterns.
 15 Would -- is that a, kind of a
 16 stretch or is that -- would you sha -- would
 17 you share that same sort of confidence?
 18 THE WITNESS: That, that really is
 19 outside my area. Although I live in Grand
 20 Forks, so I understand the, the weather issues,
 21 I, I see the -- if the -- if there's icing
 22 going on, I start to get nervous.
 23 MR. CRAMER: Uh-huh.
 24 THE WITNESS: I really -- I'm
 25 sorry, I have no particular knowledge on

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1 whether a southwest to northeast line would be
 2 less likely to ice up.
 3 I'm -- I really don't focus on that
 4 area. In fact, I would ask Mr. Phillips that
 5 question if I was wondering it myself.
 6 MR. CRAMER: Okay. Well, he
 7 answered it.
 8 I, I have nothing further, thank
 9 you.
 10 MR. WAHL: Any further questions
 11 from the Commission?
 12 Follow-up, Ms. Smith?
 13 MS. SMITH: No, your Honor.
 14 MR. WAHL: Mr. Sagsveen?
 15 MR. SAGSVEEN: No, your Honor.
 16 MR. WAHL: Mr. Lein?
 17 MR. LEIN: Nothing, thanks.
 18 MR. WAHL: Thank you very much, Mr.
 19 Bartel.
 20 (Whereupon, the witness was
 21 excused.)
 22 MS. SMITH: The next witness is
 23 Mike Hennes.
 24 MR. WAHL: I note for the record,
 25 Mr. Hennes, that you testified under oath

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1 yesterday.
 2 And you understand, of course, that
 3 your testimony continues today under oath and
 4 subject to penalties of perjury?
 5 THE WITNESS: Yes, I do.
 6
 7 M I K E H E N N E S,
 8 called as a witness, being previously first
 9 duly sworn, was examined and testified on his
 10 oath as follows:
 11
 12 MR. WAHL: Ms. Smith.
 13
 14 DIRECT EXAMINATION
 15 BY MS. SMITH:
 16 Q. Could you please state your full
 17 name?
 18 A. Michael Hennes.
 19 Q. And by whom are you employed?
 20 A. I'm also employed by Minnkota
 21 Power.
 22 Q. And so you are at the same business
 23 address as Mr. Tscheppen?
 24 A. That's correct.
 25 Q. And what is your position with

<p style="text-align: center;">81</p> <p>1 Minnkota?</p> <p>2 A. I'm the systems project manager for</p> <p>3 Minnkota.</p> <p>4 Q. And could you just briefly discuss</p> <p>5 your education and your work history?</p> <p>6 A. I received my bachelor of science</p> <p>7 degree in electrical engineering and</p> <p>8 engineering management from the University of</p> <p>9 North Dakota.</p> <p>10 I began my career with Basin</p> <p>11 Electric in 1975.</p> <p>12 I then spent two years with the</p> <p>13 University North Dakota, in diff -- involved in</p> <p>14 atmospheric science research events.</p> <p>15 I rejoined the power industry with</p> <p>16 Minnkota in 1994 as an electrical engineer. I</p> <p>17 also have served as a project engineer and an</p> <p>18 engineering manager while at Minnkota.</p> <p>19 Q. And what's your role with respect</p> <p>20 to the proposed project?</p> <p>21 A. I am a -- have been assigned the</p> <p>22 project manager for the Center to Grand Forks</p> <p>23 project.</p> <p>24 Q. And as project manager, what are</p> <p>25 your responsibilities?</p>	<p style="text-align: center;">83</p> <p>1 and KBM, two local consulting firms, that are</p> <p>2 assisting with the survey and the right of way</p> <p>3 acquisition components of this project.</p> <p>4 We've also retained the services of</p> <p>5 HDR Engineers. And they're responsible for the</p> <p>6 overall environmental review and the permitting</p> <p>7 process.</p> <p>8 Q. And could you explain why Minnkota</p> <p>9 is using outside personnel to assist with this</p> <p>10 particular project?</p> <p>11 A. Yes. This is nor -- normal</p> <p>12 practice for a project of this magnitude, for a</p> <p>13 company our size.</p> <p>14 It's pretty impractical for us to</p> <p>15 staff up for such a large construction project.</p> <p>16 Minnkota's normal capital</p> <p>17 construction budget is on the order of 5 to \$10</p> <p>18 million per year. And this particular project</p> <p>19 is a \$300-million-plus project.</p> <p>20 Q. And we've already admitted the</p> <p>21 application, so we'll go to, next to just a</p> <p>22 basic description of the project, if you could</p> <p>23 provide that to us?</p> <p>24 A. Yep.</p> <p>25 This project, as stated earlier, is</p>
<p style="text-align: center;">82</p> <p>1 A. Well, I have the overall</p> <p>2 responsibility for budgeting and scheduling and</p> <p>3 coordination of the permitting, the design,</p> <p>4 right of way acquisition and construction of</p> <p>5 the proposed project.</p> <p>6 Q. And could you please tell the</p> <p>7 Commission about the people or the groups of</p> <p>8 people that are assisting with this particular</p> <p>9 project?</p> <p>10 A. Minnkota, being a relatively small</p> <p>11 organization, has assigned team leads from</p> <p>12 various departments within the company, this</p> <p>13 includes engineering, environmental permitting,</p> <p>14 right of way/legal, procurement, communications</p> <p>15 and public relations and construction</p> <p>16 management.</p> <p>17 And because of our, size of our</p> <p>18 corporation, we rely heavily on outside</p> <p>19 consultants for a project this size. And we've</p> <p>20 chosen Stanley Consultants as our prime</p> <p>21 consultant who's responsible for the overall</p> <p>22 project design and the construction management</p> <p>23 phase as well.</p> <p>24 And we als -- and they, in turn,</p> <p>25 have subcontracted to Kadrmas, Lee & Jackson</p>	<p style="text-align: center;">84</p> <p>1 a 250-mile 345 kV transmission line from</p> <p>2 Center, North Dakota, to, to Grand Forks, North</p> <p>3 Dakota.</p> <p>4 Now this substation -- or excuse</p> <p>5 me. This project will also require</p> <p>6 modifications to our existing substations, both</p> <p>7 at Center and at Prairie, which is on the</p> <p>8 western edge of Grand Forks.</p> <p>9 The project also includes the</p> <p>10 installation of four fiber optic repeater</p> <p>11 stations along the route. These will be small</p> <p>12 huts located at the base of some of the</p> <p>13 transmission structures.</p> <p>14 We will also need to construct a</p> <p>15 new 230 kV tie lie between Square Butte</p> <p>16 substation, which is also located near the</p> <p>17 Center substation, and real -- relocation of</p> <p>18 existing transmission structures at both the</p> <p>19 Center and Prairie substations.</p> <p>20 And, as I stated earlier, the total</p> <p>21 estimated cost of this project is approximately</p> <p>22 \$312 million.</p> <p>23 Q. And will the project be owned and</p> <p>24 operated by Minnkota Power Cooperative?</p> <p>25 A. Yes, that is correct.</p>

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1 Q. And what is Minnkota's anticipated
 2 schedule for the project?

3 A. Back in 2009, this project started
 4 out on a four-year timeline.

5 We identified the criticalness of
 6 adding additional load capability and the
 7 reliability issues for the winter of 2013 and
 8 2014.

9 Now, since we've been kind of
 10 moving towards a five-year timeline, and this
 11 is now based on our anticipation of the PSC
 12 route permit this fall of 2011. And that would
 13 allow for a limited construction, again, this
 14 fall of 2011, we'd be able to mobilize the
 15 foundation contractor on a limited basis.

16 And this puts us with an in-service
 17 date of the third quarter of 2013. And we were
 18 previously planning for the end of 2012
 19 construction.

20 Q. And could you just explain why
 21 you're allowing approximately two years for
 22 construction of the project?

23 A. We are estimating progress on 8
 24 miles a week. This translates to about 40
 25 foundations or 40 structures per week.

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1 And this schedule does allow
 2 downtime in the heart of winter or it's
 3 difficult to work outside on a sustained basis.

4 And, also, it limits construction
 5 when load restrictions are in place. And we
 6 feel this will help minimize road damage and
 7 soil compaction during construction.

8 Q. And you testified that as project
 9 manager you are involved with the permitting
 10 and design of the prop -- proposed project. Is
 11 that right?

12 A. Yes.

13 Q. And so as part of the permitting
 14 and design work, have you been involved in the
 15 siting process for the project, including the
 16 selection of the proposed project corridor?

17 A. Yes, I've been involved in all the
 18 aspects of the siting process.

19 Q. And could you provide the
 20 Commission with an overview of the siting
 21 process?

22 A. Well, the siting process for this
 23 project involves a store -- a four-step plan or
 24 approach. And steps one and two are part of
 25 the federal review process. And steps three

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1 and four are part of a state permitting
 2 process.

3 I will use the Exhibits to explain
 4 these steps in detail in a few minutes.

5 Q. And why is the project undergoing a
 6 federal review?

7 A. As Minnkota's requesting project
 8 funding from the U.S. Department of
 9 Agricultural (sic), Rural Utilities Service, or
 10 I'll refer to it as RUS, to construct the
 11 project, a federal review process is required
 12 for loan approval.

13 This process does include complying
 14 with the National Environmental Policy Act, or
 15 NEPA.

16 Q. And before we discuss the Exhibits,
 17 could you just explain how the use of the term
 18 corridor and route are used in those Exhibits?

19 A. Yes. Generally, the term corridor
 20 implies a wider study area, while the term
 21 route implies a more narrower path considered
 22 for a proposed transmission line within that
 23 wider corridor.

24 For example, on the Center to Grand
 25 Forks project, in the federal process, Minnkota

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1 first identified a 6-mile-wide study corridor
 2 and then selected three 1,000-foot-wide routes
 3 within that corridor for further detailed
 4 analysis.

5 For the state process, Minnkota
 6 started with the de -- identifying the
 7 preferred route in the federal process review
 8 and renamed it the project corridor.

9 The project corridor will then be
 10 further analyzed in order to select the final
 11 location of the 150-foot-wide route that will
 12 be the basis for this project's Route Permit
 13 application to the PSC.

14 Q. And how has the federal review
 15 process played a role in developing the
 16 corridor that's the subject of today's hearing?

17 A. Well, Exhibits 4 through 8 help
 18 demonstrate this methodical narrowing process
 19 that took the project from a 6-mile-wide study
 20 corridor, to a thousand-foot-wide corridor,
 21 which corresponds with the four-step approach
 22 to the siting mentioned earlier.

23 Steps one and two, which are part
 24 of the federal review process, are shown in
 25 Exhibits 4 through 7.

<p>89</p> <p>1 Q. And could you describe for the 2 Commission step one of the siting process? 3 A. Well, step one was to prepare an 4 Alternative Evaluation Study, or also referred 5 to as an AES, which was the basis for earlier 6 testimony by Mr. Tscheppen and Mr. Bartel. 7 Now this study identified the need 8 for the project and reviewed several 9 alternative solutions. 10 A Macro-Corridor Study was also 11 prepared in this step, that identified the 12 high-level environmental considerations in that 13 6-mile-wide corridor that would be common to 14 any proposed route required to build the 15 project. 16 Exhibit 4 is the starting point, it 17 shows the constraints and challenges reviewed 18 in the Macro-Corridor Study. 19 At the time we introduced this to 20 the public, we did solicit information to help 21 us identify areas to avoid, such as private 22 cemeteries, center-pivot irrigation and private 23 airstrips. 24 This information was then added to 25 the project maps to aid in the route selection.</p>	<p>91</p> <p>1 area. 2 The more northern river crossing 3 was eliminated due to agency and public concern 4 about having a li -- transmission line near the 5 Cross Ranch facilities and property. 6 There also was a strong sediment to 7 locate the tra -- new transmission line within 8 a close proximity to the two existing 9 transmission lines that do cross the Missouri 10 River. 11 And that was -- the ultimate choice 12 was to locate the line between those two 13 crossings. 14 The more southern route, through 15 the Wing area, was identified as an area of 16 high prairie potholes, wetlands and severe 17 technical challenges because of the size of 18 some of those wetlands. 19 Those wetlands would require 20 spanning, you know, larger wetlands that are 21 encountered in the other routes. 22 Q. And what was step two of the siting 23 process? 24 A. Step two was to prepare an 25 Environmental Assessment with a scoping report.</p>
<p>90</p> <p>1 Exhibit 4 also shows the location 2 of existing transmission infrastructure that 3 Mr. Bartel referred to. And selecting your 4 corridor with as much geographic separation 5 from existing line was the goal to maximize 6 this reliability. 7 In the Exhibit, you can see the 8 high density of transmission lines following 9 the I-94 corridor from the coal field area to 10 the Fargo area. 11 And also on the northern part of 12 the map, the top part of the map, you can 13 identify this Ramsey Prairie line. 14 So the natural location for our 15 project, from a reliability standpoint, was to 16 look at that corridor in the central part of 17 the state, or roughly the Highway 200 corridor. 18 This gave us the maximum geographic separation 19 from the existing assets. 20 Exhibit 5 shows the refinement in 21 the Macro-Corridor as a result of this public 22 and agency input that was gathered. 23 The more northern Missouri River 24 crossing was eliminated, and shown in the gray, 25 along with the southern route through the Wing</p>	<p>92</p> <p>1 Now the purpose of the 2 Environmental Assessment is to identify routing 3 alternatives within the study corridor and 4 evaluate those alternatives to identify the 5 route that presented the least overall impact 6 for the entire 250-mile project. 7 Exhibit 6 shows the approximately 8 191 routing segments that were reviewed in this 9 process. 10 Those routing segments were then 11 screened down to three proposed routes, which 12 are shown in Exhibit 7. 13 Q. And how did Minnkota then select 14 the 1,000-foot-wide corridor that is the 15 subject of today's hearing? 16 A. Well, step three is the, is the 17 entry point into the PSC process. And the 18 third step was to identify a corridor in which 19 a transmission line route that will meet all 20 the North Dakota PSC siting criteria can be 21 located. 22 The preferred 1,000-foot-wide route 23 identified in the Environmental Assessment 24 process most fully met this criteria. 25 That route has now been further</p>

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1 refined with additional landowner input. And
 2 the result now is the 1,000-foot-wide corridor
 3 presented in our Corridor application and is
 4 also shown in Exhibit 8.

5 Q. And then what will be step four of
 6 the siting process?

7 A. The fourth step in the siting
 8 process will be to identify the final alignment
 9 of the 150-foot-wide route within this proposed
 10 corridor, and submit this as our Route Permit
 11 application.

12 Q. And then I direct you to what we've
 13 previously admitted as Exhibit 9.

14 And referencing that Exhibit, could
 15 you describe for the Commission the public
 16 involvement opportunities that have been or
 17 will be provided as part of the siting process
 18 for this project?

19 A. Certainly.

20 Public involvement and input has
 21 been a key priority for Minnkota from the very
 22 beginning of this project. We hope to ensure
 23 an open, accessible corridor development and
 24 route siting process.

25 Exhibit 9 provides an overview of

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1 the public participation opportunities during
 2 this corridor selection process.

3 The, the chart is a timeline from
 4 the top, down, 2009, to the present.

5 And the left side shows the
 6 participation by the public and opportunities
 7 available by Minnkota's hosted meetings, as
 8 well as the regulatory process milestones on
 9 the right side of the chart.

10 The yellow boxes indicate
 11 Minnkota's-sponsored outreach efforts.

12 The blue boxes indicate the public
 13 input opportunities during the federal review
 14 process.

15 And the green indicate public input
 16 opportunities that have, have occurred or will
 17 occur during the state process.

18 Minnkota has promoted this
 19 extensive and ongoing outreach by hosting
 20 nearly 20 public meetings since 2009. To these
 21 meetings, about 850 people attended. And we
 22 did receive well over 300 comments and
 23 addressed those comments.

24 Most recently, numerous local
 25 public meetings for Conditional Use Permits are

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1 also being held at the township and county
 2 levels.

3 As a result of all these efforts,
 4 substantial public and stakeholder input has
 5 been collected and is considered and continues
 6 to be considered in developing the corridor.

7 Other outreach tools that we've
 8 developed for these purposes include a project
 9 website, a toll-free information line, a --
 10 quarterly newsletters that we mail out to
 11 landowners identified along the proposed
 12 corridor, fact sheets, frequently-asked
 13 questions and a stakeholder database to track
 14 all the comments that come in on the project.

15 Minnkota is committed to ongoing
 16 communications throughout the permitting
 17 process and this will also continue during the
 18 construction phase.

19 Q. Could you explain how the public
 20 involvement opportunities that are depicted in
 21 Exhibit 9 correspond with the corridor
 22 selection process that you have described for
 23 us already?

24 A. As I stated earlier, Exhibit 9 does
 25 document the timeline that these, that these

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1 public opportunities existed.

2 The preliminary study corridors,
 3 shown in Exhibit 4, were first introduced at
 4 the public-sponsored meetings in the spring of
 5 2009.

6 The refined Macro-Corridors, as
 7 shown in Exhibit 5, were then introduced at the
 8 RUS scoping meeting as part of the federal
 9 process in the fall of 2009.

10 The route segments and route
 11 segment alternatives to be analyzed in the
 12 Environmental Assessment, which are shown in
 13 Exhibit 6 and 7, were first presented at
 14 Minnkota-sponsored public open house meetings
 15 in the spring of 2010.

16 I'd like to point out that on
 17 Exhibit 5, the green stars do indicate the
 18 locations of those various public meetings
 19 during those time frames.

20 The final proposed corridor, shown
 21 in Exhibit 8, was introduced during the winter
 22 of 2010 and 2011 as the preferred route
 23 identified in the environmental analysis.

24 It was then publicized in our
 25 project newsletter, on the website and in the

<p>97</p> <p>1 Corridor applications. 2 Mr. Phillips will discuss this 3 proposed corridor for this area in detail in 4 his upcoming testimony. 5 Q. And why is Minnkota requesting 6 approval of a 1,000-foot-wide corridor for the 7 project? 8 A. We feel by selecting the preferred 9 route from the Environmental Assessment as the 10 corridor for the Corridor application, for the 11 PSC process, we can demonstrate that the 12 proposed corridor has the least overall impact 13 within the wider study area. 14 Selection of this 1,000-foot-wide 15 project corridor is a result of an extensive 16 pre-application routing process and we feel 17 provides the best opportunity for more detailed 18 analysis during the state review. 19 The Macro-Corridor Study to the 20 Environmental Assessment process involved 21 in-depth environmental analysis and multiple 22 opportunities for agency, tribal, governmental 23 review and public input. 24 This 1,000-foot-wide project 25 corridor is the same width utilized in the</p>	<p>99</p> <p>1 and to minimize impact to tillable croplands. 2 Other factors we considered in the 3 corridor selection process include the avoiding 4 of irrigated cropland, rural airports and 5 airstrips, identified recreational, historical, 6 archaeological or other cultural significant 7 areas when possible and also avoiding potential 8 disturbance to rare and endangered species of 9 plants and animals. 10 We also strove to minimize impacts 11 to shelterbelts, wooded areas and other areas 12 of conservation and ecological importance. 13 We also strove to minimize effects 14 on designated waterfowl production areas and 15 game management areas and wildlife refuges; 16 interference with extraction of economic 17 minerals and the engineering, construction and 18 maintenance hazard minimization were also 19 considered. 20 The evaluation also took in 21 coordinating planning with existing wind 22 easements, following existing rights of way, 23 serving lines, natural division lines and 24 agricultural field boundaries when feasible. 25 And, also, a major evaluation</p>
<p>98</p> <p>1 Environmental Assessment. 2 Using a 6-mile-wide corridor for 3 the state process, at this step in the 4 project's development, in my opinion, would be 5 a step backwards, because it ultimately would 6 not answer the public's number-one question 7 asked is: where are you proposing to place the 8 line? 9 As such, a narrower corridor 10 provides an opportunity for more meaningful 11 public input. 12 And a narrower corridor also 13 minimizes the possibility of this corridor 14 being utilized for other projects after the PSC 15 approval. 16 It is incon -- excuse me. It is 17 consistent, also, with the recommendations of 18 the Commission in its Letter of Response to 19 Minnkota's request for routing guidance early 20 on in the project. 21 Q. And what were some of the factors 22 Minnkota took into account in developing the 23 proposed project corridor? 24 A. The two primary factors that we 25 considered were to avoid occupied residences</p>	<p>100</p> <p>1 factor was to enhance the electrical 2 reliability of the transmission system. 3 And, primarily, adhering to North 4 Dakota's Public Service Commission exclusion 5 area and avoidance area criteria. 6 Q. And earlier, you testified that as 7 project manager you oversee the right of way 8 acquisition process. Is that right? 9 A. Yes. 10 Q. What steps is Minnkota taking to 11 acquire right of way for the proposed project? 12 A. The project team is currently 13 negotiating with landowners to obtain easement 14 options for Minnkota. 15 Within the thousand-foot-wide 16 corridor, Minnkota will seek from landowners, 17 150-wide easement often -- offered within a 18 50 -- excuse me, a 500-foot-wide easement 19 option area. 20 Q. And you mentioned that Minnkota's 21 obtaining easement options. What is the 22 difference between an option and an easement? 23 A. An option is an agreement with the 24 landowner for the future right to acquire a 25 permanent easement. The right to acquire the</p>

<p style="text-align: center;">101</p> <p>1 easement must be, then, exercised within a 2 spe -- a set -- specified time. 3 An easement is the right granted by 4 the landowner to use a specific piece of 5 property for a specific, specific use for a 6 specified length of time. 7 Q. And why is Minnkota acquiring 8 easement options as opposed to easements? 9 A. Acquiring options does allow 10 Minnkota to begin the right of way acquisition 11 process at the same time it's pursuing required 12 permits. 13 But this also will -- helps limit 14 Minnkota's financial investment in case the 15 permitting process necessitates a change in the 16 right of way location. 17 The 500-foot-wide option gives the 18 landowner and the right of way agent some 19 limited flexibility in the ultimate alignment 20 of 150-foot right of way. Requests can be made 21 to the design team to review the exact location 22 of the right of way placement. 23 Q. And are the easements that will be 24 obtained for the project limited to a specific 25 purpose?</p>	<p style="text-align: center;">103</p> <p>1 also a per structure payment. 2 And that per structure payment is, 3 is based on the land use. A different payment 4 is for cropland versus other nontillable land 5 activity. 6 The compensation takes into account 7 the current land usage, the local market value 8 of the land and the calculated acreage required 9 for the right of way. Per pole payments also 10 take into consideration the effects on farming 11 practices. 12 Q. And then why isn't -- why aren't 13 annual payments that are typically used for 14 wind turbines being offered to landowners for 15 this project? 16 A. We get asked about annual payments 17 pretty regularly on this project. And our 18 position is that the situations are quite 19 different. 20 In the case of wind farms, the 21 developers and the landowners are working in 22 combination to harvest a natural resource, in 23 this case, the wind. The wind produces a 24 profit-generating revenue stream. This is not 25 the case with the transmission line.</p>
<p style="text-align: center;">102</p> <p>1 A. Yes. Our easements allow Minnkota 2 Power to install and maintain a single 3 transmission line system. And no other purpose 4 are included or allowed. 5 Q. And how are easement payments 6 determined? 7 A. The project took on a -- an 8 analysis to determine a land basis value for 9 each county. This land basis value was 10 calculated by compiling and comparing recent 11 sales records for each county. 12 And we also took into consideration 13 USDA National Agricultural Static Service Data, 14 which is compiled and released on an annual 15 basis, also by county. 16 This data tracks the land rental 17 values and the land sales values a -- across 18 each state and on a county basis. 19 We also considered impacts from 20 other similar projects within the area. 21 Compensation then is calculated for 22 each landowner by a combination of this land 23 basis value payment for the area of these, that 24 would be the footprint of the overhead 25 easement, 150-foot-wide across the property and</p>	<p style="text-align: center;">104</p> <p>1 As a rural electric cop -- 2 cooperative, Minnkota's rates are based on the 3 actual costs to deliver electricity. We are 4 not a profit-driven enterprise. 5 While we take very seriously our 6 obligation to provide fair compensation to 7 landowners for easements, we also have an 8 obligation to our rate payers to keep 9 electricity rates affordable. This means 10 keeping our project development costs 11 reasonable. 12 It is important to note that at 13 this time no other transmission utility 14 provider in the region make long-term yearly 15 payments for transmission easements. 16 And we'd also like to note that 17 having a transmission easement coexisting with 18 a wind farm is entirely possible, as we've 19 shown that by cooperating with existing wind 20 easements across the proposed corridor. 21 Q. And what activities will be 22 restricted along the easement? 23 A. Restricted activities include 24 placing permanent structures under the power 25 line, planting of large-growing trees within</p>

<p style="text-align: center;">105</p> <p>1 that 150-foot right of way, stockpiling 2 materials under the line, which would minimize 3 the clearance level or any activity that 4 creates a safety hazard to the line operations. 5 Q. And what impact on land use will 6 the new transmission line have? 7 A. Well, we certainly recognize that 8 the utility pole does create an inconvenience 9 when placed on tillable ground. However, 10 Minnkota's selection of the steel monopole 11 design minimizes impacts by allowing 12 installation of poles without any guy wires and 13 helps minimize the footprint of the project. 14 In addition, a 1,000-foot spacing 15 between these monopoles will help limit the 16 impacts. 17 Farm equipment does need to move 18 around the physical structures for seeding or 19 harvesting, but, again, with the five 20 structures per mile, we feel that this helps 21 eliminate -- minimize this impact. 22 We also recognize an impact for 23 aerial applicators. And they may need to 24 modify their approach to -- with the line on 25 their property.</p>	<p style="text-align: center;">107</p> <p>1 or -- the, the project does pay for the 2 installation of gates along the right of ways. 3 Q. What are some of the benefits of 4 the proposed project? 5 A. Well, we feel the primary benefits 6 are this access to an increased base load 7 generation to accommodate future demand and 8 load growth that our system is seeing. 9 Also, the additional grid 10 reliability that Mr. Bartel addressed. 11 We also have long-term state and 12 local tax payments that help fund community 13 needs. These payments go to the school 14 districts and the fire districts along the 15 corridor. 16 We also see prop -- projecting 17 construction jobs from the project. The 18 project will support approximately 200 to 250 19 specialized construction crews coming in to 20 perform the foundation construction and the 21 line construction. 22 Of those 250 jobs, we project that 23 40 to 60 will more than likely be local hire 24 opportunities. And this may include the local 25 supply of concrete and batch plant work, civil</p>
<p style="text-align: center;">106</p> <p>1 When talking with aerial 2 applicators and they say that it doesn't 3 necessarily preclude the application, but it 4 may change how they apply from the air. 5 Q. And what compensation will 6 landowners receive for disruption of land use 7 during construction? 8 A. Besides the permanent easement 9 payment, we also may need to negotiate 10 temporary construction easements, if we can't 11 get access to that particular pole location 12 along the easement. This would be an example 13 of wetlands or, or forested areas, we may need 14 to work through that. 15 We also pay crop damage payments. 16 And this is based on the first year's crop 17 damage, with the second year and the third and 18 fourth follow-up year crop damage payment. 19 We also make land damage payments 20 to noncropland. So if the landowner feels that 21 our restoration does not meet their 22 satisfaction, you know, we have opportunity, 23 you know, to compensate for that as well. 24 We also have re -- construction of 25 fencing that may be damaged during construction</p>	<p style="text-align: center;">108</p> <p>1 work for road construction and maintenance, the 2 tree-clearing contracts for the right of way 3 and also the fence construction prior to 4 construction. 5 We also see nonspecialized labor 6 for traffic control when necessary. And also 7 the land restoration process after 8 construction. 9 We also see benefits from other 10 construction stimulus in the local economy, 11 including expenditures for product and 12 services, such as hotels, restaurants and fuel 13 from local suppliers. 14 Q. And based on the studies and 15 analyses that Minnkota has conducted, and on 16 the testimony that you presented today, what 17 are some of the conclusions Minnkota has 18 reached with respect to the proposed project? 19 A. Minnkota feels that this project is 20 the best possible solution for delivering 21 additional base load generation to Minnkota 22 service territory. 23 And also the best solution for 24 improving the reliability of the region's 25 electrical network by solving this known</p>

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1 voltage stability issue in the northern Red
 2 River Valley.
 3 Through the required federal review
 4 process, which included an in en -- in-depth
 5 environmental review and numerous opportunities
 6 for stakeholder and public input, Minnkota has
 7 developed, in our opinion, a viable
 8 1,000-foot-wide corridor.
 9 The proposed corridor meets North
 10 Dakota siting requirements and will, will
 11 result in the least overall impact of the al --
 12 all the alternatives considered.
 13 In addition to providing additional
 14 base load generation and good reliability, the
 15 project will bring these local long-term
 16 economic benefits through the state and local
 17 tax payments and short-term stimulus through
 18 the construction jobs and those related
 19 expenditures.
 20 MS. SMITH: I have no further
 21 questions.
 22 MR. WAHL: Mr. Sagsveen?
 23 MR. SAGSVEEN: Just a couple
 24 questions.
 25

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1 CROSS-EXAMINATION
 2 BY MR. SAGSVEEN:
 3 Q. Mr. Hennes, so I apologize if I
 4 repeat myself from yesterday, but the, the feds
 5 in the, kind of step-one analysis, used the
 6 word route, and then as you got into your step
 7 three state analysis, that changed to corri --
 8 corridor?
 9 A. That is correct.
 10 Q. So with the Permit application --
 11 MR. SAGSVEEN: I think that's
 12 Exhibit 3?
 13 MS. SMITH: Yes.
 14 Q. (By Mr. Sagsveen) You were
 15 involved in the RUS and the federal enviro --
 16 environmental analysis that's, I, I think, in
 17 Appendix, Appendix D? Is that the
 18 Environmental Assessment?
 19 A. Yes, as project manager, I helped
 20 coordinate those efforts.
 21 Q. Okay. So you're familiar with the
 22 conclusions that the RUS came to in, in that
 23 analysis?
 24 A. Yes.
 25 Q. And so I'm going to direct your

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1 attention to Page 4-1, it's the preferred route
 2 selection, where they talk about, it starts off
 3 by saying: the deciding factors in selecting
 4 the Route A as the preferred route are listed
 5 below?
 6 A. Yes.
 7 Q. Do you have that in front you?
 8 A. Yes.
 9 Q. Okay. So at the bottom of that 4.0
 10 paragraph, where it says: Route A has about 33
 11 segments, they ba -- that, that basically means
 12 Corridor A, correct, because there is no route
 13 at that point?
 14 A. In the federal process, it's still
 15 a route.
 16 The three routes in the
 17 environmental analysis are the narrower of
 18 the -- those areas studied. So the term route
 19 applies for that federal process.
 20 Q. So -- but it's, it's a thousand
 21 foot wide?
 22 A. It's a thousand foot wide.
 23 Q. Okay. So as used here, though,
 24 Route A is a thousand-foot-wide corridor?
 25 A. That's -- it's a thousand-foot-wide

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1 route in this document, but it's the same route
 2 that we renamed the corridor --
 3 Q. Okay.
 4 A. -- for the PSC process, yes.
 5 Q. And so where it says: as Minnkota
 6 negotiates easements and enters the state
 7 permitting process, there could be variations
 8 with the final route alignment, I, I take that
 9 to mean that the federal government
 10 acknowledges that there might be some shifting
 11 here and there?
 12 A. That's correct.
 13 And, and they understand that
 14 through the state process that, and the
 15 landowner negotiation phase, that we may need
 16 to report back to them any major environmental
 17 impacts from changes.
 18 And basically we catalogued the
 19 changes throughout the project.
 20 And then we'll, to, to wrap up the
 21 final environmental reporting to the RUS, we
 22 will catalogue any changes from the, from the
 23 corridor.
 24 That was part of their decision, so
 25 they're aware of that.

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1 Q. Okay. So the federal analysis
 2 that's done doesn't necessarily limit the final
 3 outco -- the final corridor?
 4 A. No, that is correct.
 5 MR. SAGSVEEN: I have no further
 6 questions.
 7 MR. WAHL: Mr. Lein?
 8 MR. LEIN: No questions.
 9 MR. WAHL: Questions from the
 10 Commission?
 11 Commissioner Kalk.
 12 MR. KALK: Thank you, Mike, for
 13 your testimony.
 14 I guess a question for you, maybe
 15 for the, the counsel, too, is the -- yesterday,
 16 we had some discussion towards the end about,
 17 we have an Exhibit that talks about the public
 18 comments that came during the, you know, the,
 19 the environmental impact period, if you will.
 20 Those, those are already in the
 21 record.
 22 MS. SMITH: Yes.
 23 MR. KALK: But are you planning on
 24 submitting an Exhibit in Washburn that, that
 25 talks about those stakeholder comments and the

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1 database that Mike talked about?
 2 MS. SMITH: That particular
 3 database is not a public database, so it's a
 4 private database, so the landowners, or anyone
 5 that submitted comments, wasn't necessarily
 6 submitting them as a public document, so that's
 7 one concern that we have with creating a new
 8 document that we would put into the public
 9 record.
 10 Anything that has been submitted to
 11 the agencies is provided and has been -- is in
 12 the filings.
 13 The others were, you know, --
 14 MR. KALK: Okay.
 15 MS. SMITH: -- comments that
 16 Minnkota --
 17 MR. KALK: I'll talk to do -- our
 18 counsel and then we'll see what happens. I'll
 19 ask him, perhaps.
 20 MS. SMITH: Sure.
 21 MR. KALK: And just for you, I
 22 guess, sir, the --
 23 THE WITNESS: Just, just one
 24 follow-up, sir?
 25 MR. KALK: Yeah.

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1 THE WITNESS: We do have our, our
 2 summary of the, you know, of the, of the topics
 3 of those comments that, you know, that would be
 4 available, that basically gives you an
 5 indication of, you know, what the topic subject
 6 is that, that the number --
 7 MR. KALK: Well, that would be
 8 helpful. Is that in, in anything you've
 9 already submitted now?
 10 THE WITNESS: No, no.
 11 MR. KALK: That would, that would
 12 be good enough for me. I don't really need
 13 names, just general feelings of what some of
 14 the comments were.
 15 MS. SMITH: Okay. We'll pu --
 16 we'll put together the topic comment and we'll
 17 submit that this next week prior to Washburn.
 18 MR. KALK: Okay, thank you very
 19 much.
 20 And just one question for you,
 21 Mike.
 22 The -- tell me what you heard from
 23 these -- the county commissioners in those
 24 meetings. Is there any general, overall --
 25 you, you talked about county commission

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1 meetings, eleven counties. Was there a trend
 2 there that you heard or some --
 3 THE WITNESS: Actually, all eleven
 4 of the county commissioner meetings were, were
 5 very well received.
 6 The big concern at the county level
 7 is the road --
 8 MR. KALK: Okay.
 9 THE WITNESS: -- maintenance and
 10 repair during construction.
 11 And we spent a lot of time at the
 12 commissioner level and at the township level
 13 going through our construction plan and our
 14 plan to also include what we call traffic maps
 15 or traffic plans.
 16 The project does plan to notify the
 17 public, you know, where our staging areas are,
 18 which roads we'll be using during construction
 19 and what time frame those roads will be used,
 20 you know, as we progress along the line.
 21 MR. KALK: So do you have any co --
 22 co-written agreements with any county
 23 commissioners or is it all just kind of verbal,
 24 what you're going to do?
 25 THE WITNESS: We, we are directed

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1 by some of the counties to get haul permits
 2 from, from their county engineer and county, --
 3 MR. KALK: Oh, okay.
 4 THE WITNESS: -- county board.
 5 MR. KALK: Sure.
 6 THE WITNESS: So at their request,
 7 we will, you know, transform this into a
 8 written plan, you know, based on that.
 9 A lot of the Conditional Use
 10 Permits that we're seeing, also include
 11 language for working with the county engineer
 12 for assessing the road and, and a plan for
 13 repairing the roads during construction.
 14 MR. KALK: Okay, thank you very
 15 much.
 16 MR. WAHL: Further questions from
 17 the Commission?
 18 Commission Cramer.
 19 MR. CRAMER: Just one.
 20 As you were talking, and reflecting
 21 on yesterday as well, how many structures do
 22 you -- does anybody -- somebody has an idea.
 23 How many structures are we talking about from
 24 start to finish?
 25 THE WITNESS: Currently, it's just

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1 over 1300. And the majority of them, about
 2 1240, are the tangent structures and, and 70
 3 some structures are what we call running angle
 4 or corner structures, so a little, a little
 5 bigger structure requiring a little bigger
 6 foundation.
 7 And it's about 2,000 truckloads of
 8 steel poles that will be coming into North
 9 Dakota, once we -- we anticipate, you know,
 10 steel poles, our manufacturer has been secured,
 11 and those poles will start arriving in the
 12 August time frame.
 13 MR. CRAMER: How is the price of
 14 steel, by the way?
 15 THE WITNESS: Well, we managed to
 16 negotiate a fixed, firm contract for the
 17 delivery of 50 million pounds worth of steel
 18 just before the price went up, so the project
 19 is fortunate in, in our timing in making that
 20 contract.
 21 MR. CRAMER: What I'm thinking
 22 about and what I'm contemplating is, the
 23 ramifications or consequences of the, you know,
 24 annual versus one-time payment for a structure.
 25 I'm just trying to get a sense from a policy

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1 standpoint what that might be.
 2 Anyway. But thank you for your
 3 testimony, that's all I have.
 4 MR. WAHL: Further questions from
 5 the Commission?
 6 Commissioner Kalk.
 7 MR. KALK: I had one more that
 8 Ke -- Kevin reminded me to ask.
 9 The -- I know we've got a later
 10 witness that talks about it, but we had
 11 testi -- or public input yesterday that there
 12 was a, a desire to even have more than the
 13 five-year pay period, if you will.
 14 Is there anything that, that, that
 15 says you can't go 10 years or 15 years right
 16 now? Because you decided to go from one-time
 17 payment to five years. Why five years, not
 18 ten?
 19 THE WITNESS: I think five is the,
 20 is the regulation by law that a, a right of way
 21 payment has to be considered as, as a one-time
 22 payment or it can be spread out over five ye --
 23 annual payments with interest.
 24 MR. KALK: What kind of law is
 25 that? I'm not aware of that.

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1 MS. SMITH: I'll have to get you
 2 the exact citation, but there is a citation
 3 that does require that in the statutes.
 4 MR. KALK: Okay. So that -- that's
 5 why you can't go past that five-year period,
 6 okay.
 7 Thank you.
 8 MR. WAHL: Any further questions
 9 from the Commission?
 10 Follow-up, Ms. Smith?
 11 MS. SMITH: No, your Honor.
 12 MR. WAHL: Mr. Sagsveen?
 13 MR. SAGSVEEN: No, your Honor.
 14 MR. WAHL: Mr. Lein?
 15 MR. LEIN: No, your Honor.
 16 MR. WAHL: Thank you very much, Mr.
 17 Hennes.
 18 THE WITNESS: Thank you.
 19 (Whereupon, the witness was
 20 excused.)
 21 MR. WAHL: We are going to recess
 22 for lunch at this time, with my apologies. I
 23 don't like to recess at noon for lunch, but, in
 24 the circumstances, that will be the best for
 25 us.

<p style="text-align: center;">121</p> <p>1 Let's recess. Please, let's try 2 and do lunch in 45 minutes and be back here at 3 12:45. 4 And I will be here during the lunch 5 break and I'd be very happy to talk with 6 anybody who has any questions about their 7 testimony, excuse me, or has, or has Exhibits 8 to be marked or if there's anything in any way 9 that I can help you with your testimony, other 10 than, of course, answering any specific 11 questions about the, about the, about 12 Minnkota's project. 13 I can't advise you regarding the 14 project, but I can certainly help you with 15 your -- with what you want the Commission to 16 know. 17 So I'll be here during the, during 18 the noon hour. Either before or after, 19 whatever suits you. 20 So we'll be in recess until 12:45. 21 (Whereupon, a lunch recess was 22 taken at 11:59 o'clock a.m. to 12:50 o'clock 23 p.m.) 24 MR. WAHL: Let's go to work. Let's 25 be in order, please.</p>	<p style="text-align: center;">123</p> <p>1 DIRECT EXAMINATION 2 BY MS. SMITH: 3 Q. Could you please state your name 4 for the Commission? 5 A. Yes, good afternoon, my name is, is 6 Duane Phillips. 7 Q. And by whom are you employed? 8 A. I am em -- I am employed by Stanley 9 Consultants. 10 Q. And what's your business address? 11 A. My business address is 8000 South 12 Chester Street, and that's in Centennial, 13 Colorado. 14 Q. And could you just briefly discuss 15 your education and your work history? 16 A. Yes. My education and background 17 is in electrical engineering and nuclear 18 engineering. 19 I've got 32 years of experience in 20 the energy business, including generation, 21 substation, transmission and distribution work. 22 I've got 24 years of project and 23 construction experience, designing, building 24 and operating high voltage power delivery 25 systems.</p>
<p style="text-align: center;">122</p> <p>1 This is the continuation of, of the 2 hearing in the matter of Minnkota Power Co-op, 3 Inc., 345 kilovolt transmission line, Center to 4 Grand Forks siting application, North Dakota 5 Public Service Commission Case No. PU-09-670. 6 Ms. Smith, you may proceed. 7 MS. SMITH: I call Duane Phillips. 8 MR. WAHL: I note for the record, 9 Mr. Phillips, that you testified under oath at 10 the hearing held yesterday. 11 And you understand, of course, 12 that your testimony considered -- continues 13 under oath and subject to penalties of 14 perjury? 15 THE WITNESS: I understand, your 16 Honor, that I'm under oath. 17 18 D U A N E P H I L L I P S, 19 called as a witness, being previously first 20 duly sworn, was examined and testified on his 21 oath as follows: 22 23 MR. WAHL: You may proceed, Ms. 24 Smith. 25</p>	<p style="text-align: center;">124</p> <p>1 And I've been a project manager for 2 15 high voltage transmission projects, 3 projects, which equates to about 750 miles. 4 Q. And what's your role with respect 5 to the proposed project? 6 A. I am the project lead for the 7 engineering team, which included some of the 8 system study work, some of the early project 9 conceptual work, the corridor selection 10 process, the preliminary design, aerial survey 11 and ground survey work, detailed electrical 12 study work, technical field study work, right 13 of way process and acquisition, the detailed 14 engineering and design and, and then ultimately 15 construction management and support. 16 Q. And could you describe the 17 structures for this particular project? 18 A. Yes. Yes. The typical ones will 19 be single-pole, self-supporting and 20 self-weathered steel, single-circuit structures 21 that will be placed on drilled, drilled pier 22 foundations, those are concrete foundations, 23 that'll be placed approximately 1,000 feet 24 apart. 25 Q. And will there be any special</p>

<p style="text-align: center;">125</p> <p>1 structures required for this project?</p> <p>2 A. There are a few of the locations to</p> <p>3 where the typical structure isn't going to</p> <p>4 work.</p> <p>5 And so we have designed a, a, a</p> <p>6 couple of different specialty structures for</p> <p>7 that area.</p> <p>8 One is going across the Missouri</p> <p>9 River, where we'll be upwards of 200 feet up,</p> <p>10 due to the long length, that's a span length of</p> <p>11 about 2600 feet or so, to get across the</p> <p>12 Missouri.</p> <p>13 The other is just south of the</p> <p>14 Grand Forks airport, the Federal Aviation</p> <p>15 Administration and the Grand Forks airport have</p> <p>16 identified a, a, a, a nonprecision approach</p> <p>17 path going into the Grand Forks airport, so we</p> <p>18 are limited to the height of the other</p> <p>19 transmission lines in that area, which will be</p> <p>20 62 feet.</p> <p>21 Q. And I direct you then to Exhibits</p> <p>22 10a and 10b that were previously admitted. And</p> <p>23 they are also on the boards that are next to</p> <p>24 you as well. Could you explain what's depicted</p> <p>25 in Exhibit 10a and 10b?</p>	<p style="text-align: center;">127</p> <p>1 limitations that the FAA and the Grand Forks</p> <p>2 airport over that nonprecision approach path</p> <p>3 have, have placed upon us.</p> <p>4 And on the right-hand side of that</p> <p>5 page is, is an example of the three-pole</p> <p>6 dead-end, specialty ones that we will have on</p> <p>7 either side of the Missouri River.</p> <p>8 Q. And what type of conductors or</p> <p>9 wires will be used for this project?</p> <p>10 A. We've got two types of wires that</p> <p>11 attach onto the poles.</p> <p>12 The first is the conductor. There</p> <p>13 will be three sets of conductor wires on the</p> <p>14 arms of each, each one of the structures.</p> <p>15 Each, each set consists of two 959.6 Suwannee</p> <p>16 trapezoidal wire type ACSR conductors.</p> <p>17 Each one of those wires has an</p> <p>18 outside diameter of about 1.1 inches.</p> <p>19 The other set, which will be</p> <p>20 located at the top of, of there, will be the</p> <p>21 two shield wires. Those are in place for</p> <p>22 lightning protection.</p> <p>23 One wire will be a one-half inch</p> <p>24 diameter stranded steel cable. The other one</p> <p>25 will be an optical ground wire, which is a</p>
<p style="text-align: center;">126</p> <p>1 A. Yes, I will.</p> <p>2 Exhibit 10a is a, a drawing, a</p> <p>3 depiction of the typical structures that we</p> <p>4 will be using.</p> <p>5 And Exhibit 10b is a drawing or a,</p> <p>6 a depiction of the two speciality structures I</p> <p>7 just talked about.</p> <p>8 Q. And are -- is there anything else</p> <p>9 to add about those particular structures that</p> <p>10 are set forth in those Exhibits?</p> <p>11 A. I guess just a little bit of, of</p> <p>12 further explanation.</p> <p>13 On Exhibit 10a, on the left-hand</p> <p>14 side of that Exhibit, is the typical monopole,</p> <p>15 or, or the tangent pole, or the inline</p> <p>16 structures that we'll be using, that makes up</p> <p>17 the vast majority of the structure count.</p> <p>18 On the right-hand side of Exhibit</p> <p>19 10a is the dead-end or the angle, typical</p> <p>20 monopole structures that we have.</p> <p>21 On Exhibit 10b, on the left-hand</p> <p>22 side of that Exhibit, is the Grand Forks</p> <p>23 airport H-frame.</p> <p>24 We had to go with an H-frame design</p> <p>25 to meet the height re -- height, height</p>	<p style="text-align: center;">128</p> <p>1 fiber optic wire that is surrounded by stranded</p> <p>2 steel and is approximately a half inch in, in</p> <p>3 diameter as well.</p> <p>4 Q. And just to clarify, you said that</p> <p>5 there are going to be two wires for each con --</p> <p>6 conductor, so it may look like there are a</p> <p>7 total, then, of six wires for each conductor,</p> <p>8 but it's a single conductor. Is that right?</p> <p>9 A. Yes, that is correct.</p> <p>10 Q. Okay. What is the typical right of</p> <p>11 way width and why is that right of way width</p> <p>12 selected?</p> <p>13 A. The right of way width is 150 feet</p> <p>14 wide. And, and that right of way width is, is</p> <p>15 determined based on engineering calculations to</p> <p>16 ensure that under any weather condition, public</p> <p>17 safety, in terms of electrical clearances, will</p> <p>18 be maintained within the right of way.</p> <p>19 Q. And will a different right of way</p> <p>20 width ever be used on the project?</p> <p>21 A. In areas where we have longer span</p> <p>22 lengths, for instance, across the Missouri</p> <p>23 River, we, we will evaluate and we may have to</p> <p>24 use a slightly wider right of way width.</p> <p>25 There's also examples to where the</p>

<p style="text-align: center;">129</p> <p>1 right of way gets, gets placed across, across 2 property lines. But, but even in those cases 3 where two landowners will share, share the 4 right of way or the right of way will, will go 5 across a two-lane owner's property, it'll be 6 150 feet wide still.</p> <p>7 Q. And what factors are considered 8 when designing a transmission line?</p> <p>9 A. One of the things that we look at 10 when, when we go about designing is the amount 11 of load or the amount of power that needs be 12 transferred across the line.</p> <p>13 What kind of power. So what, what 14 type of generation is that coming from.</p> <p>15 And what are the system operating, 16 operating parameters that we have on either end 17 of the line.</p> <p>18 We look at corridor impacts, such 19 as the, the ground terrain, water bodies that 20 we have to span, those type of, those type of 21 things.</p> <p>22 We looked at the impact on the land 23 or how much of an impact will each one of the 24 structures have in terms of a footprint. How 25 much, how much of the land, land of the</p>	<p style="text-align: center;">131</p> <p>1 terms of construction, because of the land 2 disruption that would be needed.</p> <p>3 An underground line basically needs 4 a duct bank underneath that get -- that gets 5 expanded out.</p> <p>6 So it's a lot more involved 7 construction. And it's also very cost 8 prohibitive as well. It's a lot more 9 expensive.</p> <p>10 Q. And besides the transmission line 11 structures, the conductors and the shield 12 wires, what other components are there of the 13 project?</p> <p>14 A. Well, the other components is, is 15 modifications and added equipment to the Center 16 345 substation, the Square Butte 230 kV 17 substation, the Prairie 345 substation 18 addition.</p> <p>19 We will also need four fiber optic 20 repeater regeneration stations along, along the 21 route.</p> <p>22 There's also a number of upgrades 23 that need to be.</p> <p>24 First is the 230 kV tie line 25 between the Square Butte and Center substations</p>
<p style="text-align: center;">130</p> <p>1 landowners' property will be impacted.</p> <p>2 We look at environmental impacts, 3 such as wildlife, cultural, historical, 4 archeological.</p> <p>5 And we looked at constructability, 6 in other words, can we get into these different 7 areas and actually build the line and operate 8 and maintain it.</p> <p>9 And then we look at long-term 10 operations and maintenance considerations as 11 well.</p> <p>12 Q. And why is the transmission line 13 not being placed underground?</p> <p>14 A. Well, right now, the technology 15 does not exist to put, to put long length, high 16 voltage transmission lines underground.</p> <p>17 There, there aren't any ex -- 18 extremely long 345 kV lines that are being 19 placed underground. And, and it would prevent 20 you, because of the operating characteristics 21 of an underground line, from, from being able 22 to actually connect it up with a transmission 23 system on either end.</p> <p>24 The other, the other major reason 25 is is it has a much more significant impact in</p>	<p style="text-align: center;">132</p> <p>1 needs to be upgraded.</p> <p>2 And then we will also need five 3 temporary lay-down areas to place material and 4 equipment along the line.</p> <p>5 And as we get it further along with 6 construction planning, there may be a need for 7 additional temporary locations for batch 8 plants, equipment storage, those types of 9 things.</p> <p>10 Q. And what are some of the typical 11 questions or concerns that are raised with 12 respect to transmission lines?</p> <p>13 A. We get asked a number of questions, 14 either from our project experience or from the 15 public meetings and landowner concerns that we 16 have.</p> <p>17 One is the impact of construction 18 activities.</p> <p>19 Another one is the limitations of 20 land use by the landowners once the line's in 21 place and is in operation.</p> <p>22 One is EMF and other, other 23 potential health impacts.</p> <p>24 We get asked about the impacts of 25 the line to wildlife and livestock.</p>

<p style="text-align: center;">133</p> <p>1 We get asked about stray voltage. 2 We get asked about induced voltage. 3 And we get asked about impacts to 4 GPS in precision farming activities. 5 Q. And the first one, I believe you 6 mentioned, was impact of construction 7 activities. 8 What are the concerns that are 9 associated with construction activities and 10 what is the project doing to minimize those 11 impacts? 12 A. Well, there's actually a number of 13 concerns that landowners have expressed to us. 14 The first is compaction of the soil, in other 15 words, construction activities out there 16 compacting the soil and not, not leaving that 17 for good agricultural use. 18 We have, we have put into place 19 that the construction contractors are, are 20 contractually liable to decompact the soil with 21 deep-soil techniques so that, so that that 22 compaction from construction is, is removed. 23 We get asked about public safety 24 around the excavations. The drilled pier 25 foundations will be large holes.</p>	<p style="text-align: center;">135</p> <p>1 construction is going on. 2 We get asked about disruption of 3 sensitive areas, environmentally sensitive 4 areas, whether they be cultural sites, 5 wetlands, those type of things. 6 One of the things that we will do 7 is, is, is we will identify those areas and we 8 will go out and mark and flag those areas 9 before, before any construction activity 10 begins, to make sure that, that nobody's 11 inadvertently getting into a sensitive area 12 during the construction period. 13 We get asked a lot about road 14 maintenance, which was talked about earlier. 15 We have obligated that we will go 16 out and, and establish the preexisting 17 condition for roads. 18 And then we have contractually 19 obligated the construction contractors to 20 maintain those roads while they're out there 21 performing construction. 22 So, so that means, taking the ruts 23 out of the road. That, that also includes dust 24 control. Those type of measures. 25 And then after the construction has</p>
<p style="text-align: center;">134</p> <p>1 And what we are doing about that is 2 we have asked the construction contractor that 3 when they excavate one of the foundation holes, 4 they'll place the concrete in that very same 5 day. So it won't be left overnight open. 6 And there'll also be safety 7 measures, such as fencing and, and guards and 8 those type of things around there so the 9 livestock and, and the pets and people can't 10 fall in. 11 Interruption of land use activities 12 is another one. 13 We have, we have also contractually 14 obligated the construction contractors to have 15 individuals designated as a landowner liaison. 16 We've also got the right of way 17 agents. 18 And, and, and in between those two 19 entities, they will be out contacting 20 landowners, letting landowners know when the 21 construction is, is going to be in their area, 22 what the construction's going to be and, and 23 working with the landowners and working with 24 the construction schedule to try to minimize 25 any impact to land use activities while</p>	<p style="text-align: center;">136</p> <p>1 been completed in that area, we'll go back with 2 the county and township road supervisors and 3 make sure that they're happy with the way that 4 we're leaving the road and that the road has 5 been placed back in what its original condition 6 was at least. 7 And then we get asked about road 8 traffic. There's a lot of heavy equipment 9 that'll be used on the project, so we get asked 10 about the traffic flow and how that might 11 impact local traffic. 12 We will be putting together traffic 13 plans, as was mentioned earlier. And those 14 will be publicized and, and talked about with 15 the counties and townships. 16 And those will be available and 17 will let people know what roads we intend on 18 using, when we intend on using them and how 19 long we're going to be in the area, in there. 20 So, so that should help out as 21 well. 22 Q. And I think you also mentioned 23 limitations of land use by landowners once the 24 line is completed. Can you tell us about what 25 landowners can expect in terms of the use of</p>

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1 their land after the transmission line is
 2 operational?

3 A. Once the transmission line is, is
 4 operational, the, the land use that is directly
 5 impacted is only where the structure foundation
 6 is.

7 Land use in between the structure
 8 foundation, go back to the landowner. Well,
 9 then, well, then some, some limitations of the
 10 easement, which basically, as was talked about
 11 earlier, has to do with maintaining a safe
 12 electrical clearance and maintaining public
 13 safety.

14 So, so things like driving
 15 equipment or driving vehicles or, or farming
 16 activities. All of those normal activities,
 17 the landowner will have use of that, of that
 18 area that, that is underneath the wires but
 19 between the structures.

20 Q. And what are the safety concerns
 21 and limitations to landowners once the line is
 22 in place?

23 A. Once the line's in place, safety
 24 concerns really revolve around maintaining
 25 those safe electrical cle -- clearances. So,

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1 in other words, not getting too close to the
 2 energized wires that are up there.

3 So reasonable and expected
 4 operations like we talked about earlier,
 5 agricultural operations, driving underneath the
 6 line, farming activities, aren't going to be --
 7 those are not going to present a problem
 8 underneath.

9 But, but that would be -- the
 10 concern was, was if we -- is if there was an
 11 activity that got people up too close to those
 12 energized wires.

13 Q. And you mentioned EMF as well.
 14 What is EMF?

15 A. EMF has become a generic term that
 16 refers to both electric and magnetic fields.

17 Electric fields are as a result of,
 18 of voltage potential that is on the
 19 transmission line and is directly related to
 20 the magnitude or the amount of that voltage
 21 potential and the distance that you are from
 22 the line.

23 Magnetic fields are as a result of
 24 the current flow or the amount of power flowing
 25 across the line. And those are directly

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1 related to, to the magnitude or the amount of
 2 power flowing as well as, as the distance from
 3 the line.

4 I think it's important to note that
 5 sometimes people will confuse EMF topics with
 6 stray voltage topics. They are not the same
 7 and they are not related.

8 Because of the design and
 9 operation, a transmission line does not cause a
 10 stray voltage, so it is, it really is not a
 11 concern at all.

12 Q. And then I direct you to what has
 13 been previously admitted as Exhibit 11. Which
 14 is the EMF report. Could you just explain why
 15 that particular report was developed?

16 A. Yes. The Electric and Magnetic
 17 Field Effect Estimate report, that is Exhibit
 18 11, we understand that EMF is a topic of
 19 concern to the public and the landowners in
 20 regard to, to transmission lines.

21 So what we wanted to do is, is
 22 model the line and make the calculations so
 23 that we could make estimates of, of what those
 24 electric and magnetic field levels were going
 25 to be.

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1 And that really allows us to
 2 compare the field levels to other information,
 3 whether it be outside studies or research.

4 Q. And could you discuss for us the
 5 findings that are set forth in the EMF report?

6 A. Yes.

7 When we went through and did the
 8 field estimate calculations, we found that the
 9 Center to Grand Forks project are at or lower
 10 than, than typical 345 transmission projects.

11 And that really confirms for us
 12 that there's no re -- no need for mitigation
 13 measures.

14 And then, and then the calculated
 15 field levels in the area of, of greatest
 16 concern, which is at the edge of the right of
 17 way, are well below any known recommendations
 18 from any agency.

19 Q. And are there any correlations to
 20 negative health impacts to the public from
 21 transmission lines related to the -- these
 22 fields?

23 A. No, there are not.

24 There have been a number of studies
 25 done on electric and magnetic fields as they

<p>141</p> <p>1 relate to high voltage transmission lines over 2 the last 40 years. 3 These electric field studies have 4 not suggested any links whatsoever to health 5 concerns. 6 The public health agencies have not 7 identified any health risk concern related to 8 power line electric fields. 9 And, and we do plan on presenting 10 testimony at the Washburn hearing, hearing from 11 a Dr. Valberg, which was mentioned earlier, who 12 is an expert in health effects in this area. 13 Q. And you also mentioned impacts to 14 GPS in precision farming activities. What will 15 the impact of having a transmission line be to 16 GPS and other precision farming methods? 17 A. There aren't any impacts to GPS 18 from transmission power lines. 19 When you look at transmission power 20 line operating characteristics, they have been 21 studied over, over the last few years and they 22 have no impact on the ability of GPS equipment 23 or precision, precision farming activities 24 that'll link with satellites. 25 The wavelength, the, the frequency,</p>	<p>143</p> <p>1 any objects that are near the line and make, 2 and make engineering calculations associated 3 with that. 4 And then we will determine 5 mitigating methods, if there are any issues 6 with induced voltage building up. 7 Typically, those are as simple as 8 just, just grounding a fence or, or some 9 measure such as that. 10 Q. And I, I meant to ask this when we 11 were talking about the EMF report, but 12 yesterday, Mr. Lein asked about the EMF 13 software that was utilized. What modeling 14 software was used? 15 A. We used, we used the, the EMF Tools 16 software, which, which was developed by the 17 Bonneville Power Administration. And that 18 they -- that takes into account the EPRI 19 guidelines for determining and, and estimating 20 EMF levels, electric and magnetic field levels. 21 Q. And then we've also heard a number 22 of questions and comments regarding the 23 reliability of the proposed project. 24 Could you explain some of the 25 reliability related design criteria that's</p>
<p>142</p> <p>1 the signal strength, they're not impacted by, 2 by, by the power that, you know, you know, that 3 is on those power lines. 4 And we presented expert testimony 5 at the Northwood hearing on that, so we can 6 refer to that as well. 7 Q. And you mentioned induced voltage. 8 What, what is induced voltage and how is that a 9 concern? 10 A. Induced voltage is voltage that is 11 generated in objects that are in close 12 proximity to energized equipment. 13 If a voltage -- if, if an object is 14 in close proximity, this, this voltage that is 15 induced, if that object is not grounded, could 16 build up. 17 And then if an individual or, or, 18 or wildlife or, or livestock were to walk up 19 and touch that object, they, they might get a 20 very small sensation, kind of like walking 21 across a carpet and, and then touching 22 something, that static elec -- electric kind of 23 a shock. 24 Induced voltage will be evaluated 25 for the length of the line. We will look at</p>	<p>144</p> <p>1 being used on this particular project? 2 A. One of the things that we did when 3 we began the project, and actually on any line 4 we design, is to go out and look at the 5 environmental conditions that, that exist in 6 the area and try to make a determination, make 7 a recommendation to the owner for, for -- of 8 the design criteria that we will use to ensure 9 the reliability at the line. 10 And we thought it was worth 11 mentioning a few of those items that are above 12 and beyond what, what any guidelines, such as 13 the National Electric Safety Code, would ask us 14 to design for. 15 First of all, the avian measures 16 which were brought up yesterday. We are 17 designing them to the, to the Aviation, the 18 Avi -- Aviation (sic) Power Line Interaction 19 Committee, or the APLIC guidelines. 20 They have a couple of reference 21 manuals out there that, that, that talk about 22 bird collisions, that talk about preventing of 23 bird, bird or, or avian electrocutions. 24 So we are de -- we are designing to 25 those standards.</p>

<p style="text-align: right;">145</p> <p>1 We have put a clearance adder of 5 2 feet on, which means, if you look at the 3 National Electric Safety Code minimum clearance 4 levels, for instance, aboveground, we've added 5 5 feet to all those clearance levels. 6 We are placing containment 7 structures every 5 miles along the line. 8 And what a containment structure 9 is, is that's a full-tension dead-end 10 structure. And you, you would place one of 11 those in the line because typical line failures 12 happen in a cascading manner, if they're 13 taken -- the structures down. 14 So, in other words, the, the, one 15 of the structures coming down due to weather 16 event or some, some casualty puts additional 17 tension on the others and, and you end up 18 seeing more than one go down. 19 So those containment structures 20 prevent long links of line from going down due 21 to any event. 22 We've also looked at, at the 23 mechanical load limits. Typically, mechanical 24 loading is 60 to 80 percent of, of what the 25 rated load is. We have limited ourselves to 50</p>	<p style="text-align: right;">147</p> <p>1 And then wire tensions with, with 2 the mechanical loading on the wire. Typically, 3 you would design by, by NESC for 60 percent, 4 we're designing for 50 percent. 5 So, again, the wire, the wire, the 6 wire tension, mechanical load is, is twice what 7 it needs to be. 8 Q. Okay. And so we've heard a bit 9 about the design criteria and we also heard a 10 bit earlier about the process of developing the 11 corridor. 12 Could you tell us what was 13 considered from an engineering and design 14 perspective during the process of developing 15 the, developing the corridor location? 16 A. When we looked at the corridor and, 17 and we're looking to site the corridor and find 18 the best options for that, we've got three 19 levels, if you will, of, of considerations to 20 make. 21 The first one are the endpoints. 22 Where, where does the transmission line need to 23 begin and where does it need to end. 24 And I think we heard testimony 25 from, from others earlier, that talked about</p>
<p style="text-align: right;">146</p> <p>1 percent, which means the materials that we're 2 buying out there are twice as strong from a, 3 from a mechanical loading perspective than they 4 need to be. 5 When we design foundations, the 6 typical safety margin that is used in 7 foundation design is, is, is 1.2 to 1.5 times 8 what the loading would be versus what the 9 loading that the soils can, can, can handle in 10 that area. 11 We have put our safety margin at 12 1.7. 13 We've looked at weather conditions 14 in the area and we have increased over the 15 National Electric Safety Code, a number of 16 weather-case loadings. 17 First of all is high winds. We are 18 designing for approximately 130 mile an hour 19 wind. 20 We also looked at ice loading and, 21 and we are designing for a 1.5-inch radial ice 22 loading on, on the conductors. And that is 23 with a 40-mile-an-hour wind at all. And 24 that's, that's at least twice what, what the 25 National Electric Safety Code would have you design for.</p>	<p style="text-align: right;">148</p> <p>1 the reliability methods, methods and loading 2 methods of why we're going to Grand Forks. 3 The other thing we looked for is, 4 is critical points in between those two 5 endpoints. 6 And when we evaluated critical 7 points along, along the pathway, if you will, 8 in between those two endpoints, we determined 9 that from an environmental perspective, we had 10 two critical points. 11 The first one was the Missouri 12 River crossing, the second one was, was the 13 Sheyenne River crossing. 14 And then, and then from there, 15 working, working, considering what the 16 endpoints need to be, where, where we had to 17 have the crossings for the critical points. 18 The next level was, was landowner 19 information and feedback that was gained either 20 from, from, from open house public meetings or, 21 or the landowner discussions we've had. 22 Q. Based on Mr. Hennes's testimony, I 23 understand that Minnkota considered the 24 exclusion area and avoidance area criteria that 25 are set forth in the Commission's rules. Is</p>

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1 that correct?

2 A. Yes, that is correct.

3 Q. And were the selection criteria set

4 forth in the Commission's rules considered by

5 Minnkota in designing the project?

6 A. Yes, they were.

7 Q. And were the policy criteria set

8 forth in the Commission's rules considered and

9 utilized to the extent possible by Minnkota

10 when selecting the proposed project corridor?

11 A. Pardon me.

12 Yes, they were.

13 The project meets a number of the

14 policy criteria preferred by the Public Service

15 Commission and is, is consistent with the

16 objectives to be compatible with environmental

17 conservation and the efficient use of resources

18 within the state.

19 Q. And, finally, were the factors set

20 forth in North Dakota Century Code Section

21 49-22-09 considered when selecting the project

22 corridor?

23 A. Yes, they were.

24 Q. And would you please then walk us

25 through the project corridor for the Commission

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1 and provide an explanation as to why the

2 corridor lo -- is located where it is and the

3 criteria that were considered when selecting

4 the location?

5 And we'll utilize the Exhibits, as

6 they're Exhibits 12a through 12j, which were

7 previously admitted.

8 And we'll give just a second to get

9 the boards up that will mirror those. And,

10 again, these are focused on this particular

11 area.

12 A. And I think probably the most

13 efficient way to go about this is, I'm going to

14 use Exhibit 4 to just talk at a general

15 high-level view and then --

16 THE WITNESS: I'm going to mess you

17 up a little bit, Ms. Carlson. Could we then go

18 to Exhibit 12 Charlie, 12c?

19 And then we'll go in order from

20 there. 12c. 12d. You know, that, that kind

21 of, that kind of thing.

22 MS. CARLSON: Sure.

23 THE WITNESS: And we will go up to

24 Exhibit 12h, Ms. Carlson.

25 A. I wanted to begin out with Exhibit

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1 4, because Exhibit No. 4, which was previously

2 talked about, gives an overview of all the

3 preliminary study corridors there.

4 And I wanted to talk about these

5 three levels that we had talked about, because

6 any time that you look at a corridor siting,

7 it -- it's important to understand the

8 direction that you're going in versus looking

9 at just an isolated area.

10 So, again, the endpoints we had is,

11 is, we started at the Center 345 kV substation.

12 And the other endpoint was of the Prairie

13 substation, which is up in Grand Forks.

14 I also talked about that we had two

15 critical points that had to be determined. The

16 first one was the Missouri River crossing.

17 Really, we looked at a number of

18 options to get across the Missouri River. The

19 northern, the northern portion, up by Washburn,

20 we had a number of considerations. One is, one

21 was the Cross Ranch area and the associated

22 wildlife areas that are up there.

23 There are a number of center-pit --

24 center-pivot irrigation that is a little bit

25 west of Washburn. And then, of course, we had

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1 the city of Washburn to contend with.

2 And then in our conversations with,

3 with agencies an -- and the landowners along

4 the Missouri River, the southern corridor in

5 between the two existing transmission lines

6 that go across the Missouri River, became that

7 op -- optimal, critical crossing point at the

8 Missouri River.

9 The next critical point was across

10 the Sheyenne River. And, really, the Sheyenne

11 River, what we looked at was to minimize the

12 environmental impact with, with the wooded

13 areas that run along the occupied residences

14 that were in the area. And then, of course,

15 taking into account landowner concerns.

16 And that's what made, made the

17 determination for where, where we were going to

18 go across the Sheyenne River.

19 So now once we have these critical

20 points in place and the endpoints in place, now

21 it's a matter of finding the least-impacting

22 corridor that goes between these.

23 So I will talk briefly about why we

24 ended up going up north.

25 As was previously looked about --

<p style="text-align: center;">153</p> <p>1 as was previously talked about, this, this 2 southern Macro-Corridor that is in the Wing, 3 Tuttle area, is in the middle of, middle of 4 what is known as the Prairie Pothole Region. 5 And there are a number of larger 6 water body wetlands in that area that would 7 have been a challenge to span across and to get 8 through that area. 9 Even going a little bit north of 10 there, there is a wind farm that is, that is 11 basically on the east and a little bit south of 12 Wilton, in there, that prevented us from 13 getting us through that area. And that really 14 drove us to go north. 15 And to get north fairly early 16 through Burleigh and McLean Counties and get up 17 into that area. 18 And that really takes us off 19 Exhibit 4. 20 And I would like to now direct your 21 attention to Exhibit, Exhibit 12 Charlie. 22 This begins over in, in the McLean, 23 Sher -- Sheridan County line. And we're going 24 this far west, because I know we have 25 landowners present who, this is an area that</p>	<p style="text-align: center;">155</p> <p>1 goes through that western portion of Sheridan 2 County and, and gets us up to the north side, 3 in that northern corridor, that we can make the 4 turn and, and go east. 5 One of the other challenges is this 6 area is, is in Prophets Township. There's a 7 ridge up here that's known as the Prophet 8 Mountains. And there is a wind farm being, 9 being planned up there. 10 So, so that diagonal takes into, 11 takes into consideration the planned placement 12 of wind turbines through that area. 13 Once we get up on, on the path of 14 where, where we need to head east, we're able 15 to find a route. 16 And, really, the major drivers 17 through the rest of Exhibit 12c was the wetland 18 bodies that were up there and occupied 19 residences, trying to stay, stay away from 20 occupied residences and, and trying to avoid 21 some of the larger wetlands that are up in that 22 area. 23 And that takes us across Highway, 24 Highway 14. 25 And takes us on to Exhibit 12</p>
<p style="text-align: center;">154</p> <p>1 they are concerned about here at the Carrington 2 meeting. 3 So looking at the area on map 12 4 Charlie, beginning on the right, we come up 5 north and kind of get north and need to make 6 the turn before we get up into this, this 7 wetland area that is just north of Mercer. 8 And then, of course, you know, we, 9 we need to avoid, we need to avoid 10 densely-populated areas, such as the towns. 11 So we wanted to make the turn prior 12 to Mercer. 13 If you look in the McClusky area, 14 you see a large, large, large concentration of 15 wetlands. So that would be in the middle of 16 Exhibit 12 Charlie. That is, there, there are 17 a number of large bodied wetlands there. There 18 is the McClusky Canal that, in a number of 19 areas through that, that portion, or that 20 region, is, is wider than others. 21 And we were looking for a narrower 22 crossing point for, for the McClusky Canal. 23 And we were able to, to look and 24 find what looked -- looks to be a very low 25 impacting and very reasonable diagonal that</p>	<p style="text-align: center;">156</p> <p>1 delta. 2 Exhibit 12 delta, coming through 3 there on the west side of that Exhibit, or, or 4 on the left side of that Exhibit, again, you 5 can see a number of large wetlands there, that 6 we went, we went across. 7 And then we're threading through a 8 number of wildlife management and wildlife 9 pro -- production areas in there, trying to 10 stay away from those areas. This was a 11 challenging area for us in terms of wanting to 12 avoid those. 13 And again, that, that also helps to 14 explain that, that jog of approximately 2 miles 15 north that then goes up in the vicinity of 12th 16 Street Northeast as, as we go across North 17 Dakota Highway 3. 18 And, again, that, that heads us 19 over to the right-hand side of Exhibit 12d. 20 And then puts us on to Exhibit 12e, or echo. 21 Again, the driver there on the 22 left-hand side, we can see a number of wildlife 23 pro -- production areas. 24 Going further south on there, we 25 see a little higher concentration of, of</p>

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1 occupied residences and a wetland -- and, and a
 2 wetter area, I, I should say, in the South
 3 Cottonwood Township.
 4 So we made another jog of
 5 approximately 2 miles north, that, that got us
 6 a pretty good straight shot through the rest of
 7 Exhibit 12e, staying away from occupied
 8 residences and some of the water bodies that
 9 are up in that area.
 10 And that takes us to, to 12
 11 foxtrot.
 12 This area in -- on -- North Dakota
 13 has quite a few wetlands in there and we'll be
 14 able to notice this on 12 foxtrot, I believe.
 15 You know, as we begin on, on the
 16 left-hand side, I would actually direct your
 17 attention to the lower left-hand corner of
 18 Exhibit 12 foxtrot, with a number of
 19 center-pivot irrigation systems that, that are
 20 down there.
 21 That was one of the factors that,
 22 that kept us from going south in this area.
 23 We had talked a little bit
 24 yesterday about looking at some of the hybrid
 25 routes. And this is a good example of, of

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1 ones, ones that we looked at, but, but had, had
 2 impediments along the way.
 3 So in this case, we ultimately,
 4 again, are trying -- we're a little bit more
 5 north of where we need to be to get across the
 6 Sheyenne River, so, so we are trying in the
 7 least impacting way to begin to work our way
 8 south a little bit more, as we go through Eddy
 9 and Foster County.
 10 If you look a little bit to the
 11 right center of Exhibit 12 foxtrot, in the
 12 Columbia Township area, you can see a number of
 13 water that is up there, a large quantity of
 14 water and very much wider wetlands.
 15 So, so the jogs that we have going
 16 through Eddy County and down to the Eddy-Foster
 17 County line, were in order to get south of
 18 those and to minimize those environmental
 19 impacts.
 20 We also have a, a number of
 21 center-pivot irrigations over on the right-hand
 22 side of Exhibit 12f, in the Juanita Lake area
 23 and, and Stony Lake area that we needed to get
 24 north of.
 25 And then that, that kind of moves

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1 us over to Exhibit 12 golf.
 2 Exhibit 12 golf, coming through
 3 there, you notice, on the right-hand side of 12
 4 foxtrot, that we do make a, a, a 4-mile
 5 southward jog in that area.
 6 And we can see, when we look on
 7 Exhibit 12, 12g, or, or golf, that that is to
 8 avoid McHenry and the McHenry area, with a
 9 number of large water bodies that are in that
 10 area as well.
 11 We're getting much closer to the
 12 Sheyenne River now.
 13 And as we get around to the Binford
 14 area and around the Lake Jessie area, there are
 15 a number of historical sites that are in that
 16 area. There are a number of large water
 17 bodies. And, of course, we have the city of,
 18 of Binford itself. There -- there's a National
 19 Wildlife Refuge in there.
 20 So we ended up having to make a, a
 21 jog in the corridor that goes north about 4
 22 miles and then finds a good west-to-east route
 23 that basically takes us and lines us up right
 24 with, with the Sheyenne River crossing.
 25 Which, which then takes us off the

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1 right-hand side of, of Exhibit 12 golf, takes
 2 us on the left-hand side of Exhibit 12 hotel
 3 and takes us right to the Sheyenne River.
 4 And so that, that takes us to that
 5 other critical point.
 6 From, from the Sheyenne River east,
 7 it was a matter, and, and we talked at the
 8 hearing yesterday, but it was a matter of
 9 making the necessary turns with the corridor to
 10 get us up into the Prairie substation.
 11 Q. (By Ms. Smith) And then within the
 12 section of the project corridor that you've
 13 just discussed for us, were there any changes
 14 that were made between the time that the
 15 Certificate of Corridor Compatibility
 16 application was filed and then today?
 17 A. There was two changes made from the
 18 time of the original Corridor, the Corridor
 19 Compatibility application submittal, and one
 20 was in Wells County, which can be seen on
 21 Exhibit 12d, as in delta.
 22 THE WITNESS: You're really doing a
 23 great job.
 24 A. And that was in this 2-mile jog to
 25 where, where the line, which is right in the

<p>161</p> <p>1 middle, to where we go north, that was based on 2 landowner input. 3 There, there are three landowners 4 in that area. 5 The original Corridor application 6 had that line a little bit more to the east 7 and, and the landowners asked to move it 8 further out in, in the till -- in, in the 9 tilled area, to get further away from the 10 residences. 11 And then the other one, one, other 12 one was in the Painted Woods Township. 13 Originally, when we had looked at 14 the Painted Woods Township re-route area and 15 put it in for the Corridor application, when we 16 went back and looked from a design perspective, 17 there is a 345 line that we have to cross. 18 Basically where we make that northern turn on 19 the eastern portion of the Painted Woods 20 corridor. 21 And where we had that location, 22 would have had us, would have had us crossing 23 that 345 line directly over one of the existing 24 345 structures, which is not the optimal way to 25 go across.</p>	<p>163</p> <p>1 MR. CLARK: Forgive me if you 2 mentioned this and I just, just didn't catch 3 it, but -- there are a few homes within the 4 corridors that are delineated on the maps. 5 Have all those signed waivers? Or ep -- are 6 there any within the 500-foot sort of guideline 7 that we usually use? 8 THE WITNESS: We are in the process 9 right now of routing within the 10 thousand-foot-wide corridor. 11 And the route we have right now, 12 there are a number of homes that, that could 13 potentially be within the 500-foot avoidance 14 criteria. And we are talking with landowners 15 in terms of negotiating waivers with them. 16 The 1,000-foot corridor as 17 submitted, will allow us to, to have a viable 18 route within that thousand-foot corridor and be 19 greater than 500 feet from any home. 20 MR. CLARK: Okay. Well, I guess, 21 yeah, that's probably the question I was 22 getting at at this point with the corridor, 23 are -- do you have enough flexibility, where 24 you're going to be able to avoid that exclusion 25 area? Most or not -- if not all cases or --</p>
<p>162</p> <p>1 So we basically moved that, that 2 angle point, the turn, a little bit back to the 3 west. 4 And it took us, took us about a 5 hundred feet out of the, out of the submitted 6 corridor. So we had to make an adjustment for 7 that as well. 8 MS. SMITH: I have no further 9 questions. 10 MR. WAHL: Mr. Sagsveen? 11 12 CROSS-EXAMINATION 13 BY MR. SAGSVEEN: 14 Q. So the, the corridor maps that 15 you've submitted are your, your final -- the 16 maps after all the adjustments have been made? 17 A. Yes, they are. 18 Q. Okay. 19 MR. SAGSVEEN: I have no further 20 questions. 21 MR. WAHL: Mr. Lein? 22 MR. LEIN: No questions. 23 MR. WAHL: Questions from the 24 Commission? 25 Commissioner Clark.</p>	<p>164</p> <p>1 THE WITNESS: Yes, we do. In all 2 cases, -- 3 MR. CLARK: Okay. 4 THE WITNESS: -- we can find a 5 viable route within that thousand-foot-wide 6 corridor that, that is not within 500 feet of 7 an occupied residence. 8 MR. CLARK: Okay. So it would be 9 the easements that you're getting right now as 10 opposed to just waivers? Or is there a, a 11 separate waiver that you need to get as well? 12 THE WITNESS: There are options -- 13 MR. CLARK: Okay. 14 THE WITNESS: -- that we're working 15 on right now. 16 And the 500-foot avoidance criteria 17 is a waiveable criteria. So we can get waivers 18 from, from residences, if that's -- if that is 19 deemed and agreed to with the landowner as 20 being, as being a better placement for the 21 structures. 22 MR. CLARK: Okay, got it. 23 Thanks, that's all I have. 24 MR. WAHL: Okay. 25 Commissioner Cramer.</p>

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1 MR. CRAMER: What are your
 2 obligations with regard to the North Country --
 3 or North -- yeah, North Country National Scenic
 4 Trail, in terms of how this trail -- because
 5 you're crossing it at least once, I know, to
 6 the, where the structures are placed, things
 7 like that?

8 THE WITNESS: Any of, of the trails
 9 that we're going across and spanning across, we
 10 are working with those agencies to try to
 11 completely span those trails.

12 In terms of specific obligations
 13 with those agencies, I think I would defer that
 14 question to Mr. Hunker, when he comes up, the
 15 environmental manager.

16 MR. CRAMER: And then -- and, and
 17 you've spoken of it generally, but I -- a
 18 number of the lay-down areas that are on
 19 Minnkota property, are in this particular span
 20 that you're -- that we're talking about here
 21 today. Just kind of give me a brief
 22 description of what they are.

23 I mean, I know there's one along
 24 Highway 3. I assume that's probably a
 25 substation or something.

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1 There's one between 281 and the
 2 railroad.

3 And there's another one, I think,
 4 near Binford.

5 What, what kind of property is
 6 that? Do you know enough --

7 THE WITNESS: The, the, the
 8 material lay-down areas that Minnkota owns are
 9 at the Prairie substation, or, or, or
 10 immediately adjacent to the Prairie substation,
 11 on land that Minnkota owns, and at the Center
 12 substation.

13 Those, those are the only two
 14 Minnkota-owned ones that we have.

15 The rest of, of the lay-down areas
 16 that you were referring to are all, all owned
 17 by private landowners.

18 MR. CRAMER: Okay. I have nothing
 19 else.

20 MR. WAHL: Any --
 21 Commissioner Kalk.

22 MR. KALK: Good day, Duane, how you
 23 doing?

24 THE WITNESS: Very good, sir.
 25 MR. KALK: We visited a lot

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1 yesterday about the telephone -- or not
 2 telephone poles, the power poles, the
 3 monopoles.

4 And I thought of another question
 5 about them.

6 How long have these type of poles
 7 been in use?

8 I mean, roughly. Because they're,
 9 they're newer -- the first three I saw a couple
 10 years ago, was the first time I'd seen them.

11 So have, have these things been
 12 around for five years, ten years, fifteen
 13 years?

14 Where I'm going is what -- there,
 15 there -- are there any problems with them that
 16 have come up?

17 THE WITNESS: You know, I don't
 18 know the exact history as to when tubular steel
 19 structures were, were first used. It has been
 20 decades, though, I know that.

21 MR. KALK: Okay.

22 THE WITNESS: I mean, I, I, you
 23 know, I think what you're referring to is that
 24 the trend back in the 1960s and 1970s was more
 25 towards a lattice tower, to where now we see a

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1 trend, especially in agricultural areas, of
 2 trying to minimize the footprint of, of, of the
 3 structure and of the foundation to minimize the
 4 amount of land, land impacted by the
 5 structures.

6 But these are -- but, but tubular
 7 steel, whether it's been used for transmission
 8 lines or whether it's been used for, for radio
 9 towers, communication towers, lighting towers,
 10 those things, has been in use for many, many
 11 years and is extremely reliable.

12 MR. KALK: Okay, thank you.

13 And I just had a, kind of a
 14 follow-up question, just from yesterday, is
 15 that, we talked a little bit about trying to
 16 find the name of the point of contact for the
 17 University of North Dakota. I don't know that
 18 we closed that up exactly.

19 Is that something that, that you
 20 folks were going to provide at Washburn or
 21 what, what, what do we have, what do we have
 22 with that, I guess?

23 Because I, I didn't ask for a late
 24 Exhibit, we just -- I don't know if we closed
 25 that up tightly.

<p>169</p> <p>1 MS. SMITH: And I think --</p> <p>2 THE WITNESS: Well, --</p> <p>3 MS. SMITH: -- Duane can address</p> <p>4 that.</p> <p>5 MR. KALK: Okay.</p> <p>6 THE WITNESS: Yeah.</p> <p>7 One of the things that you had</p> <p>8 asked us is, is, is what contacts we had had</p> <p>9 and who we had contacts with and whether we had</p> <p>10 anything in writing saying that we were working</p> <p>11 with both the Grand Forks airport and, and with</p> <p>12 the University of North Dakota aviation school.</p> <p>13 So we are in the process, we</p> <p>14 contacted, last night, after we got out of</p> <p>15 Northwood hearing, we contacted one of the</p> <p>16 members of, of the Kadrmas, Lee & Jackson</p> <p>17 airport group, that does airport engineering,</p> <p>18 he was --</p> <p>19 MR. KALK: Right.</p> <p>20 THE WITNESS: -- with us at the</p> <p>21 meeting and he is actively following up on that</p> <p>22 today.</p> <p>23 So we should have the exact names</p> <p>24 and hopefully have those documented letters for</p> <p>25 you prior to the Washburn hearing, sir.</p>	<p>171</p> <p>1 yesterday at Northwood.</p> <p>2 And you understand, of course, that</p> <p>3 your testimony today continues under oath and</p> <p>4 subject to penalties of perjury?</p> <p>5 THE WITNESS: Yes, sir, I do.</p> <p>6</p> <p>7 T E R R Y F A S T E E N ,</p> <p>8 called as a witness, being previously first</p> <p>9 duly sworn, was examined and testified on his</p> <p>10 oath as follows:</p> <p>11</p> <p>12 MR. WAHL: Ms. Smith.</p> <p>13</p> <p>14 DIRECT EXAMINATION</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Could you please state your full</p> <p>17 name?</p> <p>18 A. My name is Terry Fasteen.</p> <p>19 Q. And by whom are you employed?</p> <p>20 A. I'm employed by Kadrmas, Lee &</p> <p>21 Jackson.</p> <p>22 Q. And what's your business address?</p> <p>23 A. 1505 30th Avenue South, in</p> <p>24 Moorhead, Minnesota.</p> <p>25 Q. And could you briefly discuss your</p>
<p>170</p> <p>1 MR. KALK: Okay, thank you, sir.</p> <p>2 That's all I have.</p> <p>3 MR. WAHL: Any further questions</p> <p>4 from the Commission?</p> <p>5 Follow-up, Ms. Smith?</p> <p>6 MS. SMITH: No, your Honor.</p> <p>7 MR. WAHL: Mr. Sagsveen?</p> <p>8 MR. SAGSVEEN: No, your Honor.</p> <p>9 MR. WAHL: Mr. Lein?</p> <p>10 MR. LEIN: No, your Honor.</p> <p>11 MR. WAHL: Thank you very much, Mr.</p> <p>12 Phillips.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 MR. WAHL: It was a pleasure to</p> <p>15 hear the phonetic alphabet used again.</p> <p>16 It brings back memories of my</p> <p>17 military service, not all of them found.</p> <p>18 THE WITNESS: Not all of them</p> <p>19 found?</p> <p>20 (Whereupon, the witness was</p> <p>21 excused.)</p> <p>22 MS. SMITH: I would call Terry, I</p> <p>23 would call Terry Fasteen.</p> <p>24 MR. WAHL: I note for the record,</p> <p>25 Mr. Fasteen, that you testified under oath</p>	<p>172</p> <p>1 education and your work history?</p> <p>2 A. Sure.</p> <p>3 I've got a civil engineering</p> <p>4 technology degree.</p> <p>5 I'm a licensed real estate</p> <p>6 salesperson in Minnesota.</p> <p>7 And I've been employed by Kadrmas,</p> <p>8 Lee & Jackson for about the last 28 years.</p> <p>9 During that time, I've worked in</p> <p>10 land survey, construction management, right of</p> <p>11 way agent. And currently serving as the right</p> <p>12 of way group leader.</p> <p>13 Q. And with resp -- what is your role</p> <p>14 with respect to this particular project?</p> <p>15 A. On this project, I'm designated as</p> <p>16 right of way task leader.</p> <p>17 Q. And could you just discuss what</p> <p>18 your role as right of way task leader entails?</p> <p>19 A. Sure.</p> <p>20 I oversee the production of the</p> <p>21 documents that the agents use out in the field.</p> <p>22 I assign la -- agents to visit landowners. I'm</p> <p>23 in charge of reviewing the surface ownership</p> <p>24 reports for title work. I assist in the</p> <p>25 training of the right of way agents for the</p>

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1 project's specific goals and needs.
 2 And I do the communication liaison
 3 with Minnkota Power and the other
 4 subcontractors that are working on the project.
 5 And I also deal with the public
 6 presentations, such as we're doing today.
 7 Q. And how do you coordinate with
 8 Minnkota on right of way acquisition?
 9 A. We correspond with Minnkota Power
 10 either by telephone or by e-mail or transmittal
 11 of project specific forms.
 12 We also have -- excuse me.
 13 We also have multiple meetings
 14 during the week. We've got a right of way
 15 specific meeting with Minnkota Power. We've
 16 got a general meeting with Minnkota Power, with
 17 all the right of -- or with all the other
 18 groups.
 19 And we also have a public relations
 20 meeting once a week to discuss new issues that
 21 may have come up or publications to deal with.
 22 Also, on a quarterly basis, a right
 23 of way group as -- meets with Minnkota Power to
 24 discuss different issues that may have arisen
 25 during the process.

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1 Q. And those communi -- communications
 2 by telephone and e-mail, are those on a daily
 3 basis then?
 4 A. Pretty much every day, yes.
 5 Q. And could you describe the process
 6 of contacting and negotiating with landowners
 7 to obtain easements eventually, but in this
 8 case right now, easement options?
 9 A. Sure.
 10 Generally, what we do is we start
 11 out with a personal phone call to each of the
 12 landowners to try and set up a meeting with
 13 them.
 14 If we're unable to reach them by
 15 phone, we'll do a general mailing to the
 16 residences, with the address that we've got.
 17 If we still don't receive a
 18 response, we've sent out certified letters.
 19 We want to make sure that each
 20 landowner has been contacted and we've had the
 21 opportunity to try to meet with them
 22 personally.
 23 Once we've set up a meeting at
 24 their choice, of time and location, the agent
 25 will travel to their home, or perhaps two

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1 agents will travel to their home.
 2 And once we get there, we'll start
 3 the discussion with a general project update,
 4 to describe the need and purpose of the
 5 project.
 6 Then we'll start what we call a, a
 7 page-turn review of the project documents that
 8 we're going to use.
 9 You know, offer to purchase, a --
 10 an option document. We carry a copy of the
 11 easement document so they can look at it.
 12 We've got a personal Exhibit of
 13 their property that shows where we would like
 14 to obtain the 500-foot option, where the
 15 preliminary structure locations are.
 16 We'll explain those to the best of
 17 the ability that we've got.
 18 We'll answer those landowner
 19 questions that the agent is able to at the
 20 time.
 21 Questions that they're unable to
 22 answer, we'll document and take back to relay
 23 them through me to Minnkota Power, the other
 24 team members, to get answers.
 25 Also, as a follow-up with those

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1 meetings, the land agents make a record of
 2 conversation, again, making sure that we're
 3 touching bases on all the questions that those
 4 owners have.
 5 Q. And then how are landowner requests
 6 or comments handled?
 7 A. What we'll do is once they've come
 8 back to the office or to, to me, I'll either
 9 transmit them by project form. For example, if
 10 a landowner's requesting a shift in the route,
 11 or a shift in the structure location, we've got
 12 a specific form that we'll fill out, along with
 13 a -- an Exhibit, indicating the landowner's
 14 request.
 15 And those are submitted to Minnkota
 16 Power who -- to disperse through the other
 17 project partners so that they can be reviewed.
 18 That's a typical process and --
 19 So that's how we handle those.
 20 Q. And then besides contacting
 21 landowners to negotiate easements or easement
 22 options, are there other reasons that you might
 23 contact them?
 24 A. Yes. Since we've got the right of
 25 way agents out in the field for quite some time

<p>177</p> <p>1 talking to the landowners, there's also a need 2 by the project members to do specific studies. 3 For example, with KLJ, we need to 4 find section corners for legal surveys. We may 5 also want to get access to stake structure 6 locations for the landowner's review. 7 We do contacts so we can do soil 8 borings for the subsurface investigations for 9 the delineation of wetlands, look for cultural 10 or historical sites, tree inspections, that 11 type of thing. 12 So we, we will contact the 13 landowners for that. 14 Q. And what do you do if someone tells 15 you they don't want to talk to you or they 16 don't want to dis -- discuss anything with you 17 anymore? 18 A. We'll make a note of that in the 19 record and we'll tell the other project 20 partners. 21 But we know that sometimes 22 landowners will change their mind, so we'll 23 make an additional contact at some future 24 point, just to let them know that we're still 25 concerned and see if they have any change in</p>	<p>179</p> <p>1 Minnkota currently have under option? 2 A. Currently, we've got about 50 3 percent of the line miles or about 139 miles of 4 line. 5 MS. SMITH: I have no further 6 questions. 7 MR. WAHL: Mr. Sagsveen? 8 MR. SAGSVEEN: I have no questions. 9 MR. WAHL: Mr. Lein? 10 MR. LEIN: No questions. 11 MR. WAHL: Questions from the 12 Commission? 13 Commissioner Kalk. 14 MR. KALK: Thank you, Judge. 15 Did you have any discussion with 16 the county commissioners at all or just 17 individual landowners? 18 THE WITNESS: I was in probably two 19 to three meetings with county commissioners. 20 MR. KALK: Would -- so -- and you 21 probably heard the previous witness talk about 22 that. Was there anything you wanted to add to 23 the -- what you might have heard from the 24 county commissioners? 25 THE WITNESS: Yeah, I think Mr.</p>
<p>178</p> <p>1 mind. 2 And, also, there might be a need 3 for one of the other entities to do a survey, 4 and just to facilitate that, we'll do the 5 initial contact. 6 Q. And Mr. Hennes and Mr. Phillips 7 discussed some of the concerns that landowners 8 sometimes have regarding transmission lines. 9 Are there any other concerns that 10 have been raised by landowners other than those 11 that have already been discussed? 12 A. Yeah, I think they've touched on 13 virtually everything, and I'll just review them 14 a little bit here. 15 And, you know, I guess the biggest 16 concern we got off the bat was: why are you 17 coming through our property? How did we site 18 the, the, the route or the corridor? 19 The next thing is compensation. 20 Annual payments are made, they feel the payment 21 is not enough. 22 Impacts to farming. Impacts to 23 health of the families or livestock. 24 Issues like that. 25 Q. And how many miles of line does</p>	<p>180</p> <p>1 Phillips pretty much testif -- touched on it. 2 It seemed like the county commissioners were 3 really concerned about the road's upkeep and 4 maintenance, how you would deal with that. 5 There was a few general questions 6 as to how negotiations were going with 7 landowners, but -- 8 MR. KALK: Okay. 9 THE WITNESS: -- predominantly it 10 was with roadways. 11 MR. KALK: Sure. 12 And then the last question, and, 13 and this may be somewhere, I just didn't catch 14 it, but how many potential landowners are 15 involved? 16 THE WITNESS: Right around 400 I 17 would say. 18 MR. KALK: Okay. Is there -- is 19 that pretty much 400 across the board or is 20 there more? I mean, I assume that the land 21 size is about the same all the way across the, 22 the, the transmission line? 23 THE WITNESS: I guess I don't 24 understand the question about the land size. 25 But I would say, you know, some of the</p>

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1 properties have trusts, so there might be
 2 multiple owners. But for the individual
 3 parcels we're looking at, there's about 400
 4 owners of those parcels.
 5 MR. KALK: Okay, thank you.
 6 MR. WAHL: Further questions?
 7 Follow-up, Ms. Smith?
 8
 9 REDIRECT EXAMINATION
 10 BY MS. SMITH:
 11 Q. I just wanted to confirm, did you
 12 say there were 57 percent of miles under
 13 easement option?
 14 A. Correct.
 15 MS. SMITH: Okay, that was it.
 16 MR. WAHL: Mr. Sagsveen?
 17 MR. SAGSVEEN: No further
 18 questions.
 19 MR. WAHL: Mr. Lein?
 20 MR. LEIN: No questions.
 21 MR. WAHL: Follow-up by the
 22 Commissioners?
 23 Commissioner Clark.
 24 MR. CLARK: So 50 percent of the,
 25 the land mass is under, is under easement.

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1 Did -- how did -- how does that correlate to
 2 landowners?
 3 THE WITNESS: They're --
 4 MR. CLARK: Is it about --
 5 THE WITNESS: -- close to the same.
 6 MR. CLARK: It'd be about the same,
 7 about --
 8 THE WITNESS: Correct.
 9 MR. CLARK: -- 57 percent?
 10 THE WITNESS: It's about 57
 11 percent, correct.
 12 MR. CLARK: So both landowners
 13 and --
 14 THE WITNESS: Yeah, it's really
 15 close. You might be a percent or 2 different,
 16 but --
 17 MR. CLARK: Okay.
 18 THE WITNESS: -- not that much.
 19 MR. CLARK: Thank you.
 20 MR. WAHL: Further questions from
 21 the Commission?
 22 Follow-up, Ms. Smith?
 23 MS. SMITH: No, your Honor.
 24 MR. WAHL: Mr. Sagsveen?
 25 MR. SAGSVEEN: No, your Honor.

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1 MR. WAHL: Mr. Lein?
 2 MR. LEIN: No, sir.
 3 MR. WAHL: Thank you very much, Mr.
 4 Fasteen.
 5 THE WITNESS: Thank you.
 6 (Whereupon, the witness was
 7 excused.)
 8 MS. SMITH: I would call Brian
 9 Hunker.
 10 MR. WAHL: I note for the
 11 record, Mr. Hunker, that you testified
 12 under oath yesterday for the hearing in
 13 Washburn (sic).
 14 And you understand, of course, that
 15 your testimony today continues under oath and
 16 subject to penalties of perjury?
 17 THE WITNESS: Yes.
 18
 19 B R I A N H U N K E R,
 20 called as a witness, being previously first
 21 duly sworn, was examined and testified on his
 22 oath as follows:
 23
 24 MR. WAHL: Ms. Smith.
 25

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DIRECT EXAMINATION

2 BY MS. SMITH:
 3 Q. Could you please state your full
 4 name?
 5 A. Brian Hunker.
 6 Q. And by whom are you employed?
 7 A. HDR Engineering.
 8 Q. And what is your business address?
 9 A. 701 Xenia Avenue South, Suite 600;
 10 Minneapolis, Minnesota.
 11 Q. And what's your educational
 12 background?
 13 A. I received a bachelor of science
 14 from the University of Wisconsin - Madison.
 15 And I have about ten years of environmental
 16 consulting experience.
 17 Q. And could you tell the Commission
 18 about your work history?
 19 A. Throughout my career, I've gained
 20 project management, compliance and permitting
 21 experience working on linear energy
 22 transmission projects, for example, pipelines
 23 and transmission lines.
 24 I've a broad understanding of the
 25 regulatory framework relating to federal and

<p>185</p> <p>1 state environmental review documentation. 2 I've led routing studies, gathered 3 environmental and land use data through 4 windshield and field studies, analyzed the data 5 using GIS and participated in agency meetings 6 and public open houses. 7 Q. And what is your role with respect 8 to the proposed project? 9 A. Environmental consulting project 10 manager. 11 Q. And in that role, what do you do? 12 A. I manage technical staff, field 13 studies, preparation of environmental 14 documentation and reports, permit applications, 15 as well as assist in agency consultations. 16 Q. And so were you involved in the 17 environmental analysis of the project corridor? 18 A. Yes. 19 Q. And were you also involved in 20 preparation of the Certificate of Corridor 21 Compatibility application? 22 A. Yes. 23 Q. What was the overall approach from 24 an environmental perspect -- or to 25 environmental analysis for the project</p>	<p>187</p> <p>1 engineering feasibility and costs. 2 Data was analyzed to be determined 3 potential opportunities and constraints. 4 Q. (By Ms. Smith) And could you give 5 us a general description of the project 6 corridor from an environmental perspective? 7 A. Sure. 8 In general, the project corridor is 9 rural, intensively farmed, pastureland, 10 interspersed with rural homesteads, open land, 11 water and transmission and distribution lines. 12 Cultivated croplands are more 13 prevalent in the eastern portion of the 14 project, towards the Red River Valley. 15 Pasture and wetlands are more 16 prevalent in the western portion of the 17 corridor, towards the Missouri River. 18 The project corridor contains 19 undulating terrain in the western section of 20 the Prairie Pothole Region, near the major 21 rivers. Otherwise, the eastern half is nearly 22 level within the Red River Valley. 23 Wetlands are typically isolated, 24 small isolated depressions, but may also be 25 found along drainages, rivers and streams.</p>
<p>186</p> <p>1 corridor? 2 A. Primary components of environmental 3 analysis included data acquisition, mapping, 4 stakeholder and public involvement. 5 Publicly available GIS data was 6 collected relating to natural resources, 7 cultural resources, -- 8 COURT REPORTER: Wait, you're 9 going -- 10 A. -- and land use -- 11 COURT REPORTER: -- to have to slow 12 down. 13 THE WITNESS: Oh, sorry. 14 COURT REPORTER: Go ahead. 15 A. Publicly available GIS data was 16 collected related to natural resources, 17 cultural resources, land use issues from 18 federal and state data clearing-houses and 19 agencies. 20 Then, field assessments and public 21 and agency outreach were conducted. 22 And the stakeholder comments were 23 entered into a GIS database. 24 Environmental data was combined 25 with data on electrical reliability,</p>	<p>188</p> <p>1 Trees are sporadic throughout the 2 project and are primarily prevalent as wooded 3 draws, riparian areas and windrows. 4 Currently, the most common wooded 5 areas are shelterbelts around residencies and 6 buildings. 7 The major rivers have a wooded, 8 riparian fringe, and these include the Missouri 9 and Sheyenne Rivers. 10 Q. And are you familiar with the 11 exclusion areas, avoidance areas, selection 12 criteria and policy criteria that are set forth 13 in the Commission's rules? 14 A. Yes. 15 Q. And when analyzing the project 16 corridor, did Minnkota and HDR take into 17 consideration the exclusion areas, avoidance 18 areas and selection criteria and policy 19 criteria? 20 A. Yes. 21 Q. And could you please discuss 22 whether any exclusion areas are located within 23 the project corridor? 24 A. Sure. 25 As shown in Table 3.1-1 of the</p>

<p>189</p> <p>1 Corridor application, Exhibit C. 2 Is that right? 3 Q. Yeah, that's right. 4 A. Yeah. 5 Q. Ex -- Exhibit 3. 6 A. 3, I'm sorry. 7 Q. That's right. 8 A. There's one exclusion area present 9 within the project corridor, but impacts to the 10 exclusion area will be avoided by the project. 11 This is areas critical to the life 12 stages of threatened or endangered species. 13 This will be critical habitat for the 14 federally-threatened piping plover. 15 The Missouri River is designated 16 habitat for the piping plover. The project 17 expands the Missouri River. 18 There will be no direct impacts 19 within this critical habitat. 20 Structures will be placed 21 approximately 150 feet back from the river's 22 edge. And Minnkota will not construct within 23 the Missouri River during the piping plover's 24 typical breeding season. 25 During construction, no equipment</p>	<p>191</p> <p>1 Q. And are there any other exclusion 2 areas that are present within the project 3 corridor? 4 A. No. However, I'd like to clarify, 5 that area containing unique or rare plant or 6 animal species present, these areas and species 7 will not be irreversibly damaged. 8 Q. And could you please discuss 9 whether there are any avoidance areas located 10 within the project corridor? 11 A. Sure. 12 The avoidance areas that are 13 present within the corridor are discussed in 14 Table 3.2-1 of the Corridor application. 15 I will briefly discuss the 16 avoidance areas present and how the project 17 will avoid these areas. 18 The first are designated or 19 registered national wildlife areas. There are 20 two Waterfowl Protection Areas, WPAs, which is 21 the Hoornaert and Gaub, within the corridor. 22 And there's one Wildlife 23 Development Area, WDA, and it's the East Park 24 Lake WDA, located within the corridor. 25 Minnkota will develop a route that</p>
<p>190</p> <p>1 will be located within the Missouri River. 2 RUS has engaged the U.S. Fish and 3 Wildlife Service in the Section 7 consultation 4 process as a part of the National Environmental 5 Policy Act, or NEPA process, to ensure that the 6 project will not endanger the continued 7 existence of any listed species or adversely 8 modify designated critical habitats. 9 Q. And you mentioned this Section 7 10 consultation. What is a Section 7 11 consultation? 12 A. It's a -- Section 7 of the En -- 13 Endangered Species Act, which requires all 14 federal agencies to conserve threatened and 15 endangered species and consu -- consult with 16 the U.S. Fish and Wildlife Service to ensure 17 that a project won't jeopardize species or 18 designated critical habitat. 19 Q. And what is the status of the 20 current Section 7 consultation? 21 A. Currently, the Rural Utilities 22 Service, or RUS, Minnkota and the U.S. Fish and 23 Wildlife Service are determining appropriate 24 conservation measures for the federally-listed 25 species.</p>	<p>192</p> <p>1 avoids the WPAs and the WDA. 2 There's -- the next criteria is 3 designated or registered state management 4 areas. There's one Wildlife Management Area, 5 the Wilbur Boldt WMA, that is located within 6 the corridor. 7 Minnkota will work with the North 8 Dakota Game and Fish Department and no 9 structures will be located and no lines will 10 cross the WMA. 11 Third criteria are historical 12 resources not designated as exclusion or 13 avoidance areas. 14 There are eleven 15 previously-recorded archaeological resources 16 within the North Dakota State Historic 17 Preservation Office, or SHPO, database that are 18 present within the corridor. 19 Also within the corridor, there are 20 12 historic structures previously recorded 21 within SHPO's database. 22 None of these resources will be 23 impacted by construction or operation of the 24 project. 25 Minnkota will conduct a Class III</p>

<p style="text-align: center;">193</p> <p>1 Cultural Resources Field Survey on the high 2 probability areas in accordance with SHPO 3 guidance to avoid impacting cultural resource 4 sites identified.</p> <p>5 The RUS and Minnkota are engaged in 6 the Section 106 consultation process to consult 7 with the SHPO, Native American tribes and 8 others on the project.</p> <p>9 And the product of this process 10 is the Programmatic Agreement, or PA, to 11 address the Class III field survey, treatment 12 plan and monitoring.</p> <p>13 Under the PA, Minnkota has 14 developed an Unanticipated Discoveries Plan to 15 establish procedures that will be followed if 16 cultural resources are unexpectedly encountered 17 during construction.</p> <p>18 This plan is being reviewed by 19 SHPO.</p> <p>20 Q. And you mentioned a Section 106 21 consultation. What is a Section 106 22 consultation?</p> <p>23 A. Uh-huh.</p> <p>24 Under NEPA, in order to comply with 25 Section 106 of the National Historic</p>	<p style="text-align: center;">195</p> <p>1 areas present within the project corridor? 2 A. Yes.</p> <p>3 Q. And could you please discuss those 4 other avoidance areas?</p> <p>5 A. Sure. The next criteria are -- is, 6 is the corridor within 500 feet of a residence. 7 There are four occupied residences 8 and one vacant but occupiable house located 9 within the project corridor.</p> <p>10 Minnkota will develop a route 11 within the project corridor that maximizes 12 setbacks from the residences.</p> <p>13 If locating a route within a 500 -- 14 within 500 feet of an occupied residence is 15 preferable due to other routing factors, 16 Minnkota would work with the affected landowner 17 to obtain waiver of the 500-foot setback 18 requirement.</p> <p>19 If a waiver cannot be obtained, 20 Minnkota will be able to develop a viable route 21 within the corridor that satisfies the 500-foot 22 setback, as well as the other siting criteria.</p> <p>23 Q. And I believe in the Certificate of 24 Corridor Compatibility application, there was 25 seven homes listed as being in the project</p>
<p style="text-align: center;">194</p> <p>1 Preservation Act, federal agencies must 2 consider effects to historic properties and 3 afford opportunity for comment by the Advisory 4 Council on Historic Properties.</p> <p>5 Q. And what is the status of the 6 Section 106 consultation?</p> <p>7 A. Yeah. The Programmatic Agreement, 8 or PA, has been sent to the required 9 signatories and invited signatories for review 10 and signature.</p> <p>11 Q. And could you explain what the 12 Programmatic Agreement is?</p> <p>13 A. Sure.</p> <p>14 Again, the Programmatic Agreement, 15 or PA, is a document that spells out the terms 16 of a formal, legally-binding agreement between 17 agencies.</p> <p>18 A PA establishes a process for 19 consultation, review and compliance with one or 20 more federal laws.</p> <p>21 In the context of the Section 106 22 of the National Historic Preservation Act, PAs 23 are used to -- are used for unanticipated 24 discoveries.</p> <p>25 Q. And are there any other avoidance</p>	<p style="text-align: center;">196</p> <p>1 corridor. Is that right? 2 A. Correct.</p> <p>3 Q. And so there's a reduction, then, 4 by two. Could you explain that, why that is?</p> <p>5 A. Sure. It's due to the two route -- 6 sorry, the two corridor changes that Mr. 7 Phillips discussed.</p> <p>8 Q. Okay. And are there other 9 avoidance areas present?</p> <p>10 A. Yes.</p> <p>11 Next criteria is water sources for 12 organized rural water districts.</p> <p>13 The McClusky Canal will be crossed 14 by the project. No impacts are anticipated to 15 this canal or water availability for rural 16 water districts.</p> <p>17 Rural water pipelines are 18 potentially present. And no impacts are 19 anticipated. We will survey for underground 20 utilities in order to avoid these impacts.</p> <p>21 Next criteria are irrigated land. 22 There's one central-pivot irrigation system 23 located within the corridor. This system will 24 be avoided by a route within the corridor. 25 Last criteria are areas of</p>

<p>197</p> <p>1 recreational significance not designated as 2 exclusion areas.</p> <p>3 North Country National Scenic 4 Trail, the Lewis and Clark National Trail and 5 the Chain of Lakes Recreation Area, McClusky 6 Canal, are all located within the corridor. 7 Minnkota will span the trails and 8 the Chain of Lakes Recreation Area and the 9 McClusky Canal.</p> <p>10 Visual impacts will be minimized by 11 the placement of structures away from features 12 to the extent practical.</p> <p>13 Access to these features will be 14 maintained so that recreational activities may 15 continue.</p> <p>16 There's no reasonable alternative 17 to crossing these features, since the trails 18 run along the Missouri River and the McClusky 19 Canal.</p> <p>20 Minnkota proposes to cross the 21 Missouri River near existing transmission lines 22 and cross the Chain of Lakes Recreation Area, 23 Area along State Highway 41.</p> <p>24 Q. And you're -- you probably heard 25 Commissioner Cramer's question regarding if</p>	<p>199</p> <p>1 of the application, Exhibit 3, was the 2 selection criteria.</p> <p>3 Q. And were environmental studies 4 conducted for this proposed project? 5 A. Yes. 6 Q. Could you please identify what 7 studies were conducted and when any applicable 8 reports were or will be filed with the 9 Commission? 10 A. Sure. 11 A number of environmental studies 12 were conducted over the course of developing 13 the project corridor. 14 These studies that were filed with 15 the application include the following. The 16 Macro-Corridor Study, Appendix B to the 17 application; Scoping Report, Appendix C to the 18 application; Environmental Assessment with 19 Scoping, Appendix D to the application; 20 Cultural Resource Class I Literature Search, 21 Appendix F to the application; Raptor Nest 22 Survey, which is Appendix G to the application. 23 In addition, there's some fieldwork 24 that has been completed and is ongoing in 25 addition to the previously mentioned</p>
<p>198</p> <p>1 there are any specific obligations with respect 2 to crossing the North Country Scenic Trail. 3 Could you address that question, please? 4 A. Sure. The National Park Service 5 provided us two comments, one during the 6 scoping process and one during the EA comment 7 period. 8 And basically they requested us to 9 not use reflective paint, which we are using a 10 self-weathering structure, it allows us to 11 completely span the trails and to not interrupt 12 access to these trails. 13 And we, like, like I said, we are 14 using a -- self-weathering structures and we 15 are planning to span the trails and not, not 16 impact access. 17 Q. And will any significant adverse 18 effects resulting from the location, 19 construction and operation of the project 20 within the project corridor as they relate to 21 the selection criteria set forth in the 22 Commission's rules, be at an acceptable minimum 23 or managed and maintained in a -- at, at an 24 acceptable minimum? 25 A. Yes. Section 3.3 and Table 3.3-1</p>	<p>200</p> <p>1 environmental studies. But once these re -- 2 these field survey reports are complete, 3 they'll be filed in conjunction with the Route 4 Permit application. 5 These studies include a Wetlands 6 Delineation Report, Class III Cultural 7 Resources Inventory, Architectural Survey and a 8 Tree Inventory. 9 Q. And were all of the studies 10 conducted, and the reports that have been 11 prepared to date, prepared under your 12 supervision and control? 13 A. Yes. 14 Q. And could you briefly discuss the 15 key reports? 16 A. Yes, I will highlight a couple 17 reports. 18 First, being the Environmental 19 Assessment with Scoping. Again, which is 20 Appendix D to the application. 21 The purchase of thi -- purpose of 22 this report is, the RUS, an agency that 23 administers the U.S. Department of 24 Agriculture's Rural Development Utilities 25 Program, is required to complete an</p>

<p style="text-align: center;">201</p> <p>1 environmental analysis prior to approving 2 financial assistance for the project. 3 This environmental analysis is in 4 accordance with the RUS's guidelines, titled 5 National -- or, I'm sorry, entitled: 6 Environmental Policy and Procedures for 7 implementing the, the National Environmental 8 Policy Act, or NEPA. 9 At the conclusion of the -- the 10 conclusion of this report is the EA proposed 11 three ro -- route alternatives, 39 segment 12 alternatives and identified a preferred route, 13 which is used to -- as the basis for the 14 proposed corridor within the Corridor 15 application. 16 Next report is the Cultural 17 Resources Class III (sic) Literature Search, 18 Appendix F to the application. 19 And the purpose of this literature 20 search was to determine location of 21 previously-recorded historic properties and 22 surveys. Archaeological surveys, 23 archaeological sites and architectural 24 structures within the Macro-Corridor and to 25 assess the potential for the presence of</p>	<p style="text-align: center;">203</p> <p>1 an -- EMF fields were calculated for the 2 project. 3 In addition, audible noise from the 4 transmission line was modeled, found no 5 significant effects. 6 Visual simulations of the 7 structures were completed for the project 8 meetings. 9 Floodplain analysis of the Missouri 10 River, the Sheyenne River, the English Coulee 11 retention area were completed. 12 An overview survey of high quality 13 native prairie areas. 14 And a suitable whooping crane 15 habitat was identified. 16 Q. And both you and Mr. Hennes have 17 testified that the proposed project is 18 undergoing a federal re -- NEPA review process. 19 I take it that as an environmental 20 consulting project manager for this project, 21 you have been involved in that process? 22 A. Yes. 23 Q. And are you familiar with the 24 purpose and the components of the NEPA review 25 process?</p>
<p style="text-align: center;">202</p> <p>1 unrecorded archaeological resources within the 2 Macro-Corridors. 3 A total of 242 cultural resource 4 investigations have been completed within the 5 Macro-Corridors. These cultural resource 6 investigations yielded 270 archaeological 7 sites, 410 architectural properties and 277 8 isolated finds. 9 As a result of these findings, a 10 Class III inventory was recommended. 11 Q. And just to clarify, I think you 12 said that was a Class III Literature Search, 13 but it was a Class I Literature Search. Is 14 that right? 15 A. Class I Literature Search is the 16 report that we conducted. 17 Q. That was in -- 18 A. A Class -- 19 Q. -- Appendix F? 20 A. Yes. 21 Q. Okay. And in addition to the 22 formal studies that you discussed, were any 23 other key analyses of the project corridor 24 conducted? 25 A. Yes. As Mr. Phillips testified,</p>	<p style="text-align: center;">204</p> <p>1 A. Yes. 2 Q. Could you explain what the purpose 3 of a NEPA review process is? 4 A. Minnkota's requesting financial, 5 financial assistance from the U.S. Department 6 of Agriculture, Rural Utilities Service, to 7 construct the project. 8 The Rural Utilities Service, RUS, 9 an agency that administers the U.S. Department 10 of Agriculture's Rural Development Utilities 11 Program, is required to complete an 12 environmental analysis prior to approving 13 financial assistance. 14 The RUS is following its policies 15 and procedures, entitled: Environmental Policy 16 and Procedures for implementing NEPA, in order 17 to assure compliance with NEPA and related laws 18 and regulations. 19 Q. And could you explain what the NEPA 20 process entails? 21 A. Sure. First an appli -- or first 22 an agency files a Notice of Intent to prepare 23 an EA and hold scoping meetings. 24 Then holds the scoping meetings 25 that identify potential project effects and</p>

<p>205</p> <p>1 concerns that will be addressed in the EA 2 document and drafts a scoping report. 3 Next step is to draft an EA that 4 discusses the purpose and need, reasonable and 5 feasible alternatives, a description of the 6 proposed action and reviews the affected 7 environment with impacts and mitigation of the 8 proposed action. 9 Then the EA is released for a 10 30-day comment period. 11 Following this comment period, an 12 EA Comment Report is issued with responses to 13 comments received during the 30-day EA comment 14 period. 15 Then a find -- issuance of findings 16 by the RUS. 17 And as mentioned earlier, the RUS 18 must also engage in a Section 7 consultation 19 with the U.S. Fish and Wildlife Service and 20 Section 106 with the SHPO and U.S. Fish and 21 Wildlife Service. 22 Q. And Mr. Hennes testified regarding 23 the NEPA review process and the public input 24 opportunities that were provided. And does 25 that in -- also include agency input as well?</p>	<p>207</p> <p>1 A. A finding of no signifi -- 2 significant impact, or a FONSI. 3 Q. And earlier, Mr. Phillips testified 4 that the factors set forth in North Dakota 5 Century Code Section 49-22-09 were considered 6 when selecting the project corridor. Would you 7 concur with that testimony? 8 A. Yes. As discussed -- or discussion 9 of these factors is provided in Section 8 on 10 Pages 8-1 to 8-4 of the application. 11 Q. And I want to just focus on the 12 last two factors, and that's Section 49 -- of 13 49-22-09. And that would be Subdivision 10 of 14 that provision. 15 And it requests information 16 regarding any anticipated effects of selecting 17 a proposed corridor on areas which are unique 18 because of biological wealth or because they're 19 habitats for rare and endangered species. 20 In addition to the information that 21 was provided in Section 8.10 of the Corridor 22 application, is there any other information 23 regarding that factor that you want to provide? 24 A. Yes. In Sections 5.14, 5.15 and 25 5.16 of the Corridor application, it discusses</p>
<p>206</p> <p>1 A. Yes. As shown in Exhibit 9 and as 2 discussed in the Corridor application, there 3 have been many opportunities for input by the 4 public, as well as federal and state agencies. 5 As Mr. Hennes discussed, there have 6 been about 18 meetings, eight -- with over 800 7 people attending and we've collected about 300 8 comments. 9 For the federal, state and local 10 participation, we've a -- attended interagency 11 meetings at the Corps of Engineer's office, 12 agency scoping, we've attended agency scoping 13 mee -- meetings and participated in county 14 commissioner meetings. 15 In consulting with the Tribes, 16 we've sent letters, posted conference calls, 17 posted meetings, posted a Missouri River, 18 She -- and Sheyenne River crossing field 19 review, had them review the Programmatic 20 Agreement and offered them to monitor augering 21 locations. 22 Q. And when does Minnkota anticipate 23 that the RUS will issue its finding? 24 A. In the summer of 2011. 25 Q. And what is the expected finding?</p>	<p>208</p> <p>1 conservation measures that Minnkota will 2 implement in order to avoid and minimize 3 effects to biological resources within the 4 vicinity of the corridor. 5 In addition, the RUS, Minnkota, in 6 Section 106 are -- or, I'm sorry, and the U.S. 7 Fish and Wildlife Service are determining the 8 appropriate conservation measures for the 9 federally-listed species through the Section 7 10 consultation process. 11 As a result, the impact of the 12 project on vegetation, wildlife and sensitive 13 species is expected to be minimal. 14 Q. And then with respect to Section 15 49-22-09, Subdivision 11, could you please 16 discuss whether any problems or concerns were 17 raised by federal or state agencies or local 18 entities that were not specifically addressed 19 in Section 8.11 of the Corridor application? 20 A. I would like to address some of the 21 comments provided by the North Dakota Parks 22 and, Department of Parks and Recreation, since 23 it may not be readily apparent from the 24 application how these concerns were addressed. 25 The Department recommended</p>

<p>209</p> <p>1 selecting the southern corridor identified on 2 the preliminary corridor map, avoiding the 3 Cross Ranch Nature Preserve and obtaining 4 appropriate permits to cross any federal Land 5 and Water Conservation Fund properties. 6 Minnkota did utilize the southern 7 corridor. 8 In addition, the proposed corridor 9 does not cross the Cross Ranch Nature Preserve 10 and all federal Land, Water, Land and Water 11 Conservation Fund properties have been avoided. 12 We also spoke with The Nature 13 Conservancy regarding their properties near the 14 Cross Ranch Preserve and into the Sheridan 15 County. The Nature Conservancy properties are 16 not within the project corridor and no issues 17 were addressed. 18 Additionally, Minnkota continues to 19 consult with the U.S. Fish and Wildlife Service 20 regarding the appropriate line marking 21 recommendations. 22 Q. And have any agency comments been 23 received since the Certificate of Corridor 24 Compatibility application was filed? 25 A. Yes. The Environmental Assessment</p>	<p>211</p> <p>1 MS. SMITH: I have no further 2 questions. 3 MR. WAHL: Mr. Sagsveen? 4 MR. SAGSVEEN: I just have one 5 question. 6 7 CROSS-EXAMINATION 8 BY MR. SAGSVEEN: 9 Q. Are the, all of the, the 10 recreational areas that are either in -- 11 identified as exclusion areas, which I don't 12 think -- I can't find any, or avoidance areas, 13 are all of those identified in, to the best of 14 your knowledge, in Table 3.1-1 of the 15 Certificate? 16 A. Yes. 17 Q. And as far as the recreational 18 areas go, I see three that are identified as 19 avoidance areas, and that's right towards the 20 end of the Table. 21 And all -- and are all of those 22 named in the, or identified by name in the, 23 Exhibit 12, in the corridor maps? 24 A. Yes. 25 MR. SAGSVEEN: I have no further</p>
<p>210</p> <p>1 Comment Report was issued after the Corridor 2 application. 3 And, also, we are engaged in 4 ongoing verbal communication with various 5 agencies and updated information will be 6 provided during the Route Permit proceed -- 7 proceedings. 8 Q. And the Environmental Assessment 9 Comment Report was previously admitted as 10 Exhibit 20. And so could you just explain what 11 the Environmental Assessment Comment Report is? 12 A. Yes. It's a report issued by the 13 RUS that documents the comments and responses 14 that were received during the 30-day EA comment 15 period. 16 Q. And, again, when was the 17 Environmental Assessment Comment Report issued? 18 A. In March of 2011. 19 Q. And in your opinion, based on your 20 study and review of the Exhibits and testimony 21 presented here today and the siting statutes 22 and rules, will construction of the proposed 23 project within the proposed project corridor 24 produce minimal adverse environmental effects? 25 A. Yes.</p>	<p>212</p> <p>1 questions. 2 MR. WAHL: Mr. Lein? 3 MR. LEIN: No questions. 4 MR. WAHL: Questions from the 5 Commission? 6 Commissioner Kalk. 7 MR. KALK: Thank you for your 8 testimony. 9 Yesterday, we had some questions 10 about -- or I had some questions about the, the 11 comments during the 30-day EA period? 12 THE WITNESS: Uh-huh. 13 MR. KALK: I'm just -- just kind of 14 walk through there. 15 Mr. Leake testified yesterday that 16 he'd submitted comments about the, the same 17 areas the, the lady, Genevieve, from the 18 Audubon society had about that, what she called 19 the sensitive area? 20 THE WITNESS: Correct. 21 MR. KALK: But I view -- reviewed 22 his comments, Mr. Leake's, and his comments 23 that he submitted were all about the aviation 24 stuff, nothing about that particular area. 25 But you heard, I think it was Mrs.</p>

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1 Thompson's testimony yesterday. Did -- had you
 2 heard that before yesterday?
 3 THE WITNESS: Mr. Leake had
 4 attended some of our public open houses. And
 5 he pointed out on a map that that was a wetland
 6 complex that -- and, and basically that's
 7 really all he said. Not anything --
 8 MR. KALK: Okay. But he didn't
 9 submit anything like wetlands, he just
 10 submitted aviation stuff.
 11 Have you heard from the Audubon
 12 society before yesterday?
 13 THE WITNESS: No.
 14 MR. KALK: Okay. And then I do
 15 have a question, I guess this -- and maybe,
 16 have to go somewhere else, but the --
 17 I'm jumping back to yesterday,
 18 again, of course.
 19 Exhibit 12j, right as you come into
 20 the substation. There's a house in there that,
 21 that -- it's got the red dot. That's inside
 22 the, the corridor?
 23 And I can't tell if that ties into
 24 comment 345? That, that -- sounds like
 25 somebody was building a house and during the

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1 period of review from the EA, that, that maybe
 2 that place was then designated as in the
 3 corridor.
 4 I couldn't tell if that's the house
 5 that, that he's talking about.
 6 THE WITNESS: Right. I, I believe,
 7 and Terry Fasteen could potentially help me
 8 out, but number five, the red dot that's on
 9 Exhibit 12j?
 10 MR. KALK: Right.
 11 THE WITNESS: Is an existing home.
 12 MR. KALK: So that's not --
 13 THE WITNESS: And --
 14 MR. KALK: -- the one that was
 15 under construction that this guy's talking
 16 about?
 17 THE WITNESS: Correct.
 18 MR. KALK: Okay.
 19 THE WITNESS: That -- that's in a
 20 different location.
 21 MR. KALK: If somehow -- your best
 22 estimate -- and, of course, that's a pretty
 23 open-ended question/comment, but if we decided
 24 to, to, to, to change what we thought the, the
 25 route would need to be, how, how much would

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1 that throw off the Environmental Assessment
 2 planning?
 3 If we had to go back -- you know, I
 4 understand it's -- the whole route would be one
 5 thing, but if it was a, a micro change of a
 6 couple, 3 miles, would there -- any way you
 7 could guess how much that would change the EA
 8 timeline?
 9 THE WITNESS: That would really
 10 depend on the land use. And all the --
 11 MR. KALK: All those centers?
 12 THE WITNESS: Yeah, if it's all the
 13 same, same land use, and there really aren't
 14 any large environmental or cultural resource
 15 issues associated with that, --
 16 MR. KALK: What would --
 17 THE WITNESS: -- you know, --
 18 MR. KALK: -- the pro -- what would
 19 the process be?
 20 THE WITNESS: Right.
 21 My, my guess is that we would have
 22 to -- well, if it's within the, the
 23 Macro-Corridors as well, we would just have to
 24 contact and discuss that with the --
 25 MR. KALK: How do you define a

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1 Macro-Corridor?
 2 THE WITNESS: They're labeled.
 3 MR. KALK: Back in the very
 4 beginning, those first Exhibits?
 5 THE WITNESS: Correct.
 6 MR. KALK: Okay. Then I'm fine.
 7 Okay, thank you, that was all I
 8 had.
 9 MR. WAHL: Other questions from the
 10 Commission?
 11 Follow-up, Ms. Smith?
 12 MS. SMITH: No, your Honor.
 13 MR. WAHL: Mr. Sagsveen?
 14 MR. SAGSVEEN: No, your Honor.
 15 MR. WAHL: Mr. Lein?
 16 MR. LEIN: No questions.
 17 MR. WAHL: Thank you very much, Mr.
 18 Hunker.
 19 THE WITNESS: Thank you.
 20 (Whereupon, the witness was
 21 excused.)
 22 MR. WAHL: This is --
 23 I'm sorry. Do you have anything
 24 else?
 25 MS. SMITH: No.

<p>217</p> <p>1 MR. WAHL: This is, I think, a good 2 time to recess. We'll recess for, let's say 15 3 minutes, until 2:30. We'll resume again at 4 2:30.</p> <p>5 I'm -- also will be glad to talk to 6 anyone who has any questions or concerns about 7 their, their statement or testimony to the 8 Commission.</p> <p>9 But let me also remind you, please, 10 if you have documents, maps, photographs that 11 you want the Commission to consider as part of 12 the record, it would really be helpful to mark 13 those, to see me during this recess and have 14 those marked as Exhibits, and we'll talk about 15 how those are handled.</p> <p>16 Thank you.</p> <p>17 (Whereupon, a fifteen-minute recess 18 was taken.)</p> <p>19 MR. WAHL: All right, let's be in 20 order, please.</p> <p>21 Minnkota has completed its 22 presentation. And this is the time for public 23 statements, public testimony.</p> <p>24 I will ask you, please, to come 25 forward as you wish. And I will ask you to</p>	<p>219</p> <p>1 MR. JEFF TOPP: Jeff Topp.</p> <p>2 MR. WAHL: Spell your last name for 3 me, please.</p> <p>4 MR. JEFF TOPP: T-o-p-p.</p> <p>5 MR. WAHL: Mr. Topp, what is your 6 residence address?</p> <p>7 MR. JEFF TOPP: 1255 82nd Avenue 8 Northeast, at Grace City, North Dakota, 58445.</p> <p>9 MR. WAHL: Is that also your post 10 office address?</p> <p>11 MR. JEFF TOPP: Yes, it is.</p> <p>12 MR. WAHL: Are you speaking for any 13 organization or group other than yourself and, 14 and your family?</p> <p>15 MR. JEFF TOPP: Individually and my 16 family.</p> <p>17 MR. WAHL: Very good. 18 You may proceed. Oh, I'm sorry, 19 almost.</p> <p>20 Because I haven't administered the 21 oath at all this morning.</p> <p>22 Let me tell you, first, Mr. Topp, 23 that your testimony is required by law to be 24 under oath.</p> <p>25 MR. JEFF TOPP: Uh-huh.</p>
<p>218</p> <p>1 state your name for the record. I will ask you 2 your post offi -- your, I'm sorry, your 3 residence address and whether that is the same 4 as your post office address; if not, for your 5 post office address.</p> <p>6 And I will ask you whether you are 7 speaking for any group or organization or for 8 yourself.</p> <p>9 At that point, I will administer 10 the oath as required by law. And I will then 11 tell you that you may proceed.</p> <p>12 And you may indeed proceed to tell 13 the Commission what they -- what you think they 14 should know about this matter.</p> <p>15 When you have concluded your 16 statement, counsel for Minnkota and counsel for 17 the PSC and the Commissioners may ask you 18 questions in turn, just as you saw with 19 Minnkota's witnesses previously.</p> <p>20 So, with that, the first person, 21 please, who wishes to make a statement to the 22 Commission.</p> <p>23 Please be seated.</p> <p>24 Please state your name for the 25 record, sir.</p>	<p>220</p> <p>1 MR. WAHL: And I am required by law 2 to advise you regarding perjury before 3 administering the oath.</p> <p>4 Perjury is a false statement of 5 material fact which you do not believe to be 6 true.</p> <p>7 In North Dakota, perjury's a class 8 C felony, punishable by a fine up to \$5,000, 9 imprisonment for a period of up to five years 10 or both.</p> <p>11 Will you raise your right hand, 12 please?</p> <p>13 Being advised regarding perjury, 14 Mr. Topp, do you swear that the testimony which 15 you're about to give in this matter shall be 16 the truth, the whole truth and nothing but the 17 truth?</p> <p>18 MR. JEFF TOPP: I do.</p> <p>19</p> <p>20 J E F F T O P P, 21 being first duly sworn, testified on his oath 22 as follows:</p> <p>23</p> <p>24 MR. WAHL: You may proceed, sir.</p> <p>25 MR. JEFF TOPP: Thank you.</p>

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1 Judge Wahl and Commissioners,
 2 I'm -- I, I guess I have a farming and ranching
 3 operation 3 miles north of Grace City, located
 4 in, in Eddy County, in Columbia Township. And
 5 I reside in Section 34.
 6 And on our farming and ranching
 7 operation, we have four households there,
 8 representing 15 people and occupants.
 9 And I've met with -- I have, I have
 10 been at the, the meetings in Carrington that
 11 were held earlier, in the last year.
 12 And I have met with Kadrmas, Lee &
 13 Jackson and -- on a couple different occasions,
 14 with their people.
 15 And I, I absolutely do not have a
 16 personal problem at all with progress and the
 17 power line coming across our property.
 18 My problem is, originally, I
 19 believed -- or I was led to believe, is that it
 20 was going to be -- try to stay as close to
 21 section lines as possible.
 22 And because of some dem --
 23 different demographics from some of my
 24 neighbors who will be testifying, you know,
 25 behind me, it's moved within approximately less

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1 than a quarter mile of residences at my
 2 farmyard.
 3 And, and I've told in a --
 4 conversations that I've had with Kadrmas, Lee &
 5 Jackson, is that if they would go to the north
 6 side of the section, that I would be more than
 7 willing to sign on.
 8 And it's, it's about -- and, and we
 9 also -- background, from 600 to a thousand head
 10 of cattle for about a four-month time period or
 11 five-month time period in the wintertime that
 12 we calf out, about 350 cows.
 13 And it's just -- it's getting so
 14 close to us, to our farmyard. And if they
 15 would move, if they would move it to the north
 16 side of the section, the neighbors to the east
 17 and to the west of me, and other people, we're
 18 in that very short little period, area that has
 19 a little jog in it, in Eddy County.
 20 And if you went to the north side
 21 of our section, at least it would be tolerable
 22 for us.
 23 And then I have a couple other,
 24 other concerns. And I -- and the Commission
 25 may not -- probably can't weigh in on this, but

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1 I, I guess I had, had shared earlier with, with
 2 the Minnkota Power people that I would like to
 3 see an annual payment for these obstructions.
 4 And -- rather than a lump sum or over, over
 5 five years.
 6 It, it seems -- when, when you end
 7 up acquiring land, the people who end up
 8 lifelong holders of that land are the people
 9 who struggle every day with those obstacles.
 10 And, also, if they would move to
 11 the north side of, of that little jog that's in
 12 Eddy County, or the north side of the section
 13 that goes across our property and my neighbors
 14 to the east and to the west of us. That's more
 15 ground that's in pastureland and hay land.
 16 And right now, at noon, I had to
 17 run and try to find an aerial pilot because
 18 I've had 7 inches of rainfall already this
 19 spring, since we got, got to the field and we
 20 had another 40 to 80 hundredths again today, an
 21 inch twenty again, earlier on Tuesday.
 22 I have to hire an aerial pilot.
 23 And you're going to run across now a quarter of
 24 a mile in from the section line, on the county
 25 line, out in the middle of my field, in the

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1 crop production areas and it's, I'm sorry, it's
 2 an inconvenience.
 3 And, and, like I say, if they, they
 4 go north, to the north side of the section,
 5 give me a pen, give me the papers, I'll sign
 6 it, I have no problem.
 7 And I believe that there's -- other
 8 people will be testifying behind me, that'll
 9 probably be saying the same thing.
 10 And, you know, I, I can make, make
 11 a little light here, with a little juris --
 12 with a little latitude.
 13 You know, if it's not good enough
 14 -- our farming operation is called T-Bar-T
 15 Ranch. And, and if it's not good enough to
 16 cross -- this power line isn't good enough to
 17 go across the Cross Ranch, I don't think it's
 18 good enough to go cross T-Bar-T Ranch.
 19 So, I guess with that, that's,
 20 that's some of the, that's some of the concerns
 21 that I have, Commissioners and, and Judge Wahl.
 22 MR. WAHL: Ms. Smith, --
 23 MR. JEFF TOPP: And --
 24 MR. WAHL: -- questions?
 25 MS. SMITH: I just am wondering if

<p>225</p> <p>1 we could ID on the map where you're located, 2 because I think the Commissioners will ask for 3 that, so we may as well do that upfront. 4 And I think it's 12f that we will 5 need. 6 And if you wouldn't mind showing us 7 on Exhibit 12f where you're located. 8 MR. JEFF TOPP: I'm on Section 34 9 and 35 in Columbia Township. And there are 10 four households in there, representing 15 11 occupants. 12 You know, and, and, also, you know, 13 I heard, heard, heard the word used that, 14 today, that occupied residences really matter. 15 And, frankly, I think you're 16 getting way too close to 15 occupied residences 17 in my farmyard. 18 And my neighbors to the next 19 section, to the west of us, there are nine 20 occupied residences. And you're going on the 21 north side of Section 33, within a quarter mile 22 of two more households with 9 residences. And 23 that's the next section to the west where I 24 reside. 25 And then you'll hear testimony to</p>	<p>227</p> <p>1 cannot go north, it's a, a crick, I have to go 2 south. 3 And if I continue to expand it 4 south, I have to go under, I'm going to have to 5 ex -- expand under your power lines. I don't 6 have a choice. I can't go east, I'm in the 7 crick. I can't go north, I'm in the crick. 8 I have -- the only expansion for my 9 operation is south or relocate. 10 MR. WAHL: Further questions, Ms. 11 Smith? 12 MS. SMITH: No, your Honor. 13 MR. WAHL: Mr. Sagsveen? 14 MR. SAGSVEEN: I don't have any 15 questions, your Honor. 16 MR. WAHL: Mr., Mr. Lein? 17 MR. LEIN: I have no questions 18 either. 19 MR. WAHL: Questions from the -- 20 Commissioner Cramer. 21 MR. CRAMER: Just -- 22 MR. WAHL: You -- 23 MR. CRAMER: -- so I'm clear, Jeff, 24 -- and thank you for your testimony and for 25 getting the ball rolling here.</p>
<p>226</p> <p>1 the next section to the east, there's a 2 residence and a household there that, that -- 3 that'll be testified that got shifted closer to 4 the north to my farm, because it was going to 5 basically almost either go right through his 6 cattle oper -- cattle yards or his house. 7 And so when they moved it there, it 8 moved it, it moved it that much closer to my 9 yard. 10 And, like I say, I -- if this is 11 a -- if this is about people and occupants, you 12 know, I would highly suggest that you take into 13 consideration the close proximity that you're 14 getting to my farmyard. 15 And I will, if you go, go to the 16 north side of Section 34 and 35, give me a pen, 17 I'll sign, because that's the right thing to 18 do. 19 You know, I'm a fourth generation 20 in my -- in that farmyard. That farmyard was 21 started by my grandfather and it's expanded 22 many, many times. 23 And, and good Lord willing, it's 24 going to continue to expand, expand. 25 But I can't expand my farmyard, I</p>	<p>228</p> <p>1 On the map, there are two yellow 2 dots. Are those both -- are those two 3 different homes on your -- 4 MR. JEFF TOPP: Well, the dot, -- 5 MR. CRAMER: -- or is that -- 6 MR. JEFF TOPP: -- the dot, as 7 you're looking at your map, the dot to the 8 right in Section 35? 9 MR. CRAMER: Yes. 10 MR. JEFF TOPP: That's, obviously 11 that's wrong, because there's three houses on 12 the east side of the road. There are three 13 employees in one house. 14 There's a, a family, an employee, 15 that has five children and she is pregnant with 16 her sixth, in the middle house. 17 And then I have an employee in the 18 third house on that side of the road, that's a 19 single gentleman. 20 And then I and my family reside in 21 the dot in Section 34 on the left-hand side of 22 the road as you're looking at it. 23 MR. CRAMER: If, if, if they were 24 to do, as you're asking, go to the north of, of 25 the section line in Section 34, if you were to</p>

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1 carry that east and west, let's say west
 2 especially, there's -- it looks like it would
 3 impact maybe another home a couple sections
 4 over?
 5 MR. JEFF TOPP: Yeah, there'll be
 6 two, there will be two homes -- if you, if you
 7 move to the north side of our section, --
 8 MR. CRAMER: Yes.
 9 MR. JEFF TOPP: -- Commissioner
 10 Cramer, yes, you are absolutely correct.
 11 But is this -- there's four homes
 12 in my section, there's a home in the section to
 13 the east of me and there's two more homes in
 14 the section to the west.
 15 And as you'll hear, maybe hear
 16 testimony by a gentleman by the name of Gary
 17 Weigum, that's also here, he's -- his home is
 18 right located where it makes the jog over by
 19 Brantford.
 20 And, and I -- my neighbor, Lee
 21 Topp, was here earlier today, and I think he
 22 run out of time and had to leave, so --
 23 But there's, there's eight
 24 households that that power line is within a
 25 quarter mile. Eight households.

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1 And so, yeah, it -- I -- I'm not
 2 saying: don't come on my property.
 3 MR. CRAMER: Uh-huh.
 4 MR. JEFF TOPP: I'm saying: please
 5 move to the north.
 6 I will still have you within a half
 7 a mile of our property.
 8 MR. CRAMER: Sure.
 9 MR. JEFF TOPP: But I'd sooner have
 10 a half a mile than a quarter of a mile.
 11 And if, so if occupied residences
 12 truly matter in this proceeding, if they truly
 13 do matter, eight versus two.
 14 You, you know, people have to make
 15 choice -- you have to make choices here. I
 16 mean, and -- if, if it's not good enough for
 17 the Cross Ranch, then I don't -- you know, I'm,
 18 I'm saying: it's good enough for T-Bar-T
 19 Ranch, but just please move it.
 20 MR. CRAMER: And I don't, I don't
 21 want to imply that we can't -- that, that
 22 there's not a way to avoid all -- there, there
 23 may very well be. I'm just trying to get a, a
 24 better lay of the land.
 25 Are there any other characteristics

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1 about that area? Because, because the creek
 2 you refer to, it looks like it's probably a
 3 growing body of water these days.
 4 Are there any other characteristics
 5 that make any part of crossing this area easier
 6 or more difficult from a, a -- households
 7 aside, and, yes, they are important, but --
 8 MR. JEFF TOPP: No, because they're
 9 going to cross it at the south side of the
 10 section, also, on a county line.
 11 If you look at, look at it there,
 12 they cross it there.
 13 When you go another mile, you go
 14 another mile and a half to the east of the
 15 first crossing on the creek, they're going to
 16 cross it again.
 17 So it's -- pick your poison.
 18 You're going to have to cross that -- those
 19 creeks or those tributaries that end up going
 20 to Juanita Lake. You're -- you -- you're going
 21 to have to cross it. And that's bad. You're
 22 going to cross it twice no matter what.
 23 And from my, my sta -- my
 24 standpoint, I would sooner have you going
 25 across pastureland --

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1 MR. CRAMER: Uh-huh.
 2 MR. JEFF TOPP: -- than across my
 3 cropland.
 4 And, you know, I, I apologize, I, I
 5 had another meeting I had to run to right after
 6 lunch and, and --
 7 And they ha -- the representatives
 8 from Kadrmas, Lee & Jackson have not been very
 9 good at getting back to me with my concerns.
 10 It's always: we'll take it under advisement;
 11 or: I'll, I'll pass it on.
 12 And, you know, I don't get, I don't
 13 get verbal response back, other than: I'll
 14 pass it on.
 15 And I do not get something,
 16 anything in writing.
 17 I, I did -- I have not signed. And
 18 I've been very upfront with them, you know.
 19 It's not that I will not, but please, please,
 20 stay on our property, because I don't want to
 21 hold up progress, but go to the north side,
 22 you'll have a lot more -- a lot less impact on
 23 my operations and my households.
 24 Because, in rural areas, I have --
 25 I'm -- in an operation like mine, and as in a

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1 lot of operations, I am absolutely tied to
 2 labor.
 3 And it's hard to get --
 4 what's a fir -- first impressions sometimes are
 5 lasting impressions. And so the first thing
 6 you're going to see when you come driving into
 7 my farmyard is what.
 8 Oh, there's that big power line
 9 really close.
 10 And, and I can say whatever you
 11 tell me you want me to say to them, that it's
 12 not going to impact them, there's no stray
 13 voltage, there's nothing wrong with it. But
 14 you convince those people.
 15 I mean, I can just do the same
 16 thing that you're saying. But as -- they don't
 17 have to come to rural Grace City and take a
 18 job, but that's -- impression is they're going
 19 to see that power line coming within a quarter
 20 mile of that house that I'm asking them to live
 21 in.
 22 And it's a big old sucker, ain't
 23 it. It's going to have a lasting impression.
 24 Please, please move this thing to
 25 the north side of our section.

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1 MR. CRAMER: I have, I have nothing
 2 further, thank you.
 3 MR. WAHL: Further --
 4 Commissioner Clark.
 5 MR. CLARK: First, thanks for your
 6 testimony, I appreciate it.
 7 Of course, the difficult thing
 8 about siting these, you -- you're always moving
 9 it, you know, potentially closer to someone
 10 else and so on and so forth, so -- they get to
 11 be very difficult decisions.
 12 One of the things that is sometimes
 13 helpful for the Commission and for a landowner
 14 who may have a particular issue, are certain
 15 things that might be unique to the features of
 16 that property that maybe tip things one way or
 17 another.
 18 And that I am -- I would -- if I'm
 19 understanding it right, I'm -- this issue of
 20 the creek is sort of compelling to me and how
 21 it impacts your operation.
 22 From what I understand, basically,
 23 is, is it correct, that there's only -- if
 24 you're going to expand your operation in any
 25 way, where you're actually going to be putting

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1 more houses or sheds or whatever on your, your
 2 property, it's going to have to be to the
 3 south. Is that, is that correct? Because
 4 you're hemmed in by the, the river elsewhere?
 5 MR. JEFF TOPP: Yeah. If you look
 6 at, if you look at that map, that creek is
 7 right on the north side of the trees, in my
 8 farm -- our farmyard. And there -- there's
 9 absolutely no way to go north, I have got to go
 10 south.
 11 MR. CLARK: Yeah. Can you go west
 12 at all or is that --
 13 MR. JEFF TOPP: I, I can --
 14 MR. CLARK: -- pastureland or is
 15 it --
 16 MR. JEFF TOPP: No. It's, it's,
 17 it's high ground to the west, also, I can, but,
 18 ag -- again, then, I get further off my
 19 blacktop road access.
 20 MR. CLARK: Okay.
 21 MR. JEFF TOPP: And so I really
 22 don't -- in -- my infrastructure build
 23 requirements would be so much more coming
 24 across. I'm, I'm better off staying close to
 25 the blacktop road. And I happen to be very

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1 fortunate to live on.
 2 MR. CLARK: Uh-huh.
 3 Is -- on the north side of, of that
 4 section, is there, is there a distinct section
 5 line, like a section line road or anything like
 6 that? It looks like at least in, in places,
 7 it's fairly -- it, it must be, it must be
 8 pastureland and, and not --
 9 MR. JEFF TOPP: Yeah, that's why
 10 it's really good to go across there, it's
 11 remote.
 12 MR. CLARK: And not cultivated,
 13 yeah.
 14 The, the terrain to the north, is
 15 it a more difficult crossing than to the south
 16 or is it similar? If you look at the --
 17 MR. JEFF TOPP: It -- it's, it's
 18 flatter. It's flatter ground.
 19 But even if -- when they go, when
 20 they go east on the county line, --
 21 MR. CLARK: Uh-huh.
 22 MR. JEFF TOPP: -- they're, they're
 23 going to, they're going to, they're going to
 24 cross that same crick, if you follow it across
 25 there, Commissioner Clark. They're, they're

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1 going to cross that same crick.
 2 MR. CLARK: Are there more or less
 3 wetlands or similar, similar topography or is
 4 it --
 5 MR. JEFF TOPP: I live in Eddy
 6 County, I think currently it's all wetlands.
 7 MR. CLARK: It looked like it
 8 flying over this morning.
 9 MR. JEFF TOPP: Yeah.
 10 MR. CLARK: Okay, thank you.
 11 MR. WAHL: Further questions from
 12 the --
 13 Commissioner Kalk.
 14 MR. KALK: Just one question.
 15 Thanks to (sic) your testimony, Jeff.
 16 The -- that road you -- to the
 17 south of you, it's 12th Street Northeast on the
 18 map. Is that a gravel or paved road?
 19 MR. JEFF TOPP: It is -- it's --
 20 is, is that the one that runs east and, east
 21 and west?
 22 MR. KALK: Yep, just straight south
 23 of you.
 24 MR. JEFF TOPP: It's gravel there
 25 for 1 mile. And then, and then there -- you're

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1 going to have a mile of just a section line,
 2 there is no road on it.
 3 MR. KALK: Okay.
 4 MR. JEFF TOPP: And then, then
 5 you'll get down to Section, would be Section
 6 thir -- between 35 and 36 on the county line.
 7 MR. KALK: Okay.
 8 MR. JEFF TOPP: So you're going to
 9 have -- there's, there's no road going down
 10 from, from 82nd Avenue over there. The
 11 north-south blacktop road, there's no road
 12 getting over to the next one. Either way
 13 it's -- either way you look at it.
 14 And when you go west, when you go
 15 west the 1 mile, you'll see two households on
 16 the south side of the road. There's no road
 17 going west for a mile either.
 18 MR. KALK: Okay. Well, what I was
 19 trying to get to is that -- the other
 20 Commissioners asked good questions about the
 21 north side, but this is one on the south side.
 22 If, if the company was able to put
 23 those power lines as close to that road right
 24 of way as possible, would that help mitigate
 25 some of your concerns?

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1 Because eventually it, it would
 2 appear that road becomes a catching feature,
 3 expanding to the south anyway.
 4 MR. JEFF TOPP: Well, personally,
 5 if I'm going to sit here and, and just speak
 6 for myself personally, yes, it -- it's better,
 7 but --
 8 MR. KALK: Still the preference is
 9 the north, I wou -- I guess?
 10 MR. JEFF TOPP: Well, yeah, because
 11 you just -- one of the gentlemen that's going
 12 to -- that -- that's going to testify behind
 13 me, the reason it went north is because it was
 14 going to come right over one of his houses and,
 15 and right through his cattle lot over there on
 16 Section 36.
 17 MR. KALK: Sure.
 18 MR. JEFF TOPP: And then you
 19 still -- all we've done -- it -- all you've
 20 done by moving, Commissioner Kalk, by moving
 21 closer to the county line, now you're moving it
 22 closer to the ol -- the two households that
 23 reside in Foster County south of Section 33.
 24 MR. KALK: Sure. And I see where
 25 his house is at, too.

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1 MR. JEFF TOPP: Yeah.
 2 MR. KALK: What about some --
 3 MR. JEFF TOPP: So --
 4 MR. KALK: -- potential of some
 5 micro siting, where you'll sit down and put --
 6 corridor here -- you're up here, then you kind
 7 of jog down around and then you go back up just
 8 so you -- it doesn't, it doesn't potentially --
 9 he -- worry about his stockyard, but it also
 10 gives you more room to the south to grow
 11 without being right on top of that transmission
 12 line?
 13 MR. JEFF TOPP: Commissioner Kalk,
 14 I -- that may be workable for me, but in my
 15 conversation with, that I've had with Kadrmas,
 16 Lee & Jackson, they had indicate that you just
 17 don't turn these things, even though you've got
 18 a thousand-foot corridor, it takes a long, it
 19 takes a long time to turn them a thousand feet.
 20 Now that -- and I'm, I'm, trust me,
 21 I'm not an expert, but I'm just repeating what
 22 was told to me.
 23 MR. KALK: Sure.
 24 MR. JEFF TOPP: But it -- you know,
 25 it's a good question. I -- I'd be willing to,

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1 I'd sure be willing to talk about that.
 2 I would sooner have it go to the
 3 north side of the section, because if -- you're
 4 going to have a -- it'll, it'll impact -- it'll
 5 take the, the major impact away from eight
 6 households.
 7 MR. KALK: Okay.
 8 MR. JEFF TOPP: And, yes,
 9 unfortunately, as Commissioner Cramer points
 10 out, there would be two different households
 11 that would be impacted, but it's still going to
 12 be within a half a mile of my residence, also.
 13 So I'm not, I'm not saying, you
 14 know, I'm not saying: don't come by me, just
 15 please try to work with us, try to take a
 16 different route. You can still come by our
 17 property, you're still within a half a mile of
 18 my residency. I'm not --
 19 MR. KALK: Okay.
 20 MR. JEFF TOPP: You know.
 21 MR. KALK: All right, thank you,
 22 sir.
 23 MR. WAHL: Further questions from
 24 the Commission?
 25 Follow-up, Ms. Smith?

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1 MS. SMITH: No, your Honor.
 2 MR. WAHL: Mr. Sagsveen?
 3 MR. SAGSVEEN: No, your Honor.
 4 MR. WAHL: Mr. Lein?
 5 MR. LEIN: No, no, your Honor.
 6 MR. WAHL: Thank you very much, Mr.
 7 Topp.
 8 MR. JEFF TOPP: Thank you.
 9 (Whereupon, the witness was
 10 excused.)
 11 MR. WAHL: Next, please?
 12 Be seated.
 13 Please state your name for the
 14 record, sir?
 15 MR. RYAN TOPP: Ryan Topp.
 16 MR. WAHL: Mr. Topp, what is your
 17 residence address?
 18 MR. RYAN TOPP: 1155 83rd Avenue
 19 Northeast; Grace City, North Dakota, 58445.
 20 MR. WAHL: Is that also your post
 21 office address?
 22 MR. RYAN TOPP: Correct.
 23 MR. WAHL: Mr. Topp, are you
 24 speaking for anyone, any group or organization,
 25 other than yourself and your family?

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1 MR. RYAN TOPP: No, sir.
 2 MR. WAHL: Mr. Topp, as you have
 3 heard me advise the prev -- the previous
 4 witness, your testimony is required to be under
 5 oath. And I'm required by law to advise you
 6 regarding perjury before administering the
 7 oath.
 8 Perjury is a false statement of
 9 material fact which you do not believe to be
 10 true.
 11 In North Dakota, perjury's a class
 12 C felony, punishable by a fine up to \$5,000,
 13 imprisonment for a period of up to five years
 14 or both.
 15 Will you raise your right hand,
 16 please?
 17 Being advised regarding perjury,
 18 Mr. Topp, do you swear that the testimony which
 19 you are about to give in this matter shall be
 20 the truth, the whole truth and nothing but the
 21 truth?
 22 MR. RYAN TOPP: Yeah, I do.
 23
 24 R Y A N T O P P,
 25 being first duly sworn, testified on his oath

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1 as follows:
 2
 3 MR. WAHL: You may proceed.
 4 MR. RYAN TOPP: Thank you.
 5 Our family owns and operates a
 6 third-generation seed stock, livestock
 7 operation near Grace City.
 8 Approximately 92 percent of our
 9 family's income is derived from beef cattle.
 10 I, unlike the last gentleman that
 11 testified, which happens to be my neighbor,
 12 have more of a concern with the transmission
 13 line going over pasture.
 14 A few of the risks that our family
 15 feels is associated with the transmission lines
 16 that run through the pasturelands, which are
 17 considered our breeding pastures.
 18 And I guess what we are asking is
 19 that a couple provisions are made in the
 20 contract from Minnkota to the seller of the
 21 land to make some changes to help protect us in
 22 our operation.
 23 The first concern is the
 24 reproductive ability or loss of pregnant --
 25 early fetal pregnancy in our cattle.

<p>245</p> <p>1 In the data that I've looked at and 2 some of the research, it goes either way, it 3 depends on if it's a power company stating the 4 facts or the, the rancher. 5 What we would ask for -- and just 6 to back up a little bit. 7 We are not a commercial cattle 8 operation, we are a seed stock producer. We 9 annually market approximately 150 bulls in our 10 annual bull sale. 11 The last eleven years, that bull 12 sale has averaged \$4700. So the reproductive 13 ability of our cattle is quite important, 14 obviously. 15 And what we would ask for is if 16 there is a reproductive loss of pregnancy in 17 the pastureland that that line goes over versus 18 the pastureland that that line does not go, 19 transmission line does not go over, that 20 there's a compensation for that, for that loss. 21 Our family would be willing to 22 submit data on a yearly basis, if that iss -- 23 issue does arise. We would be willing to show 24 the difference in conception on that 25 pastureland versus the pastureland it does not</p>	<p>247</p> <p>1 simply because we have a lot more investment 2 into our livestock on an individual basis 3 versus a commercial operation. 4 Again, we would like to put the 5 value on those cattle, or have the person that 6 assesses the value, be somebody in, in the seed 7 stock industry. 8 Potential solutions to, to some of 9 my concerns, which Kadrmas, Lee & Jackson, did 10 ask us to write up a contract and submit to 11 them. 12 My wife and I did decide we'd leave 13 that up to the Commission, to see if that's not 14 a provision that you could put in the contract 15 to us or one of the statements regarding that. 16 And like Jeff said earlier, 17 altering the route going to the north of that, 18 of that section line. We are the neighbor to 19 the east that he kept referring to. 20 We were the ones that created the 21 issue for Jeff. 22 But the first route went right over 23 our ranch -- or I should -- excuse me, where we 24 breed our cattle. 25 And it was a, a second farmstead</p>
<p>246</p> <p>1 cover. 2 However, we would want to be 3 compensated for fair value for our losses. 4 In speaking with Kadrmas, Lee & 5 Jackson, which they have been very good about 6 working with us and talking to us about our 7 concerns, one of the snags on the whole thing 8 has been, who adjusts this lost. 9 Obviously, because it is a, a 10 different sort of business, or not real common, 11 to be a seed stock producer, we would want 12 those losses to be determined by a professional 13 in the seed stock business. 14 Our second concern, and probably 15 our biggest concern, and one of the most 16 important provisions in the contract that we'd 17 like to see, is death loss. 18 The liability that Minnkota would 19 have towards the ranch that is on that 20 property. 21 And, ag -- again, this reverts back 22 to, to the earlier liability issues as far as 23 putting the value on them. 24 It's not just simply the value of 25 what that animal is worth at the sale barn,</p>	<p>248</p> <p>1 for us, which is occupied by a homeowner. 2 So moving it to the north would 3 also benefit us as, as well as Jeff. 4 Again, it still goes through our 5 breeding pasture, so I would like some 6 protection for us as beef cattle producers, or 7 more importantly, seed stock producers. 8 The financial loss to us, 1 percent 9 less conception or 1 percent abortion rate is a 10 big deal to us. It doesn't seem like a whole 11 lot compared to the financial aspect of 12 Minnkota going through and their losses by not 13 going through our land, but it's all we have. 14 And it's what we make our living on. 15 MR. WAHL: Does that conclude your 16 statement, Mr. Topp? 17 MR. RYAN TOPP: Yes, sir. 18 MR. WAHL: Questions, -- excuse me 19 -- Ms. Smith? 20 MS. SMITH: I guess I would just 21 ask on Exhibit F to confirm where your 22 residence is located so the Commission knows? 23 And I think it may be this dot to 24 the west of where we were looking at before. 25 MR. RYAN TOPP: Yes, which was</p>

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<p>1 right -- be Section 36. 2 MR. LEIN: It's right on the road 3 right there. 4 MS. SMITH: I think it's a little 5 bit to the -- is that a little bit to the east 6 of where you are? 7 MR. RYAN TOPP: Correct. 8 MS. SMITH: Let's see. Okay. 9 MR. CLARK: You're in Section 36 of 10 Pleasant, in Pleasant Prairie Township? 11 MR. RYAN TOPP: Columbia. 12 MR. LEIN: Columbia, yeah. 13 So it's right on the road -- or 14 right on the section line there? 15 MR. SAGSVEEN: 12th -- 16 MR. LEIN: Township line. 17 MR. SAGSVEEN: 12th Street. 18 MR. CRAMER: Yeah, the county line. 19 MS. SMITH: You said -- 20 MR. LEIN: Or the county line. 21 MR. RYAN TOPP: Correct. 22 MS. SMITH: You said Columbia 23 Township? 24 MR. RYAN TOPP: I believe that is 25 correct. I did not prepare myself for that.</p>	<p>1 looks like, if the thing ran north, it could go 2 to, is it 24th -- no, 84th Avenue Southeast and 3 run along on that road going back south again, 4 or something like that. Does that make it 5 better? 6 MR. RYAN TOPP: Can you repeat that 7 again, please? 8 MR. LEIN: If it, if it jogged 9 north on the section line between 33 and 34 for 10 a mile and then crossed on the north side of 11 34, 35 and 36, and then went back south again 12 on the edge of, on the east edge of Section 36, 13 would that fix your problems or is that still 14 going to be -- that's still crossing your 15 pastureland? 16 MR. RYAN TOPP: Yes. My 17 family's -- my mother has some land, I believe 18 it's in Section 35. 19 Yes, that does help me. It still 20 does cross through a lot of our breeding 21 pastures, which still doesn't help me in the 22 concerns I have with the, the fertility of the 23 cattle, but, yes, it is better. 24 It'd be nice to keep that, instead 25 of jogging back south again, it would aid</p>
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<p>1 MS. SMITH: Oh, that's okay. 2 MR. RYAN TOPP: I -- 3 MS. SMITH: I -- 4 MR. RYAN TOPP: I honestly cannot 5 answer that. 6 Our, our homestead, yes, is -- 7 would be a half mile south of the county line. 8 MS. SMITH: And you're east of the 9 other gentleman that just testified. Is that 10 what you said? 11 MR. RYAN TOPP: Southeast, yes. 12 MS. SMITH: Southeast. 13 Okay. Because I think there's a 36 14 a little bit east of where you were pointing 15 and I think that might be the one that points 16 to your property. 17 MR. RYAN TOPP: Yeah, and I cannot 18 answer that. 19 MS. SMITH: Sure, that's fine. 20 I don't have any other questions. 21 MR. WAHL: Mr. Sagsveen? 22 MR. SAGSVEEN: I don't think I have 23 any questions beyond what he's testified to. 24 MR. WAHL: Mr. Lein? 25 MR. LEIN: Just looking at it, it</p>	<p>1 another neighbor that is going to get up and 2 testify, if you kept running that straight 3 west, instead of jogging back south. 4 MR. LEIN: Okay. Thanks, no 5 further questions. 6 MR. WAHL: Questions by -- 7 Commissioner Clark. 8 MR. CLARK: Thank -- thanks for 9 your testimony. 10 Can I -- can you tell me the, the 11 original line route that was altered that 12 helped your situation? What -- how -- where 13 was that going -- 14 MR. RYAN TOPP: Right -- 15 MR. CLARK: -- at that point? 16 MR. RYAN TOPP: It'd be right on 17 the county line. 18 It originally was running -- see, 19 that'd be -- I'm not very good with maps or 20 locations, it, it -- we can talk cattle, but -- 21 Yes, it was right, right north of, 22 of Larry and Kathy Erickson's -- or Kathy 23 Erickson's farmstead. 24 And we have a second location, 25 which would be 1 mile northeast of the home</p>

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1 place, and that's the facility that it run
 2 right through, the feedlot.
 3 MR. CLARK: Okay. Well, because
 4 I'm looking at it now, it looks like it's
 5 running on the county line, if I'm reading it
 6 right, between Eddy and Foster.
 7 MR. CRAMER: It's just slightly
 8 north.
 9 MR. CLARK: It's just a bit little
 10 north. They, where they --
 11 MR. RYAN TOPP: It's just a
 12 little bit north, I belie --
 13 MR. CLARK: Okay.
 14 MR. RYAN TOPP: I believe roughly
 15 another 500 or a thousand foot north of where
 16 the original --
 17 MR. CLARK: I mean, --
 18 MR. RYAN TOPP: -- line is.
 19 MR. CLARK: -- it clearly is a
 20 little on the Eddy County side, as opposed to
 21 the Foster. But you're saying, it was just
 22 moved a li -- a few clicks?
 23 MR. RYAN TOPP: Correct.
 24 MR. CLARK: Okay.
 25 MR. RYAN TOPP: Yes.

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1 Which put it closer to Jeff Topp's.
 2 MR. CLARK: Okay.
 3 MR. RYAN TOPP: I'm the popular
 4 neighbor right now.
 5 MR. CLARK: Okay. Thanks.
 6 Something I just would comment on.
 7 You, you brought up the, the issue of the
 8 contracts between you and Minnkota. And this
 9 would go for anybody who's, who's --
 10 MR. CRAMER: Yeah.
 11 MR. CLARK: Just for, for the
 12 public benefit.
 13 Well, if I was a landowner, I'd be
 14 asking exactly the same questions that, that
 15 you are and, and negotiating those kind of
 16 things with, with Minnkota.
 17 The, the Commission, I guess either
 18 fortunately or un -- unfortunately, how you
 19 look at it, but it's, just sort of is how it
 20 is, doesn't have any authority over contract
 21 terms between landowners and utility companies
 22 that are see -- are seeking to put something in.
 23 And, ultimately, a court might, a
 24 judge might be able to, to approve or bless or
 25 order a certain provision, things like that as

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1 part of other proceedings.
 2 But as far as the Commission
 3 itself, it's one of those things that's just --
 4 it's outside of our, our scope of law.
 5 So we can look at trying to
 6 mitigate impacts to people, the environment,
 7 operations, things like that, but when it gets
 8 to actual negotiations between companies and
 9 landowners, we're prohibited from basically
 10 approving that or blessing it or anything like
 11 that.
 12 MR. RYAN TOPP: I understand.
 13 MR. CLARK: Yeah, thanks.
 14 MR. WAHL: Further questions from
 15 the Commission?
 16 Commissioner Cramer.
 17 MR. CRAMER: I -- I'm -- I have
 18 your farmstead right here, I'm looking right at
 19 the top of it. I'm able to pull it up a lot
 20 closer, but it's not perfect.
 21 Is -- where the yellow dot is on
 22 the map, just to the north of that, it looks
 23 like there's a -- is there a rather large
 24 building right there? Do you use that?
 25 Is there a building, a, a large

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1 like barn or a Quonset or something?
 2 MR. RYAN TOPP: To the north of --
 3 MR. CRAMER: Just to the north --
 4 well, obviously on the north part of the road,
 5 just to the north of the road, but just south
 6 of maybe a wetland?
 7 MR. RYAN TOPP: Not that I'm aware
 8 of.
 9 MR. CRAMER: Okay. It might just
 10 be the way the land is shaped.
 11 I'm just trying to -- as, as you
 12 can imagine, as this gets closer to me, it gets
 13 fuzzier, so I'm just trying to understand it
 14 better, but I'm able to understand it.
 15 I, I have no questions. Thank you
 16 for your testimony.
 17 MR. WAHL: Commissioner Kalk.
 18 MR. KALK: Thank you, Ryan, for
 19 your testimony.
 20 You know a lot more about your
 21 industry than I do. I just had a couple
 22 questions about it.
 23 You know, I know that, owning a
 24 bull and it only goes out at certain times of
 25 the year. I mean, is there a, a time, time of

<p>257</p> <p>1 the year where, where this would not come into 2 play for your business or is it pretty much 3 eight months out of the year that this is going 4 to be a concern? 5 I mean, do you have a typical 6 breeding season, if you will, that you try to 7 follow, -- 8 MR. RYAN TOPP: Yes. 9 MR. KALK: -- but because you're 10 in, in the business of producing, you do it 12 11 months out of the year? 12 MR. RYAN TOPP: Yes. Wintertime is 13 the most ideal -- or the time that it does not 14 affect me. April 12th, through June the 12th, 15 are the primary breeding time periods for us. 16 And that's when it, it does impact us the most. 17 MR. KALK: Okay. 18 MR. RYAN TOPP: Or those times. 19 Which is when we're in the pasture. 20 MR. KALK: Sure. 21 Okay, thank you. 22 MR. WAHL: Further questions from 23 the Commission? 24 Follow-up, Ms. Smith? 25 MS. SMITH: No, your Honor.</p>	<p>259</p> <p>1 roughly 20 head of cattle that are, that are 2 open, that would not have been. 3 And I'm not saying that there's 4 going to be a loss. But if there is, I -- our 5 family simply, simply cannot afford that 6 financial loss. 7 Take a \$4,000 -- drop the average 8 down to \$4,000. 20 head, that's \$80,000. I 9 don't -- I can't afford \$80,000. 10 MR. SAGSVEEN: Have, have you 11 consulted with Ag Extension or any of your -- 12 any local ag -- any government folks? 13 MR. RYAN TOPP: As far as the 14 risks, my research has been on the Internet. 15 MR. SAGSVEEN: Okay. 16 MR. RYAN TOPP: We do -- I will say 17 that we have very detailed records of what is 18 pregnant, what is not on our ranch. We 19 ultrasound all of our cattle. 20 Our target is, is 90 days. So 21 you're going to go 30 days on either side of 90 22 for pregnancy. 23 You know, our pastures are all 24 broke down, so I will know, in them three 25 pastures that it does affect, I will know if</p>
<p>258</p> <p>1 MR. WAHL: Mr. Sagsveen? 2 MR. SAGSVEEN: I'm sorry, I should 3 have asked about the data and research that you 4 mentioned before. 5 Do you have specific data or 6 research that applies to your property or 7 general research that, that you can provide to 8 us on this issue? 9 MR. RYAN TOPP: General research, 10 with beef cattle production, I do not have it 11 with me, but it does not pertain, pertain 12 directly to me. 13 MR. SAGSVEEN: Okay. But as far as 14 you can tell, you are under the impression that 15 there will be an impact upon agric -- 16 agricultural production and animal health and 17 safety? 18 MR. RYAN TOPP: If you consider 19 reproductive ability of cattle as animal 20 health, then, yes, it does affect the, the 21 health of the cattle. 22 We generally run about 4 and a half 23 percent open. 24 If you go from 4 and a half to 5 25 and a half percent open, that equates to</p>	<p>260</p> <p>1 there's a difference. 2 MR. SAGSVEEN: I have no further 3 questions. 4 MR. WAHL: Mr. Lein? 5 MR. LEIN: No questions. 6 MR. WAHL: Follow-up by the 7 Commission? 8 Follow-up, Ms. Smith? 9 MS. SMITH: No, your Honor. 10 MR. WAHL: That's far enough I 11 think. 12 Thank you very much, Mr. Topp. 13 MR. RYAN TOPP: Thank you. 14 (Whereupon, the witness was 15 excused.) 16 MR. WAHL: Next, please? 17 Please state your name for the 18 record, sir? 19 MR. WEIGUM: Gary Weigum. 20 MR. WAHL: Mr. Weigum, spell your 21 last name for me, please? 22 MR. WEIGUM: W-e-i-g-u-m. 23 MR. WAHL: Mr. Weigum, what is your 24 residence address? 25 MR. WEIGUM: 1185 76th Avenue</p>

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1 Northeast; New Rockford, North Dakota.
 2 MR. WAHL: Is that the same as your
 3 post office address?
 4 MR. WEIGUM: Yes, it is.
 5 MR. WAHL: Mr. Weigum, do you speak
 6 for any group or organization other than
 7 yourself and your family?
 8 MR. WEIGUM: No, for myself.
 9 MR. WAHL: All right. Mr. Weigum,
 10 as you know, obviously, your testimony is
 11 required to be under oath. And I'm required by
 12 law to advise you regarding perjury before
 13 administering the oath.
 14 Perjury is a false statement of
 15 material fact which you do not believe to be
 16 true.
 17 In North Dakota, perjury is a class
 18 C felony, punishable by a fine up to \$5,000,
 19 imprisonment for a period of up to five years
 20 or both.
 21 Would you raise your right hand,
 22 please?
 23 Being advised regarding perjury,
 24 Mr. Weigum, do you swear that the testimony
 25 which you're about to give in this matter shall

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1 be the truth, the whole truth and nothing but
 2 the truth?
 3 MR. WEIGUM: I do.
 4
 5 G A R Y W E I G U M,
 6 being first duly sworn, testified on his oath
 7 as follows:
 8
 9 MR. WAHL: You may proceed.
 10 MR. WEIGUM: Okay. I ask you to
 11 bear with me, because I'm not real comfortable
 12 doing this, but since it affects me, I feel I
 13 have to come forward here.
 14 Where I live on my farm, there are
 15 two occu -- occupied homes, right across the
 16 county line, in the Foster County area.
 17 And there is the jog from this
 18 power line that comes south, it goes right by
 19 my farm and then it goes over to the Topp area,
 20 where they were talking about.
 21 And I was told that this power line
 22 is going south, because there is a small town
 23 of Brantford, three-quarters of a mile north of
 24 me.
 25 There is no permanent residents in

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1 this town. And if this power line would stay
 2 north of it, it wouldn't affect my land, my
 3 farm. The other home on my place, which is
 4 also occupied.
 5 I also have another concern as to,
 6 when they were talking about they stayed away
 7 from center-pivot irrigation.
 8 I live on top of a New Rockford
 9 aquifer, and there's absolutely no end to water
 10 in aquifer.
 11 Should I ever want to irrigate, I
 12 would not be able to do this with the power
 13 line on my land.
 14 I know that it's wet in North
 15 Dakota, but that can change very drastic and
 16 very fast.
 17 Another thing I wanted to talk
 18 about, too, was they were saying about the
 19 value of the land.
 20 I feel if there is a power line on
 21 the land, they are depreciating the land.
 22 Now whether I farm my land, rent my
 23 land out or want to sell it, which I have no
 24 intentions of doing, that land is devalued.
 25 And I feel like I should be compensated. It

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1 should be made up somewhere by Minnkota.
 2 I also have had Kadrmas, Lee &
 3 Jackson talk to me. And I have concerns. I've
 4 told them about it. We have dealt with it.
 5 But last time I've ever talked to them face to
 6 face was three months ago. I got a phone call
 7 in the end of May. And I just don't think
 8 that's really a way to be informing us as to
 9 what is going on.
 10 As far as the total amount of
 11 dollars that is being paid to me, if this goes
 12 through, and I want everybody to know that I'm
 13 not against progress, I'm not against the power
 14 line, I just don't want to see it right there
 15 at my farmstead.
 16 But the lease is going to be -- or
 17 the easement, excuse me, is for 99 years, as I
 18 understand it.
 19 If you divide the total dollars
 20 over, just say a hundred years to make it
 21 simple, that is ridiculous.
 22 Because for that amount, every year
 23 that I have to go out and avoid them power
 24 lines, I would gladly forfeit that money.
 25 MR. WAHL: Does that conclude your

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<p>1 statement, sir?</p> <p>2 MR. WEIGUM: Yes.</p> <p>3 MR. WAHL: Questions, Ms. Smith?</p> <p>4 MS. SMITH: I have no questions.</p> <p>5 MR. WAHL: Mr. Sagsveen?</p> <p>6 MR. SAGSVEEN: Sir, is your</p> <p>7 property in the, in the Pleasant Prairie</p> <p>8 Township?</p> <p>9 MR. WEIGUM: Yes.</p> <p>10 MR. SAGSVEEN: And is the, the jog</p> <p>11 south that you're talking about, is that at</p> <p>12 Section 34?</p> <p>13 MR. WEIGUM: Yes.</p> <p>14 MR. SAGSVEEN: And your, is your</p> <p>15 property in the -- on the southern corner of 34</p> <p>16 and 35 in Pleasant Prairie?</p> <p>17 MR. WEIGUM: Yes.</p> <p>18 And my mother has land in Section</p> <p>19 31, so it crosses there, also.</p> <p>20 MR. SAGSVEEN: I don't have any --</p> <p>21 actually, is the -- so the, the town is an, an</p> <p>22 unincorporated town or a --</p> <p>23 MR. WEIGUM: I don't know how</p> <p>24 it's --</p> <p>25 MR. SAGSVEEN: -- in 35.</p>	<p>1 further north, it would be in the same places</p> <p>2 where Jeff was talking about.</p> <p>3 MR. LEIN: Well, as I'm looking at</p> <p>4 this, if it went north, it could line up at the</p> <p>5 section line and go all the way across</p> <p>6 over past the Topps' property as well.</p> <p>7 MR. WEIGUM: Yes. Yes.</p> <p>8 MR. LEIN: Would that route be a</p> <p>9 better route?</p> <p>10 MR. WEIGUM: To me it would be.</p> <p>11 MR. LEIN: And, and your mother,</p> <p>12 too? Is it --</p> <p>13 MR. WEIGUM: Well, it's still going</p> <p>14 to cross her land either way, whether it's on</p> <p>15 the south side of Brantford or the north side.</p> <p>16 MR. LEIN: Okay. Thanks, no</p> <p>17 further questions.</p> <p>18 MR. WAHL: Ques --</p> <p>19 Commissioner Clark.</p> <p>20 MR. CLARK: Thanks.</p> <p>21 And thanks for testifying, too.</p> <p>22 The -- just so I nail this down.</p> <p>23 If I were to try to find your dot,</p> <p>24 your residence on the map, is it inside -- it's</p> <p>25 in Section 34. Is that right?</p>
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<p>1 Is there any inhabited residences</p> <p>2 there?</p> <p>3 MR. WEIGUM: There's two people, a</p> <p>4 married couple, that live there part-time.</p> <p>5 MR. SAGSVEEN: Okay. In Section</p> <p>6 35?</p> <p>7 MR. WEIGUM: Yes.</p> <p>8 MR. SAGSVEEN: On -- in the -- is</p> <p>9 that at the railroad?</p> <p>10 MR. WEIGUM: Yep.</p> <p>11 MR. SAGSVEEN: I have no further</p> <p>12 questions.</p> <p>13 MR. WAHL: Mr. Lein?</p> <p>14 MR. LEIN: Did you say you would</p> <p>15 have rather seen the line north of there?</p> <p>16 MR. WEIGUM: On the north side of</p> <p>17 the town of Brantford.</p> <p>18 MR. LEIN: There is -- where it</p> <p>19 takes that jog to the south, did you want it to</p> <p>20 go straight there or did you want it to jog</p> <p>21 north or --</p> <p>22 MR. WEIGUM: Well, I guess -- if it</p> <p>23 went north, it would not cross my land there,</p> <p>24 but further east, it would cross my mother's,</p> <p>25 so it's still affecting us. But if it goes</p>	<p>1 MR. WEIGUM: No. My farm is in</p> <p>2 Section 3.</p> <p>3 The --</p> <p>4 MR. CLARK: Okay.</p> <p>5 MR. WEIGUM: -- other home is in</p> <p>6 Section 2. But that county line is right</p> <p>7 there. I mean, I live right at the county</p> <p>8 line.</p> <p>9 MR. CLARK: Okay. So are you, are</p> <p>10 you technically in Foster then?</p> <p>11 MR. WEIGUM: Yes.</p> <p>12 MR. CLARK: So you're in Foster</p> <p>13 between 3 and 2?</p> <p>14 MR. WEIGUM: Yes.</p> <p>15 MR. CLARK: Okay, got it.</p> <p>16 Do you know --</p> <p>17 And I'm guessing the reason that</p> <p>18 that's brought down sort of along a half</p> <p>19 section line, in 31, 32, 33, is to avoid that</p> <p>20 substation that's on the, the north side of --</p> <p>21 between 32 and 33. Is that probably right?</p> <p>22 You can't speak for the company, but --</p> <p>23 MR. WEIGUM: Yeah, I don't know.</p> <p>24 MR. CLARK: My guess is -- there is</p> <p>25 a sub, a sub there, --</p>

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1 MR. WEIGUM: Right.
 2 MR. CLARK: -- though.
 3 Okay.
 4 MR. WEIGUM: Uh-huh.
 5 MR. CLARK: Okay.
 6 MR. WEIGUM: Now I'd like to point
 7 out, too, they did move this further north from
 8 my place, because it was right beside the road,
 9 north of my farm. And they would have had to
 10 take out the east-west shelterbelts.
 11 Now, they did move that further
 12 north, which was good. But if it was on the
 13 north side of Brantford, it would be even
 14 better.
 15 MR. CLARK: Sure. Yeah. And I
 16 think it's a, it's a fair question to ask the
 17 company along the lines that, that Jerry's
 18 asked, which is, you know, why not bring it
 19 along to, to the north side of, of 34
 20 through -- you know, straight across there,
 21 there appears to be less owners, but -- I don't
 22 know if there's some other issue. But at some
 23 point they have to cross the railroad that's,
 24 that's there as well.
 25 Okay, thank you.

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1 MR. WAHL: Further questions from
 2 the Commission?
 3 MR. KALK: No.
 4 MR. CRAMER: Thank you for your
 5 testimony.
 6 MR. KALK: Yeah, thank you.
 7 MR. WAHL: Follow-up, Ms. Smith?
 8 MS. SMITH: I just have one.
 9 Is the -- does the project corridor
 10 cross your property then?
 11 MR. WEIGUM: Yes, Section 34.
 12 MS. SMITH: Okay. Section 34 is
 13 your property?
 14 MR. WEIGUM: Yes.
 15 MS. SMITH: Okay. Thank you.
 16 MR. WAHL: Mr. Sagsveen, anything
 17 further?
 18 MR. SAGSVEEN: No, nothing further.
 19 MR. WAHL: Mr. Lein?
 20 MR. LEIN: Nothing further.
 21 MR. WAHL: Anything further from
 22 the Commission?
 23 If not, thank you very much, Mr.
 24 Weigum.
 25 MR. WEIGUM: Thank you.

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1 (Whereupon, the witness was
 2 excused.)
 3 MR. WAHL: Next, please?
 4 Anyone further to testify or make a
 5 statement to the Commission?
 6 Please come forward.
 7 Be seated.
 8 Please state your name for the
 9 record.
 10 MR. RICHTER: Fred Richter.
 11 MR. WAHL: Spell your last name for
 12 me, please?
 13 MR. RICHTER: R-i-c-h-t-e-r.
 14 MR. WAHL: Yes.
 15 Mr. Richter, what is your residence
 16 address?
 17 MR. RICHTER: 241 49th Avenue
 18 Northeast.
 19 MR. WAHL: Of?
 20 MR. RICHTER: Sykeston, North
 21 Dakota.
 22 MR. WAHL: And is that also your
 23 post office address?
 24 MR. RICHTER: Post Office Box
 25 364.

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1 MR. WAHL: In Sykeston?
 2 MR. RICHTER: Yes.
 3 MR. WAHL: Mr. Richter, are you
 4 speaking for any group or organization other
 5 than yourself and your family?
 6 MR. RICHTER: No.
 7 MR. WAHL: Mr. Richter, as you have
 8 heard, your testimony is required to be under
 9 oath. And I'm required by law to advise you
 10 regarding perjury before administering the
 11 oath.
 12 Perjury is a false statement of
 13 material fact which you do not believe to be
 14 true.
 15 In North Dakota, perjury is a class
 16 C felony, punishable by a fine up to \$5,000,
 17 imprisonment for a period of five years or
 18 both.
 19 Will you raise your right hand,
 20 please?
 21 Being advised regarding perjury,
 22 Mr. Richter, do you swear that the testimony
 23 which you're about to give in this matter shall
 24 be the truth, the whole truth and nothing but
 25 the truth?

<p>273</p> <p>1 MR. RICHTER: Yes.</p> <p>2</p> <p>3 F R E D R I C H T E R,</p> <p>4 being first duly sworn, testified on his oath</p> <p>5 as follows:</p> <p>6</p> <p>7 MR. WAHL: You may proceed.</p> <p>8 MR. RICHTER: Commissioners.</p> <p>9 I want to thank you for this</p> <p>10 opportunity. I'm not involved in this</p> <p>11 particular line, but I was in one of the three</p> <p>12 lines that it could have been.</p> <p>13 We all need electricity, I love</p> <p>14 electricity. We need power, transmission lines</p> <p>15 have to go through. There's no doubt in my</p> <p>16 mind about it.</p> <p>17 I'm going to break this down into</p> <p>18 two points.</p> <p>19 One is going to be ramblings and</p> <p>20 just a statement and feelings about it.</p> <p>21 The project itself -- and I may be</p> <p>22 wrong on this, so you can correct me, and I'm</p> <p>23 sure -- and I'm willing to be corrected.</p> <p>24 Square Butte, or so -- someone owns</p> <p>25 these power companies our here. MN Power's</p>	<p>275</p> <p>1 A Forum -- and, I'm sorry, I didn't</p> <p>2 put an Exhibit, but out of the Fargo Forum.</p> <p>3 Why, well, why do we need a surcharge and a</p> <p>4 rate increase by MN Power.</p> <p>5 We need it because -- let's see</p> <p>6 here.</p> <p>7 Consequences of Minnesota's</p> <p>8 renewable energy standard.</p> <p>9 So I don't know who's making the</p> <p>10 deals out of all this. Have no idea. But I do</p> <p>11 know that it's got to be some federal</p> <p>12 government money, because we're run by someone</p> <p>13 that wants to cut out -- why we don't have</p> <p>14 Young 3 going on is beyond me.</p> <p>15 Like I said, I'm just making a</p> <p>16 statement and throwing it out.</p> <p>17 Why we don't have Young 3 going</p> <p>18 and, and in -- producing real electricity,</p> <p>19 because I, I can guar -- almost guarantee, if</p> <p>20 you ask anybody in the know, that come spring</p> <p>21 when the wind is blowing 30 miles an hour, 40</p> <p>22 miles an hour, we have all this electricity,</p> <p>23 it's being -- there's no, there's no -- it's</p> <p>24 not being used.</p> <p>25 We got 10 percent less, again, cue</p>
<p>274</p> <p>1 involved in it. I think they're an investor</p> <p>2 group, I don't think they're a co-op.</p> <p>3 My feeling is they send Minnkota</p> <p>4 with the swapping of the lines, which I haven't</p> <p>5 heard a lot about today.</p> <p>6 I've heard that -- my feeling is</p> <p>7 they send Minnkota in because it's a, it's a</p> <p>8 cooperative that, as far as I'm concerned, that</p> <p>9 looks like they're running on fumes, trying to</p> <p>10 keep going and supply their customers, which is</p> <p>11 probably how a lot of cooperatives do out in</p> <p>12 the rural areas.</p> <p>13 But I feel they've been sent here,</p> <p>14 or this whole deal was cooked up, if you want,</p> <p>15 bring them in, let's leave these other people</p> <p>16 out of it and let's get this thing done.</p> <p>17 And a lot of it was probably</p> <p>18 propagated by wind power. We need wind power.</p> <p>19 We need that extra queue or this -- I forget</p> <p>20 the person that it was back here talking. He</p> <p>21 had many of them, but when you questioned him:</p> <p>22 well, we were down to one, maybe two, we --</p> <p>23 one.</p> <p>24 Wind. It wasn't gas, gas was</p> <p>25 maybe. It was wind.</p>	<p>276</p> <p>1 me if I'm wrong, we have 10 percent less</p> <p>2 electricity used, being used into that triangle</p> <p>3 that was up there, as far as I was told. 10</p> <p>4 percent less electricity.</p> <p>5 Now, I understand we need the</p> <p>6 grids, we need to get it through, so just to</p> <p>7 state that. I'm done with that part of it.</p> <p>8 Now, let's get into compensation.</p> <p>9 That's, that's why I'm here, compensation.</p> <p>10 We put wind generators up, it's</p> <p>11 always a confidentiality, how much they're</p> <p>12 getting.</p> <p>13 You cannot take -- you cannot put</p> <p>14 these power lines out on this ground, and most</p> <p>15 people will adapt to it, I would adapt to it,</p> <p>16 the third quarter down there, would have got</p> <p>17 seven quarters of my land, seven quarters of</p> <p>18 land that I have taken sloughs off, drained</p> <p>19 legally. I have buried rock piles and I have</p> <p>20 cleaned trees off and I've made it manageable.</p> <p>21 That is mine. I've had that since 1970.</p> <p>22 I have done that work on that land</p> <p>23 and I'm passionate about it. And I do not need</p> <p>24 those on there for what, the glorified glossies</p> <p>25 you send out.</p>

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1 And you're only taking, oh, it may
 2 not be in here, but on your website, oh, you're
 3 only taking 10 acres of total land for this
 4 whole project. 10 acres is all.
 5 Isn't that nice. I have 10 acres
 6 I'll give you. I'll have -- I have 10 acres
 7 I'll give you. You know that isn't -- that is,
 8 that is so unbelievably snobbish, or however
 9 you want to say it, to say you have 10 acres is
 10 all you're taking.
 11 I will put a, a, a pole, 5 foot
 12 tall, in front of anyone of yours' garages. I
 13 will put it out 10, 15 feet. You can drive
 14 around it and park. I will give you enough
 15 room to park. But by God, that pole is going
 16 to sit there and I'm going to have an easement
 17 so I can walk to it.
 18 And when you try to sell that
 19 house, you say: oh, no, everybody can drive
 20 around it, everybody can get into the garage,
 21 but your -- it has to be there.
 22 Why? Don't know.
 23 A 99-year easement, you got to be
 24 kidding me. For the little bit of
 25 compensation. And I know this isn't the group

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1 for compensation, I know it. I -- I'm not
 2 stupid, I know -- understand how it works.
 3 And it's always precedent.
 4 Precedent. Well, maybe precedent has to be
 5 changed, maybe it has to -- somebody has to
 6 say: pay for what it's worth.
 7 Why does the wind powers --
 8 where -- because of wind and everything else,
 9 and all this, how come they get royalty?
 10 Why do they get royalty?
 11 Why do we get a one-time payment
 12 figuring, oh, \$2,000 today, oh, take a few
 13 inches of land and pay for that.
 14 Do you -- aquifer. We got aquifers
 15 under this land. We got -- you don't know what
 16 technology's going to be in 10, 20, 30 years.
 17 I've seen easements. Otter Tail
 18 Power, 1979, they needed 5 more feet on our
 19 Highway, on Highway 200, just west of Sykeston
 20 -- or -- well, actually all the way to
 21 Carrington. We gave them that 5 feet.
 22 What happened when the highway was
 23 all done? A brand-new easement? What
 24 happened? Fish and Game come in and put in
 25 levees all the way down. We have duck ponds in

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1 there now.
 2 We said: we didn't si --
 3 Oh, you signed the easement.
 4 Did it --
 5 And, and I was told point-blank:
 6 did it say we couldn't do that?
 7 That's how we got treated with
 8 easements. Don't tell me these easements
 9 cannot be -- I don't care, when you give 150
 10 feet, when you give a thousand feet, anything
 11 can happen on those easements. Anything can
 12 happen on it.
 13 MR. WAHL: Mr. Richter.
 14 MR. RICHTER: Yes.
 15 MR. WAHL: Let me, let me interrupt
 16 you.
 17 MR. RICHTER: Okay.
 18 MR. WAHL: The problem -- I, I
 19 don't, I don't dispute at all what you're
 20 saying, I think you're making valid points, but
 21 you're making them to the wrong body.
 22 MR. RICHTER: I know.
 23 MR. WAHL: Here -- yes. And, and
 24 the -- I have a limitation imposed upon me in
 25 law that I can only receive relevant testimony.

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1 Your, your testimony is relevant to
 2 the concept of public use of land, land use
 3 policies. That's really a consideration of the
 4 legislature.
 5 You, I think, need to talk to your
 6 legislators, and then eventually to the
 7 legislature to be involved in having the
 8 legislature review public policy regarding land
 9 use.
 10 You raise very important questions
 11 of land use policy, but those are not questions
 12 that the North Dakota Public Service Commission
 13 can deal with.
 14 MR. RICHTER: I understand.
 15 MR. WAHL: All right.
 16 MR. RICHTER: Thank you.
 17 MR. WAHL: Just, just a minute,
 18 let's do the drill.
 19 MR. RICHTER: Oh.
 20 MR. WAHL: I need to do the drill,
 21 please.
 22 Questions, Ms. Smith?
 23 MS. SMITH: No, I have no
 24 questions.
 25 MR. WAHL: Mr. Sagsveen?

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<p>1 MR. SAGSVEEN: No.</p> <p>2 MR. WAHL: Mr. Lein?</p> <p>3 MR. LEIN: No questions.</p> <p>4 MR. WAHL: Any questions from the</p> <p>5 Commission?</p> <p>6 Commissioner Kalk.</p> <p>7 MR. KALK: I, I would just offer a</p> <p>8 comment, Fred, that -- well, what the judge</p> <p>9 sur -- certainly says is correct, but by you</p> <p>10 sharing that information with us, we do talk to</p> <p>11 the folks that make policy a lot and it's good</p> <p>12 when we hear what the concerns are, whatever --</p> <p>13 maybe it's not the appropriate venue, but it's</p> <p>14 always good to hear.</p> <p>15 But one thing, you did talk about</p> <p>16 the confidentiality of wind resources. At the</p> <p>17 last session, there was some -- something</p> <p>18 called a Wind Bill of Rights that was passed,</p> <p>19 so now some of the smoking mirrors behind wind</p> <p>20 power that existed four or five years ago, been</p> <p>21 removed. There's no more of those kind of</p> <p>22 confidentiality agreements.</p> <p>23 Now when, when someone gets a rate</p> <p>24 for wind return, it becomes public record.</p> <p>25 So, anyway, just thank you for your</p>	<p>1 make some decisions, the need for the line and</p> <p>2 the fact that this line, for those of us that</p> <p>3 are advocates of low-cost and coal-generated</p> <p>4 electricity is a really good deal from that</p> <p>5 perspective, so --</p> <p>6 But thank you for, for your --</p> <p>7 MR. RICHTER: I, I, --</p> <p>8 MR. CRAMER: -- testimony.</p> <p>9 MR. RICHTER: -- I agree with that.</p> <p>10 I mean, --</p> <p>11 MR. CRAMER: I, I thought you</p> <p>12 might.</p> <p>13 MR. RICHTER: -- I, I totally</p> <p>14 agreed with that. It's just -- it's, it's</p> <p>15 really compensation and some help on, on --</p> <p>16 MR. CRAMER: I understand.</p> <p>17 MR. RICHTER: -- the way people get</p> <p>18 treated and people come to your doors, it's</p> <p>19 just -- it's rotten.</p> <p>20 MR. CRAMER: And I understand.</p> <p>21 MR. RICHTER: It's rotten, it needs</p> <p>22 to be -- no more said.</p> <p>23 MR. CRAMER: Yeah, all right, thank</p> <p>24 you. You made a good point.</p> <p>25 MR. WAHL: Follow-up, Ms. Smith?</p>
<p>282</p> <p>1 testi -- your comments.</p> <p>2 MR. RICHTER: Thank you. Thank</p> <p>3 you.</p> <p>4 MR. WAHL: Any further from the</p> <p>5 Commission?</p> <p>6 MR. CRAMER: Just thank you.</p> <p>7 MR. RICHTER: Yeah.</p> <p>8 MR. CRAMER: And, and I rather</p> <p>9 enjoyed it.</p> <p>10 And, and, and agree with much of</p> <p>11 what you're saying about some of the policies</p> <p>12 that are driving some of the, some of the</p> <p>13 investment decisions.</p> <p>14 I, I would say, though, I would</p> <p>15 have to say, though, with regard to the line</p> <p>16 swap that you referred to, there was some</p> <p>17 testimony to it earlier, there was a lot of</p> <p>18 testimony about it yesterday, about how this</p> <p>19 line came to be with relation to the Minn --</p> <p>20 Minnesota line, that is a DC line to Duluth and</p> <p>21 all, and all of that.</p> <p>22 And, and regardless of what we</p> <p>23 think about ev -- every mile of this, and we'll</p> <p>24 certainly be wading, wading through all of that</p> <p>25 as a Commission when this is all done and, and</p>	<p>284</p> <p>1 MS. SMITH: No, your Honor.</p> <p>2 MR. WAHL: Mr. Sagsveen?</p> <p>3 MR. SAGSVEEN: No, your Honor.</p> <p>4 MR. WAHL: Mr. Lein?</p> <p>5 MR. LEIN: No, your Honor.</p> <p>6 MR. WAHL: Thank you very much,</p> <p>7 Mr. --</p> <p>8 MR. RICHTER: Thank you.</p> <p>9 MR. WAHL: -- Richter.</p> <p>10 (Whereupon, the witness was</p> <p>11 excused.)</p> <p>12 MR. WAHL: Anyone else, please?</p> <p>13 Please be seated.</p> <p>14 Please state your name for the</p> <p>15 record?</p> <p>16 MR. RICK FRUEH: Hi, my name is</p> <p>17 Rick Frueh.</p> <p>18 MR. WAHL: And spell your last name</p> <p>19 for me, please?</p> <p>20 MR. RICK FRUEH: It's: F-r-u-e-h.</p> <p>21 MR. WAHL: Mr. Frueh, what is your</p> <p>22 residence address?</p> <p>23 MR. RICK FRUEH: It's 2111 20th</p> <p>24 Street Northeast, in Martin, North Dakota.</p> <p>25 MR. WAHL: Is that also your post</p>

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1 office address?

2 MR. RICK FRUEH: Yes, it is.

3 MR. WAHL: Mr. Frueh, are you -- do

4 you speak for anyone, any group or

5 organization, anyone else other than you and

6 your family?

7 MR. RICK FRUEH: Well, it's

8 basically a trust with my brother and sister.

9 MR. WAHL: That's fine, I

10 understand.

11 Mr. Frueh, as you heard me advise

12 previous witnesses, your testimony is required

13 to be under oath. And I'm required by law to

14 advise you regarding perjury before

15 administering the oath.

16 Perjury is a false statement to a

17 material fact which you do not believe to be

18 true.

19 In North Dakota, perjury is a class

20 C felony, punishable by a fine up to \$5,000,

21 imprisonment for a period of up to five years

22 or both.

23 Will you raise your right hand,

24 please?

25 Being advised regarding perjury,

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1 Mr. Frueh, do you swear that the testimony

2 which you're about to give in this matter shall

3 be the truth, the whole truth and nothing but

4 the truth?

5 MR. RICK FRUEH: Yes, your Honor.

6

7 R I C K F R U E H,

8 being first duly sworn, testified on his oath

9 as follows:

10

11 MR. WAHL: You may proceed.

12 MR. RICK FRUEH: First of all, I

13 want to thank the Commissioners for extending

14 the, the -- this time, date, it helps with the

15 farming situation.

16 And, and thank you to the, to the

17 rest of you to be able to express my views.

18 The property that we're con -- that

19 would be, be involved in it would be in Section

20 12 of, of Township 12, 147 North 75 West.

21 And I attended a meeting in

22 McClusky, when Minnkota had their, their

23 original meetings, and, and after, they had

24 two, two routes at that time that they were

25 debating which way they were going to go.

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1 And, and after the meeting, we were

2 supposed to submit your, your reasons why you

3 wanted it or didn't want it. So I did. I sent

4 a letter. And this is the photocopy of the

5 letter that I did send to them.

6 And expressing my, my opinion and

7 why I didn't want the line on my property, or

8 our property, I guess, my brother and sister,

9 the trust property.

10 I have a -- I used to have an

11 airstrip on this property. And I own a farm

12 across the road on this property. And I don't

13 live there anymore, I did live at one time

14 there. And I purchased a different farm

15 farther north where I presently live.

16 And, since then, I've abandoned the

17 airstrip down there.

18 And, of course, I have a son that

19 at sometime he, he says he wants the farm.

20 But, anyway, if he did, he would

21 probably live on that farm. And we would

22 probably put the airstrip back in and, and that

23 wire will be right on that airstrip.

24 And I don't know if you fly, you

25 know what wires can do.

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1 And, and I just -- well, what I

2 wrote to the -- the first time, it, it did

3 not -- I gave my, my opinion of why I didn't

4 want the, the wires there, because of the

5 airstrip. And, and I've landed there at night

6 and you won't do that after that.

7 And, also, I do lease out property

8 to a lodge and that is going to affect the

9 hunting there and the, and the income from

10 that, that that generates.

11 And, also, this cuts -- the way the

12 line runs through there, it, it basically

13 divides the, the one quarter into half, instead

14 of following it close to the road or anything,

15 it just literally splits that quarter in half.

16 And if you ever want to put irrigation in

17 again, that, that won't happen.

18 So those are basically my three

19 concerns on that, that property there.

20 They did write me back.

21 This is the letter they wrote me.

22 And basically: thank you for your interest and

23 participation in, in Ce -- Ce -- the Center to

24 Grand Forks project. Your input is very

25 important to us and we are committed to your

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<p>1 involvement. Your comments have been taken 2 into consideration and will be added to our 3 database. 4 And that's basically where it was 5 left. I haven't heard from them other than 6 their, their monthly -- or quar -- or their 7 newsletters that they send out. 8 And that's, that's, that's about 9 it. So -- 10 MR. WAHL: Mr. Frueh, do you want 11 the Commission to have your, your comments or 12 your -- 13 MR. RICK FRUEH: Yeah. Give -- 14 MR. WAHL: -- what you wrote -- 15 MR. RICK FRUEH: -- them -- yeah, 16 they can have a copy of this or -- 17 MR. WAHL: Well, the question is 18 whether you want them to have it. 19 MR. RICK FRUEH: Yes, I would, I 20 would like them to have it. 21 MR. WAHL: Would you -- I can't get 22 over to you, would you mind bringing -- 23 MR. RICK FRUEH: Sure. 24 MR. WAHL: -- that to me, please. 25 Let me see if I got things</p>	<p>1 MR. CLARK: Can he make a copy of 2 it, just run out here -- 3 MR. SAGSVEEN: Yeah. 4 MR. RICK FRUEH: Yeah. 5 MR. SAGSVEEN: Why don't we take 6 a -- 7 MR. WAHL: Is there, is there a, is 8 there a copy machine here? 9 MR. CLARK: Probably. 10 MR. RICK FRUEH: Yeah, there should 11 be. 12 MR. WAHL: Oh, I didn't think about 13 that, let's do that. 14 Thanks, Commissioner. 15 MR. RICK FRUEH: Do you want a copy 16 of the -- 17 MR. WAHL: No, I -- the question 18 is: what do you want the Commission to have? 19 I think, I think your, your, your 20 statement is, is fine. 21 MR. RICK FRUEH: Okay. 22 MR. WAHL: Let's be in recess for, 23 for five minutes, please. And you get me a 24 photocopy of that. 25 (Whereupon, a five-minute recess</p>
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<p>1 organized here or disorganized, looks like. 2 (Whereupon, there was discussion 3 off the record.) 4 MR. RICK FRUEH: Will I get it 5 back? Can I, can I make a photocopy of it 6 before I give it to you? 7 It's a photocopy of, of my original 8 letter anyway. 9 MR. WAHL: No, I understand that 10 and it's fine, except I'm not too sure how to 11 do this. 12 I tell you what I'm going to do. 13 We'll see what the lawyers have to 14 say about it. 15 I'm going to put an Exhibit label 16 on here. 17 Do you mind that? 18 MR. RICK FRUEH: No, I don't. 19 MR. WAHL: And then you can make a 20 photocopy of it with the Exhibit label on it. 21 MR. RICK FRUEH: Okay, sure. 22 MR. WAHL: And you can send the 23 photocopy to, to Mr. Lein at the -- well, let 24 me think about this, this gets unnecessarily 25 complicated.</p>	<p>1 was taken.) 2 MR. WAHL: Well, I've got two 3 commissioners and two lawyers, let's go to 4 work. 5 Mr. Frueh, I'm looking at the copy 6 which you made of the statement that you wrote 7 that you gave to Minnkota Power as you 8 testified. 9 MR. RICK FRUEH: Uh-huh. 10 MR. WAHL: Will you -- this is a 11 statement that you wrote out. Is it in your 12 own handwriting? 13 MR. RICK FRUEH: Yes, it is. 14 MR. WAHL: And what did you do with 15 it after you wrote it out? 16 MR. RICK FRUEH: I sent it to 17 Mitchell (sic) Hennes, project manager, MP, 18 Grand Forks, North Dakota, basically. 19 MR. WAHL: By the United States 20 mail? 21 MR. RICK FRUEH: That is correct. 22 MR. WAHL: All right. 23 MR. RICK FRUEH: Yes. 24 (Whereupon, Exhibit No. 1, Frueh, 25 was marked for identification.)</p>

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1 MR. WAHL: I have -- for
 2 identification, for the record, the Exhibit is
 3 marked as Frueh 1.
 4 Mr. Frueh, are you offering this
 5 Exhibit as -- to be part of the record for the
 6 Public Service Commission?
 7 MR. RICK FRUEH: Yes.
 8 MR. WAHL: Ms. Smith?
 9 MS. SMITH: I have no objection.
 10 MR. WAHL: Mr. Sagsveen?
 11 MR. SAGSVEEN: I have no objection.
 12 MR. WAHL: Frueh 1 is received.
 13 Mr. Frueh, do you have anything
 14 further to add?
 15 MR. RICK FRUEH: Not on, not on --
 16 according to this.
 17 MR. WAHL: Okay.
 18 MR. RICK FRUEH: I -- but which
 19 isn't on here, is the irrigation. I see that
 20 other people have talked about that. And I can
 21 see that -- you know, I have no irrigation on
 22 this land presently and if this power line does
 23 go through, if irrigation ever comes to that
 24 point down there, there -- I mean, it, it
 25 won't, it won't happen on that land there.

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1 Other than that.
 2 MR. WAHL: All right. Does that
 3 conclude your statement, Mr. Frueh?
 4 MR. RICK FRUEH: Yes.
 5 MR. WAHL: Ms. Smith?
 6 MS. SMITH: I just wondered if you
 7 could tell us where your property is again?
 8 And I don't know if -- maybe we could put a map
 9 up and show it. I'm not sure -- I -- I'm
 10 thinking it's 12d, because that's --
 11 MR. RICK FRUEH: Well, it's --
 12 MS. SMITH: -- near Mertz, right?
 13 MR. RICK FRUEH: It's in Sheridan
 14 County. It's Mertz, Mertz Township.
 15 MS. SMITH: Okay. I believe
 16 Mertz --
 17 MR. RICK FRUEH: Section --
 18 MS. SMITH: -- Township --
 19 I'm sorry, go ahead.
 20 MR. RICK FRUEH: Section, it says
 21 here, in Section 12.
 22 MS. SMITH: Okay.
 23 MR. RICK FRUEH: And 147-75 West.
 24 MS. SMITH: Okay. I think that
 25 that is on the left-hand side of Exhibit 12d.

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1 MR. RICK FRUEH: Do you want me to
 2 point it out?
 3 MS. SMITH: Sure.
 4 MR. RICK FRUEH: It would be right,
 5 right here.
 6 MR. CLARK: Or is it the next one
 7 over? I think that's Boone Township.
 8 MR. RICK FRUEH: Is that Boone?
 9 Oh, yes, you're right.
 10 MR. CLARK: Okay.
 11 MR. RICK FRUEH: I'm sorry.
 12 MR. CLARK: Thanks.
 13 MR. RICK FRUEH: Yep, Mertz, you're
 14 right, it's Mertz.
 15 MS. SMITH: Okay. So you're
 16 pointing over to the left-hand side --
 17 MR. RICK FRUEH: Yes.
 18 MS. SMITH: -- of Exhibit 12d.
 19 MR. RICK FRUEH: Right.
 20 MS. SMITH: Okay. Thank you.
 21 And is there a house on that
 22 property?
 23 MR. RICK FRUEH: No, there isn't.
 24 MS. SMITH: And do you farm that
 25 property currently or does somebody farm that

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1 property?
 2 MR. RICK FRUEH: No. My brother
 3 and I farm it currently.
 4 MS. SMITH: Okay. I have no --
 5 MR. RICK FRUEH: I had a house
 6 there at one time.
 7 MS. SMITH: Okay. But there's no
 8 house there?
 9 MR. RICK FRUEH: No, there isn't at
 10 present.
 11 MS. SMITH: Okay. All right, thank
 12 you.
 13 MR. WAHL: Mr. Sagsveen?
 14 MR. SAGSVEEN: What were the
 15 Sections of the -- of your property? Was it 13
 16 and 14? In the --
 17 MR. RICK FRUEH: What --
 18 MR. SAGSVEEN: -- Mertz, was it
 19 Sections 13 and 14?
 20 MR. RICK FRUEH: No, it's just
 21 Section 12.
 22 MR. SAGSVEEN: 12.
 23 Okay.
 24 I have no additional questions.
 25 MR. WAHL: Mr. Lein?

<p>297</p> <p>1 MR. LEIN: Is there a hunting cabin 2 or something on that property or -- 3 MR. RICK FRUEH: No, there -- 4 there's no hunting cabin, but I do lease it. 5 I've leased it to, to three, well, three 6 parties -- or not -- Sheyenne Valley Lodge used 7 to rent it -- or lease it. And now it's the, 8 presently, the Central Dakota Lodge is 9 currently leasing it. 10 And it is basically the most 11 sought-after property in that area, because 12 when the geese and the crane and -- come into 13 that area, they, for some reason, like that 14 three quarters right there. 15 I mean, that's, that's basically 16 where, where they like to feed, if all 17 possible, but -- 18 MR. LEIN: And -- okay. Is the 19 airstrip still being used? 20 MR. RICK FRUEH: No. The, the 21 airstrip has been discontinued. 22 When I moved -- I used to live down 23 there and I had the airstrip there. And after 24 buy -- purchasing the, the current property 25 where I'm living, up about 10 miles north, then</p>	<p>299</p> <p>1 MR. SAGSVEEN: No, your Honor. 2 MR. WAHL: Mr. Lein? 3 MR. LEIN: Nothing. 4 MR. WAHL: Thank you very much, Mr. 5 Frueh. 6 MR. RICK FRUEH: Thank you. 7 (Whereupon, the witness was 8 excused.) 9 MR. WAHL: Anyone else, please? 10 Be seated. 11 Please state your name for the 12 record? 13 MR. RAUSER: Ken Rauser. 14 Goodridge. 1521 -- 15 MR. WAHL: Just a minute. 16 Mr. Rauser, will you spell your 17 last name for me, please? 18 MR. RAUSER: R-a-u-s-e-r. 19 MR. WAHL: And your residence 20 address, sir? 21 MR. RAUSER: 1521 14th Street 22 Northeast. 23 MR. WAHL: In Goodridge? 24 MR. RAUSER: Yes. 25 MR. WAHL: And is that also your</p>
<p>298</p> <p>1 I discontinued the airstrip and moved up there. 2 MR. LEIN: Okay. 3 All right. Thanks, no further 4 questions. 5 MR. WAHL: Questions by the 6 Commission? 7 Commissioner Clark. 8 MR. CLARK: Is, is, is -- just out 9 of curiosity, is the airstrip just plowed over 10 now and it's, -- 11 MR. RICK FRUEH: Yes, -- 12 MR. CLARK: -- it's cultivated or 13 it's -- 14 MR. RICK FRUEH: -- I -- it's -- 15 basically tore it up and farming it. 16 MR. CLARK: Okay, thanks. 17 That's all I've got, thank you. 18 MR. WAHL: Any further questions by 19 the Commission? 20 MR. CRAMER: Just thank you. 21 MR. WAHL: Follow -- 22 MR. KALK: Yeah, thank you. 23 MR. WAHL: Follow-up, Ms. Smith? 24 MS. SMITH: No, your Honor. 25 MR. WAHL: Mr. Sagsveen?</p>	<p>300</p> <p>1 post office -- 2 MR. RAUSER: Yes, -- 3 MR. WAHL: -- address? 4 MR. RAUSER: -- it is. 5 MR. WAHL: Mr. Rauser, are you 6 speaking for any group or organization other 7 than yourself and your family? 8 MR. RAUSER: Just my family, yeah. 9 MR. WAHL: Okay. Mr. Rauser, as 10 you heard me advise previous witnesses, your 11 testimony is required to be under oath. And 12 I'm required by law to advise you regarding 13 perjury before administering the oath. 14 Perjury's a false statement of 15 material fact which you do not believe to be 16 true. 17 In North Dakota, perjury's a class 18 C felony, punishable by a fine up to \$5,000, 19 imprisonment for a period of up to five years 20 or both. 21 Will you raise your right hand, 22 please? 23 Being advised regarding perjury, 24 Mr. Rauser, do you swear that the testimony 25 which you're about to give in this matter shall</p>

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1 be the truth, the whole truth and nothing but
 2 the truth?
 3 MR. RAUSER: I do.
 4
 5 K E N R A U S E R,
 6 being first duly sworn, testified on his oath
 7 as follows:
 8
 9 MR. WAHL: You may proceed.
 10 MR. RAUSER: Okay. First, I want
 11 to thank you for postponing the meeting. You
 12 had, you had earlier dates and it was tough.
 13 So I appreciate that.
 14 Also, I guess I don't have a
 15 dialogue lined up here, seemed like earlier
 16 when I was watching, it seemed like it was a
 17 dialogue between Minnkota and I do not have
 18 that, I'm just a personal farmer and I have
 19 some opinions.
 20 And on this farm, we have three
 21 quarters that are covered by your transmission
 22 line. And one of them is directly west of what
 23 Mr. Frueh just talked about. I have a quarter
 24 in Section 11 that my family and I farm.
 25 And then, also, there's two

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1 quarters in Section 8 of 147-75, also.
 2 And I guess the whole thing is this
 3 power line, I'm, I'm not in favor of it, due to
 4 the, the GPS stuff we talked about, the buried
 5 rock piles we've been doing all these years, we
 6 hate to farm around them.
 7 It devalues the property, I
 8 believe. You know, especially the way the line
 9 is set up. It's -- comes right directly
 10 through all three quarters.
 11 So you have divided land, you have
 12 80 acres on each side of the power line.
 13 I think that devalues the property
 14 a lot.
 15 Aerial application is difficult if
 16 you're going to -- we spray for sunflowers, we
 17 spray in the spring for insects. A lot of this
 18 is aerially done. With a power line, we cannot
 19 do that.
 20 Also, we had a -- an issue that, I
 21 guess, in -- when we had the McClusky meeting,
 22 and Minnkota was there and said they would put
 23 that power line right next to a quarter line --
 24 or section line.
 25 And now, later on, when Kadrmas,

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1 Lee & Jackson were there at the farm, they
 2 moved it to the center of the, of the land.
 3 And I guess that -- I have a big problem with
 4 that.
 5 Another issue is, I'd like to see
 6 annual payments. This isn't any different than
 7 a wind farm or a wind generator on there. It's
 8 going to be there for 99 years. We're going to
 9 have to farm around it for that long. I'd like
 10 to see annual payments made on that.
 11 I guess if these lines were buried,
 12 I know it costs a lot of money, but I think if
 13 we would bury these lines, I would have no
 14 problem signing today.
 15 I know it costs a lot of money, but
 16 if the end user is in Minnesota or eastern
 17 North Dakota, I think they can adjust their
 18 rates and, and pay for it accordingly. I think
 19 it's a, a viable option.
 20 If they want power down there, why
 21 don't we bury it. It may take -- may cost more
 22 money, but I think that's the only way I see
 23 out of this.
 24 We had different proposals given to
 25 that -- at, at the meeting in McClusky,

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1 different routes, or corridors, I should say.
 2 I favored the one by Wing. It seemed like it
 3 was the most viable one, because there was a
 4 lot of hills, pastureland, land that was not
 5 very valuable, in my books, versus tillable
 6 ground.
 7 I preferred that one.
 8 Another one was the one from
 9 Painted Canyon, that ran from Washburn.
 10 Painted Canyon, up to McClusky, followed the
 11 Lonetree, McClusky Canal/Lonetree and then all
 12 the way to New Rockford.
 13 The State already owns that, or the
 14 Wildlife, whoever owns it, why can't we put a
 15 power line on that land.
 16 And the same way with Nature
 17 Conservancy, what -- why can we -- why do we
 18 have to avoid those areas where we can go
 19 across a private individual's land and don't
 20 think nothing of it.
 21 I, I prefer it buried and be done
 22 with it, then we'll sign tomorrow.
 23 I think that's it. I have for now.
 24 But thank you for having this public meeting
 25 and open to us so we can voice our opinion, I

<p style="text-align: center;">305</p> <p>1 appreciate that.</p> <p>2 MR. WAHL: Questions, Ms. Smith?</p> <p>3 MS. SMITH: I have no questions.</p> <p>4 MR. WAHL: Mr. Sagsveen?</p> <p>5 MR. SAGSVEEN: I have no questions.</p> <p>6 MR. WAHL: Mr. Lein?</p> <p>7 MR. LEIN: No questions.</p> <p>8 MR. WAHL: Questions from the</p> <p>9 Commission?</p> <p>10 Commissioner Clark.</p> <p>11 MR. CLARK: Just quickly. I</p> <p>12 note -- I noted on the land that you had</p> <p>13 mentioned, it doesn't look like there are</p> <p>14 residences real close to that line. Do you, do</p> <p>15 you live near the, the property that you --</p> <p>16 MR. RAUSER: No, I do not.</p> <p>17 MR. CLARK: -- described earlier.</p> <p>18 Okay. Closer to Goodridge, it</p> <p>19 sounded like?</p> <p>20 MR. RAUSER: I live north of there</p> <p>21 3 miles.</p> <p>22 MR. CLARK: Okay. Got it. Thank</p> <p>23 you.</p> <p>24 MR. WAHL: No further questions,</p> <p>25 Commissioner Clark?</p>	<p style="text-align: center;">307</p> <p>1 compensation for your loss forever?</p> <p>2 Or -- I mean, because I guess that</p> <p>3 becomes one of the re -- questions that I've</p> <p>4 had the last couple days.</p> <p>5 You know, if, if they said: \$50</p> <p>6 million, I mean, does that make it easier? I</p> <p>7 mean, is, is that what we're really getting</p> <p>8 down to the heart --</p> <p>9 MR. RAUSER: No.</p> <p>10 MR. KALK: -- of this is --</p> <p>11 MR. RAUSER: I -- to me it isn't.</p> <p>12 I would just as soon have this power line on my</p> <p>13 neighbor's property. Okay.</p> <p>14 MR. KALK: Well, I appreciate,</p> <p>15 appreciate your honesty.</p> <p>16 MR. RAUSER: Give him all the money</p> <p>17 you want, I don't care, but the basic thing is</p> <p>18 I, I prefer not to have that transmission line.</p> <p>19 And it's hard to -- if it has to be</p> <p>20 on my land, yes, I would expect compensation,</p> <p>21 because it'd devalue it. And to, and to put a</p> <p>22 figure on that, I don't know how you do that.</p> <p>23 You'd have to have an auction sale with one</p> <p>24 quarter land exactly the same quality, land</p> <p>25 soil, surface and everything, topography, and</p>
<p style="text-align: center;">306</p> <p>1 MR. CLARK: Oh, not from me.</p> <p>2 MR. WAHL: Commissioner Cramer?</p> <p>3 MR. CRAMER: Not -- just thank you</p> <p>4 for --</p> <p>5 MR. RAUSER: Okay.</p> <p>6 MR. CRAMER: -- all your testimony.</p> <p>7 MR. WAHL: Commissioner Kalk?</p> <p>8 MR. KALK: Just a -- thank you for</p> <p>9 your testimony, Ken. And thank you for wearing</p> <p>10 the Bison apparel today, too. Do you know that</p> <p>11 most of the Commission is Bison guys? Did you</p> <p>12 know that ahead of time?</p> <p>13 MR. RAUSER: No, I didn't.</p> <p>14 MR. KALK: All right. Because</p> <p>15 the --</p> <p>16 MR. CLARK: At least two-thirds.</p> <p>17 MR. KALK: At least two-thirds,</p> <p>18 which is a majority.</p> <p>19 The -- Commissioner Clark talked</p> <p>20 about the, it's not our role on compensation</p> <p>21 and those kind of things, but -- when you talk</p> <p>22 about the value of land, I mean, is there a</p> <p>23 dollar amount that, that, that could say:</p> <p>24 okay, this is what -- I mean, is, is that some</p> <p>25 of your concern, that there's not just enough</p>	<p style="text-align: center;">308</p> <p>1 then that's the only way we could tell the</p> <p>2 difference in the value.</p> <p>3 So it'd be very hard, Mr. Kalk, to</p> <p>4 put a, put a dollar figure on some of that land</p> <p>5 that has poles on --</p> <p>6 MR. KALK: So you haven't --</p> <p>7 MR. RAUSER: -- it versus --</p> <p>8 MR. KALK: -- even got to that --</p> <p>9 MR. RAUSER: -- nothing.</p> <p>10 MR. KALK: -- point of discussion</p> <p>11 of what that figure -- and I don't want to</p> <p>12 know --</p> <p>13 MR. RAUSER: No.</p> <p>14 MR. KALK: -- if you have, --</p> <p>15 MR. RAUSER: No.</p> <p>16 MR. KALK: -- but --</p> <p>17 MR. RAUSER: I, I guess I don't</p> <p>18 have an idea of what --</p> <p>19 MR. KALK: Okay.</p> <p>20 MR. RAUSER: You know, that's,</p> <p>21 that's --</p> <p>22 MR. KALK: Is there --</p> <p>23 MR. RAUSER: I can't --</p> <p>24 MR. KALK: -- something particular</p> <p>25 about the siting process that, that you think</p>

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1 is, is flawed, if you will, or that you
 2 would -- I shouldn't say flawed, that, that
 3 you'd say we should improve upon?
 4 That there's -- you're, you're --
 5 you sound like a very honest, not that the
 6 other folks haven't been honest, but -- is
 7 there something, when you look at the siting
 8 process, since you've been involved in the
 9 beginning, that it -- that you would change
 10 something? Is there something you think that
 11 we could do different or do better?
 12 MR. RAUSER: Yeah, the list goes
 13 on. I, I mean, all of these items that I've
 14 talked about, that's -- I, I can't put a -- an
 15 individual -- I, you know, I just listed
 16 seven, --
 17 MR. KALK: Yeah.
 18 MR. RAUSER: -- eight --
 19 MR. KALK: Yeah.
 20 MR. RAUSER: -- of those reasons, I
 21 guess.
 22 But I -- they're all -- it's just
 23 very vague. And I guess it's just hard for me
 24 to tell you that.
 25 You know, I can, I can go through

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1 this and tell you --
 2 MR. KALK: Anything that we can do
 3 to, to impact -- to, to reduce the impact to
 4 the farming/ranching operations, is, is kind of
 5 what I heard.
 6 MR. RAUSER: Yeah.
 7 MR. KALK: Okay.
 8 MR. RAUSER: These public meetings
 9 are, are a great step in the right direction
 10 for you people to do that. You know, get more
 11 opinions and then put it altogether afterwards.
 12 MR. KALK: Because that's one thing
 13 that it's kind of har -- it's, it's very
 14 confusing, I think, to different parts of the
 15 group, myself sometimes included, that this is
 16 a corridor setting.
 17 We'll be going back through
 18 individual route setting at a later date.
 19 MR. RAUSER: Sure.
 20 MR. KALK: And that, I think, will
 21 even narrow down the discussion even more, --
 22 MR. RAUSER: Sure.
 23 MR. KALK: -- so --
 24 MR. RAUSER: Okay.
 25 MR. KALK: So thank you for your

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1 testimony.
 2 MR. RAUSER: All right, thank you.
 3 MR. WAHL: Any further que --
 4 Commissioner Clark.
 5 MR. CLARK: I don't know if this is
 6 a question, but maybe just opine, because
 7 it's -- the, the issue of compensation always
 8 comes up at, at --
 9 MR. RAUSER: Uh-huh.
 10 MR. CLARK: -- hearings that we
 11 hold. And, and especially with, with
 12 transmission lines.
 13 Less so on the, on the wind farms,
 14 as you might suspect, because, --
 15 MR. RAUSER: Uh-huh.
 16 MR. CLARK: -- as has come up a few
 17 times today, and I think you'd mentioned, too,
 18 with wind farms, there's this annual payment
 19 and it's much greater than it is on the
 20 transmission lines, so --
 21 I think, and I'm just sort of
 22 estimating out loud here, but my guess is the
 23 reason that it becomes such an issue with
 24 transmission lines, as opposed to wind farms,
 25 is it's truly a negotiation in the case of wind

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1 farm.
 2 The difference is really the, the
 3 courts, not the -- the judges have a tough job,
 4 too, but the, the reason is, at the end of the
 5 day on the transmission line, courts can come
 6 in and say: well, you know, if you can't come
 7 to an agreement, we're going to fix the
 8 compensation arrangement for you. And here's
 9 what it is.
 10 And so that's, that's -- Mr., --
 11 MR. RAUSER: Rauser.
 12 MR. CLARK: -- Mr. Richter, --
 13 MR. RAUSER: Oh.
 14 MR. CLARK: -- I think, had
 15 mentioned the precedent.
 16 Well, that's where precedent comes
 17 in, is courts --
 18 MR. RAUSER: Uh-huh.
 19 MR. CLARK: -- have kind of
 20 determined how compensation is going to be paid
 21 at the end of the day; whereas, with wind
 22 farms, you know, a landowner can basically tell
 23 the developer to go pound sand if they want.
 24 They're just -- you know, they don't have to,
 25 at the end of the day, sign this, this

<p>313</p> <p>1 easement.</p> <p>2 And the -- and no court is going to</p> <p>3 tell them they have to have a wind turbine on</p> <p>4 their land.</p> <p>5 So --</p> <p>6 MR. RAUSER: Uh-huh.</p> <p>7 MR. CLARK: -- it, it truly becomes</p> <p>8 more of a, a negotiation. I'm not saying</p> <p>9 that's necessarily a good thing, but it's just</p> <p>10 sort of --</p> <p>11 MR. RAUSER: Uh-huh.</p> <p>12 MR. CLARK: -- kind of the way it</p> <p>13 is.</p> <p>14 But, anyway, the, the question</p> <p>15 about compensation is one that we get --</p> <p>16 MR. RAUSER: Yeah.</p> <p>17 MR. CLARK: -- a lot, and, and</p> <p>18 certainly appreciate it.</p> <p>19 MR. RAUSER: Okay.</p> <p>20 MR. WAHL: Follow-up, Ms. Smith?</p> <p>21 MS. SMITH: No, your Honor.</p> <p>22 MR. WAHL: Mr. Sagsveen?</p> <p>23 MR. SAGSVEEN: No, your Honor.</p> <p>24 MR. WAHL: Mr. Lein?</p> <p>25 MR. LEIN: No, your Honor.</p>	<p>315</p> <p>1 post office address?</p> <p>2 Mr. Bollingberg, do you speak on</p> <p>3 behalf of any group or organization --</p> <p>4 MR. BOLLINGBERG: Just myself.</p> <p>5 MR. WAHL: -- other than</p> <p>6 your --</p> <p>7 All right. Mr. Bollingberg, as you</p> <p>8 heard me advise previous witnesses, your</p> <p>9 testimony is required to be under oath. And</p> <p>10 I'm required by law to advertise you regarding</p> <p>11 perjury before administering the oath.</p> <p>12 Perjury is a false statement or</p> <p>13 material fact which you do not believe to be</p> <p>14 true.</p> <p>15 In North Dakota, perjury's a class</p> <p>16 C felony, punishable by a fine up to \$5,000,</p> <p>17 imprisonment for a period of up to five years</p> <p>18 or both.</p> <p>19 Would you raise your right hand,</p> <p>20 please?</p> <p>21 Being advised regarding perjury,</p> <p>22 Mr. Bollingberg, do you swear that the</p> <p>23 testimony which you are about to give in this</p> <p>24 matter should be the truth, the whole truth and</p> <p>25 nothing but the truth?</p>
<p>314</p> <p>1 MR. WAHL: Thank you very much, Mr.</p> <p>2 Rauser.</p> <p>3 MR. RAUSER: Okay.</p> <p>4 (Whereupon, the witness was</p> <p>5 excused.)</p> <p>6 MR. WAHL: Is there anyone else who</p> <p>7 wishes to make a statement or testify to the</p> <p>8 Commission?</p> <p>9 Please state your name for the</p> <p>10 record?</p> <p>11 MR. BOLLINGBERG: Kurt Bollingberg.</p> <p>12 MR. WAHL: Spell your last name for</p> <p>13 me, please, Kurt.</p> <p>14 MR. BOLLINGBERG:</p> <p>15 B-o-l-l-i-n-g-b-e-r-g.</p> <p>16 MR. WAHL: And you better</p> <p>17 double-check me: B-o-l-l-i-n-g-b-e-r-g,</p> <p>18 Bollingberg, got it.</p> <p>19 Mr. Bollingberg, what is your</p> <p>20 residence address?</p> <p>21 MR. BOLLINGBERG: 5353 Highway 15;</p> <p>22 Cathay, North --</p> <p>23 MR. WAHL: And --</p> <p>24 MR. BOLLINGBERG: -- Dakota.</p> <p>25 MR. WAHL: And is that also your</p>	<p>316</p> <p>1 MR. BOLLINGBERG: Yes.</p> <p>2</p> <p>3 K U R T B O L L I N G B E R G ,</p> <p>4 being first duly sworn, testified on his oath</p> <p>5 as follows:</p> <p>6</p> <p>7 MR. WAHL: You may proceed.</p> <p>8 MR. BOLLINGBERG: Addressing</p> <p>9 your -- how to make this work better.</p> <p>10 Earlier, somebody testified to the</p> <p>11 fact that they're trying to minimize the impact</p> <p>12 on, on ag.</p> <p>13 And where they're doing it by me,</p> <p>14 instead of running it down a, a property</p> <p>15 dividing line, like a half-mile line, they're</p> <p>16 putting it just one side or the other.</p> <p>17 So it makes it very difficult to</p> <p>18 farm around it.</p> <p>19 If they stuck that thing down a</p> <p>20 property line, it would be much, much easier.</p> <p>21 One of the guys I talked to, maybe</p> <p>22 a year ago, they said: it's against the law in</p> <p>23 North Dakota to run it down the half-mile line.</p> <p>24 I don't believe him. I mean, I</p> <p>25 know they've stated bad things to other people.</p>

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1 I don't know if that's true or not.
 2 I think it's because it's more work
 3 and they have to get easements from both
 4 people.
 5 But if you stuck it on a property
 6 line, it really does greatly minimize the
 7 inconvenience of these things, greatly where
 8 I'm at. And it's many, many miles. If they
 9 could just stick it on that mile line.
 10 Greatly. Because you don't have to farm really
 11 around it then.
 12 And it -- other people have talked
 13 about burying rock piles and such. And you put
 14 one of these things in the middle of your
 15 field, it's just something you're going to run
 16 into, people are going to do damage to these.
 17 And you also talked about
 18 compensation. And, you know, that guy said
 19 it's different than wind energy, because with
 20 wind energy they're harvesting a raw material.
 21 Holy cow, this is exactly what this is.
 22 Compensation. Why should people here subsidize
 23 energy to someplace else. Why shouldn't it be
 24 fair market value.
 25 And if you did it in a way, went

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1 off rents or something, you could have it
 2 renegotiated every five years based on the ag
 3 statistics, there's data out there, ways to do
 4 that, that you can make this much more
 5 appealing, instead of using eminent domain and
 6 shoving it down their throats.
 7 Basically what Mr. Richter said, I
 8 just thought it should be on the record is,
 9 he's right. He's right. They're doing that --
 10 they're putting a water pipeline south of us
 11 maybe. Eminent domain. They walk over people.
 12 And they -- and somebody said, you
 13 have to make some sacrifices.
 14 Well, why, why would you have to
 15 make people make sacrifices here, why not make
 16 it pleasant for them. It doesn't have to be.
 17 If -- and most of the things that
 18 you're hearing is that there should be a
 19 continual lease. They're taking the land for a
 20 hundred years and easements are funny things.
 21 Just make it a payment. They can
 22 have it. There can, can be a system set up,
 23 would be much more palatable.
 24 But I came basically to put it, put
 25 it on a property line, that really, really

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1 greatly reduces the impact, if possible.
 2 MR. WAHL: All right.
 3 Questions, Ms. Smith?
 4 MS. SMITH: I am just wondering if
 5 you could tell us where your property is
 6 located?
 7 MR. BOLLINGBERG: A, a --
 8 Germantown. And I don't own it, I'm a -- just
 9 a renter.
 10 MS. SMITH: Oh, okay.
 11 MR. BOLLINGBERG: Section 27.
 12 But there's a lo -- around there,
 13 it's pretty -- quarters are what people own
 14 and -- you know. But really greatly reduce the
 15 impact.
 16 Section 27 in Germantown.
 17 MS. SMITH: Okay. I think if we
 18 put up map -- I'm sorry, Exhibit 12e, I -- that
 19 shows Germantown. And so I just want to make
 20 sure we've got the right, right map up for the
 21 discussion.
 22 MR. BOLLINGBERG: I'm not saying a
 23 specific thing, that's a general thing. Not
 24 just for me.
 25 MS. SMITH: And then you said

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1 Section 27, right?
 2 MR. BOLLINGBERG: That's where I'm
 3 impacted.
 4 MS. SMITH: Okay. Thank you.
 5 MR. WAHL: Mr. Sagsveen?
 6 MR. SAGSVEEN: No questions.
 7 MR. WAHL: Mr. Lein?
 8 MR. LEIN: No questions.
 9 MR. WAHL: Questions by the
 10 Commission?
 11 Commissioner Clark.
 12 MR. CLARK: Well, just thanks for
 13 your testimony.
 14 It, it does raise an interesting
 15 question that I'd been sort of thinking about
 16 in my head, which is that -- which is why it's
 17 helpful to have it on the record, some of your
 18 suggestions for how this might work.
 19 One of the things that -- the way
 20 our siting rules work is, a couple of things
 21 that kind of work against each other. One is,
 22 on a sense, I think you'd like to have them on,
 23 on property lines and along section lines, and,
 24 and things like that, which minimizes impact on
 25 farm operations.

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1 At the same time, there are things
 2 in the rules that talk about trying to keep
 3 them, you know, away from residences 500 feet,
 4 so on and so forth.
 5 And, of course, people set up their
 6 residences typically more on the lines and in
 7 the middle of the field for obvious reasons --
 8 MR. BOLLINGBERG: Sometimes.
 9 MR. CLARK: -- as well.
 10 Sometimes.
 11 So, yeah, it -- sometimes you have,
 12 you know, different things that can sort of
 13 contradict themselves, you know.
 14 MR. BOLLINGBERG: But, but if you
 15 can do it, I, I mean, --
 16 MR. CLARK: I --
 17 MR. BOLLINGBERG: -- there's many
 18 miles at my place where there's nothing and
 19 there's no farmsteads and it would work very
 20 nicely and -- they're, they're going to do it
 21 on 40 feet off, it's going to be just a minimal
 22 distance.
 23 And 40 feet, if they do that, you
 24 know, you won't get a drill in there. You'll
 25 have a pile of weeds.

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1 Or if you put it on the line, you,
 2 you -- just really minimizes the impact.
 3 MR. CLARK: Thank you.
 4 MR. BOLLINGBERG: If possible, you
 5 know, if reasonable.
 6 MR. CLARK: Okay, thank you.
 7 MR. WAHL: Further questions?
 8 Commissioner Kalk.
 9 MR. KALK: Thank you for your
 10 testimony.
 11 So looking at that, at that run
 12 east to west there, I guess, the -- are you
 13 saying that anywhere into that thousand-foot
 14 corridor, it's not going to do what you're
 15 asking it to do, to, to go between the property
 16 owners?
 17 MR. BOLLINGBERG: I'm not sure
 18 where the thing is. It -- I, I don't think
 19 they're getting easements from the property
 20 owner right north of me. I suspect. Because
 21 it saves them having to deal with two property
 22 owners.
 23 MR. KALK: Okay.
 24 MR. BOLLINGBERG: So they stick it
 25 so they don't have to deal with two property

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1 owners.
 2 And I, and I -- there's, there's
 3 some logic in that, but, you know, as big a
 4 deal of this, and a -- for a hundred years. So
 5 you have to deal with other property owners.
 6 It's just -- it'll save them some work, I
 7 think.
 8 MR. KALK: Okay, thank you.
 9 MR. WAHL: Further questions from
 10 the Commission?
 11 Follow-up, Ms. Smith?
 12 MS. SMITH: No, your Honor.
 13 MR. WAHL: Mr. Sagsveen?
 14 MR. SAGSVEEN: No, your Honor.
 15 MR. WAHL: Mr. Lein?
 16 MR. LEIN: No, your Honor.
 17 MR. WAHL: Thank you very much, Mr.
 18 Bollingberg.
 19 MR. BOLLINGBERG: Thank you.
 20 (Whereupon, the witness was
 21 excused.)
 22 MR. WAHL: Anyone else?
 23 I told the Commission I thought
 24 there'd be maybe three or four people
 25 testifying, so we might as well -- if there's

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1 anyone else who wishes.
 2 As, I, I think it was Commissioner
 3 Cramer said, this is your only chance. Well,
 4 unless you want to come to Washburn, Washburn
 5 later this month, but this is your only chance
 6 to tell the Commission what you think they
 7 should know about this business.
 8 Anyone else?
 9 Ms. Smith, anything further for the
 10 record for this portion of the hearings?
 11 MS. SMITH: Yes. Actually, we
 12 would like to bring one more rebuttal witness
 13 to the stand.
 14 MR. WAHL: Okay. I'm not going to
 15 argue with you this time.
 16 MS. SMITH: Could we maybe take
 17 just a short break?
 18 MR. WAHL: Yes. I would expect
 19 that you could have a short break.
 20 Let's be in recess for -- will ten
 21 minutes do it?
 22 MS. SMITH: That should be enough.
 23 MR. CRAMER: We've got --
 24 MR. KALK: Is there --
 25 MR. WAHL: Well, ten minutes and I

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1 won't start --

2 MR. CLARK: We have one more.

3 MR. KALK: We have one more.

4 MR. WAHL: I'm sorry?

5 MR. CRAMER: We have one more

6 person.

7 MR. WAHL: Oh, I'm sorry.

8 I'm, I'm sorry. Please be seated.

9 Please state your name for the

10 record, sir?

11 MR. GARRETT FRUEH: Garrett Frueh.

12 COURT REPORTER: I'm sorry, you're

13 going to have to speak up.

14 MR. GARRETT FRUEH: Garrett Frueh.

15 MR. WAHL: And that's: F-r-u-e-h?

16 MR. GARRETT FRUEH: Yep.

17 MR. WAHL: And Garrett is, what,

18 two Rs?

19 MR. GARRETT FRUEH: Yes.

20 And --

21 MR. WAHL: What --

22 MR. GARRETT FRUEH: -- two Ts.

23 MR. WAHL: Oh, two Ts, too.

24 Thank you.

25 Mr. Frueh, what is your residence

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1 address?

2 MR. GARRETT FRUEH: Ma -- Martin,

3 North Dakota.

4 MR. WAHL: And --

5 MR. GARRETT FRUEH: 2050 21st

6 Street Northeast.

7 MR. WAHL: Is that also your post

8 office address?

9 MR. GARRETT FRUEH: Yes.

10 MR. WAHL: And, Mr. Frueh, do you

11 speak for anyone, any group or organization

12 other --

13 MR. GARRETT FRUEH: No.

14 MR. WAHL: -- than yourself or

15 you --

16 MR. GARRETT FRUEH: No.

17 MR. WAHL: -- and your family.

18 Mr. Frueh, as you heard me advise

19 previous witnesses, your testimony is required

20 to be under oath. And I'm required by law to

21 advise you regarding perjury before

22 administering the oath.

23 Perjury is a false statement of

24 material fact which you do not believe to be

25 true.

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1 In North Dakota, perjury's a class

2 C felony, punishable by a fine up to \$5,000,

3 imprisonment for a period up to five years or

4 both.

5 Will you raise your right hand,

6 please?

7 Being advised regarding perjury,

8 Mr. Frueh, do you swear that the testimony

9 which you're about to give in this matter shall

10 be the truth, the whole truth and nothing but

11 the truth?

12 MR. GARRETT FRUEH: I do.

13

14 G A R R E T T F R U E H,

15 being first duly sworn, testified on his oath

16 as follows:

17

18 MR. WAHL: You may proceed.

19 MR. GARRETT FRUEH: Earlier, one of

20 your people got up here and said that, that the

21 technology wasn't here yet for a -- for burying

22 the, the lines. That that wasn't capable

23 today.

24 Yet, if, if they would treat these

25 poles as a, as, as a wind, wind tower and have

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1 to pay for them each year, do you think that

2 possibly the technology would be here already?

3 That, that, that by having to pay

4 something each year for what it's worth, that

5 maybe, that somebody would have gotten the

6 technology so that we wouldn't have to have

7 these poles out here?

8 I, I know that there is no farmer

9 in his right mind that would -- that wants a

10 pole, that wants to farm around a pole.

11 I mean, most farmers have gotten

12 rid of the rock piles, they've gotten rid of

13 obstacles in the corn -- on, on their fields

14 and stuff.

15 Like, when, when we farm, we got

16 just about all mile fields. And when -- we

17 have no potholes, just about nothing to --

18 there's nothing to go around from one end to

19 the other. But this year, there's a lot of

20 stuff to go around.

21 But if, if, if they -- you know, if

22 the companies were made to pay something for

23 rent on, on these poles per year, maybe

24 somebody would have developed the technology

25 already to put, put an underground line in and

<p style="text-align: center;">329</p> <p>1 there'd be more underground lines instead of 2 these.</p> <p>3 Not only is it something to go 4 around, it's something to, to, to look at that, 5 that you really don't want to see.</p> <p>6 I mean, when you can look for 15 7 miles, you know, and then -- and, and, and see 8 almost to your, your, your town, what do you 9 want to look at a pole for out there?</p> <p>10 That's all I got to say.</p> <p>11 MR. WAHL: Ms. Smith, questions? 12 MS. SMITH: I don't have any 13 questions.</p> <p>14 MR. WAHL: Mr. Sagsveen? 15 MR. SAGSVEEN: No questions. 16 MR. WAHL: Mr. Lein? 17 MR. LEIN: No questions. 18 MR. WAHL: Questions from the 19 Commission? 20 MR. CLARK: No, but thank you. 21 MR. CRAMER: Thank you, Mr. Frueh. 22 MR. WAHL: Thank you very much, Mr. 23 Frueh. 24 (Whereupon, the witness was 25 excused.)</p>	<p style="text-align: center;">331</p> <p>1 something.</p> <p>2 MR. WAHL: Ms. Smith, when you're 3 ready.</p> <p>4 MS. SMITH: We've decided not to 5 call a rebuttal witness.</p> <p>6 MR. WAHL: Well, well, well, well. 7 All right.</p> <p>8 MR. KALK: That was a good break. 9 MR. WAHL: Mr. Sagsveen, I assume 10 nothing further at this time? 11 MR. SAGSVEEN: Your assumption is 12 correct.</p> <p>13 MR. WAHL: All right. Closing 14 statements from the Commissioners? 15 Commission Chairman Tony Clark. 16 MR. CLARK: Just thank you for 17 being here. And not to belabor the point 18 again, but we really do appreciate the, the 19 public testimony that we get. It's the reason 20 that we hold these hearings in the counties 21 that are, are impacted.</p> <p>22 And so we appreciate the, the -- 23 your time of being here, it helps us make 24 better decisions. So thanks very much. 25 MR. WAHL: Commissioner Kevin</p>
<p style="text-align: center;">330</p> <p>1 MR. WAHL: Is there anybody else 2 who, having thought about it a little bit more, 3 would wish to make any statement, testify to 4 the Commission?</p> <p>5 Anybody else? 6 Ms. Smith? 7 MS. SMITH: Can we then take a 8 break -- 9 MR. WAHL: Oh, I'm sorry. 10 MS. SMITH: -- for a moment? 11 MR. WAHL: I'm sorry. 12 MS. SMITH: Go ahead. 13 MR. WAHL: You can, indeed. 14 We'll be in -- we'll recess for ten 15 minutes. 16 At least or until Ms. Smith is 17 ready. 18 MS. SMITH: All right. Thank you. 19 (Whereupon, a twelve-minute recess 20 was taken.) 21 MR. WAHL: I've got two 22 commissioners, two lawyers, let's go to work. 23 MR. CRAMER: Almost adds up to a 24 person. 25 MR. KALK: Two too many of</p>	<p style="text-align: center;">332</p> <p>1 Cramer.</p> <p>2 MR. CRAMER: Well, and I would just 3 echo that, it's been a very enlightening day, 4 and -- well, it was a very enlightening couple 5 days.</p> <p>6 And I, I do want to say, as well, 7 and I probably didn't yesterday, the, the 8 company has done an excellent job, and you all 9 have put together a very good case, with very 10 good information, we appreciate that.</p> <p>11 And, and you all have enlightened 12 us in some very important ways.</p> <p>13 One of the things that I was struck 14 by today, and I -- when we think about how 15 sparsely populated North Dakota is. And you 16 think, you know, there's all kinds of room out 17 there until you try to do something like this, 18 and then you find out, no, we're a, we're a 19 little denser than we thought we were, aren't 20 we.</p> <p>21 And so long, straight lines are 22 hard to find without impacting a lot of people, 23 but we're going to do our very, very best to 24 assist the company in trying to, you know, to 25 have the, the least adverse impact we can</p>

333

1 possibly have.

2 And, without your help, our, our
3 job is harder, so thank you for that.

4 MR. WAHL: Commissioner Brian Kalk.

5 MR. KALK: Thank you all for coming
6 today and just continue to urge the company and
7 all of you to work together to figure out the
8 best places as we get into this detailed
9 routing of the transmission, of the power
10 lines.

11 Thank you all.

12 MR. WAHL: With that, the second
13 hearing in the matter of Minnkota Power Co-op,
14 Inc., or Cooperative, Inc., actually, 345
15 kilovolt transmission line, Center to Grand
16 Forks siting application, North Dakota Public
17 Service Commission Case No. PU-09-670 is
18 closed.

19 Thank you all.

20 (Whereupon, the proceedings were
21 concluded at 4:35 o'clock p.m.)

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1 REPORTER'S CERTIFICATE

2

3 I, Joy Filipski, a general shorthand
4 (Stenograph) reporter, 600 DeMers Avenue, Suite
5 300, Grand Forks, North Dakota, do hereby
6 certify that the foregoing 333 pages of
7 typewritten material constitutes a full, true
8 and correct transcript of my original
9 Stenograph notes, as they purport to contain,
10 of the transcript of the proceedings reported
11 by me at the time and place hereinbefore
12 mentioned.

13

14

15

16 Joy Filipski

17

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23 Dated this day of ,2011.

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