

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Montana-Dakota Utilities Co., :
a Division of MDU Resources : Case No.
Group, Inc. : PU-10-124
Electric Rate Increase Application :

TRANSCRIPT OF

HEARING

VOLUME II

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Taken At
State Capitol
Bismarck, North Dakota
November 9, 2010

BEFORE JUDGE AL WAHL
-- TEMPORARY ADMINISTRATIVE LAW JUDGE --

A P P E A R A N C E S

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A P P E A R A N C E S (Continued)

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FOR INTERVENOR,
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1 (The following proceedings were had and
2 made of record herein, commencing at 8:32 a.m.,
3 Tuesday, the 9th day of November, 2010:)

4 JUDGE WAHL: All right. Let's be in
5 order. This is the continuation of the hearing of
6 the Montana-Dakota Utilities Co. electric rate
7 increase application, North Dakota Public Service
8 Commission Case No. PU-10-124.

9 Ms. Stomberg, I believe you can resume
10 your seat.

11 Mr. Roaché, it was my understanding you
12 had completed your cross-examination?

13 MR. ROACHÉ: I had one or two other
14 questions that I would like to ask if I may.

15 JUDGE WAHL: All right. You may proceed.
16 Ms. Stomberg, you understand, of course, that your
17 testimony continues under oath and subject to
18 penalties of perjury.

19 THE WITNESS: I do.

20 JUDGE WAHL: Mr. Roaché.

21 Q. (MR. ROACHÉ CONTINUING) Ms. Stomberg,
22 yesterday in response to one of my questions about
23 other states having rules, regulations, law
24 affecting the -- the whole of MDU, the way you have
25 it set up as an integrated network as far as how

1 you're figuring on costs -- is that true that you
2 -- your response to me had been, when I asked
3 about, well, what happens in another state affects
4 how the ratepayers are affected here in North
5 Dakota and you said yes; is that correct?

6 A. Indeed the costs that are -- requirements
7 for different states that drive our costs in
8 different ways are absorbed by the entire
9 integrated system, all of our customers. If that
10 was your question, I think that's true.

11 Q. Yeah. Basically. So then, like if M --
12 if Montana mandates 10 percent wind power or green
13 energy anyway, then we would be required -- the
14 North Dakota ratepayers are required to pay
15 whatever it costs in order to meet that mandate, if
16 we're going to be an integrated company as you
17 claim to be. Doesn't that mean that North Dakota
18 or South Dakota basically sets our rates?

19 A. Well, certainly the requirements of
20 different states are included in the costs that
21 are -- that are paid for by all of our integrated
22 system customers. However, it -- I can think of no
23 case, at least to date, where there's been such an
24 extraordinary demand by any one state that it's
25 really, you know, been eye-opening, if you will.

1 The Montana renewable energy standard,
2 while meeting that, we're still providing a great
3 deal of value through -- through the wind
4 generation that we built and the RECs of which are
5 used in Montana. A great deal of value to all of
6 our customers for all the reasons that I went
7 through yesterday and can certainly reiterate today
8 if we need to.

9 Q. In 2015 it's mandated by Montana that MDU
10 have 15 percent of its energy through renewable
11 energy; is that true?

12 A. 15 percent of the Montana retail sales
13 would need to be met with renewable energy or
14 certified renewable energy certificates.

15 Q. And, of course, you expect to meet that
16 demand?

17 A. We -- it's a law and we tend to meet the
18 laws in the states in which we operate. Yes.

19 Q. So if we have to -- if MDU has to build
20 more wind farms, then the ratepayers of North
21 Dakota are going to have to pay for those new wind
22 farms?

23 A. And the ratepayers of North Dakota will
24 get the benefit of the wind farms.

25 Q. Haven't -- hasn't MDU, by claiming to be

1 an integrated company, taken away the power of the
2 Public Service Commission of North Dakota in that
3 you force the ratepayers here to meet the demands
4 of other states?

5 A. Well, the public service commissions of
6 all of our states look at our rates and -- and help
7 set the rates and determine if they're fair and
8 just.

9 Q. But if MDU is committing North Dakota
10 ratepayers to meet the demands of other states,
11 doesn't that take the power away from the Public
12 Service Commission here?

13 A. Well, the fact of the matter -- the reason
14 that we're here is to ask for those to be included
15 in our rates.

16 Q. But if you say that the ratepayers are
17 committed to what other states demand, then asking
18 really doesn't matter because you've already
19 committed the ratepayers to paying whatever it is
20 has to be paid to make -- to meet those demands.

21 A. Well, the commissions have to approve what
22 we ask to put in our rates. They have that
23 ultimate say.

24 MR. ROACHÉ: I have no further questions.

25 JUDGE WAHL: Mr. Skokos.

1 MR. SKOKOS: Yes.

2 CROSS-EXAMINATION

3 BY MR. SKOKOS:

4 Q. Ms. Stomberg, earlier in your testimony
5 you discussed zero carbon resources. That's
6 correct; right?

7 A. Correct.

8 Q. Okay. Are there benefits to zero carbon
9 resources?

10 A. Well, we believe that there are benefits
11 to having a portion of our generation a zero carbon
12 emitting resource. And while there are no rules in
13 place today that would mandate that, we certainly
14 believe there's an interest on the part of our --
15 well, there are -- I guess I have to step back
16 here. There are no rules prohibiting the use of
17 fossil resources. But there are rules, of course,
18 in all the states that we're looking at, the RES
19 and the REO, that support the use of renewable
20 energy to serve a portion of our customers' needs.
21 So there's that social -- or public policy that
22 supports that in the states in which we operate.

23 And certainly as we look out to the future
24 and what we're seeing in public policy and
25 environmental regulations coming down the pike, you

1 know, there are risks to our existing fossil-based
2 generation, not just carbon. But a really broad
3 suite of environmental regulations that are going
4 to impact our fossil units.

5 MR. SKOKOS: May I approach real quick?

6 JUDGE WAHL: You may.

7 Q. (MR. SKOKOS CONTINUING) This is an
8 article, if you remember, right after the Big Stone
9 II case in *The Bismarck Tribune*, and the
10 highlighted section article says, "Frankly, even
11 with that on the law book, we wouldn't be doing
12 business right if we didn't at least think about
13 these" -- "those impacts" -- "what those impacts
14 mean."

15 What was your exact -- what was the exact
16 meaning of that quote?

17 A. Well, I don't remember exactly the
18 question that prompted that response, but I believe
19 it had to do with the externalities rule in the
20 State of North Dakota and the prohibition against
21 quantifying externality costs in our -- in our
22 models.

23 Q. So if you say that you -- that even with
24 that law in the book you wouldn't be doing your job
25 if you don't look at these things, are you

1 quantifying this cost in some kind of indirect or
2 direct way?

3 A. Well, certainly in our -- our model we
4 quantified carbon taxes, not -- which I'm not sure
5 I guess exactly what externalities are defined at.
6 I haven't looked at that rule for a while. But we
7 ran models with carbon costs in our IRP.

8 Q. So you are -- you are measuring carbon
9 costs in your --

10 A. We ran some scenarios.

11 Q. -- in your planning?

12 A. We ran some scenarios.

13 Q. Okay. Like I asked earlier, is the
14 current Massachusetts versus EPA decision one of
15 the uncertainties that you look into when doing
16 your cost modeling?

17 A. I don't think we've specifically sat down
18 and talked about that rule, but certainly we
19 understand EPA's interest in regulating carbon.

20 Q. Okay. Just one last question. Was -- was
21 that regulation -- because it is a regulation.
22 They just haven't made the rules yet for it. Is
23 that regulation one of the factors that led into
24 the wind -- I'm sure it was -- but is that -- is
25 that kind of -- is that regulation in building this

1 wind like a look towards the future based on
2 possible regulations that might come down in the
3 future?

4 A. Well, there -- as I've said before, and I
5 guess I'll reiterate briefly here, there were a lot
6 of factors that went into making us selecting the
7 wind. Certainly the energy resource is an
8 attractive and necessary thing for us. The public
9 policy, which I won't go into again -- the public
10 policy that supports the wind is important and
11 certainly some of that public policy was influenced
12 by that Massachusetts ruling that you just
13 referenced.

14 Q. What were some of the outcomes when you
15 modeled for scenarios like a carbon tax or with the
16 Massachusetts decision modeled in?

17 A. Well, it wasn't the Massachusetts --

18 Q. Okay.

19 A. -- decision per se, but we --

20 Q. But the EPA -- the EPA regulation?

21 A. -- we put on a couple carbon tax
22 scenarios. When we were modeling for Big Stone
23 II -- and some of this modeling back in Big Stone
24 II was a committed resource. And the results
25 showed that the model continued just like Big Stone

1 II as a least-cost resource, even with 30 and \$50
2 carbon taxes -- that was really the nut of it --
3 that in many ways Big Stone II would have been a
4 very good transition unit for us.

5 Q. Okay. Actually one more question. The
6 wind that you -- that you installed now, I've heard
7 a few of you discuss how it's a way to diversify
8 your portfolio in order to protect consumers in a
9 way. Could you explain why it's important to have
10 a diversified portfolio rather than just having a
11 lot of baseload from one source?

12 A. Well, we've always tried very hard to have
13 a diversified portfolio in many ways, not only in
14 terms of the generation, with fossil and coal and
15 gas, but also in terms of supply of fuel, types of
16 coal, locations of the gas. So we have -- and
17 different states so that we have a politically
18 diverse, we have a geographically diverse, we have
19 a fuel diverse, which minimizes the risk of
20 something going haywire in one area impacting just
21 a smaller part of our -- of our diversified
22 portfolio.

23 But certainly as you look into the
24 future -- you know, we're not able to build coal.
25 Big Stone II would have been a good unit for us

1 environmentally and every other way. We can't
2 build coal in today's environment. We have a
3 capacity deficit, we have an energy deficit, we --
4 we have some contracts right now which are an
5 important part of our resource portfolio, and wind
6 is just another important part of that.

7 And as we look forward looking at the
8 environmental regulations, not just carbon, but
9 again, visibility that's going to drive our costs
10 on our fossil units, some of the 316(b) rules, the
11 water quality rules, all of which make us
12 understand that we're going to have increased costs
13 at our fossil units having some no-carbon
14 generation that is not going to be subject to those
15 seems to us to be a smart thing to do. Plus we get
16 a lot of very good, low-cost energy for our
17 customers off of that resource.

18 Q. Overall, do you think just having a
19 diversified portfolio is a direct benefit to the
20 customers in North Dakota specifically?

21 A. Oh, absolutely I do.

22 MR. SKOKOS: Okay. No further questions.

23 THE WITNESS: Thank you.

24 JUDGE WAHL: Ms. Jeffcoat-Sacco.

25 MS. JEFFCOAT-SACCO: We have no questions.

1 Thank you.

2 JUDGE WAHL: Commissioner Cramer.

3 COMMISSIONER CRAMER: Andrea, thank you
4 for your testimony and for your candor in answering
5 some of these questions.

6 EXAMINATION

7 BY COMMISSIONER CRAMER:

8 Q. Were you the MDU -- were you an MDU
9 representative on the Empower Commission? Did I
10 hear you say something?

11 A. Well, I'm not -- I'm not the MDU
12 representative. I am the MDU employee who is on
13 the --

14 Q. Okay.

15 A. -- Empower Commission.

16 Q. Okay. And I guess that's -- that's the
17 clarification --

18 A. That is the distinction.

19 Q. -- I was looking for.

20 A. Yeah.

21 Q. Okay. Do you -- do you remember mandating
22 any particular position -- or advocating any
23 particular position with regard to the objective
24 versus the -- versus a mandate with regard to
25 renewable energy?

1 A. I don't recall that Empower weighed in on
2 that, but Empower has specifically stated we will
3 not support mandates of any sort.

4 Q. Well, and that's -- that -- I think that
5 has -- I think a flaw in all of this, or at least a
6 confusion, has surfaced here that I want to explore
7 a little bit. Because yesterday, when it became
8 clear to me that we have a law, as Commissioner
9 Clark reminded us, a bill that was passed by the
10 legislature, signed by the governor that creates a
11 voluntary objective, does that send a confusing
12 signal to utilities?

13 A. Well, it sends a signal to me as a utility
14 person that there is a public policy interest in
15 this. But if you look at the language of that law,
16 it -- it asks for -- for an economic analysis. But
17 it further goes on and says regardless of what the
18 economic analysis says, the utility needs to do
19 what's best and right for its customers. I could
20 quote the language, but I'm not going to.

21 Q. Yeah. That's fine.

22 A. And so I think what it says is you do
23 what's right, you look at the economics; but if the
24 economics don't necessarily support it or even if
25 they do, you have other business judgment to be

1 made around whether you -- you build these
2 renewables or not.

3 Q. Which to me translates to some confusion
4 because what's right is not a real objective, you
5 know, standard. And good regulatory laws, it seems
6 to me, seem to be a little more objective than
7 that. And my point being, you know, just today I'm
8 reading in the newspaper that the governor
9 designate has said that as we determine or design
10 energy policy going forward, it's important to have
11 the developers on the committee but not anybody
12 that would be in charge of regulating it. And I
13 think this very discussion has exposed a problem
14 with that scenario. While I appreciate it and have
15 some respect for it, I also have some concern that
16 what's right in the eyes of a developer, while
17 trying to meet a perceived desire of a legislative
18 body, may not really be what's right, you know, to
19 the regulatory body.

20 So I'm -- I think this is something we
21 might need to explore further. Perhaps not in this
22 forum, but I think this forum is exposed, I guess
23 is my concern.

24 Let's see. I was going to ask you about a
25 resource -- you said earlier that a resource model

1 with the right inputs could choose wind. With the
2 right inputs you could choose about anything,
3 couldn't it?

4 A. Well, that's the problem with relying
5 exclusively on a model is -- as you know, it's what
6 you put into it.

7 Q. You also -- you said earlier -- or
8 yesterday that if we wait until the regulations are
9 imposed, the costs could be higher with regard to
10 why you built wind when you built it, something to
11 that effect. Does that sound --

12 A. Well, it wasn't necessarily a driver, but
13 it certainly is -- had we just said now we're going
14 to wait until there's an absolute imperative, an
15 RPS or whatever, I believe the costs would have
16 been higher. I mean there's reasons to believe
17 that.

18 Q. And yet by not waiting -- I mean by not
19 waiting Big Stone II didn't get -- you know, Big
20 Stone II was a certain resource that didn't get
21 built. By not waiting, don't you in some respects
22 create a bit of a perverse incentive for a utility
23 to advocate for a policy that they built? When
24 they built a resource based on a potential policy,
25 don't you then become advocates for that very

1 policy and is that a good place for a utility to
2 be?

3 A. Well, we had other reasons to build this
4 resource than simply public policy that was part of
5 the driver. As is the environmental issues, as is
6 where are we at with the capacity on our lines, as
7 is the production tax credits. All of those things
8 rolled into our decision to build us what I believe
9 is a small amount of installed capacity of
10 renewable. And there was the Montana RPS that we
11 need to meet, but by the same token all of that
12 low-to-zero cost energy flows to our entire
13 integrated system customers.

14 Q. Well, I have a concern that the fear of
15 potential regulations drives investment decisions
16 which then drives advocacy, and I'm not sure who's
17 standing up for the culture that we live in. And
18 my question would then be is it time for a
19 jurisdiction-specific or state-specific resource
20 planning? Because we really do have a diverse
21 culture in the upper Midwest, and maybe North
22 Dakota is the island, I don't know. But I wouldn't
23 trade with any of the others that have more
24 restrictive policies.

25 A. I guess I would just make one comment that

1 I think Montana-Dakota fought hard for our
2 customers and for our culture when we tried so hard
3 to build Big Stone.

4 Q. You did. And you deserve credit for that
5 and you haven't received enough, in my mind, for
6 doing the right thing versus the politically
7 expedient thing. So thank you for that reminder.

8 With regard to the externality and the
9 code, I've learned it fairly well in the last
10 couple of months. The second definition of
11 externality in the North Dakota Century Code is
12 basically any economic -- any environmental policy
13 not yet enacted. Now, a utility, just as the
14 Public Service Commission, is barred by law from
15 considering potential or environmental policies not
16 yet enacted in considering its resources. Is it --
17 not arguing -- I'm not -- I don't want to accuse --
18 I'm not here to accuse you of breaking the law.

19 A. Thank you.

20 Q. But is it -- but is it time to -- should
21 we be considering changing that second definition
22 or removing it all together?

23 A. Well, speaking for myself, absolutely. I
24 think it's an impediment.

25 Q. Then I just want to clarify one thing that

1 you said in response to a question by Mr. Roaché.
2 I think I understood you clearly, but I want to
3 make sure the record is clear. You said something
4 to the effect that the commissions have to approve
5 whatever we ask for in our applications. And I --
6 your point being, I think, that commissions have
7 the final say.

8 A. Oh, yeah.

9 Q. I think you finally did say that, but I
10 just wanted to make sure that you weren't
11 advocating that we have to do whatever you ask us.

12 A. No. I don't expect that you have to do
13 what we want all the time.

14 COMMISSIONER CRAMER: Good. I have
15 nothing further. Thank you.

16 JUDGE WAHL: Further questions from the
17 Commission? Commissioner Clark.

18 COMMISSIONER CLARK: Just a couple, mostly
19 clarification.

20 **EXAMINATION**

21 **BY COMMISSIONER CLARK:**

22 Q. The -- I'd asked Mr. Goodin yesterday
23 about the Montana statute and whether it has an
24 in-state billed requirement. Are you familiar with
25 that statute and, do you know, does it have that

1 sort of requirement in it that the facilities must
2 be in -- physically located in Montana or is a
3 preference given to Montana sites or is it totally
4 agnostic to --

5 A. It does not. It has to be deliverable
6 into the State of Montana.

7 Q. Okay. So some of this, then, for the
8 purpose of meeting the Montana renewable energy
9 requirement can be done through renewable energy
10 credits or RECs; is that right?

11 A. As long as it's a certified -- Montana
12 certified source to meet the Montana standard. So
13 Montana, for instance, does not recognize Ormat as
14 a renewable source, Ormat waste energy.

15 Q. Oh, okay.

16 A. So we can't use the RECs from that.

17 Q. But Cedar Hills would be recognized as
18 a --

19 A. I believe it would be, yeah.

20 Q. Okay. So can you explain in practice
21 right now how is the flow of RECs working with
22 regard to Montana-Dakota's integrated system?

23 A. Sure. Sure. You know, and as I think you
24 know, this is a fairly new program. '08 was the
25 first year in Montana we had a standard, the

1 5 percent standard. So the wind generates RECs.
2 It generates a lot of zero cost energy and it
3 generates RECs. And the Montana rule requires you
4 to meet that 5, 10 or 15 percent of retail energy
5 with energy and/or RECs. You have a choice here,
6 so -- as I believe the North Dakota statute does
7 also.

8 So we've generated some RECs out there.
9 MRETS is the tracking agency, as it is for North
10 Dakota also. And we have retired, I think, roughly
11 70,000 RECs in Montana to meet our standard to
12 date. They -- the value of these RECs is, I think,
13 less than a dollar. It's not been a big dollar
14 item.

15 Q. Right.

16 A. We have -- we have considered --

17 Q. If I can stop you for just one second.

18 A. Yep.

19 Q. The total number of RECs that have been
20 generated by the facilities is what?

21 A. Well, we have a bit of a surplus, so
22 subject to check -- I know it's going to be more
23 than 70,000. I think it's more like 100,000 but,
24 boy, subject to check because I could be way off on
25 that. But we can get that number very, very

1 quickly for you.

2 Q. Okay.

3 A. So, anyway, there's a bit of a surplus.
4 Okay. So we've retired these -- we've put all our
5 RECs into a pot. We have our RECs from Big Stone
6 because of some of the alternative fuels we burn
7 out there. We have RECs from Ormat, which are not
8 recognized in Montana but are in North Dakota. We
9 have RECs from Cedar Hills now and from Diamond
10 Willow. I think those are all our sources of RECs.
11 Put them in a pot and we retire them as needed.

12 Now, we haven't to date -- especially
13 because it's a relative new program and the dollar
14 value is very low, we have not essentially sold the
15 RECs that might be North Dakota's 65 percent of
16 those to Montana, but that is certainly something
17 that we've seen other utilities do and that is
18 certainly something that I think makes sense going
19 forward to keep that bookkeeping even.

20 Q. Okay.

21 A. Not a big dollar item at this point in
22 time. Could be larger in the future.

23 Q. But there is, perhaps, a principle
24 involved there --

25 A. I think --

1 Q. -- as well --

2 A. -- I agree with you.

3 Q. -- correct?

4 A. I agree with you.

5 Q. Okay. How did energy efficiency and
6 demand-side management cost out in relation to the
7 decision to build the wind? In other words, as the
8 IRP was being built and you looked at, you know,
9 potential demand-side resources, potential energy
10 efficiency applications, demand responsive pricing
11 and all of that, how did that figure in relation to
12 the cost of the wind that was ultimately purchased?

13 A. Well, we modeled a suite of DSM or
14 efficiency programs -- have for many years modeled
15 different opportunities for the company to
16 implement DSM. And they go through the -- the
17 various types of modeling, and in the '09 IRP
18 selected about 23 megawatts as being cost
19 effective, which tells me they are less expensive
20 than wind.

21 Q. Okay. Does -- does Montana's renewable
22 energy -- or renewable portfolio standard recognize
23 demand-side programs in its -- as a credit?

24 A. I don't believe so, subject to check. I
25 don't believe that you can offset your renewable

1 standard with DSM, subject to check, but I'm not
2 aware of that.

3 Q. We've had a fair amount of discussion
4 about least-cost resource, whether wind was the
5 least-cost resource or not or whether it's the
6 best-cost resource. Are you able to definitively
7 say what was the, quote, unquote, least-cost
8 resource?

9 A. In our models?

10 Q. Right.

11 A. In our last model run -- well, when we
12 were still thinking about Big Stone, which was in
13 our last IRP filing, Big Stone was the least-cost
14 resource, capacity and energy. If you don't have
15 Big Stone, you have CTs, you have gas.

16 Q. Okay. But as I understood it from
17 Mr. Goodin's testimony, these were not mutually
18 exclusive options. It wasn't, well, you do Big
19 Stone or you do the wind. It was both Big Stone --

20 A. It had to -- it could --

21 Q. -- and the wind.

22 A. It could select. The model can select
23 blocks of these -- of these different generation
24 resources and at the price that we put in here, so
25 blocks of wind, blocks of coal, blocks of gas.

1 Q. Right. And the wind was to meet a more
2 intermediate need and --

3 A. Primarily an energy need, but --

4 Q. An energy but --

5 A. -- capacity --

6 Q. -- in the shorter term, then, because it
7 could be constructed more quickly? Maybe run
8 through that again because I may not be clear on
9 that. The -- Big Stone provided what, 120, 119 --

10 A. Roughly.

11 Q. -- megawatts of needed power.

12 Was that always in addition to an assuming
13 that the Diamond Willow and Cedar Hills was built?
14 So, in other words, if not for Diamond Willow and
15 Cedar Hills, would you have needed the contract
16 for, you know, 170 megawatts out of Big Stone or --
17 I'm just --

18 A. Yeah. I don't think we ran that exact
19 scenario. The -- the wind resources were committed
20 resources in the model. Big Stone was selected but
21 also --

22 Q. When you say committed, does that mean --

23 A. That means that --

24 Q. -- forced into it?

25 A. Yeah. That they were assumed to have been

1 built.

2 Q. Okay.

3 A. That they were there. Subject to check --
4 and, you know, Darcy -- Darcy's group is the one
5 who read this -- I mean ran the models. I don't
6 want to pitch all this stuff to Darcy. I'll be
7 happy to answer them; if I've got it wrong, he'll
8 correct me. I'm sure he'll throw something at me
9 if I get it wrong. So, yeah, the wind was
10 committed. The model could pick other resources --

11 Q. Right.

12 A. -- of which wind -- generic wind, generic
13 coal, generic gas, generic combined cycle. MISO
14 market prices were in there. And it selected what
15 it selected, which was gas.

16 Q. Okay. I guess what's confusing for me --
17 and if you can respond to this and help fill in the
18 blanks. As we went through the advance
19 determination prudence for the Big Stone case, it
20 was very clear that Montana-Dakota had looked at
21 all sorts of resources and said here's, you know,
22 what we need as far as number of megawatts we need
23 to fulfill for our customers, here are the
24 different options for it. We looked at Lignite
25 Vision 21. We looked at partnering on Milton R.

1 Young. We looked at Gascoyne for a while. We
2 looked at Big Stone II. We did our wind/gas
3 combination. And the Commission could look at all
4 these choices, look at how much the end use cost
5 was for consumers, and then we could determine
6 whether we agreed that given the information that
7 Montana-Dakota had that you made a reasonable
8 choice.

9 What I'm not understanding as well in this
10 case is was that similar process done for this
11 particular wind resource, for Cedar Hills and
12 Diamond Willow, where you said, okay, we need
13 roughly 50 megawatts of some sort of resource; we
14 know we have this need; here are the different
15 options, gas, wind here, wind at a different site?
16 And I'm just not sensing yet in this case that you
17 had that same parallel systematic analysis of the
18 various options that would for me make it much
19 easier to decide this case.

20 A. Sure. And I think there's two tracks
21 here. One is we knew we needed some wind. We knew
22 we needed wind in Montana and we understand a
23 desire for wind in the State of North Dakota. And
24 we did an RFP specifically to look what is our
25 least-cost renewable option out there. And I know

1 Darcy can address that in his testimony and can
2 address it further. So we did an RFP to see what's
3 the least cost. That pointed to self-built being
4 best for our customers to meet that renewable
5 standard. And, of course, that renewable standard
6 is a REC machine as well as an energy machine. In
7 terms of overall resource planning, which is I
8 think the core of your question, did we do a
9 least-cost model to get it to pick these particular
10 resources?

11 Q. Right. It's really the decision point
12 prior to deciding we'll put out an RFP for wind.

13 A. Right.

14 Q. What was the decision point prior to that
15 where you said wind has got to be it and how were
16 the various options sorted through at that point,
17 not once the decision to build wind was made and
18 the RFP went on?

19 A. Well, the decision to build wind was
20 driven by a rule in the State of Montana, which I
21 understand is an issue because it's a Montana rule
22 driving costs for North Dakota customers. And as I
23 will say again, it's a -- we believe based on our
24 business judgment, it is -- it was a good decision
25 in terms of the resources our customers needed.

1 Was there an -- a model? I don't -- I do not
2 believe there was a model that would have picked
3 wind. We've said that.

4 Q. Okay.

5 A. Had we, for instance, said, you know, we
6 don't think that our 50-year-old power plants are
7 going to be running ten years from now and shut
8 those down -- and that's not a model we ran and
9 it's not an expectation, but I mean it's a
10 possibility. I have no doubt that that -- well, I
11 have reasonable expectation that the model would
12 have picked wind because of the energy needs that
13 would have been driven by -- by getting rid of a
14 couple of good energy producers.

15 So, nope, it was not a strict least-cost
16 decision. I think I've said that before. I think
17 Dave said that. Not a strict least-cost decision.
18 Best-cost decision? We believe so for the reasons,
19 which I could reiterate if you want me to, we went
20 through yesterday --

21 Q. No, that's fine.

22 A. -- at some length.

23 Q. Switching gears just a little bit. Some
24 utilities nationally and in the region have entered
25 into programs that have been blessed by their

1 utility commission in which the utility earns a
2 rate of return for conservation programs, basically
3 to encourage conservation. Did MDU explore this --
4 and I don't think it's in here; I didn't see it --
5 but did you look at it, did you think about
6 proposing it, and if not, why?

7 A. That is not something that I was involved
8 in. However, Rita or Tamie may be able to address
9 that.

10 Q. Might be more of a rate design issue.

11 A. And I think it's more of a rate design
12 thing, and they don't let me do that.

13 COMMISSIONER CLARK: Okay. That's all
14 I've got. Thanks.

15 JUDGE WAHL: Commissioner Kalk.

16 COMMISSIONER KALK: Good morning, Andrea.
17 Thanks for your testimony.

18 **EXAMINATION**

19 **BY COMMISSIONER KALK:**

20 Q. Just some clarification. MDU,
21 Montana-Dakota, are you meeting demand with your
22 own resources now? I know it varies day to day,
23 but give me a -- like a -- I'm trying to still get
24 a figure -- what you guys have right now, can you
25 meet demand most days?

1 A. We could. If we fired up everything we've
2 got, if we fired up our gas turbines and cranked
3 our coal up, yes, we could -- I believe we could do
4 that or darn close. We don't do that because
5 that's not a smart thing to do.

6 Q. Okay. So the thought process, then, of --
7 right now you're balancing your own generation by
8 buying it somewhere else. As you go forward, I
9 mean what are you doing right now to try to figure
10 out what your next resource mix is going to be?

11 A. Well, it's a concern.

12 Q. So two years from now we're sitting right
13 here, just the thought process, as we sit here
14 today, looking at all the challenges and
15 opportunities out there.

16 A. Well, certainly it's a tough -- tough
17 world to make generation decisions. And as you
18 know, we tried really hard to build Big Stone II.
19 We looked at Young III. We looked at coal options.
20 They're not out there. We don't have coal options
21 out there. About the only thing out there --

22 Q. Do you think that the coal options have --
23 chances have increased or decreased given the
24 election last week when those that were advocating
25 for cap and trade are -- are no longer -- are no

1 longer in the federal level?

2 A. Well, it's not just cap and trade. It's a
3 host of other regulations that land on coal units
4 that are going to make them very expensive. Not
5 only our existing units in terms of upgrading, but
6 new units also.

7 And I guess if I can just digress just a
8 little tiny bit here, and I hope I don't step into
9 it, but I'm not sure it has mattered whether the
10 rules were passed or not. I think there is a taint
11 on coal right now that's going to take a while to
12 get past. And banks don't want it and I'm not sure
13 regulators in all states want it. You know, they
14 didn't have to pass some rules for people to start
15 backing away from coal.

16 Q. Sure. So the -- the -- and I don't think
17 we need to hash through all the pros and cons of
18 coal, but maybe talk about another resource of
19 wind. Have you been following the wind sitings
20 that the Commission does over the past two, three
21 years?

22 A. I'm aware, certainly, of the ones that
23 impact Montana-Dakota.

24 Q. The -- so the -- the negatives that are
25 developing for wind, such as concern about

1 setbacks, concerns about wildlife impact, concerns
2 about critical habitat, concerns about flyways, how
3 do those factor into your models right now because
4 there are pros and cons to everything? It seems
5 that -- well, answer, I guess, the first question.

6 A. Well, I'm not sure that we could model
7 those things. We're certainly aware of them. One
8 of -- I'm not sure I know how to answer.

9 Q. I guess what I'm saying is that --

10 A. I mean that's one of those qualitative
11 business things that --

12 Q. But you do that for a coal project,
13 though. You'll say there's no set rules in place,
14 but we'll -- we'll shy away from that because of
15 some concerns and perceptions, but yet those
16 concerns are out there for solar or for wind. How
17 does --

18 A. Sure. Those are all good business
19 considerations. Excuse me, I interrupted you.

20 Q. No. But so how -- I mean do you give the
21 wind the same type of negative look as we do for
22 other resources? Because it's out there.

23 A. You know, we're not looking at building
24 another big wind farm. It certainly is a
25 consideration in siting. One of the sweet things

1 about where we put ours is it's outside of the
2 flyway and we had available transmission capacity.
3 Those were really good things --

4 Q. Sure.

5 A. -- that --

6 Q. Because I think that what Commissioner
7 Cramer brings out is ideal. That we've got to sit
8 down as a -- as the folks that deliver energy and
9 figure out what the policies that we need to
10 develop in this state that gives you some certainty
11 to develop things, gives us some opportunity to
12 make sure we can do the right things here so you
13 can be able to plan. And the -- I guess just kind
14 of a discussion here about the thought process,
15 though, when -- the Glen Ullin waste heat recovery
16 program -- or plant out there, does that come back
17 in rates at all? I don't -- like how did you pay
18 for that? I don't remember that in your rate --

19 A. Yeah. It'll -- it's part of this -- I
20 think it's part of this.

21 Q. It's inside this case.

22 A. Yeah.

23 Q. Okay. So I must have missed that.

24 The -- how did you go through the model on
25 that one because -- how did that one pencil out?

1 talked about how I understand this -- that a
2 CPN [sic] has essentially the same effect as ADP
3 for smaller North Dakota projects. Can you explain
4 that to me, what you mean by that because I
5 don't --

6 A. Well, on a high level an ADP is asking a
7 commission to -- not in -- not put it in rates, but
8 to bless the discussion, the decision to go forward
9 on a certain resource. It's not a guarantee you're
10 going to get given rates if you don't manage it
11 right. CPCN is the same thing. You go forward,
12 you say, here's our resource, here's what it's
13 going to cost, why we think it's a good idea, and
14 we understand we get an approval from the
15 Commission at some level that, yeah, that seems
16 like the right decision. Again, no guarantee in
17 rates. But, again, both of those have a -- have a
18 request of the Commission to approve. And an ADP,
19 as I think Dave outlined very well in his
20 testimony, we saw that as very appropriate for the
21 300-million-plus Big Stone II project. These
22 seemed lower capital demand. Bankers weren't as
23 jiggy about wind. Needed maybe a lower level --
24 required maybe a lower level.

25 COMMISSIONER KALK: Okay. Thank you.

1 JUDGE WAHL: Commissioner Cramer.

2 COMMISSIONER CRAMER: Just a few things
3 that popped into my head, Andrea.

4 **FURTHER EXAMINATION**

5 **BY COMMISSIONER CRAMER:**

6 Q. One is looking way forward and regarding
7 the aging fleet, as well as the taint on coal as
8 you put it, how long is Heskett for this world?
9 And I don't remember when the last time it was sort
10 of upgraded, or -- but I see the stacks from my
11 house. I always think -- whenever they're both
12 going, I think, Wow, okay, they're generating a lot
13 today. But how -- so it's kind of romantic to me.

14 A. Oh, that's so good to hear. Just like the
15 train whistles on the prairie.

16 Q. Yeah. How long is Heskett for the world?
17 I mean -- and that's a really general question, but
18 you've thought about it.

19 A. That's fair. As a customer, you should
20 ask questions like that. That's fine. And we have
21 two units at Heskett. One is a 25-megawatt unit.
22 It's a stoker-fired unit. The thing runs steady.
23 It is a great little unit. It just plugs away.
24 Runs all the time.

25 Unit II was rebuilt in 1986. We put the

1 fluid bed in at that point in time. We just
2 finished -- going back to Unit I, we just finished
3 doing some work on Unit I that we believe will
4 allow that unit to run effectively at high capacity
5 factors and efficiently as long as we want it to
6 run. Obviously it's going to need little tweaks
7 here and there.

8 Unit II is a BART-eligible -- was a
9 BART-eligible unit, is not a BART unit, meaning it
10 is not necessarily going to be required to have the
11 same level of upgrades that Big Stone I is because
12 of visibility regulations in the state. However,
13 after lengthy and complex negotiations with both
14 EPA and the state, we will be putting lime in that
15 bed to further reduce the SO₂ emissions out of that.
16 That's a -- that's a unit we -- we think is going
17 to be -- it is also a good-performing unit. It's
18 going to be -- especially after we put the lime in
19 there. We're going to expect to run that unit
20 in -- as long as we can. We will run our coal
21 units as long as they make economic sense and
22 they're legal to run.

23 Q. One other question then. And I'm sure
24 that we've been told this before and I just don't
25 remember it, but have you sought and/or received

1 recovery of Big Stone II costs in the other states?

2 A. We have accounting orders in both -- I'm
3 looking for some nods here -- both South Dakota and
4 Montana for Big Stone II.

5 COMMISSIONER CRAMER: I have nothing
6 further. Thank you.

7 JUDGE WAHL: Further questions?
8 Commissioner Kalk.

9 COMMISSIONER KALK: I did forget, too,
10 Andrea. Sorry about that.

11 **FURTHER EXAMINATION**

12 **BY COMMISSIONER KALK:**

13 Q. The meeting demand again, what's just the
14 thought process of -- right now I know you're
15 buying out in the market. My thought would be that
16 as the economy recovers -- we don't know how
17 quickly it's going to recover, hope it happens very
18 quick, but then all of a sudden the available power
19 is not there. Have you thought about that
20 scenario? And how are you going to use a trigger
21 to -- the power's not going to be there to buy and
22 I need to --

23 A. To buy on the MISO market.

24 Q. -- and I need to develop it. How do
25 you -- how do you envision that laying out?

1 A. Well, I think there's -- I think you're on
2 point. Right now MISO market prices are very soft.
3 There's been a huge amount of demand destruction
4 out east and as well as some changes in the MISO
5 rules that have allowed a lot more capacity to flow
6 into that market and has reduced the prices in the
7 MISO market. We also have a lot of activism on the
8 part of EPA. We have the CARE regulations. We
9 have a lot of rules in the eastern part of MISO
10 that are going to drive, I think, plant closures or
11 increasing upgrades -- pollution control upgrades
12 on -- on the generation available in eastern MISO
13 that is going to increase those costs. Demand will
14 pick up, and I think MISO market -- I think MISO
15 market prices will -- will significantly increase.
16 That's one reason that having some wind on our
17 system, zero cost energy, looks pretty good to me.

18 Q. Right. But how are we going to meet the
19 demand where all of a sudden you can't buy it as
20 readily or affordable?

21 A. Well --

22 Q. I mean how does that lay out with --

23 A. -- the wind's going to be part of it. We
24 had an RFP out --

25 Q. But the way I understand it, you have to

1 build more stuff, so --

2 A. Exactly. We had an RFP out for capacity
3 and energy, and we are looking at those resources.
4 We will be evaluating what we can build, and it's
5 not going to be coal, I don't think, any time soon.
6 We'll be looking at gas resources. We'll be
7 looking at -- if we can find bilateral contracts,
8 if we can -- we will be looking at everything we
9 can to try to find those resources. But if push
10 comes to shove and we need to build them, we'll
11 build them.

12 COMMISSIONER KALK: Okay.

13 JUDGE WAHL: Commissioner Clark.

14 **FURTHER EXAMINATION**

15 **BY COMMISSIONER CLARK:**

16 Q. You know, we haven't spent a lot of time
17 talking about gas, and your last response has
18 caused me to think we should probably get some
19 things in the record about it. Gas combustion
20 turbines as far as from an environmental standpoint
21 in trying to mitigate -- in trying to mitigate risk
22 from EPA or Federal Government action on various
23 pollutants, so on and so forth, can you run through
24 the potential benefits and -- and negatives of gas
25 combustion turbines?

1 A. Well, their environmental attributes are
2 very different than coal, though they are still
3 fossil, and they -- they emit CO₂ at about -- about
4 half the rate of most typical coal plants. Those
5 are all big, kind of round numbers. They also are
6 pretty high NO_x emitters, N-O-_x emitters, and you
7 certainly have to put NO_x controls -- depending on
8 where you put those, you have to put NO_x controls on
9 them. And I think almost any -- any new unit is
10 going to have N-O-_x controls on those to knock that
11 down. That uses, of course, water less than maybe
12 coal, but so there's all -- you know, it uses
13 water. It's a NO_x emitter, it's a CO₂ emitter.
14 Those are -- those are the primary environmental
15 attributes of gas.

16 Q. I know it's often perceived as the
17 cleanest of the fossil resource. I mean why is --
18 why is that said? You mentioned that it still has
19 NO_x -- it can have NO_x issues and about 50 percent
20 carbon. Is it cleaner with regard to sulfur?

21 A. It's cleaner with regard to sulfur and
22 certainly mercury, I mean some of the criteria
23 pollutants, it's cleaner than coal.

24 Q. Okay. And particulates?

25 A. Oh, yeah, that too.

1 COMMISSIONER CLARK: Okay. That's all
2 I've got. Thank you.

3 **FURTHER EXAMINATION**

4 **BY COMMISSIONER CRAMER:**

5 Q. What are all the cons? The other half of
6 your question, the downsides of gas.

7 A. The downsides of gas? Well, you need a
8 pipeline. You need capacity on that pipeline, so
9 that to some extent limits where you can put it or
10 you're building it. And as -- as you know, gas
11 prices can swing. Gas prices can swing.

12 **FURTHER EXAMINATION**

13 **BY COMMISSIONER CLARK:**

14 Q. As far as rating from MISO with regard to
15 capacity credit, does a gas turbine get 100 percent
16 capacity credit or -- I don't know if anyone gets
17 100 percent capacity.

18 A. Well, it will -- it will get very good
19 capacity credits based on how you urge the unit
20 because you can turn it -- you can turn it on --

21 COMMISSIONER CLARK: Right.

22 THE WITNESS: -- when you want it and
23 it'll run.

24 COMMISSIONER CLARK: Right. All right.
25 That's all I've got. Thanks.

1 JUDGE WAHL: Further questions from the
2 Commission? Follow-up, Mr. Kuntz?

3 MR. KUNTZ: Thank you.

4 **REDIRECT EXAMINATION**

5 **BY MR. KUNTZ:**

6 Q. Ms. Stomberg, we're going to jump around a
7 little bit and try to cover a few things here. In
8 response to Mr. Savelkoul's question regarding
9 treatment that the Commission had given other
10 utilities with respect to their wind projects -- do
11 you recall that line of questioning yesterday?

12 A. I do.

13 Q. And then there was a question about
14 whether you were aware that other utilities had had
15 their wind projects through power purchase
16 agreements, and I believe you responded yes and
17 some also had ownership interest in those projects.
18 Do you recall that line of questioning?

19 A. Yes, I do.

20 Q. Are you familiar with how the Commission
21 treated that ownership interest with respect to
22 Otter Tail Power in at least one of those cases?

23 A. Well, in at least one of those cases I
24 understand that Otter Tail got a premium for self
25 building a wind farm because of the perception of

1 lower cost because we weren't paying a developer's
2 costs and profit on that.

3 Q. And do you recall yesterday there was some
4 questions about the best wind resource being in
5 North Dakota? Do you recall that line of
6 questioning?

7 A. Yeah, I do recall that line of
8 questioning.

9 Q. In your opinion, is the wind resource at
10 Baker much different than the wind resource at
11 Rhame?

12 A. No. They're both pretty much the same.
13 Both pretty good.

14 Q. Also Mr. Savelkoul had you read some lines
15 from CAS Exhibit No. 9, page 547, and particularly
16 lines 6 through 13. And I'd like you to read lines
17 13 through 17 that he didn't ask you to read.

18 A. Okay. And this is from --

19 Q. The Big Stone II proceeding.

20 A. It's -- this was the Big Stone II
21 proceeding.

22 Q. Your testimony in the Big Stone II
23 proceeding.

24 A. And you want me to read 13 through -- I'm
25 sorry, Dan.

1 Q. I believe it's 13 through 17 there, the
2 next sentence after what you read.

3 A. Sure. "We are" --

4 MR. SAVELKOUL: What page is that?

5 THE WITNESS: Page 547, lines 13 through
6 17.

7 MR. SAVELKOUL: Okay.

8 THE WITNESS: "We are certainly going to
9 be responsive to the North Dakota renewable
10 portfolio standard -- excuse me -- objective and
11 will be looking at what is economic for our
12 customers in the State of North Dakota to develop
13 in North Dakota."

14 Q. (MR. KUNTZ CONTINUING) Thank you. And
15 was there any objection or concern expressed to you
16 on that testimony by the Commission or the staff
17 when you indicated that you intended to comply with
18 the North Dakota objective?

19 A. No, not that I recall, but that was a long
20 time ago. But I don't recall any.

21 Q. There was -- there's also been some
22 concern expressed, and particularly Mr. Roaché's
23 cross-examination of you, that North Dakota
24 customers could be required to pay whatever it
25 might cost to comply with the Montana mandate, if

1 the Montana mandate were changed to be 25 percent
2 rather than 15 percent or 10 percent. And I
3 believe you testified that you can meet that
4 mandate either by building projects or owning
5 projects or by purchasing RECs; is that correct?

6 A. Purchasing RECs from certified sources.
7 Yes.

8 Q. So that would be another way to meet the
9 mandate, which would not necessarily impose costs
10 on North Dakota customers if that were a
11 cost-effective way of meeting the mandate.

12 A. This is true.

13 Q. Would you agree with me that legislative
14 objectives, such as the North Dakota objectives,
15 were intended to drive utility behavior?

16 A. Yes.

17 Q. Why else would you have them; correct?

18 A. Right.

19 Q. You -- in response to Commissioner Clark's
20 question about the percentage of RECs that have
21 been utilized up to this point, when did the Cedar
22 Hills project come on line?

23 A. It was midyear 2010.

24 Q. So the RECs from that particular project
25 haven't even materialized for a full year yet --

1 A. Right.

2 Q. -- have they?

3 A. No.

4 Q. Let alone been retired.

5 A. No. Right.

6 Q. And do RECs need to follow the energy
7 necessarily?

8 A. No. They can be severed.

9 Q. And did Montana-Dakota have energy needs
10 even if it had constructed Big Stone II?

11 A. Absolutely. That's the one reason we were
12 looking at our next generation tranche after Big
13 Stone II.

14 Q. Okay. Now I want to step through the
15 various alternatives that were available to the
16 company at the time it made the decision to build
17 Diamond Willow I and II and Cedar Hills.

18 Mr. Goodin, I believe, testified yesterday that
19 there were basically four alternatives available to
20 the company at that time: Coal fired, natural gas
21 fired plants, wind projects or market purchases.
22 Would you agree with that?

23 A. I would.

24 Q. And each of those alternatives has
25 different attributes and cost structure, do they

1 not?

2 A. They do.

3 Q. Gas, for example, low installation costs,
4 variable fuel costs; correct?

5 A. Correct.

6 Q. Coal, high installation costs but
7 relatively low fuel cost.

8 A. Right.

9 Q. Wind, high installation costs, no fuel
10 costs.

11 A. Correct.

12 Q. And so depending upon what you're building
13 for, any one of those can be a least-cost
14 alternative; is that correct?

15 A. I think so. Depending on your situation,
16 your scenario and, again, what your needs are, any
17 one of those could meet a need.

18 Q. So if you were looking to build baseload
19 generation, your least -- a least-cost alternative
20 might be different than if you're looking to build
21 peaking generation; is that correct?

22 A. Certainly.

23 Q. So when Big Stone II was being identified
24 as a least-cost alternative, what was it being
25 identified as a least-cost alternative for?

1 A. It's a baseload unit.

2 Q. So there could have been also least-cost
3 alternatives within the company's portfolio besides
4 just one; is that correct?

5 A. Oh, absolutely. Yeah, absolutely. Your
6 least-cost-peaking resource is going to be very
7 different than your least-cost baseload resource.

8 Q. So there is no such thing as the
9 least-cost alternative when it comes to supplying
10 energy, is there?

11 A. No, there's not.

12 Q. There's various alternatives depending on
13 what you're building the need for?

14 A. Correct.

15 Q. And is it your opinion that wind is a
16 least-cost alternative as part of a portfolio?

17 A. It certainly can be a least-cost energy
18 producer within a portfolio.

19 Q. And Commissioner Clark asked you at the
20 time that you were going through the RPS for the
21 Diamond Willow I -- and that was just renewables;
22 correct?

23 A. It was.

24 Q. And he asked you did you go through a
25 modeling program similar to what you had gone

1 through with Big Stone II to determine how that
2 stacked up in comparison to your other
3 alternatives.

4 A. Mm-hmm.

5 Q. At the time that you were doing the RPS
6 for Diamond Willow -- what turned out to be Diamond
7 Willow I, late 2006, early 2007, was the company
8 familiar with the cost of coal projects?

9 A. Quite.

10 Q. And how was that? How did you become
11 familiar with the cost of building coal?

12 A. Well, I mean I didn't mean to restate the
13 obvious. We had just fought through Big Stone II.
14 We'd been involved with the LV21 plant and
15 certainly were starting to look at Young III.

16 Q. So you were well familiar with what the
17 attributes of coal and the costs of coal were in
18 comparison to what a renewable wind project would
19 be?

20 A. Yes.

21 Q. And were you also familiar with the cost
22 of wind in terms of installation cost and fuel
23 cost?

24 A. Certainly.

25 Q. And how were you aware of that?

1 A. Well, there's a lot of information out on
2 the market, and we also had the RFP responses that
3 gave us a pretty good idea.

4 Q. And you have gas generation in your
5 existing portfolio, do you not?

6 A. We do.

7 Q. And you're familiar with how that operates
8 and what the cost structure is?

9 A. Correct.

10 Q. At the same time would the company have
11 had access to what the market prices were at the
12 time that you were considering a renewable resource
13 in late 2006, 2007?

14 A. You mean market energy prices?

15 Q. Right.

16 A. Certainly. We had the MISO market
17 numbers.

18 Q. So you had all those cost structures and
19 all those attributes available to you at the same
20 time that you were considering a renewable resource
21 through the RPS process that you described?

22 A. Correct.

23 Q. And you also talked about the fact that
24 you did pursue the Big Stone II project as part of
25 a least-cost-baseload unit; is that correct?

1 A. Correct.

2 Q. And what happened to that project?

3 A. Couldn't be built.

4 Q. And why?

5 A. Well, it couldn't be built because
6 partners withdrew and we couldn't find additional
7 partners.

8 Q. Couldn't find additional partners to build
9 an economically sized unit?

10 A. Correct.

11 Q. And has that situation changed today?

12 A. Well, I haven't been out looking for
13 partners here for a while for a coal unit, but I
14 suspect it would be exactly the same.

15 MR. KUNTZ: That's all the recross --
16 redirect I have.

17 JUDGE WAHL: Mr. Savelkoul.

18 MR. SAVELKOUL: Thank you.

19 **REXCROSS-EXAMINATION**

20 **BY MR. SAVELKOUL:**

21 Q. Good morning, Mrs. Stomberg. I've got a
22 few questions here. Now, in going back to Advocacy
23 Staff's Exhibit No. 9, you just went through lines
24 13 through 17, and you suggested that the renewable
25 objective in -- renewable standard in North Dakota

1 certainly drives your behavior to a certain extent.

2 A. The renewable objective is something we
3 understand there's a policy desire.

4 Q. Okay. Now, that renewable -- let's see --
5 objective has cost-effective considerations that
6 must be made in following the objective; isn't that
7 correct?

8 A. It requires cost analysis.

9 Q. Right. And -- and the cost analysis that
10 you did was in resource plans; correct?

11 A. Well, it's one way we do them.

12 Q. Okay. I'm just trying to -- now, you say
13 you've done cost analysis, you knew the numbers,
14 you knew the -- the various factors at the time.
15 But I haven't seen in this record anything that
16 tells us the difference in cost of building this
17 facility versus something that wasn't forced into a
18 system.

19 A. Something renewable that wasn't forced
20 into the system?

21 Q. No. It's anything into a system.

22 A. Well, when we were -- looking at the
23 objective in the RPS, we are looking at renewables.

24 Q. But it requires a cost-effective analysis.
25 So to determine cost effectiveness, don't you also

1 have to look at other options?

2 A. Well, we have been looking at other
3 options, as Dan just kind of stepped me through, in
4 terms of our recent activities to find baseload
5 resource -- energy resources to serve our
6 customers.

7 Q. But we don't have anything, any report,
8 any output that helps us decide -- well, you may
9 have known it in your head and known what was going
10 on in the market. Regulators, ratepayers don't
11 have anything to understand what you understood
12 with respect to the cost of wind, do we?

13 A. Well, there's the 2009 IRP. There's the
14 CPCN, which probably -- in point didn't probably
15 compare and contrast.

16 Q. Right. They said they wouldn't select
17 least cost -- or a generic wind resource. We don't
18 know at what point or at what additional cost it
19 would select a generic wind resource, do we?

20 A. It's not going to be in the IRP. No.

21 Q. And it's not going to be in anything else
22 you've produced.

23 A. I'm not aware of anything where we've
24 discussed that specifically.

25 Q. Okay. And then further on that same

1 objective you said once you do that cost-effective
2 analysis, assuming it's done, regardless, you
3 choose the best option. Now, did you mean
4 regardless or after considering that? I mean
5 regardless to me means irrespective of what the
6 cost analysis output would suggest, we're going to
7 go out and choose based on the various infinite
8 factors, national policy that we believe is going
9 to be put in place that we'll decide on the best
10 option.

11 A. I guess I'm looking -- you know, you're
12 parsing my words to me, "regardless." Let me just
13 look and see because I think I had cited some of
14 that.

15 Okay. Looking at my rebuttal testimony
16 where I quote parts of the rule on page ten, with
17 regard to the renewable energy objective, NDCC
18 requires an economic evaluation to determine if the
19 use of new renewable and recycled energy is cost
20 effective considering other electricity
21 alternatives.

22 THE REPORTER: Whoa, you've got to slow
23 down.

24 THE WITNESS: I'm sorry. I'm sorry. Let
25 me reread that for you.

1 "Requires an economic evaluation to
2 determine if the use of new renewable and recycled
3 energy is cost effective considering other
4 electricity alternatives." That would go to your
5 concerns, sir. And then goes on to state that
6 after this evaluation is complete, the retail
7 provider may use the electricity alternative that
8 best meets its resource or customers needs. And
9 that's what we did. I'm not sure it says
10 "regardless." I'm not sure --

11 Q. (MR. SAVELKOUL CONTINUING) I was just
12 using what you stated earlier today.

13 A. Well, perhaps.

14 Q. So is it your view that you can make that
15 best decision without regard to the cost
16 effectiveness or --

17 A. I think that's exactly what this says. I
18 think the -- I think that the -- that the
19 legislature -- not that that's necessarily what we
20 would do, throw it out the window, but I think
21 that's exactly what it says. That you do -- you do
22 an analysis and after that is complete, you can
23 still -- you can use the electricity alternative
24 that best meets resource or customer needs.

25 Q. So you think you can make that decision

1 without regard to cost?

2 A. I think this rule says both things are
3 important and you have to -- you have both
4 economics and other, as I said in my testimony,
5 salient features that should drive that decision or
6 be considered in the decision to build the
7 renewable resource. I think it's the whole
8 package.

9 Q. Okay. Now, you left a little bit of the
10 statute out in between your quotes here. And after
11 it says "energy alternatives," there's some more
12 language prior to where it starts out with "may"
13 here and that language is, "After evaluating the
14 renewable and recycled energy objective," again, an
15 emphasis on evaluation of that objective and
16 economic evaluation. So it's not saying that you
17 can make it without regard to the cost, is it?

18 A. And I don't think I said that.

19 Q. All right. I guess I'll leave the record
20 say what it says on that note.

21 Okay. I want to go back to some of your
22 discussion with Mr. Roaché in which you were
23 discussing allocation of system costs to a
24 particular jurisdiction. You said that it's not
25 appropriate to -- and I'm paraphrasing here, but I

1 believe your position or the company's position is
2 that it's not appropriate to allocate system costs
3 regardless of -- of the mandate for Montana other
4 than to -- equally to the entire system; is that
5 correct?

6 A. I'm not sure I understand what you just
7 said. Would you restate that?

8 Q. I'm sorry. That was confusing. Is it the
9 company's position that it's not appropriate to
10 specifically allocate these mandated wind costs to
11 Montana for Diamond Willow?

12 A. We have always run an integrated system,
13 and we believe there are enough very positive
14 attributes to that wind generation in Montana that
15 it's appropriate to allocate the energy as well as
16 the costs to our entire integrated system.

17 Q. Okay. And you say you don't specifically
18 allocate, but don't -- don't you --

19 A. Don't specifically allocate what?

20 Q. Integrated system costs to a particular
21 state.

22 A. We have never done that, to my knowledge.

23 Q. Do you -- now, you do it with respect to
24 distribution assets. You specifically allocate
25 distribution assets that are necessary to

1 distribute the energy within the jurisdiction,
2 don't you?

3 A. I'm not exactly sure. I was looking at
4 Rita here who knows this far better than I do. I
5 do not know exactly how our distribution assets are
6 allocated within our region. I'm sorry.

7 Q. So you don't know if your system
8 specifically allocates assets?

9 A. I don't know if our system specifically
10 allocates distribution assets the same way.

11 Q. Fair enough. Are you familiar with
12 demand-side management programs or conservation
13 improvement programs that some states impose?

14 A. Generally, yes.

15 Q. Do any of your states impose them?

16 A. Impose a requirement for certain DSM? I'm
17 not aware that there's a requirement for DSM.
18 There certainly is a desire, subject to check with
19 my regulatory folks.

20 Q. If a particular -- in your understanding
21 of other utility systems, then, if a state
22 specifically allocates demand-side management goals
23 or certain conservation goals and there are costs
24 associated with that, do utilities typically
25 allocate those costs to just that jurisdiction?

1 A. I don't know what other utilities may do
2 with regard to allocating costs.

3 Q. And you don't -- you don't know whether
4 your company specifically allocates --

5 A. The DSM costs?

6 Q. -- DSM costs?

7 A. My understanding is the DSM costs are part
8 of our entire integrated system costs because they
9 go to reduce energy and capacity throughout our
10 system --

11 Q. Okay.

12 A. -- subject to check, but I believe that's
13 how it's done.

14 MR. SAVELKOUL: I don't have anything
15 further. Thank you.

16 JUDGE WAHL: Follow-up, Mr. Roaché?

17 MR. ROACHÉ: Yes.

18 **RECROSS-EXAMINATION**

19 **BY MR. ROACHÉ:**

20 Q. This is -- when you were answering
21 questions from Mr. Kuntz, speaking about the
22 least-cost option for renewable energy and wind was
23 the choice, if -- what other options are there if
24 you're going to go for renewable for actual
25 production of electricity for MDU? I mean is there

1 any other choice besides wind that's realistic?

2 A. That's realistic? I don't believe so. I
3 mean solar is out there. My understanding of
4 installed cost for solar is at least double what
5 wind is. You know, there's some other little
6 things out there, but by and large wind is, to my
7 understanding, the most price competitive of the
8 renewables that are available.

9 Q. So once you decided a portfolio of a mix
10 that included renewable, you automatically said
11 10 percent of our electricity is going to be
12 produced by wind. It was a given.

13 A. No. We certainly looked at what the -- we
14 looked at a number of features when we decided to
15 build what we decided to build. We had the Montana
16 RPS, which drove some of it. We had an energy need
17 for all of our customers. We had the PTCs that
18 were available at the time that we felt we needed
19 to capture, and that's been a political football in
20 terms of when those are going to expire. We needed
21 to capture -- wanted to capture the PTCs for the
22 benefit of our customers. We looked at, also, even
23 though it wasn't quite as cogent, the ability to
24 interconnect to our own system without significant
25 system upgrades. There's 300 megawatts of wind

1 seeking to interconnect in that exact area that had
2 any of that developed ahead of us could very well
3 have driven additional interconnection costs for
4 our customers in that area as well as throughout
5 our system.

6 So there were -- there were a number of
7 other things that -- including the availability
8 of -- of small lots of turbines. We're a small
9 company. GE likes to sell 200 turbines at a time;
10 if you can manage to find a way to buy 13 to 20 of
11 them because they've got them available, that's an
12 opportunity that doesn't always come along. There
13 were many things that factored into how much we
14 built, when we built and where we built it.

15 Q. Okay. The point I was trying to bring
16 out, and my question is, is that once you decided
17 on 10 percent or any percentage of using renewable
18 in today's world and what we have going out there,
19 it's going to be wind is going to be the answer
20 some way, whether you produce it yourself or you
21 purchase it or -- wind is going to be the answer
22 somehow.

23 A. Well, if somebody brought us a solar
24 project that was competitive, we'd sure look at it.
25 I mean Ormat was not a wind --

1 Q. But they're not financially viable, are
2 they, really?

3 A. Ormat?

4 Q. No. The -- the other alternatives, I
5 mean, for actually producing up to 10 percent of
6 your power.

7 A. Oh, you know, I think if you build a solar
8 farm big enough, you can produce a lot of
9 megawatts.

10 MR. ROACHÉ: All right. Thank you.

11 JUDGE WAHL: Mr. Skokos?

12 MR. SKOKOS: Yeah.

13 **RE-CROSS-EXAMINATION**

14 **BY MR. SKOKOS:**

15 Q. Ms. Stomberg, you talked with, I think it
16 was, Commissioner Kalk and he discussed the
17 difficulties of wind and you had a response to
18 that. I would just like to know if you could
19 delineate the differences in -- or the different
20 difficulties that are different between wind and
21 coal.

22 A. In terms of permitting, in terms of -- I'm
23 not -- I want to make sure I answer it right so
24 maybe you could give me a few more --

25 Q. Just like the different regulations and

1 different permitting things that put constraints on
2 either -- either resource.

3 A. Sure. Well, I'll start with the easy
4 one -- or maybe it's easy, I don't know. For a
5 wind farm you typically not only have siting, you
6 need leases, need to be concerned about whether
7 minerals have been leased under where you want to
8 lease your wind. You have setbacks. You have
9 flicker. You have sound, waste pollution. All
10 those things are issues. You have to be worried
11 about a whooping crane wrapping himself around your
12 turbine, and we're in the main flyway. The best
13 wind resource in North Dakota is the best whooping
14 crane habitat. It's an issue. So you've got to be
15 cognizant of that and mitigate that. You need your
16 Fish & Wildlife permits potentially.

17 So you've got your siting, all of which
18 deals with all those issues I was talking about,
19 which is either county, might eventually be state
20 siting -- might have some siting authority over
21 that. Then you've got similar issues siting your
22 transmission. And more and more in North Dakota,
23 because our system was not built for wholesale
24 sales, big wholesale sales, a lot of expensive
25 upgrades to ensure deliverability of a lot of wind

1 out of this state. Multimillion dollar upgrades
2 for that.

3 So you've got the MISO process to step
4 through, and then you've certainly got to get the
5 equipment and you've got to get the cranes and
6 you've got to get the things built. So those are
7 some of the issues around wind that are
8 considerations in siting that.

9 Now, in a coal plant you need water
10 permits. You need water in. You need water out.
11 You need air permits. That's a biggie. You need
12 permits to construct. You need permits to operate.
13 You've got to do all your modeling to figure out
14 what kind of controls you put on there. You need
15 waste disposal. You need siting. A litany of
16 environmental regulations. I can probably go on,
17 but I don't think I need to.

18 Q. Yeah. It would take forever. Okay. Just
19 to piggyback off that, like, what are some -- what
20 are some reasons that -- or what are some reasons
21 that regulations under the EPA that specifically
22 discourage you from building new coal?

23 A. Well, they don't necessarily discourage.
24 They just add costs.

25 Q. Okay. What are some of the ones that add

1 the most costs to a coal project?

2 A. Well, certainly the pollution control
3 requirements -- the best available control
4 technology requirements for mercury, for NO_x, for
5 SO₂ are -- are very stringent and can add a lot of
6 costs to a coal plant.

7 MR. SKOKOS: Okay. Actually, Judge, I'd
8 like to offer the newspaper article that I offered
9 earlier as MVRC -- it's marked as 4, but we can
10 mark it as 1.

11 JUDGE WAHL: Yes. You'll have to bring me
12 another copy. I marked mine. I'm sorry.

13 MR. SKOKOS: Okay. Do you want another
14 copy?

15 JUDGE WAHL: Please.

16 MR. SKOKOS: Okay. Sorry about that.

17 JUDGE WAHL: And I note that the copy
18 you've given me is highlighted as you referenced
19 it.

20 MR. SKOKOS: Yes.

21 JUDGE WAHL: So the copy, counsel, that I
22 have and am marking as Exhibit MVRC 4, the
23 photocopy of a portion of the -- *The Bismarck*
24 *Tribune*, Thursday, May 6, 2010, with Ms. Stomberg's
25 quotation highlighted in that last paragraph.

1 Mr. Kuntz?

2 MR. KUNTZ: I have no objection.

3 JUDGE WAHL: Mr. Savelkoul?

4 MR. SAVELKOUL: Nothing further. Thank
5 you.

6 JUDGE WAHL: And no --

7 MR. SAVELKOUL: Oh, and no objection.

8 JUDGE WAHL: Mr. Roaché?

9 MR. ROACHÉ: No objection.

10 JUDGE WAHL: Ms. Jeffcoat-Sacco?

11 MS. JEFFCOAT-SACCO: No objection.

12 JUDGE WAHL: Exhibit MVRC 4 is received.

13 Anything further, Mr. Skokos?

14 MR. SKOKOS: Just one last question.

15 Q. (MR. SKOKOS CONTINUING) I heard, when you
16 were talking to Mr. Savelkoul, that he -- he was
17 talking about how future regulations affect how
18 you're doing your business. It's my understanding
19 that the Massachusetts versus EPA is not a future
20 regulation. It is -- the EPA is allowed to
21 regulate --

22 A. Would you remind me again exactly in one
23 sentence what that rule does?

24 Q. What that rule does is it determined
25 that --

1 MR. KUNTZ: I'm going to object, Your
2 Honor. We've got -- it's a court case, you know,
3 it's a state -- I think Mr. Skokos is asking Andrea
4 to testify as to her interpretation of what that
5 court case says. I think that's, you know,
6 appropriate for a brief. You know, whether it's --
7 what the effect of that particular court case I'm
8 not sure is really appropriate for this witness, I
9 don't think. We don't have a foundation for that
10 here.

11 JUDGE WAHL: Mr. Savelkoul?

12 MR. SAVELKOUL: I would second that. I
13 was going to say I don't think we have foundation.

14 JUDGE WAHL: Any response, Mr. Skokos?
15 The objection is sustained.

16 MR. SKOKOS: No further questions.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco?

18 MS. JEFFCOAT-SACCO: We have no questions.

19 JUDGE WAHL: Follow-up by the
20 commissioners? Commissioner Clark.

21 COMMISSIONER CLARK: Just one very
22 quickly.

23 **FURTHER EXAMINATION**

24 **BY COMMISSIONER CLARK:**

25 Q. I know some states that have the renewable

1 portfolio mandates have an off-ramp or a safety
2 valve from a cost standpoint. Are you familiar,
3 does Montana have language similar to that?

4 A. Montana does have language similar to
5 that. A 15 percent delta between produced cost of
6 renewable to next available -- I forget exactly
7 what the language is -- next available reasonable
8 alternative is the off-ramp you could make a case
9 to the Commission that you would not be required.

10 Q. Okay. But the utility has to -- to,
11 itself, choose to make that case?

12 A. I believe so. I don't remember the exact
13 wording of the statute other than there's a
14 15 percent.

15 Q. How was MDU able to do that assessment in
16 this particular case? In other words, what was the
17 baseline assumption and then what would the -- if
18 you have to figure a delta, you have to figure a
19 baseline. So what was the baseline number that was
20 plugged in?

21 A. We do -- we did the RFP and we did the
22 analysis of what we believed the net present value
23 of Diamond Willow I would be, looked at market
24 pricing, looked at generation from other resources.
25 You know, we didn't spend -- we didn't -- we didn't

1 make -- go in to the Commission on that. I mean
2 the market price of that wind farm was -- well, the
3 price was about on market. Didn't see a huge delta
4 in terms of the energy price off of that wind farm.

5 Q. Okay. So the -- in making its decision on
6 whether it would -- when I say "it," I mean
7 Montana-Dakota -- whether MDU would go to the
8 Commission and ask for safety valve relief, the
9 baseline number that it was judging Diamond Willow
10 against was the market cost for power, the MISO
11 market cost for power?

12 A. Well, that really was the -- the most
13 available source of power for us because we're
14 looking at an energy resource.

15 COMMISSIONER CLARK: Okay. Thanks.

16 JUDGE WAHL: Further questions from the
17 Commission? Commissioner Kalk.

18 COMMISSIONER KALK: Just a quick
19 follow-up, Andrea.

20 **FURTHER EXAMINATION**

21 **BY COMMISSIONER KALK:**

22 Q. The -- not so much to this case but maybe
23 down the road, is there something that the state
24 could do differently, that this Commission could do
25 differently to give you some more certainty as you

1 plan forward and you're going to develop your next
2 resources? When you sit and plan, is there
3 something that just -- that we would -- a signal
4 that the Commission could send to the state -- I
5 mean your -- you talked before about the
6 challenging world you operate in, and I don't
7 disagree with that.

8 A. Well, the ambiguity of the REO certainly
9 is --

10 Q. Okay.

11 A. -- you know, is a complicating factor.
12 Having the opportunity to make the case in an ADP
13 is important for large, highly capital intensive
14 projects.

15 Q. Did you hear the questions yesterday we
16 asked -- I asked a lot about whether there is a
17 value to ADP. So do you see a value to ADP?

18 A. I think there's certainly a value to the
19 ADP for our board, for me when I think about taking
20 something to the board. I believe there's a
21 financial benefit, albeit hard to quantify perhaps
22 in terms of -- and it depends on, you know, the
23 particular situation that the -- that the
24 investment world is in at the time. There may be a
25 time it's less important.

1 Q. So we talked before, you and I, about the
2 CP&N and ADP. You said essentially they kind of
3 were the same in your mind, paraphrasing, but my
4 attorney tells me they're much different than that.
5 But walk me through that a little bit again. But
6 you -- I guess maybe not walk me through it.
7 You're saying the ADP has value. So how do you
8 determine whether you just go for a CP&N or ADP
9 then?

10 A. Well, CP&N would only apply to in-state
11 resources --

12 Q. Right.

13 A. -- and we -- as much as we would maybe
14 like to build, for instance, our next big coal
15 plant in North Dakota, it may not be in North
16 Dakota. There may be reasons, like with Big Stone,
17 that it made sense to do a Brownfield development,
18 so it was out of state. And, yet, it's a cost our
19 customers are going to incur. So I don't
20 understand that the CPCN would apply to that.

21 COMMISSIONER KALK: Okay. Fair enough.

22 Thank you.

23 JUDGE WAHL: Commissioner Cramer.

24 COMMISSIONER CRAMER: I might just
25 follow-up.

FURTHER EXAMINATION

1
2 **BY COMMISSIONER CRAMER:**

3 Q. And maybe this is more of a statement, but
4 part of my concern about the ADP is that your board
5 collects the big salary and we make their decision
6 for them. That's my problem with the ADP. Clearly
7 a board would like it, I understand that, but I'm
8 starting to think they like it a little too much.

9 A. Well, I don't know. I think it's one of
10 many, many factors that go into these things.

11 COMMISSIONER CRAMER: All right. Nothing
12 else.

13 JUDGE WAHL: Any further questions from
14 the Commission?

15 Follow-up, Mr. Kuntz?

16 MR. KUNTZ: Thank you.

REDIRECT EXAMINATION

17
18 **BY MR. KUNTZ:**

19 Q. Ms. Stomberg, Mr. Savelkoul questioned you
20 regarding some quotations in your direct testimony
21 around the North Dakota renewable objective
22 statute. And I want to provide you a full copy of
23 that statute right now. Mr. Savelkoul asked you to
24 expect that Montana, in essence, has not produced a
25 formal written report or analysis of the economic

1 analysis it did around Diamond Willow I and Diamond
2 Willow II.

3 Is there anything in that statute that you
4 see that would require the company to produce a
5 formal modeling process or economic written
6 analysis as part of its evaluation of a renewable
7 resource versus its other alternatives?

8 A. Nothing at all.

9 Q. And is there anything in that statute that
10 you see that says the company should only fulfill
11 its objective if it is the least-cost alternative
12 as part of that analysis?

13 A. No.

14 MR. KUNTZ: Nothing further.

15 JUDGE WAHL: Mr. Savelkoul?

16 MR. SAVELKOUL: One follow-up.

17 **RE-CROSS-EXAMINATION**

18 **BY MR. SAVELKOUL:**

19 Q. Can you point to any informal report that
20 asserts to the cost effectiveness of wind as
21 compared to other resources?

22 A. Well, certainly our -- our IRP has figures
23 in it that could be used to derive that, you know.
24 Internally we would have some that, but the IRP is
25 a published document that has numbers that could be

1 used to compare and contrast.

2 MR. SAVELKOUL: All right. And Mr. Neigum
3 is probably the best to answer IRP questions.

4 THE WITNESS: He's -- he's the expert
5 there.

6 MR. SAVELKOUL: Okay. Thank you.

7 JUDGE WAHL: Mr. Roaché.

8 **REXCROSS-EXAMINATION**

9 **BY MR. ROACHÉ:**

10 Q. Ms. Stomberg, referring to the statute.
11 You're not required to do a study or produce
12 documentation on least cost nor do other things
13 that would -- that would -- may be helpful to the
14 Public Service Commission or anyone else to
15 determine if it's least cost? Well, the question
16 is you're not required to do some of the things
17 that have been brought up here to do and you're not
18 required under the law to do a cost study or to do
19 those sorts of things; right?

20 A. With regard to the North Dakota
21 objective --

22 Q. Statute, yeah.

23 A. We are required to do an economic
24 evaluation, and after doing that can apply business
25 decisions to our decisions to meet or not meet the

1 REO.

2 Q. But if you don't come to the Commission
3 and get a ruling on prudence -- you don't have to
4 come and get a ruling on prudence; correct?

5 A. We have to get a CPCN in order to build
6 this resource in the State of North Dakota. So we
7 would have -- we would be -- have been in front of
8 this commission with a filing about the Cedar Hills
9 wind farm, which was approved.

10 Q. From what I'm following with -- one of the
11 concerns is that without giving a lot of
12 information and cost data before going forward,
13 there's no way to alter before you build.

14 A. This is -- this is -- this is true. I
15 mean one of the things we don't have is full
16 commission blessing of any project prior to having
17 it committed to and done. That is the world we
18 live in.

19 Q. Well, then that being the case, you accept
20 the fact that you're at risk.

21 A. Yes.

22 Q. Because once you've built it, when you
23 come to a hearing and you ask to have it accepted,
24 since you haven't done those things, it may be
25 rejected because it's not what would be approved.

1 A. We understand that we're always at risk in
2 front of the Commission for commitments we have
3 made.

4 MR. ROACHÉ: Thank you. No further
5 questions.

6 JUDGE WAHL: Mr. Skokos?

7 MR. SKOKOS: No further questions.

8 JUDGE WAHL: Ms. Jeffcoat-Sacco?

9 MS. JEFFCOAT-SACCO: None. Thank you.

10 JUDGE WAHL: Follow-up by the Commission?
11 Any further questions by the Commission?

12 If not, I think you're done, Ms. Stomberg.
13 I don't hear any objections, so --

14 THE WITNESS: None from me.

15 JUDGE WAHL: All right. I think we should
16 be in recess until ten after ten.

17 (Recessed at 10:01 a.m. to 10:15 a.m.)

18 JUDGE WAHL: All right. We're running.

19 Mr. Kuntz, your next witness.

20 MR. KUNTZ: Montana-Dakota calls Mark Del
21 Vecchio, please.

22 JUDGE WAHL: Mr. Del Vecchio, as you know,
23 your testimony is required to be under oath and I'm
24 required by law to advise you regarding perjury
25 before administering it to you. Perjury is a false

1 statement of material fact which you do not believe
2 to be true. In North Dakota perjury is a Class C
3 felony punishable by a fine up to \$5,000,
4 imprisonment for a period of up to 5 years, or
5 both.

6 (Witness sworn.)

7 JUDGE WAHL: Mr. Kuntz.

8 MR. KUNTZ: Thank you.

9 **MARK A. DEL VECCHIO,**

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

12 **DIRECT EXAMINATION**

13 **BY MR. KUNTZ:**

14 Q. Mr. Del Vecchio, would you please state
15 your full name and your business address?

16 A. Sure. Mark Del Vecchio. 1200 West
17 Century Avenue, Bismarck.

18 Q. And whom are you employed by, Mr. Del
19 Vecchio?

20 A. MDU Resources Group, Inc.

21 Q. And what's your position with MDU
22 Resources Group, Inc.?

23 A. Vice president of human resources.

24 Q. How long have you held that position?

25 A. Approximately three years.

1 Q. And did you have a position with MDU
2 Resources Group prior to that?

3 A. Yes, sir.

4 Q. And what was that?

5 A. I was the director of -- of compensation
6 and benefits.

7 Q. For MDU Resources Group?

8 A. Yes, sir, for MDU Resources Group.

9 Q. Approximately how long did you hold that
10 position?

11 A. Approximately four years.

12 Q. And have you caused to be prepared
13 rebuttal testimony of Mark A. Del Vecchio that has
14 been prefiled in this proceeding and what's in
15 front of you marked as MDU Exhibit 7?

16 A. Yes.

17 Q. And if I were to ask you the questions
18 that appear in MDU Exhibit No. 7 today, would your
19 responses be the same?

20 A. Yes, sir.

21 MR. KUNTZ: Mr. Hearing Officer, we would
22 offer MDU Exhibit 7 at this time.

23 JUDGE WAHL: Mr. Savelkoul?

24 MR. SAVELKOUL: No objection.

25 JUDGE WAHL: Mr. Roaché?

1 MR. ROACHÉ: No objection.

2 JUDGE WAHL: Mr. Skokos?

3 MR. SKOKOS: No objection.

4 JUDGE WAHL: Ms. Jeff -- we don't have any
5 lawyers here for the Commission. All right.
6 Exhibit MDU 7 is received.

7 We really need a lawyer here for the
8 Commission.

9 COMMISSIONER CRAMER: Yeah, we really do.

10 JUDGE WAHL: Let's recess until we find a
11 lawyer. I didn't notice that.

12 (Recessed at 10:18 a.m. to 10:19 a.m.)

13 JUDGE WAHL: We've got MDU Exhibit 7, the
14 direct testimony of Mark Del Vecchio. MDU
15 Exhibit 7 is received.

16 Q. (MR. KUNTZ CONTINUING) Mr. Del Vecchio,
17 could you give the Commission and the parties in
18 the room a brief summary of your rebuttal
19 testimony, please?

20 A. Sure. In my rebuttal testimony I -- I
21 speak to the -- the appropriateness of offering
22 incentives -- annual incentives to employees and
23 how that supports, among other things, a number of
24 our constituents, not the least of which are
25 customers, as well as the communities that we

1 service, the company itself, shareholders.

2 Secondarily, I speak to the
3 appropriateness of directors' fees, the board of
4 directors' fees.

5 Q. And could you just expand a bit on the
6 incentive compensation piece as a compensation
7 package for employees?

8 A. Well, as Mr. Goodin testified yesterday,
9 our approach is to -- is to look to be around the
10 50th percentile or the middle, the median, of the
11 three primary components of remuneration. One is
12 base pay; the second would be annual incentive; and
13 the third would be employee benefits, health
14 benefits, welfare benefits, retirement benefits.

15 We try to -- try to target to be around
16 the middle of the appropriate labor market; and
17 when I say appropriate, it kind of depends on where
18 you buy the labor. Could be locally here, could be
19 regional, and in some cases maybe even national.

20 Q. And do you do surveys or what do you do to
21 make sure that the company is competitive in its
22 total package of employee compensation?

23 A. On an annual basis we review the -- the
24 competitive target in base salary for about a third
25 of our positions. And we will look to see what a

1 competitive target -- a competitive base salary is
2 for a particular position to confirm -- to confirm
3 where we have that position slotted in our -- in
4 our particular structure, our grading structure.
5 What we try to do is make sure that that
6 competitive target and base salary aligns with the
7 middle of the grade that we have the job in.

8 Q. And do you do similar reviews with respect
9 to incentive compensation and benefit components of
10 employee compensation?

11 A. We do. We do not do those annually.

12 Q. How often do you do those?

13 A. Probably every two or three years.

14 Q. And is it your goal there, also, to
15 provide packages that are near the median?

16 A. Yes, sir.

17 Q. And then briefly describe your testimony
18 around directors' fees.

19 A. Well, I -- I think by virtue of the fact
20 that we're -- we're a public company and some of
21 the benefits, not the least of which is accessing
22 the capital markets, we need to have a board of
23 directors. I mean it's -- it's -- there's no
24 choice. We have to. And there are tangential
25 benefits to being a public company, so I -- I think

1 the fees that we have to pay directors is
2 appropriate, lines up with the -- with the business
3 and the customers and --

4 Q. And, Mr. Del Vecchio, yesterday there were
5 some questions regarding the status of the
6 company's defined benefit plan in terms of its
7 funding status. Are you familiar with that?

8 A. Yes, sir.

9 Q. And you're a person who could speak to
10 that, where that status is?

11 A. Yes, sir.

12 Q. Could you tell the Commission what is the
13 funding status of the company's defined benefit
14 plan?

15 A. Sure. As of January 1, 2010 -- and I
16 reference that because we -- for financial
17 statement disclosure purposes that's a -- that's
18 a -- actually 12-31-09, we have to speak to the
19 funding status of our various defined benefit
20 plans.

21 The bargaining unit plan is funded
22 approximately 92 percent. In other words, assets
23 are approximately 92 percent of liabilities. Our
24 nonbargaining unit plan is a little bit lower.
25 It's about 80 percent. And all I would just add,

1 it's not as simple as taking the assets and
2 dividing it by the liability. The financial
3 accounting protocol is that we have to smooth --
4 smooth asset returns over a period of -- I think
5 it's 24 months, 36 months. So the gains and losses
6 that we've seen in our assets we need to amortize
7 and look at that kind of compared to -- to what the
8 obligation is.

9 Q. And was the company's move described by
10 Mr. Goodin to move away from a defined benefit plan
11 to a contribution plan intended to reduce the risk
12 associated with the funding of those plans?

13 A. Yes, sir. Absolutely.

14 Q. Can you describe that for the Commission a
15 bit?

16 A. Well, we have -- we have a number of
17 sources of risk, if you will, not the least of
18 which is asset return volatility. But another
19 primary source of risk is the -- the liability is a
20 function primarily of interest rates. And as
21 interest rates may ebb and flow, the corresponding
22 projected benefit obligation also bobs up and down.
23 Currently -- the current interest rate environment
24 which is low, historically low, drives the present
25 value of those future payment streams up, so it

1 reduces our funding percentage. So there's risk
2 along with the interest rate, as well as mortality
3 risk and a number of other sources of risks.

4 Q. And those risks are lessened or removed by
5 the defined contribution plan?

6 A. Yes.

7 MR. KUNTZ: That's all the questions I
8 have of Mr. Del Vecchio. He's available for
9 cross-examination.

10 JUDGE WAHL: Mr. Savelkoul.

11 MR. SAVELKOUL: Thank you, Your Honor.

12 **CROSS-EXAMINATION**

13 **BY MR. SAVELKOUL:**

14 Q. Good morning, Mr. Del Vecchio.

15 A. Good morning.

16 Q. First, if I can direct your attention to
17 your rebuttal. On page two you say, "The company's
18 ability to maintain a competitive total
19 remuneration package helps avoid employee turnover.
20 High employee turnover could impede safe the and
21 reliable delivery of low-cost service."

22 Have you conducted a study of employee
23 turnover?

24 A. I did approximately a couple years ago.

25 Q. Okay. Was it higher than industry

1 standards for MDU?

2 A. No. The voluntary turnover was about
3 consistent with what we would see in the utility
4 industry.

5 Q. What -- what areas of employment
6 experienced higher turnover than others?

7 A. I'm sorry. Say that again. I'm not
8 quite --

9 Q. What jobs -- were there -- were there
10 particular jobs that experienced higher turnover
11 than others?

12 A. Not that I can recall.

13 Q. Did -- so that was a few years ago?

14 A. Yes, sir.

15 Q. Did -- did -- did this study tell you you
16 were over- or are undercompensating employees in
17 any way?

18 A. No. I think it -- I believe it kind of
19 just kind of reinforced that what we were doing was
20 probably kind of in the hunt, you know, it was kind
21 of in the -- in the ballpark.

22 Q. Did -- did -- did you find that people
23 were leaving through this study, that they were
24 leaving as a result of inadequate incentive pays?

25 A. No.

1 Q. Did it tell you anything about your level
2 of incentive pay?

3 A. Kind of reinforced the fact that what we
4 were doing was competitive.

5 Q. Do you still have that turnover report?

6 A. I'm sure it's somewhere. I'll have to --
7 I'd have to dig it out.

8 Q. Would you be willing to submit it for the
9 record?

10 A. Sure, if I can find it. Any problem with
11 that or --

12 MR. KUNTZ: No, subject to being able to
13 locate it. We can make it a late-filed exhibit.

14 JUDGE WAHL: Is that the request,
15 Mr. Savelkoul?

16 MR. SAVELKOUL: Yeah, that would be a
17 request.

18 JUDGE WAHL: And, Mr. Kuntz, assuming the
19 report can be found, MDU does not have an
20 objection? Mr. Kuntz?

21 MR. KUNTZ: No objection.

22 JUDGE WAHL: So what are we going to --
23 how is this report described?

24 MR. KUNTZ: I'm going to -- I guess --

25 JUDGE WAHL: Well, first of all, what is

1 the last MDU Exhibit number?

2 MR. KUNTZ: By my list here, it would be
3 MDU Exhibit 13.

4 JUDGE WAHL: All right. For the record,
5 this will be MDU 13. And, Mr. Kuntz, how is it
6 described?

7 MR. KUNTZ: I'm going to call it the
8 employee turnover report. Or is there a better
9 term for it, Mr. Del Vecchio?

10 THE WITNESS: Yeah. That's fine. It was
11 actually prepared for a comp committee meeting
12 probably two or three years ago. I --

13 MR. KUNTZ: Hopefully we can find it.

14 THE WITNESS: Yeah.

15 JUDGE WAHL: Well, so, in any event, MDU
16 13 is -- well, we better check. I'm assuming.
17 Mr. Roaché, any objection?

18 MR. ROACHÉ: No objection.

19 JUDGE WAHL: Mr. Skokos, objection?

20 MR. SKOKOS: No objection.

21 JUDGE WAHL: Ms. Jeffcoat-Sacco?

22 MS. JEFFCOAT-SACCO: No objection.

23 JUDGE WAHL: No. So MDU 13 is received as
24 a late-filed exhibit, assuming it can be located.

25 MR. SAVELKOUL: Thank you.

1 JUDGE WAHL: Mr. Savelkoul.

2 MR. SAVELKOUL: Thank you.

3 Q. (MR. SAVELKOUL CONTINUING) Next, Mr. Del
4 Vecchio, if I can direct you to page six of your
5 rebuttal testimony. And, again, in lines three --
6 the sentence that starts on line three, "We
7 conducted" -- well, I better start before that.

8 Let's start on page five, line 23. It
9 reads, "From an incentive compensation standpoint,
10 the analytical framework is identical to what
11 you" -- "that of" -- "the above-mentioned approach
12 on base salaries. We compare a position's target
13 incentive percentage to the target incentive
14 percentage noted in the various salary surveys. We
15 conduct this analysis every three to four years,
16 and the most recent analysis, which was two years
17 ago, was not retained. In general, however, MDU's
18 target incentives were slightly above the market
19 survey incentives while Montana-Dakota's were
20 roughly aligned with the market survey."

21 Do you think these kind of reports are
22 helpful for regulators and intervenors in -- in
23 rate cases to assess incentive programs?

24 A. Do I think they're helpful to regulators
25 and intervenors? I would think on the margin they

1 would be.

2 Q. Why -- why didn't you retain that survey?

3 A. Just -- we generate an awful lot of
4 analytics and reports, and many of them are just to
5 answer here and now kinds of questions, you know,
6 are we competitive or aren't we? And if the answer
7 is yes, then move on. If no, then let's make
8 adjustments.

9 Q. Have you likewise obtained a study about
10 executive total compensation and incentive
11 compensation?

12 A. Yes, sir.

13 Q. Has that been provided in this case?

14 A. I don't know. I thought we gave some --
15 provided some stuff from the Towers folks, but --

16 JUDGE WAHL: If you don't know, Mr. Del
17 Vecchio, you don't know.

18 THE WITNESS: I don't -- I don't recall.
19 I mean I --

20 Q. (MR. SAVELKOUL CONTINUING) Okay. Now,
21 going back to the report on incentive pay, can you
22 summarize with more specificity about the job
23 categories, what it said, specific to incentive
24 pay?

25 A. I'm afraid I can't. I mean that -- what I

1 offered was just kind of a general kind of
2 recollection that, yeah, we're -- what we've done
3 makes sense from a competitive standpoint.

4 Q. Okay. With respect to your incentive and
5 bonus programs, I want to just talk about those
6 generally over the last few years. From 2007 can
7 you tell us how those incentive programs have
8 changed to current dates?

9 A. Are you talking about the Montana-Dakota
10 incentive plans?

11 Q. The utility company, yes.

12 A. The utility. Well, you know, subject to
13 verification, I -- my recollection is that the --
14 the plan that we had in place for the majority --
15 they're our rank-and-file employees -- had, you
16 know, various criteria dealing with customer
17 satisfaction, expense control, some regional
18 operating kinds of criteria, I believe system up
19 time and some safety goals, and then probably some
20 earnings quality goals, return on invested capital,
21 earnings per share. And I think the primary change
22 since '07 has been breaking out the safety
23 component as a separate kind of plan than the other
24 ones. It's -- is that a fair --

25 Q. Okay.

1 A. But the essence really hasn't, I don't
2 think, changed much.

3 Q. Has the weighing on profitability or
4 earnings changed over that period of time?

5 A. I don't believe it has.

6 Q. Did the -- can you tell me approximately
7 how much of the incentive compensation, then, is
8 allocated to income or earnings?

9 A. Well, my memory is somewhere in the 15 to
10 20 percent range of the incentive.

11 Q. Has that changed over time?

12 A. I don't believe it has. If it has, it
13 hasn't been appreciable.

14 Q. I've got a confidential piece of discovery
15 that I don't necessarily want in the record. I'd
16 like to --

17 A. Okay.

18 Q. -- approach and maybe this will help
19 refresh your memory.

20 A. Sure.

21 Q. Okay. Now, if I can get you to turn to
22 page -- the third page in.

23 A. Third page in. Okay.

24 Q. Does that help you determine how the
25 profitability or earnings are weighed in

1 determining a bonus for 2007?

2 A. Well, this says the profitability is
3 50 percent, and this is the mid-management plan.

4 Q. I'm sorry?

5 A. Well, this is the -- this is the
6 mid-management plan, which is really -- it was not
7 the same one that I was referring to earlier. The
8 one I was referring to was really more of the rank
9 and file. This is the plan dedicated to more, I'd
10 say, managers and directors.

11 Q. Okay. If I can get you to turn to the
12 rank-and-file portion of that. I'm looking at what
13 would be, I think, the 13th page in.

14 A. Okay.

15 Q. I guess it would be the 15th page in. The
16 13th page on my document.

17 MR. SAVELKOUL: Do you want one?

18 MR. KUNTZ: Yeah, it would be nice. Thank
19 you.

20 THE WITNESS: Okay. This is a -- there's
21 a number nine at the bottom in the lower right-hand
22 corner. I think somebody wrote the --

23 Q. (MR. SAVELKOUL CONTINUING) Actually, I'm
24 looking at the one with a 13 in the lower
25 right-hand corner.

1 A. Oh, okay.

2 Q. And maybe nine's better, but you can
3 explain that. It looks to me that there's columns
4 that indicate what is being weighed for the bonus
5 program. And it looks like financial says a
6 certain number, the safe says another number, and
7 then there are a couple other categories that have
8 a half a point allocated to them. Does that
9 indicate that -- that financial is a heavier weight
10 than 15 percent to you?

11 A. I -- yeah, I'm not sure what these mean.
12 I don't know what the -- what the -- what the
13 numbers on there --

14 Q. I guess we had that problem too.

15 A. Yeah. I'm not close enough to the
16 administration of the plan to --

17 Q. So you can't -- you can't tell us how
18 profitability or financial was weighed?

19 A. I can't tell you what the numbers on this
20 report mean. My recollection is that the way the
21 plan was designed, that it was a -- it was maybe a
22 20 percent kind of weighting on the beta plan.

23 Q. Okay. This -- the question we asked was
24 please provide a schedule showing incentives and
25 performance-paying bonuses to each category of

1 employees during 2008 and 2010 project test period.
2 Please provide copies of studies and detailed
3 calculations of such payments.

4 Did you help in providing answers to this?

5 A. No, sir. I didn't prepare this.

6 Q. You're the director of human resources --
7 or vice president of human resources. Somebody
8 under your -- you supervise would have prepared
9 this?

10 A. No. This would have been probably
11 prepared by the HR leader at Montana-Dakota
12 Utilities.

13 Q. Okay. Based on what we were just looking
14 at, that page 13, can you make the -- a statement
15 that -- any type of a conclusion as to what the
16 financial weighing of -- or the weighing of
17 financial performance has on bonuses or incentive
18 pay?

19 A. Well, what it looks like -- what it looks
20 like, and I -- again, I -- this is the first time
21 I've ever seen anything like this. It looks like
22 in 2007 where the total bonus percentage was six,
23 that was subdivided FIN, four; individual safety,
24 one; and then one-half of a point per the unreg and
25 customer service.

1 Q. Okay. That's what it looked like to us
2 too. So that would be for four of the six points
3 weighed, the financial?

4 A. If I'm interpreting it right, yeah.

5 Q. Okay. Maybe you can go through now what
6 the current plan is. The current plan is
7 15 percent weighed on financial performance?

8 A. I believe it's in the 15 to 20 percent
9 range.

10 Q. Okay. And you said that relates to a
11 certain level employee. Can you tell me what level
12 employee your conclusion would relate to?

13 A. Sure. It -- that would be employees
14 really below -- below what I would call a -- you
15 know, kind of a manager level. Manager or senior
16 manager. So our accounting folks, our engineering
17 folks.

18 Q. So the page I had you on before, that was
19 titled mid-management.

20 A. Yes, sir.

21 Q. And that would be for those below
22 mid-management?

23 A. Well, the mid-management plan would be for
24 people who are, you know, probably managers, senior
25 managers, directors, regional managers. This plan

1 that we were just looking at that had the four, one
2 and one-half and one-half, that would be for
3 employees below -- below the --

4 Q. And your understanding is now that has
5 changed and the weighing is 15 to 20 percent on
6 financials?

7 A. Yes, as my -- my recollection is. Yes.

8 Q. Okay. And how about mid-managers now,
9 currently? We had this report that said
10 50 percent. But currently what is it for
11 mid-managers?

12 A. I believe -- well, I'm -- I'd have to
13 verify this, but I think the financial performance
14 is similar, but 50 percent or so in terms of the
15 weighting.

16 Q. So it's similar to what it --

17 A. I believe so. And I'm just -- there are
18 so many plans that we have in our organization,
19 I -- not just Montana-Dakota. I mean we have a
20 large construction business and --

21 Q. And how about the upper management?

22 A. Well, for our officers it is -- it -- it
23 would all -- all be tied to the financial results
24 of the entity.

25 Q. So the vice presidents and --

1 A. Mr. Goodin, sure.

2 Q. So 100 percent on --

3 A. Yes. That is correct.

4 Q. And if you're not the right witness,
5 that's fine, but is it your view that financial
6 performance has benefits to shareholders?

7 A. Among other constituents, sure.

8 Q. Yeah. Ratepayers would benefit to the
9 extent costs are kept low --

10 A. Sure.

11 Q. -- which would mean you'd have higher
12 profitability. So there's a joint benefit to that.

13 A. There's an interrelationship. Yeah.

14 Q. Your current request, can you tell us with
15 respect to those -- that lower level of employees,
16 can you tell us whether -- what -- what is being
17 made in this rate case and what those are based on?
18 Are they based on what we were looking at before,
19 the financial weighing of six -- four of six or
20 currently what it is in the range of 15 to
21 20 percent?

22 A. I'm sorry. Could you say that one more
23 time? I'm not following your question.

24 Q. The request in this rate case, can you --
25 you've requested a certain amount for incentive

1 pay. That request, is it based on the programs
2 you've formerly had in place that you provided in
3 this answer or is it based on your new program?

4 A. I don't know the answer to that.

5 Q. Okay. Who might -- do you know who might
6 be the --

7 A. I believe Rita would, wouldn't you?

8 Q. Okay. Okay. Would you agree that MDU
9 employees are paid at a higher level with
10 reasonable benefits than many other employees in
11 North Dakota?

12 A. I -- I'm not sure I'd agree with that. I
13 don't have a -- we try to focus on the -- kind of
14 the utility industry.

15 Q. So you don't perform a study about just
16 relations of MDU to other employers in the region?

17 A. Well, yeah. I mean we -- we did -- we
18 have looked at other utilities in the region and in
19 the neighborhood, so to speak, on -- on skills that
20 tend to be not as industry specific like -- like
21 accounting skills, for example, Mr. Goodin talked
22 about yesterday. We will use a more -- more of a
23 general industry reference point.

24 MR. SAVELKOUL: Okay. I don't have
25 anything further. Thank you.

1 THE WITNESS: Okay.

2 JUDGE WAHL: Mr. Roaché.

3 CROSS-EXAMINATION

4 BY MR. ROACHÉ:

5 Q. Good morning, Mr. Del Vecchio.

6 A. Good morning.

7 Q. Just an observation, but I'm from Crosby,
8 I'm from the northwest. Would it surprise you to
9 discover that our meter reader -- he does a lot
10 more than that -- but he's probably the second
11 highest-paid fellow in the county? The
12 superintendent of education actually is the only
13 one higher paid.

14 A. I guess I -- I don't know Crosby. I don't
15 know. I'm just -- I'm ignorant. I'll take your
16 word for it.

17 Q. Okay. As an observation. Referring to
18 what Rich was talking about, is that within the
19 industry -- I hear what he's trying to say -- that
20 on Main Street, the MDU employees are considered
21 very well paid. And I begrudge no one in getting
22 their salary, but they're paid well for us that
23 live out in the real world.

24 I asked this question of Mr. Goodin, but
25 I'm not -- I'm not very good at asking questions

1 and I'm half the time not clear. Let me try it
2 again. Maybe I'll get the question right. You're
3 with MDU Resources. Are there any MDU electric
4 executives that are directors or officers in any
5 MDU Resources companies that are compensated to
6 hold other positions outside of MDU electric?

7 A. No.

8 MR. ROACHÉ: Thank you. No further
9 questions.

10 JUDGE WAHL: Mr. Skokos.

11 MR. SKOKOS: No further questions.

12 JUDGE WAHL: Ms. Jeffcoat-Sacco.

13 MS. JEFFCOAT-SACCO: We have no questions.

14 JUDGE WAHL: Questions from the
15 Commission? Commissioner Clark.

16 **EXAMINATION**

17 **BY COMMISSIONER CLARK:**

18 Q. Just a few on the pension issue.

19 A. Yes, sir.

20 Q. The -- so I understand it, the -- the
21 pension fund, is that a function of MDU Resources
22 Group and is that administered as a whole for the
23 benefit of all of the -- the MDU companies?

24 A. No. I mean we have -- we have -- for
25 Montana-Dakota we have two separate plans, if you

1 will. One covering our bargaining unit employees
2 and the other covering our nonbargaining employees.

3 Now, in the nonbargaining plan, we have
4 a -- the MDU Resources Group people, like me, in
5 that plan as well. But from an investment
6 standpoint, from an actuarial determination
7 standpoint, we go to one -- you know, there's kind
8 of one set of processes that cover all of our
9 plans.

10 Q. Okay. But these are two separate funds
11 that -- that are created and for the benefit of
12 just Montana-Dakota Utilities Company?

13 A. That is correct. Yes, sir.

14 Q. Okay. And it just so happens that on the
15 nonbargained side there are some employees of MDU
16 Resources Group who participate in the
17 Montana-Dakota Utilities pension fund; is that --

18 A. The nonbargained plan. That's correct.

19 Q. But there wouldn't be any nonbargained
20 employees that, say, worked for Knife River who
21 would be participating in --

22 A. That is correct.

23 Q. -- the Montana-Dakota Utilities plan?

24 A. That's correct.

25 Q. Okay. Or any other MDU division.

1 A. That's correct.

2 Q. Okay. Help me understand the significance
3 of the --

4 A. I'm sorry. I'm sorry. I need to -- we
5 have -- we have probably four or five people at our
6 construction services group business unit
7 headquarters that are participants in the -- in the
8 Montana-Dakota Utility nonbargaining plan.

9 Q. Okay. Are those employees or employees of
10 the Resources Group that participate in the utility
11 plan, are they vested in other pension funds, as
12 well, or is that -- that is their pension plan that
13 they participate in?

14 A. Well, we have a defined contribution
15 plan --

16 Q. Right.

17 A. -- that -- to the degree they may choose
18 to participate in that. And then we have a
19 nonqualified -- another defined benefit plan that
20 the board manages for our senior executives.

21 Q. There's a separate defined benefit plan
22 for senior --

23 A. For our senior people, yes.

24 Q. Okay. So they may participate both in
25 that separate benefit plan --

1 A. That's correct.

2 Q. -- and the -- how is the decision made on
3 who gets to participate in the Montana-Dakota
4 Utilities defined benefit plan when they -- when
5 they may not be working for Montana-Dakota
6 Utilities?

7 A. Well, the -- the -- the three or four that
8 I've mentioned, the construction services, at one
9 point in time that business was -- was affiliated
10 with Montana -- that was our old utilities services
11 group that we've -- you know, we kind of separated
12 and broke off. And then historically the people
13 who are currently -- who are currently MDU
14 Resources people, employees were at one time
15 employees of Montana-Dakota. So it's kind of an
16 artifact, you know, the --

17 Q. Okay. So just generally speaking, someone
18 who comes in brand-new to work for MDU Resources
19 Group wouldn't be put into the -- the
20 Montana-Dakota Utilities?

21 A. Correct. And that's because we
22 discontinued new participants back in 2006.

23 Q. Okay. Now, help me understand the
24 significance of the -- I'm going to call it
25 unfunded liability. Correct me if that's not

1 exactly the right term. But basically I'm assuming
2 that the unfunded liability is everything between
3 ninety -- for the bargained plan -- would be
4 everything between the 92 percent that's fully
5 funded and 100 percent. Is that -- is the -- is
6 that the unfunded liability when we talk about that
7 from a pension fund standpoint? When you said it's
8 92 percent of assets cover liabilities, is that --

9 A. Yes, sir.

10 Q. Okay. And then roughly 80 percent of --
11 of the nonbargained plan has assets covering
12 liabilities.

13 Can you tell me what is the dollar amount
14 for both the bargained plan and the nonbargained
15 plan, the unfunded liability?

16 A. I'm sorry, Commissioner, I don't recall.
17 I just don't recall.

18 COMMISSIONER CLARK: That's fine. Could
19 that be provided as a late-filed exhibit?

20 MR. KUNTZ: Can we do that, Mark?

21 COMMISSIONER CLARK: Or another witness.

22 MR. KUNTZ: As of January 1, 2010?

23 COMMISSIONER CLARK: Whatever the most
24 recent reporting period. I would I guess it's a
25 required document that --

1 THE WITNESS: Well, I'd like to use the --
2 the one that I talked about earlier, the 92 and the
3 80.

4 Q. (COMMISSIONER CLARK CONTINUING) These
5 must be publicly available --

6 A. Sure.

7 Q. -- reports.

8 A. Oh, yeah. I just don't remember the --
9 what the --

10 COMMISSIONER CLARK: I'm not asking for
11 anything that would be a proprietary number or
12 anything.

13 JUDGE WAHL: For the record then,
14 Mr. Kuntz, that will be MDU 14, and it will be --
15 the exhibit will be described as?

16 MR. KUNTZ: Unfunded pension liability
17 calculation.

18 THE WITNESS: Yes. That's -- that's a
19 good way to describe it.

20 JUDGE WAHL: Is that going to be as of
21 some date?

22 THE WITNESS: Yeah. I think it will be as
23 of 1-1 of 2010. But I'll confirm that with the
24 date of the report.

25 JUDGE WAHL: So it's unfunded pension

1 liability calculation as of, you expect, 1-1 --

2 THE WITNESS: 2010, the start of this
3 year. And, Commissioner, what I would offer to you
4 is that that is truly a point-in-time snapshot. I
5 can tell that you since the actuaries have compiled
6 that, assets have bobbed around and, more
7 importantly, interest rates have softened, which
8 will drive the dollar value of the obligation
9 higher.

10 Q. (COMMISSIONER CLARK CONTINUING) Right.
11 Which would increase the unfunded liability.

12 A. Yes, sir.

13 Q. I'm no expert in pension fund liabilities
14 or actuarial sciences, that's for sure, so if
15 you're able to and if there's another witness who's
16 better able to answer this, please let me know.
17 But can you put that percentage in perspective and
18 the unfunded liability in perspective with regard
19 to best practices, with regard to how this stacks
20 up with other pension funds in the -- in this
21 particular, you know --

22 A. Sure.

23 Q. -- world of utility business?

24 A. Anecdotal --

25 Q. I'm trying to get a handle on what is the

1 risk that's out there? And then if it's a
2 significant enough risk, are there ways to protect
3 ratepayers in future years from experiencing some
4 sort of negative action because of failure to plan
5 or because it's, you know, too big an unfunded
6 liability or so on and so forth?

7 A. Just anecdotally, I don't have anything,
8 you know, that -- I'm sure that somewhere in my
9 office there's some survey statistics somewhere,
10 but just anecdotally the state of defined benefit
11 pensions is awful, is terrible, not just in the
12 private sector but especially in the public sector.

13 I -- my sense is -- my sense is for the
14 utility industry, for the regulated utility
15 industry, it's probably not as bad. Probably not.
16 In part because -- because there's a longer tail,
17 t-a-i-l, to those plans and have probably
18 accumulated more assets that have written the ups
19 and downs of investment returns and are probably
20 better suited.

21 Q. Okay. The -- why the fairly substantial
22 difference -- well, maybe I shouldn't put it that
23 way. Why the difference between the unfunded
24 liability in the bargained versus the nonbargained
25 funds? What would drive that?

1 A. It wouldn't be a different investment
2 approach or anything. In other words, we've -- we
3 kind of look at the assets as a pool. I think it's
4 probably due to maybe some demographics. I think
5 we probably are seeing, you know, probably earlier
6 exits, earlier retirements in the -- on the
7 bargaining side.

8 Q. Okay. The -- in a little bit separate
9 topic -- this has been referenced a couple times, I
10 think, in both your testimony and perhaps
11 Mr. Goodin's. The decision to phase out employee
12 discount, I assume that's employee discount for
13 utility services that may have been previously in
14 effect.

15 A. Yes, sir.

16 Q. That has taken place already?

17 A. It has.

18 Q. Okay.

19 A. Effective January -- January 1 of this
20 year. And, by the way, I would offer to the
21 Commissioner that that was -- that's just for
22 active employees. We've retained that benefit for
23 our retirees.

24 Q. Okay. Is that a -- and if you don't know
25 the answer, let me know. Is that strictly a

1 company decision or is that something that's
2 reflected in the tariffs that had to be updated?

3 A. It was just a company decision. I
4 don't --

5 Q. Was it purely a cost savings measure?

6 A. Yes.

7 Q. Could you walk me through the thought
8 process behind it?

9 A. Sure. The -- you know, the environment is
10 such that benefit costs continue to march upwards
11 at a torrid pace. And this -- this was a benefit
12 that we viewed, or at least the management team
13 viewed as -- it was certainly a nice benefit but
14 not as critical as the health insurance and
15 retirement benefits and other welfare plans like
16 disability insurance.

17 Q. Okay. Thanks. Well, I appreciate MDU
18 looking at it. I mean it's one that I've asked
19 about and I think others have in previous cases and
20 with different utilities. It, I'm sure, must have
21 been a difficult decision in some ways and probably
22 with staff too. But, anyway, I appreciate at least
23 the thought process in going through that.

24 As I understand it, when we've asked about
25 it in the past, it's -- it has been justified as

1 being a benefit that can be given that has some
2 sort of pretax value basically. But, I don't know,
3 did you sort of walk through that at all, as well,
4 or was it really stacked up against other
5 pretax-type -- pretax-type benefits that might be
6 out there like health insurance or others?

7 A. Well, we didn't -- I mean we certainly
8 were aware of the -- of the tax favorability, you
9 know, but that -- it was just --

10 Q. Vis-à-vis just a straight salary.

11 A. It was the cost. Yeah. It was just -- it
12 was -- it was just something, you know, that in
13 the -- in the scheme of trying to -- trying to
14 contain the growth in costs, that was -- that was a
15 benefit that we felt wouldn't -- you know, wouldn't
16 jeopardize too much.

17 Q. There may be some optics involved with it,
18 too --

19 A. Yes, sir.

20 Q. -- increasing costs.

21 COMMISSIONER CLARK: Okay. Thanks.

22 That's all I've got.

23 JUDGE WAHL: Further questions?

24 Commissioner Kalk.

25

EXAMINATION

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BY COMMISSIONER KALK:

Q. Mark, thank you for your testimony.
Yesterday I talked with Mr. Goodin about 900
employees for Montana-Dakota. I assume that's
still pretty -- that's pretty close; right?

A. I believe so, yeah.

Q. Of those 900, how many are bargaining unit
and how many are nonbargaining unit, roughly?

A. 400 -- 400 nonbargaining, 500 bargaining?
Is that --

JUDGE WAHL: You'll have to be guided by
your own knowledge --

THE WITNESS: Oh, okay. I don't recall.

JUDGE WAHL: -- Mr. Del Vecchio. I'm
sorry.

THE WITNESS: Okay.

Q. (COMMISSIONER KALK CONTINUING) I just --
I'm looking for a ballpark. It's nothing --

A. I --

Q. About half and half?

A. Yeah. Maybe a little bit more on the
bargaining side is my recollection.

Q. Okay. And then of the 900 employees from
Montana-Dakota, how many are -- and you may have

1 answered this and I missed it. How many are
2 affected by the incentive compensation program? Do
3 all 900 employees get some kind of benefit from
4 this if they do what they're supposed to do?

5 A. I don't know about the bargaining unit
6 employees. I think contractually there's a --

7 Q. Who's better equipped to answer that
8 question?

9 A. I think probably Garret or -- or maybe
10 Dave.

11 Q. Okay. And maybe what I'll do is I'll hold
12 the rest of my bargaining-unit questions till then.
13 So thank you.

14 A. Sorry.

15 COMMISSIONER KALK: No. That's fine.

16 JUDGE WAHL: Further -- Commissioner
17 Cramer.

18 COMMISSIONER CRAMER: Just a couple.

19 **EXAMINATION**

20 **BY COMMISSIONER CRAMER:**

21 Q. And I thought about asking Mr. Goodin this
22 and probably should have yesterday, but since
23 you're the -- you're the MDU Resources executive on
24 the stand at the time -- and it's been some years
25 since I've talked to the rating agencies on Wall

1 Street that rate MDU, but would you know -- how --
2 what's the value of the -- of MDU Resources being
3 considered a utility on Wall Street in terms of
4 rating and standing on Wall Street? Do you have a
5 sense of that?

6 A. I'm sorry. I -- I don't.

7 Q. And it would make sense -- I mean you
8 might, but it would make sense. That's fine.

9 I just have one question then. Have you
10 ever put a financial value of the human capital
11 that's expended on bringing a rate case like this
12 one? As I look at, you know, a room full of
13 Montana-Dakota employees and think about all the
14 time that went into preparing it and executing it
15 and seeing it to conclusion, I mean is there some
16 way of tracking the financial value of all that
17 human capital?

18 A. I have -- to my knowledge, we haven't.
19 But I'm sure there's probably a way to try to
20 quantify it.

21 Q. But you haven't done it?

22 A. I have not. No, sir.

23 COMMISSIONER CRAMER: I have nothing
24 further.

25 JUDGE WAHL: Any further questions from

1 the Commission? Before we proceed with follow-up,
2 counsel, I get a little cavalier about these
3 late-filed exhibits and they come back to haunt me.
4 Obviously MDU has no objection to providing the
5 unfunded pension liability. I can't imagine that
6 counsel has -- other has objections. But for the
7 record, Mr. Savelkoul? This is MDU Exhibit 14, the
8 late-filed exhibit on unfunded pensions. Obviously
9 you have no objection to that exhibit?

10 MR. SAVELKOUL: No. No.

11 JUDGE WAHL: Mr. Roaché?

12 MR. ROACHÉ: No.

13 JUDGE WAHL: No objection. Mr. Skokos?

14 MR. SKOKOS: No objection.

15 JUDGE WAHL: Ms. Jeffcoat-Sacco?

16 MS. JEFFCOAT-SACCO: No objection.

17 JUDGE WAHL: All right. So for the
18 record, if I didn't say so previously, MDU
19 Exhibit 14 is received.

20 COMMISSIONER CRAMER: If I could?

21 JUDGE WAHL: Yes. Of course,

22 Commissioner.

23 COMMISSIONER CRAMER: I'm sorry. After
24 thinking about it a little more, I would like --
25 since he said he could provide a financial value

1 and I know that will be a lot of work to put all
2 the hours down on a time sheet and all that, but
3 I'd like a financial value of the labor costs, the
4 human capital expended on this particular rate case
5 as a late-filed exhibit.

6 JUDGE WAHL: Mr. Kuntz.

7 MR. KUNTZ: I don't think we can do that
8 after the fact. I mean, for example, I haven't
9 kept track of my time associated with this case. I
10 don't know if anybody else has. I don't know how
11 we, you know --

12 COMMISSIONER CRAMER: Well, how do you
13 recover from ratepayers if we don't know how much
14 to allocate to you?

15 MR. KUNTZ: It would be -- I think that's
16 our outside cost, isn't it? There's no internal
17 labor carved out of the rate case for that. So if
18 you want to do it in the future -- but
19 retroactively I don't keep track of hours
20 specifically with respect to a rate case and
21 neither does anyone else. The internal labor is
22 already part of our cost of doing business, and
23 that's where most of it -- you know, other than
24 Mr. Gaske, I think, was our only outside expert, as
25 I recall.

1 COMMISSIONER KALK: So you can't even
2 guesstimate how many hours you've each spent
3 working on this rate case? I mean I --

4 MR. KUNTZ: Going back to April,
5 Commissioner, I wouldn't -- I wouldn't hazard a
6 guess how many hours I've put onto this rate case.
7 I mean it's kind of sporadic, here and there. You
8 know, you look at the filing, you know, you look at
9 discovery requests a couple -- you know, a couple
10 months later, you prepare witnesses, you look at
11 testimony. I -- I just didn't keep -- don't keep
12 track and I doubt anybody else has. I mean it's
13 significant. It's the cost of regulation. I --

14 COMMISSIONER CRAMER: Well, yeah, I
15 understand. But I think going forward it's a good
16 idea and perhaps this is an admonition for our
17 staff that perhaps in the next utility that asks
18 for a rate increase should keep time.

19 COMMISSIONER KALK: Well, I just -- quite
20 honestly, I mean I know I've heard discussion from
21 MDU folks and Otter Tail that it costs X amount of
22 dollars to prepare a rate case. So I've heard that
23 number, so maybe that was just somebody's
24 anecdotal -- you know, that --

25 MR. KUNTZ: Yeah. We could pull a number

1 off the -- you know, figure, well, you know, I've
2 spent six weeks worth of time or three weeks worth
3 of time. You could probably ballpark something,
4 but to try to -- you know, any sort of detail that
5 you could support, we wouldn't be able to do that
6 at this point.

7 COMMISSIONER CRAMER: Well, I think
8 it's -- you know, in fairness, of course, Dan, you
9 know my point isn't the rate case. My point is
10 rate cases going forward. And my previous question
11 yesterday of Mr. Goodin, whose answer disappointed
12 me, that is it fair that ten of the highest paid
13 people in this room work for the utility requesting
14 a rate increase when the people, you know,
15 perceived, and rightfully so, are outgunned? And
16 so I want to try to bring the scales -- the balance
17 of the scales of justice a little more in balance
18 and -- as we look to the next -- to the next
19 legislative session and try to make sure that we
20 aren't -- that we can get more than boilerplate
21 defense of -- on behalf of the ratepayers. That's
22 my point.

23 So if it can't be provided, I understand.
24 But let's as a staff then, as we look forward, ask
25 that of utilities. In fact, maybe we should make

1 it a policy so that they know because perhaps
2 there's a utility right now preparing a rate
3 increase.

4 MR. KUNTZ: You know, Commissioner, if I
5 can have just a moment to get on my soapbox in
6 response. I mean, yes, there's a cost to
7 regulation. These people are here because they're
8 witnesses. I mean they'd rather be back at their
9 offices.

10 COMMISSIONER CRAMER: I understand.

11 MR. KUNTZ: I mean, but they're witnesses.
12 They prepared testimony and, if anything, we get
13 criticized because we didn't provide enough detail
14 or enough witnesses. Yeah, we can spend more on
15 regulation, we can follow the Minnesota model and
16 we can have a two-week hearing, and I'm not sure
17 that at the end of the day we'd have a better
18 regulation than what we've got right now. I mean
19 you can spend as much money as you want on a rate
20 case, but it's diminishing returns. What's the
21 correct amount? I guess that's a public policy,
22 you know, that the legislature has to decide. I'm
23 not sure it's necessarily going to, you know, lead
24 to better regulation.

25 In comparison, about two months ago I got

1 a note in the mail that says my -- I happen to be a
2 Capital Electric subscriber. I got a note in the
3 mail that says my rates are going to go up
4 something like 9 percent and that was the end of my
5 hearing. You know, so who's examining those rates
6 in comparison to the detail that we've put forth in
7 trying to put this and having the Commission
8 examine it?

9 So I guess I would respectfully disagree
10 that our operations aren't subject to a degree of
11 scrutiny that's appropriate. Yeah, we could spend
12 a half million dollars on a \$5 million or
13 \$10 million rate case. But at the end of the day,
14 are we going to be in a better regulatory
15 environment? I'm not so sure.

16 COMMISSIONER CRAMER: Well, my only point
17 is that I don't know that you aren't spending a
18 half million dollars on it. I just know that --

19 MR. KUNTZ: No. But I mean half a million
20 on the Commission side, which means, then, we're
21 going to spend another half million more to --

22 COMMISSIONER CRAMER: That's very
23 discouraging, Dan.

24 MR. KUNTZ: Well, we're going to have to
25 because we're going to get 150 more discovery

1 requests that somebody's going to have to answer.
2 We're going to have much -- we'll have other points
3 probably raised that we're going to have to have
4 other witnesses for. I mean we're responding to
5 what's being asked of us. I mean we could just
6 file rate increases like the co-op and you could
7 let them go through on a 30-day notice and that
8 would be the end of it. But if you want detail, it
9 takes people to put that together. And the more
10 you want to examine, the more time that takes on
11 our end too. I mean that -- that's the facts.

12 COMMISSIONER CRAMER: I understand that.
13 I just wanted to make sure that the people at the
14 end of the day have confidence in the decision
15 that's made by this body, by this commission. And
16 sometimes I feel like there's not enough
17 sensitivity to that on the part of the utility, and
18 especially when we're asking for a somewhat level
19 playing field on behalf of the ratepayers and
20 it's -- you know, it's rejected and resisted. So,
21 anyway, that's enough of my soapbox and I
22 appreciate yours.

23 MR. KUNTZ: Thank you for my opportunity.

24 COMMISSIONER CLARK: Dan, don't worry, if
25 they --

1 JUDGE WAHL: I'm just a bystander.

2 COMMISSIONER CLARK: -- if they charge too
3 much in 30 years, you'll get a capital credit.

4 MR. KUNTZ: Or somebody will.

5 JUDGE WAHL: All right. Moving on.
6 Follow-up, Mr. Kuntz.

7 **REDIRECT EXAMINATION**

8 **BY MR. KUNTZ:**

9 Q. Mr. Del Vecchio, a couple of things. In
10 response to Mr. Roaché's question about the pay of
11 an MDU Dakota employee located in Crosby, are you
12 aware that the employee located -- Montana-Dakota
13 employee located in Crosby is actually a journeyman
14 lineman and not a meter reader?

15 A. I was not aware of that.

16 Q. And are you also aware that the company
17 frequently faces competition from cooperatives in
18 its employees?

19 A. Yes.

20 Q. And are you also aware the company is
21 facing increasing competition for its employees
22 from the energy industry?

23 A. Yes.

24 Q. And when you look -- when you testified
25 regarding the change in going away from the utility

1 discount, was that part of the company's ongoing
2 review of its benefit and total compensation
3 package to remain competitive yet control costs?

4 A. Yes.

5 MR. KUNTZ: That's all I have.

6 JUDGE WAHL: Mr. Savelkoul.

7 MR. SAVELKOUL: Nothing, Your Honor.

8 Thank you.

9 JUDGE WAHL: Mr. Roaché.

10 **RECROSS-EXAMINATION**

11 **BY MR. ROACHÉ:**

12 Q. Going along with Mr. Kuntz, I didn't know
13 if you were aware that MDU stole Randy, our
14 lineman, from a co-op because the pay and benefits
15 were better with MDU.

16 A. I wasn't aware of it.

17 MR. ROACHÉ: Okay.

18 COMMISSIONER CRAMER: That is the best one
19 yet.

20 JUDGE WAHL: I want to hear your re --
21 your recross, Mr. Kuntz.

22 MR. KUNTZ: We were able to attract that
23 employee; is that --

24 JUDGE WAHL: Anything further, Mr. Roaché.

25 MR. ROACHÉ: No. Nothing else.

1 JUDGE WAHL: You've done very well.

2 Mr. Skokos?

3 MR. SKOKOS: No questions.

4 JUDGE WAHL: Ms. Jeffcoat-Sacco?

5 MS. JEFFCOAT-SACCO: No questions.

6 JUDGE WAHL: All right. Follow-up from
7 the Commission? Commissioner Kalk.

8 COMMISSIONER KALK: I can't ask new
9 questions on follow-up, though; is that correct?

10 JUDGE WAHL: You're the commissioner.

11 COMMISSIONER KALK: Fair enough.

12 **FURTHER EXAMINATION**

13 **BY COMMISSIONER KALK:**

14 Q. This is just more of a -- in developing
15 your workforce, what kind of programs, if any, do
16 you have in place with, like, Bismarck State
17 College to get the right people so you -- we can
18 all have the right workforce? Do you have anything
19 like that that MDU is working on?

20 A. Yes, sir. I -- the current status I don't
21 remember, but -- or I'm not familiar with, but
22 we've worked very closely with BSC, for example,
23 on -- on the lineman program. We also have a very
24 active internship program with various schools,
25 NDSU, Mary, I mean on -- on touching a number of

1 disciplines.

2 COMMISSIONER KALK: Okay. That was my
3 only question. I thought so, but I wanted to make
4 sure.

5 JUDGE WAHL: Anything further from the
6 Commission?

7 Follow-up, Mr. Kuntz?

8 MR. KUNTZ: Nothing further.

9 JUDGE WAHL: Mr. Savelkoul?

10 MR. SAVELKOUL: Nothing.

11 JUDGE WAHL: Mr. Roaché? Mr. Skokos?
12 Ms. Jeffcoat-Sacco?

13 All right. Thank you very much, Mr. Del
14 Vecchio.

15 THE WITNESS: Thank you.

16 JUDGE WAHL: Mr. Kuntz.

17 MR. KUNTZ: We would call Darcy Neigum.

18 JUDGE WAHL: Mr. Neigum, as you know, your
19 testimony is required to be under oath and I'm
20 required by law to advise you regarding perjury
21 before administering the oath. Perjury is a false
22 statement of material fact which you do not believe
23 to be true. In North Dakota perjury is a Class C
24 felony, punishable by a fine up to \$5,000,
25 imprisonment for a period of up to five years or

1 both.

2 (Witness sworn.)

3 JUDGE WAHL: Mr. Kuntz.

4 MR. KUNTZ: Thank you.

5 **DARCY J. NEIGUM,**

6 having been first duly sworn, was examined and

7 testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MR. KUNTZ:**

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

12 A. Darcy John Neigum. My business address is
13 400 North Fourth Street, Bismarck, North Dakota
14 58503.

15 Q. Whom are you employed by, Mr. Neigum?

16 A. Montana-Dakota Utilities Company.

17 Q. And what's your position with
18 Montana-Dakota Utilities Company?

19 A. System operations and planning manager.

20 Q. And how long have you been employed in
21 that position?

22 A. Two years.

23 Q. And there's been a number of references
24 made that Mr. Neigum could answer these questions,
25 so why don't you tell the Commission just exactly

1 what your responsibilities include on a day-to-day
2 basis, particularly with respect to the issues that
3 have been raised in this proceeding.

4 A. Sure. As far as my day-to-day
5 responsibilities, they're quite broad. I do have
6 responsibility for our system operations and
7 planning department. That group oversees the
8 operation of our electric transmission system
9 through our electric dispatch center.

10 Also do have responsibility for the -- our
11 MISO market participation and as far as our
12 marketing group, as far as how we offer in our
13 generation and also scheduling our loads and the
14 settlement of that.

15 Also do have responsibilities with the
16 MISO tariff process itself in following a number of
17 the organizations and committees that
18 Montana-Dakota Utilities is a part of.

19 Also do have responsibilities with a
20 number of the other agreements that we have with
21 our neighbors, power purchase agreements on the
22 supply side. Also looking at our resource planning
23 and system planning activities, I do have
24 responsibility for those activities that we have as
25 well.

1 Q. And there's been references to modeling
2 and IRPs and so forth. Does that fall within your
3 responsibilities as well?

4 A. Yes, it does.

5 Q. Mr. Neigum, have you caused to be prepared
6 what's been marked as MDU Exhibit 6, direct
7 testimony, and MDU Exhibit 6R, rebuttal testimony
8 of Darcy J. Neigum in this case?

9 A. Yes, I have.

10 Q. And if I were to ask you the questions
11 that appear in Exhibit 6 and 6R, would your answers
12 be the same today as they appear in those exhibits?

13 A. I would have one change to make.

14 Q. Okay. Why don't you point us to -- would
15 that change be in Exhibit 6 or 6R?

16 A. It would be in the rebuttal, so that would
17 be 6R.

18 Q. And what page of your rebuttal testimony?

19 A. On page seven of my rebuttal testimony.

20 Q. Line what?

21 A. On line 15.

22 Q. Okay. Can you tell us what the change
23 would be?

24 A. The average price for MISO energy
25 purchases to serve our integrated customer load

1 would be \$63 instead of \$50 that we would have in
2 2007.

3 Q. Can you tell us the reason for that
4 change?

5 A. That number, \$50 per megawatt hour, is the
6 average cost that all of our load paid, so not
7 strictly just the amount that we purchased from
8 MISO, but it was the average cost for all of the
9 load that we ended up paying for MISO. So there is
10 a netting effect, as we talk about the -- how the
11 MISO market works, between what we supply in for
12 generation and buy back and also what we purchase
13 to supply our additional energy requirements or
14 needs. That amount that we had to purchase from
15 the market from someone else was \$63.

16 Q. So that increment of purchase power above
17 your own generation.

18 A. Yes.

19 MR. KUNTZ: Mr. Examiner -- or --

20 THE WITNESS: And that same change would
21 be made on pages 9, line 6 and page 14, on line 7.

22 Q. (MR. KUNTZ CONTINUING) And what was the
23 third one?

24 A. Page 14, line 7.

25 MR. KUNTZ: Your Honor, we would offer MDU

1 Exhibits 6 and 6R.

2 JUDGE WAHL: As corrected.

3 MR. KUNTZ: As corrected.

4 JUDGE WAHL: Mr. Savelkoul?

5 MR. SAVELKOUL: No objection.

6 JUDGE WAHL: Mr. Roaché?

7 MR. ROACHÉ: No objection.

8 JUDGE WAHL: Mr. Skokos?

9 MR. SKOKOS: No objection. Can I talk
10 about one thing that may want to be looked at in
11 there?

12 JUDGE WAHL: No.

13 MR. SKOKOS: No. Okay. No --

14 JUDGE WAHL: That should be for your
15 cross-examination.

16 MR. SKOKOS: No objection then.

17 JUDGE WAHL: Unless -- unless it's a
18 basis -- are you -- do you have an objection that
19 the document is incorrect or misleading in some
20 respect?

21 MR. SKOKOS: I'll just -- I can do it in
22 my cross. I can ask him in cross. I'm not saying
23 it's misleading, but --

24 JUDGE WAHL: All right. Then that should
25 be handled if it's a question of --

1 MR. SKOKOS: Okay.

2 JUDGE WAHL: -- how that's interpreted or
3 what is intended, that's a matter for
4 cross-examination.

5 MR. SKOKOS: No objection.

6 JUDGE WAHL: So no objection.

7 Ms. Jeffcoat-Sacco?

8 MS. JEFFCOAT-SACCO: We have no objection.
9 But I would like to mention that the back row is
10 having -- at least the back row -- a lot of trouble
11 hearing the last several witnesses. So I don't
12 know if the mike's on for sure.

13 COMMISSIONER KALK: Yes, it is.

14 MS. JEFFCOAT-SACCO: Okay.

15 JUDGE WAHL: Yeah. That's no longer my --

16 MS. JEFFCOAT-SACCO: I just heard that.
17 But it is very hard to hear.

18 JUDGE WAHL: All right. MDU Exhibits 6
19 and 6R are -- as corrected are both received.

20 Mr. Kuntz.

21 Q. (MR. KUNTZ CONTINUING) Mr. Neigum, could
22 you provide the commissioners with a summary of
23 your direct and rebuttal testimony in this case,
24 please?

25 A. The purpose of my direct testimony in this

1 case was to describe the changes in the wholesale
2 sales that Montana-Dakota experienced as a result
3 of our --

4 Q. You're going to have to slow down a little
5 bit so the court reporter can keep up.

6 A. I apologize. The purpose of my direct
7 testimony was to describe the changes in the
8 wholesale sales that Montana-Dakota has experienced
9 as a result of our participation in the Midwest ISO
10 energy market and also to describe the new resource
11 additions that Montana-Dakota has made with respect
12 to the supply-side generating stations over the
13 past five years.

14 Since our last rate case in 2003,
15 Montana-Dakota has made several new generating
16 resource additions, including a 19-and-a-half
17 megawatt wind project named Diamond Willow, which
18 commenced commercial operation in February 2008; a
19 5.3 megawatt heat recovery generating station named
20 the Glen Ullin Station 6, which commenced
21 commercial operation in July of 2009; a
22 19-and-a-half megawatt wind project named Cedar
23 Hills, which commenced commercial operation in June
24 of 2010; a 10-and-a-half megawatt expansion to the
25 Diamond Willow wind project, which commenced

1 commercial operation in June of 2010.

2 The purpose of my rebuttal testimony was
3 to provide additional details as to the background
4 and information that went into Montana-Dakota's
5 decision to invest in the development of the
6 Diamond Willow and Cedar Hills wind projects and
7 the benefits that all Montana-Dakota customers have
8 received from these projects.

9 From the time that Diamond Willow and
10 Cedar Hills projects were placed into commercial
11 operations, they've been serving the needs and
12 providing benefits to all of the integrated system
13 customers in North Dakota, South Dakota and Montana
14 for Montana-Dakota Utilities.

15 Montana-Dakota bids into the Midwest ISO
16 energy market all of its generation assets,
17 including wind, and we also forecast all of our
18 customer load, which we buy back from the Midwest
19 ISO. The Midwest ISO dispatches all generation
20 assets available in the energy market to serve the
21 reliability and energy requirements of all Midwest
22 ISO loads on a most-economic basis.

23 Montana-Dakota's wind generation is used
24 to serve Montana-Dakota's customers' needs first
25 because of its zero dollar marginal cost which

1 displaces the need to purchase the next marginal
2 cost fossil fuel generating resource or market
3 energy purchases to serve customer load.

4 Montana-Dakota is a net buyer of energy
5 from the Midwest ISO energy market, and the wind
6 generation protects Montana-Dakota's customers from
7 the volatility and the pricing of fossil fuels,
8 like natural gas, and market energy purchases which
9 are equal to the marginal cost of the last
10 generation unit that is dispatched.

11 Back in 2007 and 2008 when Montana-Dakota
12 made the decision to invest in the Diamond Willow
13 and Cedar Hills projects, the market prices for
14 Midwest ISO energy were in the 55 to \$63 per
15 megawatt-hour range and rising. And natural gas
16 prices were 7 to \$8 per decatherm or higher.

17 The investments in Diamond Willow and
18 Cedar Hills offset the higher Midwest ISO energy
19 purchases or self-generation from the combustion
20 turbines that Montana-Dakota was forecasting. At
21 that time the decisions were made to move forward
22 with these projects.

23 The federal production tax credit for wind
24 generation was set to expire on December 31 of 2008
25 with a possibility of a one- or two-year extension

1 of the production tax credit highly likely to be
2 approved. And the Diamond Willow expansion and
3 Cedar Hills projects were seen as cost-effective,
4 long-term sources of electric supply as compared to
5 other sources of energy available to serve the
6 company's load.

7 New generation resources, including our
8 own, received transmission interconnection from the
9 Midwest ISO generator queue process. In 2007 and
10 2008 this queue process provided access to
11 generators who were first in the queue receiving
12 access to available transmission capacity first.
13 Subsequent generator interconnection requests were
14 susceptible to significant and costly transmission
15 network upgrades. With 2,700 megawatts of wind
16 interconnections on Montana-Dakota's system,
17 including over 300 megawatts in the vicinity of the
18 Diamond Willow and Cedar Hills area, the company
19 was concerned with access to available transmission
20 capability that was built for Montana-Dakota's
21 customers and paid for by Montana-Dakota's
22 customers.

23 All of the states served by
24 Montana-Dakota's integrated system have renewable
25 energy policies, either in the form of renewable

1 portfolio standards or objectives. The Diamond
2 Willow, Cedar Hills and Glen Ullin heat recovery
3 projects provided many benefits to all
4 Montana-Dakota's integrated system customers and
5 were cost-effective choices to meet the current and
6 future needs of our customers.

7 This concludes the summary of my direct
8 and rebuttal testimony.

9 MR. KUNTZ: Thank you, Mr. Neigum. The
10 witness is available for cross-examination.

11 JUDGE WAHL: Mr. Savelkoul.

12 MR. SAVELKOUL: Thank you.

13 **CROSS-EXAMINATION**

14 **BY MR. SAVELKOUL:**

15 Q. Good morning. Mr. Neigum, is it?

16 A. Neigum. Correct.

17 Q. Now, in your summary statement you
18 provide -- or you discussed benefits going to all
19 of the system customers -- the benefits of wind
20 going to all of the MDU system customers.

21 A. Correct.

22 Q. Now, are you familiar with the company's
23 agreement to share margin sales and what it has
24 been until the filing of this rate case?

25 A. I would not be comfortable talking with

1 the details of what's included in that, but would
2 be -- maybe at a high level would be able to answer
3 some questions.

4 Q. Okay. Well, with respect to -- if -- if
5 MDU is required to share with ratepayers a certain
6 amount of margin sales above a certain -- above a
7 certain level -- so let's just go through an
8 example. If MDU has to pay ratepayers for margin
9 sales in its rates for \$2 million, whether or not
10 they earn it, that is -- that's a cost -- a fixed
11 cost of MDU's for rates, wouldn't it be?

12 MR. KUNTZ: Objection to the form of the
13 question. I'm not sure how there would be a
14 sharing of margin sales regardless of whether it
15 was earned. The company would only be required to
16 share margin sales to the extent there were
17 margins.

18 JUDGE WAHL: Mr. Savelkoul?

19 MR. SAVELKOUL: Well, the witness has
20 stated that these benefits go to ratepayers. One
21 of the concerns that I have is that they may not.
22 So I'm trying to ascertain the truthfulness of that
23 statement and what he's using to make that
24 conclusion.

25 JUDGE WAHL: I'm a little bit out of my

1 depth, but principally this is cross-examination,
2 and --

3 MR. KUNTZ: And I was objecting to the
4 form of the question because it assumed an
5 obligation to pay margins regardless of whether
6 they were earned, which is not the situation. So
7 if Mr. Savelkoul wants to ask questions regarding
8 Mr. Neigum's testimony and how the benefits are
9 shared from these wind farms, that's fine. But
10 providing him with a hypothetical question that
11 doesn't fit the facts is, I think, an objectionable
12 question.

13 MR. SAVELKOUL: Well, if the benefits
14 aren't shared, that's what I'm trying to get to the
15 bottom of.

16 JUDGE WAHL: Yeah. See, I'm getting --
17 we're getting -- I'm getting involved in sorting
18 out -- in sorting out the evidence, and I don't
19 want to do that. This is cross-examination.
20 Let's -- I'll allow it. And, Mr. Kuntz, you're
21 going to have to fix it up on redirect. The
22 objection is overruled.

23 Q. (MR. SAVELKOUL CONTINUING) Now I can't
24 even remember the context of the question. I'll
25 ask it in another way and maybe I don't get an

1 objection this time.

2 Assuming the company does not share
3 margins currently with ratepayers due to a formula
4 that they have in place, if this wind results in
5 increased margin sales and the company receives the
6 benefit from those increased margin sales, doesn't
7 the company benefit from these wind farms?

8 A. I would say the benefits that are derived
9 from the wind farms that the customers benefit from
10 are the zero marginal fuel cost and the
11 displacement of what the next marginal resource
12 would be to supply that energy need that would have
13 been needed otherwise. And so the benefit flows
14 through at least to the customers on what they pay
15 for fuel and purchased power.

16 Q. Well, if that results in increased margin
17 sales and the company gets those increased margin
18 sales, doesn't it go to the company?

19 A. I guess I can't answer to the way that
20 margin is at least split and shared, at least, I
21 guess, in the situation you referenced.

22 Q. I asked you in a hypothetical if the
23 company benefits from all increased margin sales.

24 A. And that would depend upon, one, the level
25 of margin sales that exist as far as how much is

1 that; and the other one would be is if there is an
2 allocation that allows a sharing, hypothetically.

3 Q. I didn't ask about a sharing. I asked if
4 the company receives all margin sales.

5 A. I guess I'm not sure what your question
6 is.

7 Q. Maybe we can get another witness on this
8 that's more familiar with margin sales. I was
9 trying to get context in how you're assuming all
10 the benefits go to ratepayers, and I'll try and get
11 that answered by -- I believe Rita files those
12 statements.

13 A. I don't know, are you asking the question
14 of how we calculate margin or when margin occurs?

15 Q. I'm asking you if these wind farms
16 increase margins -- margin sales and the company
17 benefits from those margin sales, if the benefit is
18 going to the company or the ratepayers. If it
19 increases margin sales from before the wind was
20 installed to after and that delta goes to the
21 company, wouldn't the company be the beneficiary of
22 those increased sales?

23 A. And I would say it may or may not result
24 in increased sales.

25 Q. Depending on the floor.

1 A. Correct.

2 Q. Okay. Next, with respect to the resource
3 plans, I want to -- I want to get a better
4 understanding into the record about what they do
5 because there's been a lot of testimony or
6 discussion about least cost. Can you tell me a
7 little bit about the resource planning process and
8 what an integrated resource plan does?

9 A. The integrated resource plan is a biennial
10 study and report that's produced by looking out,
11 you know, with various, you know, load forecast
12 assumptions, demand forecast programs that are
13 available and looking at supply side options that
14 are currently available for potentials and coming
15 up with a best plan as far as to meet what's
16 predicted to meet the company's needs as far as in
17 the future. More out than that 5-, 10-, 15-,
18 20-year time frame.

19 Q. And it's intended to tell you what the
20 best resource acquisitions are?

21 A. Its intent is to tell you to look out into
22 the future and basically give some indication as
23 far as from the supply side and the demand side
24 what you're forecasting to meet to serve -- to
25 serve your load obligations.

1 Q. And the company uses -- uses these plans
2 as a guide to determine what the best resource is
3 on a cost basis; right?

4 A. Well, the plans are used, one, from an
5 update standpoint to at least -- to tell our
6 commissions as far as what we're seeing for future
7 resource additions and also looking at the
8 summaries as far as on our load forecast and also
9 as far as on our demand supply programs what we're
10 looking and contemplating as far as to fulfill our
11 customers' needs, you know, over a time period.

12 Q. Okay. And -- and it's a least-cost plan
13 that it kicks out; right?

14 A. The -- and I guess that's the question
15 when you define least cost, I guess that's -- I
16 mean least cost, I would say, the question -- when
17 you're referring to least cost, what are you --

18 Q. I'm just trying to get to the bottom of
19 what it kicks out. What's its use?

20 A. Well, when you end up doing a resource
21 plan, one, you'll take a look at a number of
22 factors we talked about, which is you'll end up
23 looking at least what we have from your customer
24 supply side as far as the demand and also energy,
25 looking is there growth that's out there. It will

1 also take a look as far as what's available out
2 there from demand-side management, conservation
3 programs that you have available to yourself, and
4 also as far as potentially, you know, programs that
5 you could select, and then also taking a look to
6 meeting all of the requirements that your customers
7 have both on the demand side and on the energy side
8 of one coming up with what is the best solution
9 from that point in time based upon a given set of
10 assumptions that are made as far as what the future
11 looks like.

12 Q. And -- and the plan that it's putting out
13 is a plan as to what based on that point in time
14 are the best resources to fulfill your customers'
15 needs?

16 A. That plan also takes a look -- because we
17 talked about the supply side. We know what
18 resources exist to us today and what their
19 capability is, and also takes a look at is there
20 anything pending for them in the future. It also
21 takes a look at, if we've committed to some
22 resource, as in the case of Big Stone II was when
23 we did the 2009 IRP, we had already made movement
24 and had gone through that process so it would be
25 considered a committed resource at that time

1 because there was a decision made to move forward
2 with that project.

3 In the case of the wind resources in Glen
4 Ullin, the decisions, because of the opportunities
5 that existed when we entered into those projects at
6 the time the IRP would be produced, were already
7 committed resources and so they were included in
8 the model as such.

9 Q. I understand that. And the output is what
10 the company sees as its least-cost plan for
11 additions in the future, does it not?

12 A. Yes. Based upon the information that's
13 inputted into it.

14 Q. Okay. So the company uses its best
15 judgment and knowledge of the markets and knowledge
16 about demand-side management, the cost of -- of a
17 coal plant, the cost of natural gas plants, the
18 cost of generic wind, and lets the resource plan
19 choose the optimal least-cost plan; isn't that
20 correct?

21 A. That is correct. And it does that on a
22 basis of satisfying all of the obligations at least
23 that have to be served for its customers.

24 Q. Right. Right. And the company uses its
25 best judgment for things such as fuel costs. It

1 uses that as one of the factors that the plan
2 considers in the outcome; isn't that right?

3 A. There are assumptions that are made for
4 what are the future fuel costs, but the model
5 itself doesn't pick a fuel strategy or have
6 multiple, you know, coal supply agreements that we
7 put in it to let it choose from.

8 Q. Right. That's -- that's where the
9 company's experience and the company's best
10 judgment is used. They either go out and get a
11 study that says this is what you should assume for
12 the cost of fuel or they develop it internally and
13 put it into the modeling; isn't that correct?

14 A. Yes.

15 Q. Now, you corrected your testimony as to
16 the cost of MISO purchases, and I think you
17 corrected that to 63?

18 A. Yes, \$63.

19 Q. \$63. Now, that would have been something
20 that was your best judgment at the time and
21 something you used in the plan, isn't it?

22 A. The information in the plan would look at
23 what had we been historically seeing from MISO
24 purchases and then basically forecasting that out
25 as far as what was anticipated to be future MISO

1 purchases or at least available MISO power in the
2 future. So when you end up doing a dispatch
3 simulation, which is what the expansion modeling
4 software does, it will go through and select what
5 is the least-cost options to end up meeting that
6 need to supply your customer load that you do have.

7 Q. And you would have used your estimate of
8 MISO costs at that time.

9 A. We would have used an estimate that we
10 would have developed for those MISO costs. Yes.

11 Q. And that -- I assume since you're saying
12 that the savings is based on \$63 in your testimony,
13 that it would have been relatively close to that or
14 a forecast?

15 A. And I think the forecast we would have
16 used, in particular in the '09 IRP, would be in a
17 50, \$55 escalated probably at a 3 percent per year.

18 Q. Okay. So that -- that's incorporated when
19 the plan decides what the optimal --

20 A. It's modeled --

21 Q. -- resource additions are, doesn't it?

22 A. Yes. It's modeled as an additional
23 supply-side resource.

24 Q. Okay. And none of your plans --
25 considering this MISO cost and all other best

1 judgment factors that the company has made and used
2 as inputs into the resource plan, none of your
3 plans select generic wind as a resource, do they?

4 A. I would say no. I think we have certain
5 situations that we have in our integrated resource
6 plans where it does show the potential to pick wind
7 as a least-cost resource.

8 Q. The plan run that you used we discussed --
9 previous witnesses discussed the plan run that was
10 used in the Big Stone II proceeding. And I believe
11 it was stated that that run included environmental
12 externalities, the costs of carbon in it, and that
13 plan still didn't choose generic wind, did it?

14 A. The result, I believe, of the Big Stone II
15 modeling efforts that were done did show that Big
16 Stone II was a least-cost resource, but I think it
17 also showed from other alternatives that gas and
18 wind was a suitable complement or alternative.

19 Q. Okay. Now, your plans project out into
20 the future -- is it 25 years --

21 A. Yes.

22 Q. -- these IRPs?

23 A. Yes.

24 Q. And they'll say, okay, based on the inputs
25 that you said, we think you should go out and add a

1 CT turbine in three years, a coal generating 50
2 watt -- 50 megawatts of coal, if that's an option
3 in your plan, in seven years, that type of a thing,
4 doesn't it?

5 A. It gives sort of an overview as far as
6 what the requirements may be needed as far as on
7 that -- that least cost or that modeling assumption
8 at that point in time. But it doesn't necessarily
9 follow that that's always the least-cost plan or
10 that it doesn't change because of assumptions that
11 would at least be used in the underlying, you know,
12 determinations in the modeling situation.

13 Q. Yeah. That's just the plan based on the
14 assumptions you put in at that point in time.

15 A. Correct.

16 Q. And then presumably if it's a coal plant
17 that needs to be put in place seven years ago, you
18 know there's lead time, so you start looking for a
19 coal plant.

20 A. And that would -- if something like that
21 would be picked -- the other one is we would go off
22 and model something. The prudent thing to do is to
23 model resources that are potentially available to
24 the company.

25 Q. Right.

1 A. And so to go off and to put in the
2 pricing, say, of a generic 600 megawatt coal
3 project and assume that we could secure that and we
4 should develop a least-cost plan around that, at
5 least at this point in time, is probably a little
6 bit foolhardy.

7 Q. No. No. I'm talking about your plans in
8 general. And you've said you use your best
9 estimates of what's reasonable in those plans.

10 A. Yes.

11 Q. So if you assumed in 2005 that it was
12 reasonable that a coal plant was going to be needed
13 in eight years, you'd start the due diligence on
14 looking at it and at some point in time issue an
15 RFP or look at the available options out there,
16 wouldn't you?

17 A. I would say if it was specific to a coal
18 plant -- I mean you have two ways to do it: One,
19 you would put in a generic number of which there is
20 a high level of uncertainty if something would
21 actually exist. Or in the case if you had Big
22 Stone II, you have a little more numbers that are a
23 little more concrete and you at least have some of
24 that advanced participation. So the way you would
25 model it or how you might, you know, make a

1 determination of what that cost might be may end up
2 differing between -- and you wouldn't see those as
3 necessarily the same level of opportunities
4 available.

5 Q. Right. But you're using your best --
6 again, your best judgment at that point in time and
7 then you'd react to the output.

8 A. Yes.

9 Q. But we've established -- and we've
10 established, I think, that generic wind has never
11 been selected by your resource plans as a
12 least-cost option.

13 A. And, again, that resource plan is looking
14 at a number of factors and it's out and it's
15 looking, based upon what you're projecting really
16 for the future, needs, requirements that you have
17 on a supply side and also the fuel to determine is
18 there a need for those future resources, really to
19 start that planning process down the road.

20 Q. Okay. All you have to do is answer the
21 question I ask. So the plan selects a resource and
22 you react to it. And then you want to go about the
23 best least-cost option to fulfill the -- that need;
24 isn't that correct?

25 A. I guess that -- it depends on the

1 situation that you're in and as far as looking at
2 what is the timing for that need. And in the
3 situation of our current IRP that we would have --
4 and maybe you don't -- in our current IRP, you
5 know, we would have a situation where it says that
6 we had an option available to us because of an RFP
7 process we went through that there was available
8 capacity that we could purchase, and we were able
9 to compare that against the combustion turbine
10 self-build option that we would have constructed
11 between the 2012 and 2015 time period to serve our
12 customer need.

13 And, yet, it said either we were going to
14 build Big Stone or combustion turbines. So we
15 didn't necessarily run off and end up saying, when
16 Big Stone was canceled, that we had to quick find a
17 combustion turbine site to fulfill that need at
18 that time because that's our next resource because
19 there was a period of time we had to do an
20 evaluation if there were other least-cost options
21 available.

22 Q. So you'd run a new plan. And certainly
23 with respect to losing a big planned option like
24 that, you'd run a new plan and that would help you
25 decide what to choose.

1 A. Correct.

2 Q. And then that plan would have an outcome,
3 a least-cost outcome, and then you'd go try and
4 fulfill that least-cost outcome by adding these
5 different types of resources that -- that the
6 output showed.

7 A. And, again, that just provides a plan.
8 You know, there may be other alternatives and at
9 least opportunities that come along that may
10 replace it as a least cost.

11 Q. Right. We're just talking about that
12 point in time because that's the best thing that we
13 can do in hindsight, trying to ascertain the
14 economic costs of these wind farms that have
15 already been built as to what at that point in time
16 those resource plans were saying.

17 A. I guess I didn't -- I didn't hear a
18 question in that. I'm sorry.

19 Q. So with respect to these past decisions of
20 adding wind, the best thing we have to look at is
21 the resource plan at the point in time when you
22 decided to add the wind, isn't it?

23 A. I would say no. I would say the best
24 thing to look at would be the other economic
25 conditions or the alternatives that we had

1 available to us at the time that we entered into
2 the decisions to construct those projects.

3 Q. And wouldn't you have -- I thought we
4 previously established that your assumptions on
5 what reasonable options are were input into a plan.

6 A. And, again, that plan, if we're talking
7 about the integrated resource plan, is that
8 long-term forecast. There are other opportunities
9 that come and there are other decisions that can
10 end up being made to provide the best-cost solution
11 as far as to serve customers' needs.

12 Q. Okay. Now, the 2005 plan is a large plan.
13 I'd like to take administrative notice, I think, of
14 that, and that would be a motion, but I can create
15 foundation. The 2005 plan, to your best
16 recollection, that did not select generic wind as a
17 resource, did it?

18 A. I'm not aware of the 2005 plan.

19 MR. SAVELKOUL: Okay. Regardless, I think
20 we'd like it into the record. It's Case PU-05-531.
21 We'd like to have the Commission take notice and
22 have it put into the record.

23 JUDGE WAHL: Okay. So the motion is we're
24 referring now to case PU what?

25 MR. SAVELKOUL: 05-531. It is their

1 September 15, 2005, integrated resource plan.

2 MR. KUNTZ: And the purpose is to show --
3 the relevance of this document?

4 MR. SAVELKOUL: The purpose is to show the
5 planning process and how decisions with respect to
6 wind were made.

7 MR. KUNTZ: In 2007 and 2008?

8 MR. SAVELKOUL: Correct.

9 JUDGE WAHL: Mr. Kuntz?

10 MR. KUNTZ: For that purpose, no
11 objection. I think the witnesses have testified
12 for two days what that process was, but --

13 JUDGE WAHL: Mr. Roaché?

14 MR. ROACHÉ: No objection.

15 JUDGE WAHL: Mr. Skokos?

16 MR. SKOKOS: No objection.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco?

18 MS. JEFFCOAT-SACCO: No objection.

19 JUDGE WAHL: The motion is granted.

20 Okay. Let's quickly take a -- we've got
21 five minutes to lunch. Are we -- give me some
22 advice, please, counsel. Are we going to finish
23 today? Should we think about cutting back on
24 lunch, maybe, and think about working -- putting in
25 some overtime? Or are we going to look at

1 finishing up tomorrow, assuming we've got any time
2 available tomorrow? I think we -- I had this
3 hearing scheduled for two days. Now, I'm certainly
4 available tomorrow, but then there are a lot of
5 other people here who I'm not sure planned on two
6 days.

7 Mr. Kuntz, where are we?

8 MR. KUNTZ: Well, certainly with the pace
9 of things, I'd be surprised if we finished today.

10 JUDGE WAHL: Yeah. That's my impression.
11 So if that's the case, then maybe we should look as
12 a practical matter of not trying to push to finish
13 up. That's your --

14 MR. SAVELKOUL: I would agree.

15 JUDGE WAHL: -- suggestion, Mr. Savelkoul?

16 MR. SAVELKOUL: I would agree.

17 JUDGE WAHL: Mr. Roaché, I know you're not
18 going to like that, but that's the way it goes
19 sometimes. You don't have a place to stay.

20 Mr. Skokos, what's your input, if
21 anything?

22 MR. SKOKOS: I mean we could -- we can
23 come in tomorrow, but I don't know if I really have
24 the time to do it, but I could. I mean I only
25 planned for the two days, so --

1 JUDGE WAHL: Commissioners?

2 COMMISSIONER CLARK: Well, from my
3 schedule, I need the full lunch now because I have
4 a conference call that's starting in about three
5 minutes. And after hours is not an option for me
6 tonight, so -- and my day tomorrow is wide open. I
7 left it open --

8 COMMISSIONER CRAMER: As is mine.

9 COMMISSIONER CLARK: -- knowing that this
10 was a possibility.

11 JUDGE WAHL: Is that true for the
12 commissioners?

13 COMMISSIONER KALK: We left it open
14 because we all thought we might be here.

15 JUDGE WAHL: Well, as a matter of fact, my
16 calendar was also marked for -- with a question
17 mark for the third day. But be that as it may, it
18 looks to me that we should proceed apace, and let's
19 plan on continuing over tomorrow morning for as
20 long as necessary.

21 Mr. Roaché, I'm sorry. That's the way it
22 goes.

23 MR. ROACHÉ: No motel rooms.

24 JUDGE WAHL: All right. We'll be in
25 recess until one o'clock.

1 (Recessed at 11:58 a.m. and reconvened at
2 1:01 p.m.)

3 JUDGE WAHL: Mr. Neigum, you understand,
4 of course, that your testimony continues under oath
5 and subject to the penalties of perjury.

6 THE WITNESS: I do.

7 JUDGE WAHL: Mr. Savelkoul.

8 MR. SAVELKOUL: Thank you, Your Honor.

9 Mr. Neigum, I had some cross with respect
10 to the 2007-2009 resource plans. I think in an
11 effort to speed things up, I'll just ask that the
12 record take official notice of the resource plan on
13 file for 2007, as well as the resource plan on file
14 with the Commission for 2009.

15 MR. KUNTZ: And, again, the purpose is to
16 show?

17 MR. SAVELKOUL: Is to show the -- and
18 analyze the cost and the cost benefit weighing that
19 was done with respect to the investments in wind.

20 JUDGE WAHL: Mr. Kuntz?

21 MR. KUNTZ: I'll have no objection to
22 taking official notice, but I'm going to ask
23 Mr. Neigum, then, to explain the role of the IRPs
24 with -- in regard to the company's decision-making
25 process because I'm concerned somebody can muddle

1 through those IRPs and find something to support
2 whatever position they want to take regardless of
3 whether that was the basis for what the company was
4 doing. That's my concern is with just grabbing
5 these fairly voluminous documents with no context
6 of what purpose they're coming into the record for.

7 JUDGE WAHL: I agree that there is that
8 risk with that kind of blanket notice. There is.
9 But I'm not sure under the rules that the
10 Commission -- that even a motion is required; that
11 is, that the Commission on its own motion can take
12 official notice of whatever it wishes in its
13 records without any process of hearing. So while I
14 think that this is the proper procedure to follow
15 on a motion in a specific request, in the end it
16 doesn't make any difference.

17 But in any event, Mr. Roaché, any
18 objection?

19 MR. ROACHÉ: No objection.

20 JUDGE WAHL: Mr. Skokos?

21 MR. SKOKOS: No objection.

22 JUDGE WAHL: And Ms. Jeffcoat-Sacco?

23 MS. JEFFCOAT-SACCO: No objection. But I
24 would appreciate case numbers.

25 JUDGE WAHL: Yeah. We're --

1 MS. JEFFCOAT-SACCO: Are there case
2 numbers for them?

3 JUDGE WAHL: I'm about to -- I'm going
4 to -- I should have asked that. So, Mr. Savelkoul,
5 it's -- it's the IRP --

6 MR. SAVELKOUL: '07 is dated July 1, 2007.
7 It's Case No. PU-07-394. And the 2009 is dated
8 July 1, 2009, and it is Case No. PU-09-547.

9 JUDGE WAHL: All right. The Commission
10 may take official notice of those files and
11 records.

12 Q. (MR. SAVELKOUL CONTINUING) Okay.
13 Mr. Neigum, the company has approximately -- is it
14 59 megawatts of wind on its system right now?

15 A. 59?

16 Q. Yes.

17 A. No.

18 Q. I'm sorry. 50. I misspoke. How much
19 wind does MDU have on its system?

20 A. That Montana-Dakota owns or wind for
21 others?

22 Q. Montana-Dakota owns.

23 A. 49.5.

24 Q. 49.5. And how much accredited capacity
25 does the company get for those 49.5 megawatts with

1 MISO?

2 A. Currently, they're allowed 8 percent of
3 their nameplate, so approximately four megawatts.

4 Q. Approximately four. And how much -- what
5 was the company's or approximately the company's
6 peak megawatt need -- demand need in 2009?

7 A. I guess are you asking from a reserve
8 obligation or just what our forecasted customer
9 peak was?

10 Q. Actual forecasted customer peak -- or I'm
11 sorry. Actual peak demand.

12 A. Again, there's two peak demands. One, you
13 would have our customers' peak demand, and the
14 other one is the reserve obligation of which we
15 apply capacity to as well.

16 Q. Why don't -- why don't you just give us
17 the customer one.

18 A. I think our forecasted customer peak
19 demand in 2009 was around 500 megawatts. I don't
20 have the exact number in front of me.

21 Q. Yeah. So that's about -- these wind farms
22 provide, approximately, 1 percent of that number,
23 then, or just under?

24 A. Yes. Based upon four megawatts of
25 accredited capacity and 500 megawatts of peak

1 demand.

2 Q. Okay. Now, we had previously marked for
3 the record CAS 08. Do you have that?

4 A. I do not.

5 JUDGE WAHL: Yeah. That's been
6 distributed. Everybody should have that.

7 MR. SAVELKOUL: 08.

8 JUDGE WAHL: Actually, it's CAS 8.

9 MR. SAVELKOUL: CAS 8.

10 JUDGE WAHL: Do you need a copy for the
11 witness, Dan? Use the record.

12 Q. (MR. SAVELKOUL CONTINUING) The discovery
13 request was, "Please provide a schedule showing for
14 each generation facility node, how many hours of
15 negative real time pricing existed during the past
16 year, by month." Did you help in preparing this
17 response?

18 A. Yes, I did.

19 Q. And negative real time pricing is when the
20 price on the MISO system drops below zero?

21 A. On a real time basis.

22 Q. On a real time basis. And does that
23 result in the company actually paying somebody to
24 take -- or MISO actually paying somebody to take
25 the power off the system?

1 A. For -- at that point in time there's a
2 difference between day-ahead and real time pricing.
3 So it's only the energy that's bought and sold on
4 the real time basis ends up being susceptible to a
5 negative pricing.

6 Q. Okay. And how does that happen that
7 people are paid to take power? Can you explain the
8 circumstances in which that would happen?

9 A. Yes, I can do that. The MISO market
10 functions -- it's a two-day market, some people end
11 up calling it -- or one name for it. And basically
12 in the MISO market on a day-ahead basis the
13 generators go and they make their offers into the
14 market as far as what is their marginal cost and
15 what's the amount of energy they're capable of
16 supplying. And load turns around and it forecasts
17 its requirement for load for the next day as well,
18 and it goes or offers its bids into the market as
19 well. So all generation, all load on a day-ahead
20 basis go into the market.

21 And the market will go through and MISO
22 will do a dispatch, and they'll dispatch all
23 generation, one first to serve reliability needs,
24 and the other one to serve the least cost.
25 Dispatch will dispatch available generation to

1 serve the load requirements. So generation and
2 load basically equal themselves. And that price
3 that it's paid is based upon the last marginal
4 resource that's added in the day ahead.

5 Then when the real time comes, what you
6 have is any differences that occur either in load
7 or in generation. There's a difference that has to
8 be made up as far as between resources that weren't
9 committed in the day ahead or in load that was
10 secured in the day ahead. So it's really the
11 differences between what companies forecast and as
12 far as what awards are given to generators on the
13 day ahead is subjected to the real time pricing.
14 And it gets into a real time situation -- the real
15 time where prices can get negative primarily -- it
16 doesn't happen all the time -- is when you get into
17 a situation where there is an oversupply of
18 generation at least for the load that's available.

19 And so what happens is the generators are
20 basically trying to pay for -- basically trying to
21 pay other generators to back down or they're
22 basically having to pay at least for any
23 differences or imbalance that occurs between
24 generation and load.

25 Q. So if the company or the members of MISO

1 didn't accurately predict the increment and nature
2 of wind and wind ramps up fast, that could result
3 in this type of a situation?

4 A. That can be one contributor of it.

5 Q. Now, were you involved in the RFP process
6 for selecting Diamond Willow?

7 A. I was not.

8 Q. You were not?

9 A. No.

10 Q. I'm sorry. I thought I understood that
11 you would be able to testify to the RFP for Diamond
12 Willow.

13 A. I can, but I was not a part -- a party to
14 that process.

15 Q. Okay. Can you tell me when the RFP was
16 issued?

17 A. I believe the RFP was issued in the fall
18 of 2006 is when it went out.

19 Q. And were there several -- were there
20 requirements for responding to that? Did it have
21 to be -- it had to be a renewable resource, didn't
22 it?

23 A. The RFP itself was looking for renewable
24 resources.

25 Q. Did it have to be deliverable to Montana

1 according to the RFP?

2 A. It had to be deliverable, I think -- per
3 the RFP had to be deliverable to Montana-Dakota's
4 system.

5 Q. Were there other requirements that -- that
6 were part of that RFP?

7 A. There would be a list of requirements that
8 would have been included in it. Yes.

9 Q. And those requirements limited who and the
10 type of responses that -- that could be chosen
11 under that RFP?

12 A. It provided a listing or a guideline as
13 far as the type of -- of resources that
14 Montana-Dakota -- Montana-Dakota was looking to
15 solicit bids for as a part of that RFP correctly.

16 Q. Do you know, does the company still have a
17 copy of that RFP?

18 A. Yes, we do.

19 Q. Is that something you could supply for the
20 record in this case?

21 A. Yes, we'd be able to.

22 MR. SAVELKOUL: I'd like to make that
23 request then.

24 JUDGE WAHL: Okay. Mr. Kuntz, I've got
25 that would be, according to my count, MDU 15. And

1 the exhibit is described as?

2 MR. KUNTZ: 2006 MDU RFP.

3 JUDGE WAHL: Without reference to Diamond
4 Willow?

5 MR. KUNTZ: Well, it wasn't specifically
6 to Diamond Willow. It was just a request for
7 proposal.

8 THE WITNESS: Correct.

9 JUDGE WAHL: Okay.

10 THE WITNESS: Yeah. It would just be
11 titled request for proposal, wind energy projects.

12 JUDGE WAHL: MDU agrees to supply the
13 exhibit, Mr. Kuntz?

14 MR. KUNTZ: Yes, Your Honor.

15 JUDGE WAHL: Mr. Roaché, any objection?

16 MR. ROACHÉ: No objection.

17 JUDGE WAHL: Mr. Skokos, any objection?

18 MR. SKOKOS: No objection.

19 JUDGE WAHL: Ms. Jeffcoat-Sacco?

20 MS. JEFFCOAT-SACCO: No.

21 JUDGE WAHL: MDU Exhibit 15, 2006 MDU RFP
22 wind energy project, if I can read my own
23 handwriting, is received as a late-filed exhibit.

24 Q. (MR. SAVELKOUL CONTINUING) Now, you said
25 one of the requirements was that it had to be

1 deliverable to MDU's system.

2 A. Correct.

3 Q. And when that was a requirement, what --
4 what did you mean by MDU's system?

5 A. It would be our interconnected system.

6 Q. Okay. Is your interconnected system --
7 well, was MISO in place at that time?

8 A. Yes, it was.

9 Q. And is your interconnected system
10 connected to the interconnected system for MISO?

11 A. Our -- our high voltage transmission
12 system is a part of the Midwest ISO transmission
13 facility.

14 Q. Okay. How many responses did you get to
15 the RFP?

16 A. I believe there were six.

17 Q. Okay. There are lots of wind providers
18 within the MISO system, aren't there?

19 A. There are a number. I guess I'm not sure
20 how many.

21 Q. Hundreds?

22 A. I would think less than that.

23 Q. Dozens?

24 A. Probably.

25 MR. SAVELKOUL: Okay. I don't have

1 anything further. Thank you.

2 JUDGE WAHL: Mr. Roaché.

3

CROSS-EXAMINATION

4 **BY MR. ROACHÉ:**

5 Q. A question in your original testimony.
6 You had mentioned that you bought a two megawatt
7 diesel generator?

8 A. Yes, we did.

9 Q. And do you have any idea how much fuel
10 that thing uses each day?

11 A. That -- one of the requirements that we
12 have to serve our customers is we have to be able
13 to provide the energy that they need when they turn
14 the light switches on and also to have equipment
15 available that's to serve their peak demand. And
16 so that facility was purchased, one, for an
17 emergency situation, and the other one was it
18 provides capacity or at least our peaking
19 obligations that serve all our customers' peak
20 load. So that unit does not run on a daily basis.

21 Q. Do you have any idea what it costs a
22 megawatt-hour to operate?

23 A. I would -- my guess would be it's probably
24 more than \$150 a megawatt-hour to operate.

25 Q. The wind farms, the life expectancy is

1 about 25 years on those things?

2 A. I think that's -- that's what we would
3 quantify as being the life of a wind project would
4 be 20 to 25 years.

5 Q. And for coal fired or gas it's maybe
6 50 years?

7 A. The -- in order to get to that 50-year
8 sort of time period, you have to get into what sort
9 of maintenance you end up doing to it. But
10 typically, you know, a coal plant, a gas-fired
11 turbine typically has a life that's in that 40-year
12 range --

13 Q. 40.

14 A. -- as far as what's estimated.

15 Q. When you're figuring on cost, putting the
16 wind farms up, are you anticipating or adjusting
17 for the fact that the life expectancy of the wind
18 farm is only half of what it would be for one of
19 the other plants?

20 A. Yes, we do.

21 Q. The -- what is the cost of a megawatt
22 produced by Cedar Hills today? I know we're
23 getting an average cost that goes out for 20 years,
24 but I'm not looking for what we're going to be
25 paying 20 years from now. What is it costing to

1 produce a megawatt of power today out of the wind
2 farm?

3 A. There would be, I guess, two parts that
4 you would have, at least, to that. One is there's
5 the cost that you would have as far as to run the
6 equipment, which would -- you would normally
7 consider to be a fuel cost. In that situation it
8 would be zero. You also do have a cost that you
9 would get back to that you would consider more of
10 after revenue requirement based on the investment.
11 So if you took what the revenue requirement was and
12 divided it by what you were forecasting for an
13 annual production, you could come up with a cost
14 estimate. And I think on that first-year cost
15 estimate for Cedar Hills it would be in the
16 neighborhood of eight cents.

17 Q. How much?

18 A. Eight cents per kilowatt-hour.

19 Q. Eight cents per kilowatt-hour. Which
20 would translate into eight-dollar gas?

21 A. No.

22 Q. Natural gas?

23 A. No.

24 Q. What would the price of natural gas have
25 to be in order to be equal to that?

1 A. Okay. I guess I'm -- if you're talking
2 about if you could -- what would the price of
3 natural gas be in a combustion turbine for the same
4 energy price?

5 Q. Yes, sir.

6 A. Now, that piece would go back and that
7 would be only on the fuel portion, so there would
8 be two parts at least to a revenue requirement.
9 You would have the portion that you would have for
10 the fuel and also as far as for the asset itself.
11 So just for the fuel it would correlate back to
12 approximately an eight-dollar gas price.

13 Q. Okay. When you were -- the figure that
14 keeps popping up on when decisions were being made
15 to -- during -- when you were making your decisions
16 on going towards wind, the megawatt cost for
17 purchase was about \$55 a megawatt?

18 A. Between 55 and \$63.

19 Q. And that was kind of the price range on
20 all your other alternatives or whatever
21 alternatives you had? It was all comparable to
22 what you were figuring on long-term costs for wind?

23 A. At that point our alternatives, when we
24 looked at -- into Diamond Willow and Cedar Hills,
25 the alternatives were either to continue to

1 purchase MISO energy, of which that alternative
2 cost would have been the 55 to \$63 that we were
3 seeing. The other alternative would be the -- the
4 operation of our combustion turbines. And we were
5 at a seven-, eight-dollar gas market, so those
6 prices -- if we would have run our own combustion
7 turbines and not have purchased that energy from
8 MISO because it was cheaper from MISO, those gas
9 dollars were in the seven- to eight-dollar range at
10 that time, so the price of our combustion turbines
11 to run those facilities would have been in that 70
12 to \$80 a megawatt-hour just for the fuel.

13 Q. Which is comparable to what it's costing
14 us to run those windmills today on just capital
15 costs.

16 A. For the first year.

17 Q. Okay. Prior to 2007 and 2008, the cost of
18 fuel and wholesale electricity on the market was
19 much less, was it not?

20 A. Not significantly. I don't have the
21 numbers in front of me, but if I were guessing, I
22 would guess in 2005, 2006 it was still in that 40,
23 45 to \$50 range. Probably in the \$45 range per
24 megawatt-hour.

25 Q. Again, half of what we're having to pay

1 for the windmills today?

2 A. For the first year's --

3 Q. Okay.

4 A. -- revenue requirement.

5 Q. And the cost of purchasing wholesale
6 electricity today is how much?

7 A. Today the average price of MISO purchases
8 today that we're seeing is about \$30.

9 Q. Which is one-third or less of the costs of
10 the wind farm today.

11 A. Today. But that was not what our forecast
12 was at the time in '07 and '08 when the decisions
13 were made.

14 Q. Historically, the cost of wholesale
15 electricity and/or even gas -- let me back up. You
16 have -- for coal you have long-term contracts.

17 A. I'm not sure how you would -- from the
18 fuel side?

19 Q. Coal fuel. Fuel from coal, you have
20 long-term contracts so you have a pretty good idea
21 what you're going to be paying at least in the
22 immediate future for your coal?

23 A. We would, but there would be various
24 escalators that are at least based upon economic
25 conditions. So it isn't just as simple as saying

1 here's a flat dollar for coal. They have other
2 price escalators that are really market driven to
3 at least the production costs for mines as well.

4 Q. Okay.

5 A. But there's less volatility in the coal
6 prices than other fuels.

7 Q. Okay. And today we're paying about 1.8
8 cents per kilowatt, two cents per kilowatt,
9 somewhere in that neighborhood for --

10 A. Fuel cost of coal?

11 Q. Yeah, for fuel for --

12 A. That would be a close number.

13 Q. Be close. And that's been true for the
14 last number of years because of the stability of
15 long-term contracts?

16 A. I would say correct, but I would say there
17 is some escalation that has been occurring to it.

18 Q. And 2000, 2001, 2002, natural gas was
19 going for two dollars, in that neighborhood?

20 A. It's possible. I don't have the prices in
21 front of me.

22 Q. And I'll let you address this. The point
23 I'm trying to bring is, personally, almost every
24 other alternative is less expensive than what we're
25 paying today for those windmills and that seems to

1 be the case, and we can discuss how it happens
2 later down the market. But for today everything is
3 one-third, one-half the cost.

4 When you were making the decision -- and
5 hindsight is 20/20 and I realize that, but
6 long-term history of cost of gas is such and is
7 kind of an average. It goes up and down, but
8 there's an average. Coal is almost flat. During
9 2007, 2008 we were in a bubble and now we're out of
10 the bubble. And to pick those years, even if you
11 were in them, without recognizing the fact that
12 there's a bubble because you're in the business,
13 you know what it costs to make electricity, all the
14 other manufacturers have -- all the other producers
15 have the same business -- same costs as you do.
16 You know basically what it has to come back to in
17 order to be profitable. And if it's a bubble, you
18 see a bubble.

19 Now, today you're going to pay for that
20 bubble, but you know it's got to come back down
21 because the whole generation is -- it only demands
22 a certain price.

23 MR. KUNTZ: Do we have a question here?

24 JUDGE WAHL: Yeah.

25 Q. (MR. ROACHÉ CONTINUING) Yeah. So I -- I

1 wanted you to explain how you chose the highest
2 point of this time as your -- as the figure you're
3 going to use going forward when you had a history
4 of many decades behind you of lower prices?

5 A. And, granted, there are cycles that we
6 have seen through time with fuel costs,
7 particularly natural gas. I think typically up to
8 about 2007, 2008 at least the price of energy had
9 kind of a continual increase as far as what are
10 those purchase prices. And I don't have those in
11 front of me, but I would venture to say they
12 probably don't follow the same magnitudes of swings
13 for the wholesale prices of energy.

14 But the other one I would say is at least
15 as we look and we model, we certainly don't grab
16 the top peaks in doing a comparison of the numbers
17 and saying these were the absolute highest costs
18 that we ended up forecasting for natural gas and
19 electric prices, but tried to have a long-term look
20 at what we expect those to be in the near future;
21 one based upon history, but also taking a lookout
22 at what we end up seeing for supply and demand that
23 occurs as well.

24 So even though we've made these decisions
25 probably, as you indicated, in a bubble of 2007,

1 2008, at least our views of what the future held,
2 you know, probably weren't at those same levels
3 that existed at the peak. And, for instance, you
4 know, gas at that time in the summer, I think, of
5 '07, '08 may have been north of 10, \$12 and not \$7;
6 and yet our forecast for natural gas prices, I
7 think, in our IRPs, we're looking at gas that was
8 more in the \$7 range and escalating out. And even
9 on energy prices we were forecasting prices, you
10 know, in that \$55 range with 3 percent escalators
11 going out.

12 So I would say I agree with you. We do
13 look at, you know, what the trends are and do
14 recognize there are peaks and valleys. But part of
15 that modeling is looking at what's -- what's a
16 realistic or conservative estimate as far as what
17 we expect those future prices to be.

18 Q. Okay. But I just would like to note and
19 have you agree that the figures that you gave were
20 costs at that time of 2007, 2008 as the cost of
21 choice -- when you were making that choice. It may
22 not have been what you put in your model, but what
23 you present to us is the peak numbers as reflecting
24 what the market was at that time and what you were
25 using in your thinking process.

1 A. Correct.

2 Q. Okay. Something about -- you had your
3 amended testimony in the rebuttal right there where
4 you changed the one number to 63 per megawatt-hour
5 in 2007 for the MISO -- for the MISO energy
6 purchases?

7 A. Yes.

8 Q. Right below that, line 16, it said, "This
9 amount increased to \$55 per megawatt-hour for all
10 purchases in 2007 as compared to the 20" --

11 THE REPORTER: Whoa, whoa, whoa.

12 MR. SKOKOS: Okay. Sorry. Sorry.

13 Q. (MR. SKOKOS CONTINUING) All right. It
14 says on line 16, "This amount increased to \$55 per
15 megawatt-hour for all purchases in 2008 as compared
16 to the 20-year levelized cost of \$57 per
17 megawatt-hour for Diamond Willow."

18 Should that \$55 number be amended as well?

19 A. No. The \$55 number would be correct.

20 Q. So it wouldn't have increased. It would
21 have --

22 A. No.

23 Q. -- decreased.

24 A. It would have been a decrease.

25 Q. Okay. I'm just trying to verify that.

1 Kind of piggybacking off some of the
2 things that Mr. Roaché was asking you, is it your
3 opinion -- or is it your understanding as a
4 resource planner that the costs of fossil fuels
5 are -- will rise in the future and are continuing
6 to rise right now?

7 A. I think from where -- where fossil fuel
8 prices are today, they could only go up. I would
9 say so, so I would say yes.

10 Q. So from that conclusion, what is your
11 conclusion about wind as a viable resource? With
12 fossil fuels rising, is it necessary -- is wind a
13 necessary resource in order to offset rising fossil
14 fuel costs?

15 A. I think it's a comparable alternative, and
16 some of that is -- I mean you have to look at
17 what's the need that you're looking at fulfilling.
18 You know, at the point in time where we were
19 looking at the investments in Cedar Hills and
20 Diamond Willow, we had a need for energy at that
21 portion in time. If we talk about from our
22 modeling standpoint, you know our models go through
23 and the first thing that they have to secure ends
24 up being capacity to meet our customers' future
25 peak demand obligations.

1 And so depending on the situation you're
2 in and you get into modeling, you may end up having
3 a different result or they may be a different type
4 of resource that may end up -- you know, the
5 resources have different advantages or
6 disadvantages of pros and cons they bring to you.

7 Q. Okay. Definitely. You said in your
8 rebuttal testimony -- you were talking about the
9 modeling efforts regarding the Big Stone II
10 project. It's on page 10 of your rebuttal
11 testimony starting on line 13. I'm just trying to
12 verify what you meant by this. It says,
13 "Montana-Dakota's modeling efforts regarding the
14 Big Stone II certificate of need process in
15 Minnesota and prudency determination in North
16 Dakota showed that a wind/gas combination could be
17 comparable with a baseload coal-fired generating
18 unit on a least-cost basis as seen in
19 Montana-Dakota's 2009 integrated resource plan."

20 Does this mean that -- that wind and gas
21 would be a supplement to the Big -- the possible
22 Big Stone II project or wind and gas could be a
23 substitute in that context?

24 A. In the case of what was meant by this, it
25 could end up being a suitable alternative.

1 Q. Suitable alternative. Okay.

2 A. And that was through our least-cost
3 modeling in terms of what was the total future
4 expected cost of Big Stone II versus the other
5 alternative was the wind resources we had committed
6 to plus gas turbines to meet the peaking demand.
7 And at least the net present value of those two
8 scenarios was, you know, comparable with each
9 other.

10 Q. So in that situation you could have
11 created a similar capacity by using a combination
12 of wind and natural gas turbines?

13 A. From -- there would be, you know, a
14 comparable, you know, solution at least that would
15 have looked at that.

16 MR. SKOKOS: Okay. No further questions.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco.

18 MS. JEFFCOAT-SACCO: I just wanted to ask
19 a question about that RFP.

20 **CROSS-EXAMINATION**

21 **BY MS. JEFFCOAT-SACCO:**

22 Q. You said you had six responses?

23 A. Yes.

24 Q. I just wondered if all six were actual
25 responses that you could review and compare or if

1 some had to be rejected, you know, as nonqualifying
2 responses. I don't know what the right term is.
3 Sometimes bids come in and you can't consider them
4 at all. Did you have six real competing responses
5 to go through and analyze?

6 A. I guess I would categorize it as saying
7 there were six proposals that were received, you
8 know. And, granted, even though we requested
9 projects interconnected to Montana-Dakota's
10 system -- for example, we had two projects that
11 were in the western part of Montana, and so at
12 least the division of the electric grid that's out
13 there, they're not deliverable to our system
14 because of the east and west interconnect ties that
15 are out there. The other ones that we had as far
16 as projects, there were other ones that had, you
17 know, probably, you know, either a technology like
18 a hydrogen application that might have been applied
19 to it that we may have looked at, you know, as far
20 as how viable is that of an actual technology to
21 suit the need; or the other ones that were a part
22 of that were project sizes that were larger than
23 what we were requesting.

24 MS. JEFFCOAT-SACCO: Okay. Thanks.

25 JUDGE WAHL: Any further?

1 MS. JEFFCOAT-SACCO: No.

2 JUDGE WAHL: Questions by the Commission.
3 Commissioner Clark.

4 COMMISSIONER CLARK: Just a couple.

5 **EXAMINATION**

6 **BY COMMISSIONER CLARK:**

7 Q. Darcy, in earlier testimony -- I think it
8 might have been Ms. Stomberg, but I'm not sure --
9 there was a reference to Montana-Dakota purchasing
10 capacity from Basin; is that correct? For MDU to
11 meet its capacity needs that it entered a contract
12 with Basin? Not entered, but --

13 A. I guess I would take that to mean the
14 long-term agreement we had with Antelope Valley
15 Station II, which was really a power purchase
16 agreement that supplied capacity and energy to us
17 for 20 years.

18 Q. Well, there was a -- there was the 67
19 megawatt AVS contract which was not renewed, but
20 unless I misunderstood something, I thought I heard
21 that there was also a capacity contract subsequent
22 to that with -- from Basin; is that correct?

23 MR. KUNTZ: Mr. Commissioner, I don't
24 think it was with Basin.

25 COMMISSIONER CLARK: Oh, okay.

1 MR. KUNTZ: Darcy can talk about the
2 capacity contracts, but they weren't with Basin.

3 Q. (COMMISSIONER CLARK CONTINUING) Sure.
4 Sure. Okay. I misunderstood that then. There
5 were some capacity contracts maybe that replace
6 some of what was available through the Basin AVS
7 contract. Can you talk about these capacity
8 contracts that --

9 A. Sure.

10 Q. -- MDU has to purchase right now?

11 A. Sure. And, you know, with the expiration
12 of the power purchase agreement with Basin for
13 Antelope Valley Station II, you know, there was --
14 there was really no option to extend that. It had
15 a termination date after 20 years. So when it got
16 to close to the time of that termination for that
17 agreement, there was a need to go off and look for
18 subsequent resources that we ended up needing. And
19 some of that was at least around the timing of
20 looking long term for things like the Lignite
21 Vision 21 project that was out there. And the
22 other one we got into was looking for capacity
23 needs, and I think there might have been an RFP or
24 else it could have just been a solicitation from
25 NSP that we ended up purchasing capacity for

1 through a long-term agreement. The intention of
2 that was to get us to that next resource addition.

3 So rather than adding a resource right
4 away at the end of the Antelope Valley Station II
5 agreement, we entered into capacity purchase
6 agreements. They ranged from -- I think it was 85
7 to like 110 megawatts. And so we currently have
8 those agreements in place today and they cover us
9 through the summer peak season of 2011.

10 Q. Okay. So 85 to 110 megawatts of capacity
11 have been purchased that gets you through 2011?

12 A. Yes.

13 Q. Is it part of the record -- is the cost of
14 that a part of the record; do you know? Or are you
15 able to testify or is that something that's under
16 trade secret?

17 A. I'm not sure if it is under a trade
18 secret. I guess I'm not aware of it. I think it's
19 in the IRP. It's listed as far as a cost. So I
20 think we've publicly shown what that is. I've just
21 got two numbers in my head, which is why I need to
22 go look at this, but I think it's around that \$2.90
23 range.

24 Q. Okay. So about 2.90 per megawatt?

25 A. It would be a \$2.95 per kw-month number.

1 Q. I'm sorry?

2 A. \$2.95 per kilowatt-month. And that's for
3 a six-month summer.

4 Q. Per kilowatt-month?

5 A. So it would be 2,950.

6 Q. Okay. Can you describe that one to me? I
7 haven't --

8 A. Sure.

9 Q. -- run across per kilowatt-month yet.

10 A. Okay. And some of that is -- that gets
11 back to -- we're talking about serving customer
12 needs. One, there's the capacity side of that,
13 which is, is there a resource somewhere that's
14 available to meet the demand obligation; and the
15 other one is the energy portion of that. So energy
16 is -- at least everyone's more familiar with on the
17 dollars per megawatt-hour basis.

18 The kw-month could also be on a kw year or
19 something like that, but you basically would take
20 what your -- basically it's to cover your fixed
21 costs that you would have on investment, but you
22 would basically take and multiply that number times
23 the amount of accredited capacity that you're
24 getting for that period. So if you were getting
25 one megawatt, if you were buying, it would be for,

1 you know, \$2,950. And it's just to have that
2 capacity available for your resource obligations.

3 MR. KUNTZ: Per month.

4 THE WITNESS: Per month.

5 Q. (COMMISSIONER CLARK CONTINUING) Okay.
6 What I'm trying to do -- and I'm not going to be
7 able to do it here on the stand, but I'm trying to
8 get as much in the record as I can so maybe later
9 we can talk about it -- is to try to figure out
10 what the real cost of having a resource like wind
11 that doesn't get you very much credit through MISO,
12 what -- what that cost is so that we can as a
13 commission take that into consideration with regard
14 to other resources you might have had. Maybe
15 that's all embedded in the IRP and maybe if you
16 could lead me through that, that would be helpful.
17 But I think it's, again, trying to answer that
18 question as compared to what. So you had wind over
19 here, which is a possibility which has some
20 attributes. You had potentially gas turbines or
21 something else that had other attributes that might
22 have higher capacity factors. It's trying to make
23 the record complete so we can have a better sense
24 of what the cost of that is. If you can respond to
25 that, that would be --

1 A. Sure, and I could. And the one thing that
2 generally exists for a benchmark for capacity is,
3 you know, one of the benefits of gas turbines is
4 that they can be constructed relatively easier,
5 more so than a coal-fired plant, and they can
6 typically get the majority of their nameplate
7 rating for capacity. There's some de-rate they'll
8 get based upon temperature in the summertime, but
9 they may not get the full output. It's what it can
10 produce on a peak. And a coal plant tends to
11 always have more of a steady output across the
12 temperature spectrum and a gas turbine will fall
13 off as far as when it gets hotter. So you normally
14 get that capacity accreditation. But that market
15 normally, just because of the ease of putting a
16 resource in strictly to serve capacity, kind of
17 drives the capacity market towards about ten
18 dollars per kilowatt-month if you had to build a
19 new resource.

20 Q. For MISO purposes, gas -- gas combustion
21 turbines are rated at what?

22 A. What MISO will do for capacity rating for
23 a gas turbine -- and maybe to talk more about what
24 they're proposing to do with their current resource
25 adequacy is that they're looking to go and

1 determine on MISO's coincident peak, so when the
2 MISO system peaks, which typically is when it's hot
3 out in the east, they look at what's the
4 temperature of every load-serving entity or what's
5 the atmospheric condition. You would go and rate
6 your combustion turbine for that temperature
7 condition. So for us it might mean that we end up
8 rating them for what they're good for at, say, 90
9 degrees Fahrenheit.

10 Q. Okay. So what's a good average ballpark
11 guess of what a -- on the MDU system a gas CT?
12 What would it be rated at? Do you have that?

13 A. I guess I'm not sure -- if you're talking
14 about a percentage reduction from the nameplate or
15 you're talking just -- or what size gas turbines we
16 would look to install?

17 Q. Well, what's the easiest answer for you to
18 give me? I mean the idea is wind is rated at a
19 certain -- gets a certain accreditation. Coal gets
20 a certain accreditation. I understand it's pretty
21 high because it just runs all the time. Gas it
22 sounds like it depends, but I mean give me a
23 ballpark guess.

24 A. And I guess I --

25 Q. Or is it so variable that you can't even

1 give a reasonable ballpark?

2 A. Well, I think it varies on the type of
3 turbine you pick, just like on the type of coal
4 project you build. You know, and in the case of
5 the most recent gas turbine we added was rated at
6 43 megawatts. That's the most recent run. But the
7 size for a gas turbine, if that's what you're
8 talking about, you know, they'll go up in the range
9 of 43, and depending on the technologies you get
10 into, they can be several hundred megawatts in size
11 for a gas turbine. And I'm not sure that's what
12 you're looking for.

13 MR. KUNTZ: Could I -- maybe I can help
14 here.

15 COMMISSIONER CLARK: Sure.

16 MR. KUNTZ: Let's say, Darcy, that you
17 build a 100 megawatt gas turbine nameplate. What
18 number of megawatts would you expect to receive
19 accredited capacity for that gas turbine?

20 COMMISSIONER CLARK: Thank you.

21 THE WITNESS: If it had a --

22 COMMISSIONER CLARK: That's where I was
23 heading next.

24 THE WITNESS: Okay. If it had a
25 nameplate, it normally is rated to an ISO

1 condition, which is like 50 or 60 degrees
2 Fahrenheit, so probably you would get somewhere
3 around 90 -- 90 megawatts.

4 Q. (COMMISSIONER CLARK CONTINUING) So of
5 100 megawatts, you get about 90 megawatts.

6 A. Correct. And then what MISO will do is
7 they'll look at the forced outages that you had,
8 the times that that plant has not been available,
9 and you'll get an additional reduction in capacity
10 that occurs.

11 Q. Is it major or is it just a little bit?

12 A. For our facility it's just a little bit.

13 Q. Okay.

14 A. So from 100 it would go to 90.

15 Q. Okay. So roughly 90 percent.

16 A. Yes.

17 Q. Are you aware, was the RFP that was put
18 out when you were looking to procure the wind
19 resource that ultimately became Diamond Willow, was
20 that worded such that it -- was it a -- was it a
21 wind RFP, was it a renewable RFP? Well, first, was
22 it strictly wind or was it any renewable?

23 A. I think it was any renewables.

24 Q. Was it defined as such that it had to meet
25 the Montana statutes requirement for what counted

1 as a renewable energy credit?

2 A. I would have to go look, but it probably
3 referenced -- likely referenced the Montana statute
4 for what an eligible resource was.

5 Q. Okay. Would that have then limited the
6 potential pool of applicants understanding that, as
7 we heard earlier, Montana has a different standard
8 for what it certifies as an eligible REC as
9 compared to North Dakota?

10 A. I wouldn't think so. I think you would
11 get a similar number or types of developers.

12 Q. What -- what is allowed in North Dakota as
13 a certifiable REC that's not allowed in Montana; do
14 you know?

15 A. I think it's just the waste heat
16 generation.

17 Q. Just waste heat. Does waste heat tend to
18 be fairly cost competitive?

19 A. I would say it's more of a niche.

20 Q. More of a niche?

21 A. More of a niche. You have to have the
22 original heat source available, and so I think you
23 have an finite number of those sorts of
24 opportunities available.

25 Q. And then on a totally separate subject,

1 shale gas. To what degree has that more recently
2 than probably what we're talking about a few years
3 ago when these were being discussed, but does the
4 impact -- does the introduction of shale gas, has
5 that changed what you're seeing coming out of your
6 IRPs more recently?

7 A. We end up -- I would just categorize at
8 least the shale gas. You know, we get our
9 estimates for our future gas supply numbers that
10 comes from our gas supply group within
11 Montana-Dakota, and so we don't just look
12 separately at our sales and as far as what electric
13 supply thinks natural gas prices will be. We rely
14 on the expertise at least of the rest of our
15 company.

16 Q. Has the -- has the -- has the recent
17 downward trend in natural gases, has that started
18 to have an impact on your IRPs?

19 A. At this moment I don't think that it has.
20 No.

21 Q. It hasn't caused gas units to be picked as
22 opposed to something else?

23 A. No. Because the other combination that
24 would be a part of it -- you have a couple
25 alternatives. One, you get gas. And the other one

1 that happens is when we look at the long-term
2 viability of gas turbine resources to serve our
3 customers, one -- there's a couple parts. One, we
4 all see the commodity cost at least that it takes
5 to get the gas. But there's actually the
6 transportation and distribution cost that it
7 actually takes them to get it to the end-use point.
8 And the other one that happens is, if you want to
9 rely on gas, you make the assumption that it's
10 going to be available there. And that either
11 occurs through having firm transportation and you
12 pay for those contracts, or you end up being an
13 interruptible or intermittent customer and you run
14 the risk that when they want you to run that where
15 you get price volatility, you can't because you
16 can't get gas.

17 And that's actually what occurs, you know,
18 with the gas turbines that we have to be
19 economical. And the gas turbines that we have in
20 Glendive and Miles City, we're interruptible gas
21 customers, and we do that because we get the
22 capacity credit for it is what we're really looking
23 for. They end up being higher cost than other
24 alternatives. So we don't enter into firm gas
25 transportation agreements that would bring an

1 additional fixed cost to our operations and
2 customers.

3 They're intermittent gas supply. And so
4 we have the responsibility -- when they're called
5 upon to run, we may not have gas, and in that case
6 we end up dispatching them on fuel oil or a higher
7 alternative cost fuel.

8 COMMISSIONER CLARK: Okay. That's all
9 I've got.

10 JUDGE WAHL: Any further questions from
11 the Commission?

12 COMMISSIONER KALK: Yeah, a couple.

13 JUDGE WAHL: Commissioner Kalk.

14 **EXAMINATION**

15 **BY COMMISSIONER KALK:**

16 Q. Thank you, Darcy, for your testimony. I
17 appreciate you trying to answer Tony's question
18 about what temperature and all that. Back in my
19 Marine logistics days, they would always ask the
20 question about how much can the aircraft lift. And
21 it would be elevation and temperature and it always
22 frustrated my boss because I could never put out
23 one answer. So I feel your pain on that one.

24 A. Well, thank you.

25 Q. And I work with Tony, too, and he's so

1 darn smart.

2 Anyway, I guess how accurate are the --
3 your -- the forecasts for demand from what you've
4 seen one week, one month, one year out? How
5 accurate are they as far as what we think we're
6 going to need down the road?

7 A. You know, we look at our demand. You're
8 talking about customer demand, peak demand?

9 Q. You were talking before about MISO today
10 and you bid this number out and you know what
11 you're going to get out of MISO based on all the
12 forecasting.

13 A. Okay.

14 Q. And how accurate are those numbers, I
15 guess, is what my question was in tying back to
16 what's available in MISO?

17 A. Well, I guess I can probably more speak
18 for Montana-Dakota. And, you know, we do our own
19 forecast that we have, and we look at weather
20 patterns basically to say what we think our
21 customers' load is going to be based upon a similar
22 day condition. So our goal is to basically be
23 within about 3 percent --

24 Q. 3 percent.

25 A. -- in North Dakota.

1 Q. Are you hitting that goal most times?

2 A. I think lately we're probably in the
3 3-to-5-percent range, lately.

4 Q. Okay. The -- so the numbers I heard
5 different places throughout the last couple days is
6 roughly 900 -- or 500 megawatts is a peak demand
7 that you will see as a company and oftentimes
8 you're 85 megawatts short. Are those numbers
9 pretty close? What's a typical day on a day
10 that -- I mean I guess those numbers, the
11 500 megawatts, is that what you understand is your
12 peak demand and on that day you'll be 85 megawatts
13 short? So if your -- if your demand is roughly
14 400 megawatts, you should be able to meet that
15 demand most days?

16 A. Okay. And I'm doing a couple numbers.
17 Maybe if we just do an illustration. If we would
18 forecast, just say generically, that our peak load
19 for the year is going to be 500 megawatts and if we
20 have to carry a reserve margin, so we have to carry
21 an amount of extra generation -- typically, that's
22 where we talk historically about a 15 percent
23 reserve margin. So if we end up carrying that,
24 that would mean we have to have resource available
25 to us -- I think I'm doing my numbers right -- to

1 about 575 megawatts that we would have to show
2 capacity for. Not nameplate generation, but
3 capacity generation.

4 Q. Okay. And how -- how far out in the MISO
5 market can you bid again?

6 A. We typically -- the MISO market is on --
7 we forecast our load in five days out, but the MISO
8 market on a day -- it's just really a day ahead in
9 a real time market.

10 Q. Okay. So there's no way of going farther
11 than one day, really, into that market? It's
12 just -- but you can know roughly that 30 days from
13 now you might need to be going more into the MISO
14 market, based on your historical, what the company
15 needs?

16 A. And part of it is the MISO market will
17 dispatch again on a most economic basis, so -- and
18 it take a look at -- typically everything that
19 happens -- maybe just to say this quickly -- we
20 have about 350 megawatts of baseload coal that we
21 have available to us. And so through that we offer
22 that in the market; and because of its price, it
23 tends to be very competitive, at least with what
24 the market price is. And so typically if MISO
25 generates our generators at 350 megawatts and we

1 have 350 megawatts of load, we're really self
2 supplying ourselves. And so if the MISO market is
3 negative, we still -- it's basically netting out
4 because we're almost in a sense paying ourselves
5 because the pricing that our generation and load
6 gets is basically the same.

7 Q. Okay. Perfect. That makes sense to me.

8 The -- there's been a lot of discussion
9 back and forth here about why wind came to the top,
10 but I have a statement that I'd like your reaction
11 to. My statement is that the biggest drivers for
12 selection of what renewable is for you -- for MDU
13 is federal tax policy. You know, without the
14 production tax credit, wind wouldn't be there. And
15 as long as there is a production tax credit for
16 wind, wind will always come to the top.

17 A. I would say wind helps bring that to the
18 top. There are other incentives, at least state
19 incentives, that also help with the cost of wind.
20 And the other one is, I mean, if you have policies
21 and mandates, you by default end up asking yourself
22 what does it take as far as to potentially meet
23 those in the future and what would be a best time
24 to be able to add those. So you have to look for
25 the opportunities as they arise to say is there a

1 cost-effective opportunity or time frame to maybe
2 add one of those resources to meet a future
3 obligation.

4 Q. I thought perhaps you said somewhere in
5 your testimony without the production -- the
6 federal production tax credits, there's no way that
7 wind would have been chosen.

8 A. Well, okay, and I apologize. From the
9 standpoint of the decision for Diamond Willow II
10 and Cedar Hills, I mean the economic benefit that
11 the production tax credit provides that was
12 expiring is significant. You know, that you
13 basically have -- currently today it's valued at
14 2.2 cents per kilowatt-hour, and that's on an
15 after-tax. So you go pre-tax, you end up being
16 something that's closer to like three and a half
17 cents per kilowatt-hour for the incentive that it
18 provides. So it's a significant driver to the
19 timing of that. And if you have to add wind and
20 renewables, if you end up being a day late, you end
21 up being at a significant disadvantage.

22 Q. Yeah. But would you agree if the federal
23 tax policy switched to solar or to geothermal, that
24 that would throw off everything? I mean that's
25 really to me the driver of where we end up as

1 industry because of the big tax benefits. They're
2 picking the winners and losers at the federal level
3 which the states and the companies that operate in
4 those states tend to gravitate that way because
5 it's such an advantage.

6 A. Yes.

7 Q. Okay. Fair enough. The -- the last
8 thing, I read in there about availability of
9 turbines was also -- "there" being your
10 testimony -- also a key factor in your decision.
11 Can you walk me through that? Was that a problem
12 of finding turbines?

13 A. Sure. Because as far as for our needs and
14 the project size that we have, I mean, we're a
15 system of 500 megawatts for our peak demand. And
16 looking at small projects, because really we're
17 looking at shaving off the top -- like energy need
18 that we had and not adding a significant amount of
19 wind but adding in a little bit at a time is what
20 we did in a cost-effective manner. If you're
21 looking at smaller blocks, it's harder to get the
22 turbine suppliers to say yes, I'm willing to
23 selling you 20 turbines when I could sell 200 to
24 someone else.

25 Q. Back to the economy of scales --

1 A. Yes.

2 Q. -- that someone testified to before.

3 COMMISSIONER KALK: Okay. Thank you very
4 much.

5 THE WITNESS: You're welcome.

6 JUDGE WAHL: Commissioner Cramer.

7 **EXAMINATION**

8 **BY COMMISSIONER CRAMER:**

9 Q. In response to an intervenor's question
10 about the price or the cost of fossil fuels going
11 up and you said, you know, it's the only direction
12 it can go, basically. You then, I think, responded
13 to the next question that it helps make wind -- and
14 I don't want to put words in your mouth, but makes
15 wind a -- with -- combined with, I guess, gas a
16 reasonable alternative or what was -- what was your
17 testimony specific to that question?

18 A. Well, and again, strictly from -- if we go
19 back to a modeling standpoint, you know, I think it
20 was shown and -- is as we go through least-cost
21 planning, particularly the Big Stone II, at least,
22 you know, that coal for the long-term is that
23 least-cost option that was available to us. And we
24 don't discount that. But the other one is if you
25 get in a situation where you can't build coal or

1 there's some other alternative, you know, you're
2 going to have to build gas turbines or something
3 that can supply the capacity portion; but then
4 you're going to take a look at from what natural
5 gas prices are and end up saying what do you
6 forecast for that price to be? Does it make more
7 sense to run that gas turbine? If price -- gas
8 prices are \$5, you're talking \$50 energy roughly.
9 Or does it make more sense to have a wind project
10 that basically gives you \$50 per megawatt-hour
11 power. And so the two of them kind of are there
12 and they kind of blend because the wind can
13 actually take out some of the volatility if you're
14 strictly relying just on a gas turbine.

15 Q. Sure. And I guess what I'm hoping to
16 illustrate is that -- if we're to carry what I
17 think the point of the question is to its ultimate
18 conclusion out, would be some day all of these coal
19 plants will be extinct and, say, MDU still has a
20 500-megawatt peak, it would take at 8 percent
21 capacity rating what, 5, 6,000, 7, 8,000 wind
22 turbines at one and a half megawatts to meet --

23 A. And I think that's why you wouldn't rely
24 exclusively upon wind to supply the capacity and
25 the energy. I mean that gets back to what's your

1 need? Do you need capacity or energy? And what's
2 the best way to do that, and also to have -- it
3 also talks of why you have a balance.

4 Q. Sure. No, I agree. I just wanted to get
5 that point across.

6 Okay. Real quickly, just one other thing.
7 Ms. Jeffcoat-Sacco asked about the six responses to
8 the RFP. How many of them were -- well, not her
9 words but mine -- were viable or, you know, real --
10 real responses. Did I understand you to say that
11 of the six, two had to be dismissed right out of
12 the chute because they were not -- they could not
13 be connected to the MDU system -- or
14 Montana-Dakota's interconnect. Is that -- was that
15 accurate?

16 A. That would be correct because they would
17 be in the western part of Montana.

18 Q. So then that leaves four. And then you
19 said something about hydrogen technology response.
20 How many of those were there?

21 A. There was one.

22 Q. There was one. So then were there three
23 viable or realistic proposals to consider or were
24 any of those three, as well, sort of dismissed, you
25 know, on the surface because of some ineligibility?

1 A. I would say there was two to three viable
2 ones. And one of the proposals was actually the
3 Diamond Willow project itself. And so that's
4 how -- how we ended up building and owning that is
5 there was an option that was a part of that bid
6 that said here's the site, here's the information,
7 here's the opportunity.

8 Q. Okay. So it wasn't Montana-Dakota's
9 proposal but the previous owner of the project.

10 A. Correct.

11 COMMISSIONER CRAMER: Okay. I have
12 nothing else. Thank you.

13 JUDGE WAHL: Any further questions from
14 the Commission? Commissioner Kalk.

15 **FURTHER EXAMINATION**

16 **BY COMMISSIONER KALK:**

17 Q. Just to follow up, Darcy, maybe educate me
18 a little bit about -- we had -- yesterday were you
19 here -- Joe Rothschiller in here talking about
20 electrothermal storage.

21 A. Yes, I did.

22 Q. Have you thought about, you know, if
23 you've got 350 megawatts of baseload and your
24 demand can get as high as 500 -- laying out almost
25 as a resource planning of incentivizing and doing

1 ways to store at night, you can bank 50 megawatts
2 and you can use that throughout the day, how is
3 that figured into what you do or have you thought
4 about that or --

5 A. I have. And as we look at that particular
6 proposal, what it's doing is it's taking a demand
7 that potentially is there on our peak, if it's in
8 the case of heat in the winter, and it will move it
9 to the off-peak hours. So it means we have less
10 capacity resources that we have to have in the
11 winter is what it would do. And we take the
12 resources that we currently have and we can more
13 fully utilize them.

14 Q. How would you do that, though? I get what
15 you're saying, but to get customers onboard, what
16 would be an approach that you could do that maybe
17 we would have a role in? I mean I understand where
18 you're going, but it seems to get people there
19 might be difficult.

20 A. Well, and I think we worked with -- with
21 Joe and discussed his technology. What was -- we
22 were looking at is when -- from the standpoint of
23 how we might plan something or looking what is a
24 good fit for Montana-Dakota is, is when do we see
25 the typical peak times or when we get into periods

1 of time during the day, during the winter when we
2 see into higher load levels and basically saying
3 can you develop an electrical storage technology
4 that doesn't have to consume energy at that period
5 of time. We'll let you consume it the rest of the
6 time, but just not during that block of time when
7 we would --

8 Q. Well, you must be able to go out and pick
9 your 10 or 15 biggest users and maybe work with
10 them to shave the peak. It's almost like a
11 lasering in on most folks to help you shave that
12 off as a resource management tool.

13 A. You mean as far as just strict application
14 of Joe's technology?

15 Q. Not Joe. The electrothermal technology
16 that anybody can provide, not just one company.

17 A. Okay.

18 Q. But would that be an approach that you
19 think would be viable of going out and picking some
20 of your big energy users and, rather than trying to
21 figure out ways to get so much more or buy so much
22 more, using some of those newer technologies as
23 ways to leveling off those peaks?

24 A. And I think we've done some of those
25 things to level the peaks off through some of our

1 energy conservation program, whether it's in
2 commercial lighting or a large load or some of the
3 rest of those pieces of trying to define
4 deficiencies at least in the way of those large
5 customers, that there are ways that they can go
6 through and actually cut their energy demand end
7 usage.

8 Q. Maybe what I'm getting to, though, is that
9 this technology has been around for a while. The
10 philosophy, I guess, to go out and -- and -- not
11 conserve so much, but to plan better, is that a
12 management decision that changes the focus on
13 developing new resources -- is where we've kind of
14 been headed for so long, but now maybe we're
15 beginning to change scope a little bit, even as a
16 commission maybe, to go back and make sure we're
17 using newer technologies to do those kind of
18 things?

19 A. And I think from the conversation
20 yesterday, I think that's a good lead in to maybe
21 to the policy as far as things we have to work on
22 maybe together as far as things to explore.

23 COMMISSIONER KALK: Okay. Thank you.

24 JUDGE WAHL: Any further questions from
25 the Commission?

1 Mr. Kuntz.

2 MR. KUNTZ: Thank you.

3 **REDIRECT EXAMINATION**

4 **BY MR. KUNTZ:**

5 Q. Mr. Neigum, there's been a lot of
6 discussion over the last two days about prices and
7 different alternatives and what was available to
8 the company in the 2007, 2008 time frame. Can you
9 provide us a summary of what the company's
10 information was in terms of costs of -- to a
11 comparable basis to the extent you can and
12 describe, you know, probably the pros and cons of
13 those for coal, natural gas, wind and the market,
14 how -- on kind of a levelized comparable basis, how
15 would they have stacked up in 2007 as it affected
16 the company's decision to go forward with the wind
17 projects? Do you understand my question?

18 A. I believe I do.

19 Q. Okay.

20 A. And looking at that from a resource side,
21 I mean going back to where we were as a company and
22 as far as what our needs were at that time, I mean
23 we were at the end of the Antelope Valley Station
24 II agreements, so we were deficit capacity and
25 baseload energy at that time. And so we were more

1 dependent upon the MISO energy market, at least as
2 that agreement ended.

3 And so just through the ending of the
4 agreement, we had entered into purchase --
5 purchases for capacity and energy because they were
6 available in the short-term, you could pick them
7 up, but the concern with purchases is that they're
8 susceptible to volatility. And it's really around
9 what is the availability that it is supply and
10 demand, and as it gets to be the market for energy,
11 the market for energy is set by the last
12 marginal -- the cost of the last marginal generator
13 that was added.

14 So if you end up in a situation in 2007,
15 2008, the majority of the time in the MISO energy
16 market was being that natural gas was setting the
17 marginal cost for energy. And so even though there
18 was a significant amount of coal that was in the
19 MISO market and generating, it was natural gas, and
20 gas generators were setting it because from a
21 dispatch order, that's what the last marginal unit
22 was being added in the day ahead and the real time
23 market.

24 Q. You were looking at the cost of Big Stone
25 II and LV21. What were you looking at in terms of

1 a megawatt-hour -- or megawatt installed capacity
2 fuel cost of generating electricity from that as an
3 alternative in 2007?

4 A. Sure. And for the long-term alternatives,
5 looking at coal -- I mean the benefits of coal end
6 up being the low and more stable fuel price that
7 you do have. The difficulties with coal, you know,
8 as has been discussed here already ends up being
9 the difficulties of permitting, the uncertainty,
10 and also the higher installed cost as compared to
11 natural gas-fired generation. And in order to get
12 the economies of scale to get -- even in a coal
13 plant that is cost competitive, either you have to
14 have a large need yourself or you have to have
15 partners.

16 Q. So for Big Stone II, for example, what
17 were you looking at an installed cost plus a fuel
18 cost based upon what you understood coal prices
19 were at that time, kind of a, quote, levelized
20 price for Big Stone II? Kind of put these all in a
21 comparable basis.

22 A. Well, the levelized cost for Big Stone II
23 on an energy basis would have been in the \$70
24 range.

25 Q. \$70. And with that you got capacity and

1 energy.

2 A. Correct.

3 Q. Okay. And then with -- the MISO market
4 you said at that time was about what?

5 A. We would end up being -- purchasing
6 energy -- we were for -- in that 55 to \$63.

7 Q. And you got no capacity with that;
8 correct?

9 A. No.

10 Q. You would have had to go out and buy
11 capacity separate --

12 A. Correct.

13 Q. -- if you needed capacity.

14 A. Correct.

15 Q. And natural gas, what would be an
16 installed cost plus an energy cost based upon what
17 gas prices were at that time for a levelized cost
18 for a natural gas turbine?

19 A. For the pricing of natural gas at that
20 time, the levelized cost would have been over \$100
21 a megawatt-hour.

22 Q. And for that you got -- you would get
23 capacity and energy.

24 A. Correct.

25 Q. And then for wind, what would have been

1 your installed cost plus fuel cost for a levelized
2 cost?

3 A. The levelized cost for the wind would have
4 been in that \$55 range.

5 Q. And that was assuming you could take
6 advantage of the tax credits at the time.

7 A. Correct.

8 Q. And there's -- there was a request to take
9 official notice of the 2009 IRP. Do you have that
10 document in front of you?

11 A. I do.

12 Q. Can you -- is there a place in that
13 document that tells what the company's resource
14 would be based upon the modeling if Big Stone II is
15 not built?

16 A. If -- if Big Stone II would not have been
17 built, our least-cost model included the Glen Ullin
18 station, the 30 megawatts of wind. We had peaking
19 purchase -- capacity purchases through 2014 -- I'm
20 sorry. This is on page 15 of Attachment C --

21 Q. Okay.

22 A. -- to the IRP. So we would have had the
23 Glen Ullin project, the wind peaking capacity, and
24 then to meet our future capacity needs we would
25 have had to add four combustion turbines in 2015

1 and 2016.

2 Q. Four combustion turbines?

3 A. Four combustion turbines.

4 Q. As a resource planner, even though your
5 modeling is -- or your modeling is telling you that
6 you would have to -- might have to add four
7 combustion turbines in 2015, 2016, as a resource
8 planner would that necessarily be the route that
9 you would take?

10 A. No, it would not.

11 Q. Why not?

12 A. One is from a dependency standpoint, we're
13 depending on too many smaller gas turbines it has.
14 There may be something different for economies of
15 scale to do additional study for that. The other
16 one is we're -- based upon the amount of dispatch
17 we're seeing in our current gas turbines, we're
18 adding in a significant amount of resources that
19 probably won't run a lot of times based upon other
20 alternatives for energy prices.

21 Q. So is the resource planning -- the
22 modeling is a planning tool; is that correct?

23 A. Correct.

24 Q. You're not a slave to the model, though.

25 A. No.

1 Q. Requires you to provide some judgment in
2 terms of what's the best thing for your system?

3 A. Yes.

4 Q. So is it possible as we get out to 2015,
5 2016, you might look at that plan and say, "I might
6 want to add some wind here instead of all these
7 turbines"? I mean is that a possibility?

8 A. It would be a possibility to look at that
9 or else I would go back out in the market and see
10 what else might be available as other alternatives.

11 Q. So it requires you to provide some
12 judgment in light of what's available at the time
13 when you're making your decision?

14 A. Yes.

15 Q. There was a question about the capacity
16 contracts that you had or have with NSP at the
17 current time. Has the company recently done an RFP
18 around capacity availability in the future for
19 future capacity?

20 A. Post the NSP agreement?

21 Q. Right.

22 A. Yes. We actually had an RFP in 2008 that
23 we did issue; that through that process we did
24 enter into a three-year capacity purchase agreement
25 that -- that moved our capacity need out until May

1 of 2015. And we also recently issued in June of
2 this year an additional RFP for capacity and
3 energy.

4 Q. And how did the capacity costs in that
5 2010 RFP compare to the prices that you quoted
6 Commissioner Clark regarding the NSP contract?

7 A. They would be higher and closer to the
8 cost of a new combustion turbine.

9 Q. In a magnitude of --

10 A. Double.

11 Q. Were you in the hearing room yesterday
12 when there were some questions about the impact on
13 the company's -- possible impact on the company's
14 coal generation facilities of having to be, as I
15 would term it, backed down more often because of
16 the availability of wind on the system?

17 A. Yes, I was.

18 Q. And there was a reference to some
19 information requests the company provided that were
20 marked as CAS 6 and CAS 7. Do you recall those
21 responses?

22 A. I don't have them in front of me, but I --
23 I would need to look at them to be certain.

24 Q. I want to show you what I'm going to mark
25 here as MDU Exhibit 17.

1 JUDGE WAHL: How about 16, Mr. Kuntz?

2 MR. KUNTZ: I thought we had a late-filed
3 exhibit that was 16, but let me double-check.

4 JUDGE WAHL: The last that I have is
5 MDU 15.

6 MR. KUNTZ: You're correct. Correct. MDU
7 Exhibit 16.

8 Q. (MR. KUNTZ CONTINUING) And MDU Exhibit 16
9 is data response 46. Do you recognize that
10 response?

11 A. Yes, I do.

12 Q. And can you tell the Commission -- and
13 was -- did you prepare or assist in the preparation
14 of that response?

15 A. I did not prepare this response.

16 Q. Are you familiar with what's on it?

17 A. Yes, I am.

18 Q. And could you tell the Commission the
19 question being posed in that response -- or in that
20 request?

21 A. The request was, Was the additional wear
22 and tear of minimum generation considered when MDU
23 decided to add wind to its own generating fleet?
24 And why?

25 Q. And what does the response indicate?

1 A. It indicates no. That the addition of our
2 50 megawatts of wind generation is not expected to
3 cause additional wear and tear on our coal fleet by
4 itself. The wind generation that Montana-Dakota
5 has is 50 megawatts out of a total 7,600 megawatts
6 of wind generation that's in all of MISO, so we're
7 less than 1 percent.

8 Q. And would you agree with that response?

9 A. Yes, I would.

10 MR. KUNTZ: We would offer MDU Exhibit 16.

11 JUDGE WAHL: Mr. Savelkoul?

12 MR. SAVELKOUL: No objection.

13 JUDGE WAHL: Mr. Roaché?

14 MR. ROACHÉ: No objection.

15 JUDGE WAHL: Mr. Skokos?

16 MR. SKOKOS: No objection.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco.

18 MS. JEFFCOAT-SACCO: No objection. But I
19 wouldn't mind a copy.

20 MR. SAVELKOUL: Yeah.

21 JUDGE WAHL: MDU 16 is received.

22 I'll need one, too, Mr. Kuntz, because it
23 won't be part of your exhibits. Oh, you've already
24 got it marked. Of course.

25 Q. (MR. KUNTZ CONTINUING) Mr. Neigum, do you

1 recall questions by Mr. Roaché about the comparable
2 costs of the first year of the wind projects in
3 comparison to other alternatives?

4 A. Yes, I do.

5 Q. Are we in the first year of Diamond Willow
6 II -- or Diamond Willow I?

7 A. We would not be, no.

8 Q. What year would we be in?

9 A. We would be in year three.

10 Q. Describe for me what is the role of the
11 company's IRP in the decision -- in the company's
12 decision-making process for adding generation
13 sources?

14 A. The IRP is a plan or a guideline of
15 looking out at what we're seeing, at least on the
16 horizon, for our customer load available options to
17 us and the potential ways that we might be able to
18 meet those future obligations of our customer. But
19 it only is a snapshot or a point in time based
20 upon, you know, certain assumptions that are made
21 at the time that that document is produced.

22 Q. It isn't necessarily saying that that's
23 exactly what you're going to do?

24 A. No, it does not.

25 Q. There were some questions regarding the

1 capacity of the wind farms, and you indicated that
2 currently the accredited capacity -- that MISO is
3 allowing accredited capacity for wind farms at
4 about 8 percent. Do you recall that testimony?

5 A. Yes, I do.

6 Q. Has that value changed over time?

7 A. That value has gone down. When Diamond
8 Willow I was originally constructed, that number
9 was at 20 percent. And one of the things that MISO
10 is looking at doing in the future is the 8 percent
11 is an aggregate number that MISO assigns to all
12 wind projects across the MISO footprint, and there
13 actually is a discussion to allow wind turbines
14 that are eligible to be able to receive capacity
15 credit, to basically be able to demonstrate what
16 their capability was, at least on the MISO peak
17 conditions. In that case it's -- it's estimated
18 MDU's wind generators would be closer to 17 or
19 18 percent.

20 Q. You mentioned the dispatch process of
21 generation units into the MISO market. What piece
22 does the wind generation offset in that dispatch
23 process?

24 A. The wind generation will -- is actually
25 used to serve our customer loads first. And what

1 it offsets is either having to purchase that next
2 piece or at least the dispatch of our next most
3 expensive resource ourselves.

4 Q. So to the extent you're in the market of
5 having to meet your customers' needs, it's going to
6 displace the highest marginal cost power that you
7 would otherwise have to purchase in the market; is
8 that correct?

9 A. That is correct.

10 Q. And even with the current mix of wind, is
11 the company still in the market for purchasing
12 energy?

13 A. Yes, we are.

14 Q. And to what percentage of its -- of its
15 energy needs are you in the market?

16 A. Typically we're probably about a 10 to
17 15 percent purchaser of energy in the market.

18 Q. A net purchaser?

19 A. A net purchaser.

20 Q. There was a question about negative
21 pricing and the contributors to negative pricing.
22 And I believe you said that wind or the addition of
23 wind was one of the contributors to negative
24 pricing. What are the other contributors?

25 A. The other contributors would end up being

1 the demand destruction that has occurred across the
2 MISO footprint. And one of the other large
3 contributors is actually the startup of MISO's
4 ancillary service market on January 6 of 2000.

5 Q. Explain how that ancillary service market
6 affected pricing.

7 A. Prior to the startup of the ancillary
8 service market, all utilities were responsible for
9 all of their regulation obligations they have,
10 whether it was spin or supplemental. So there was
11 a certain amount of generation that utilities --
12 all utilities that had their own balancing
13 authorities would basically withhold or hold in
14 reserve to basically meet contingency obligations.
15 In case a unit tripped, you had something available
16 spinning that you could basically load up quickly
17 or else you'd have a resource in standby that could
18 start.

19 And with the startup of the ancillary
20 services market, MISO started doing all those
21 balancing functions across the entire footprint.
22 And so they combined all of those resource
23 obligations to just one entity that MISO managed.
24 In doing that, instead of having to manage it for
25 20-plus smaller balancing authorities, they just

1 did it for one location. And in doing that they
2 could cut down on the number of resource adequacy
3 or supplemental resources, and in doing that what
4 happened it allowed an additional amount of
5 baseload capacity to come to the market that
6 otherwise wasn't available. And that estimate is
7 somewhere in the neighborhood of a thousand to
8 2,000 megawatts of baseload generation that came to
9 the market overnight when the ancillary service
10 market started.

11 Q. So is that extra capacity that came onto
12 the market as a result of the advent of the
13 ancillary service market as absorbed either through
14 growth or restoration of some of that demand
15 that -- you talked demand destruction on the
16 eastern part of the MISO footprint, what impact
17 will that have on energy prices in your opinion?

18 A. I think the factors that -- that caused
19 the energy prices in 2007, 2008 to be in that 50 to
20 \$60 range are still prevalent out there. Once the
21 demand comes back, there is not a significant
22 amount of baseload generation that's been added
23 into the MISO footprint. And what we'll end up
24 seeing as loads come back up, we start getting into
25 that next marginal resource. One of the

1 indications would actually be -- I think it was
2 September of this year that gas was starting to --
3 or it was August. Gas was starting to set the
4 margin maybe 20 percent of the time, where at least
5 the year prior it was predominantly coal. And so
6 we're starting to see that shift back where the
7 coal resources are starting to get loaded up once
8 again as the economy recovers.

9 What that means is the last generating
10 unit that will be added will be a gas turbine more
11 than likely to set the market price. In doing that
12 we'll end up seeing the market prices themselves
13 will spike back up kind of where they were in that
14 2006, 2007 time frame.

15 Q. And, finally, Commissioner Kalk asked you
16 about exploring energy storage technologies with
17 some of the company's larger customers. From a
18 space heating standpoint, what is the predominant
19 fuel for the company's typically largest customers?

20 A. They tend to be natural gas.

21 Q. So those type of technologies probably
22 isn't going to offer the same advantage in MDU's
23 service territory; is that correct?

24 A. Correct. And I think the technology in
25 that heat storage was more competing, where natural

1 gas isn't available, so it's more of electric heat
2 or propane as far as an alternative.

3 MR. KUNTZ: That's all the questions I
4 have.

5 JUDGE WAHL: Mr. Savelkoul.

6 MR. SAVELKOUL: Thank you. I've got a few
7 follow-up.

8 **RECROSS-EXAMINATION**

9 **BY MR. SAVELKOUL:**

10 Q. With respect to MDU 16, should your answer
11 be marginally as opposed to no?

12 A. No. My answer would still be no.

13 Q. Would it -- well, adding wind, whether
14 it's something or less and if you're pointing to a
15 total of 7600 megawatts being a driving factor,
16 isn't that a margin of the 7600?

17 A. I would say it's almost an insignificant
18 more than a marginal.

19 Q. So insignificantly as opposed to none at
20 all?

21 A. I guess my response would be that there is
22 no effect.

23 Q. Okay. Of that 7600 megawatts on the MISO
24 system, how many of those megawatts are located
25 regionally?

1 A. I guess --

2 Q. Within -- within MDU's service territory.

3 A. There is only one other wind project
4 that's attached to Montana-Dakota's system, which
5 is a 180 megawatt wind project.

6 Q. And don't -- doesn't generation also get
7 dispatched based in part on what's available in
8 that area? Doesn't transmission play a factor?

9 A. The transmission will pose a factor if
10 there's congestion that's occurring.

11 Q. Okay. Okay. Now, when did the Antelope
12 contract, the Basin Electric contract expire?

13 A. It expired in -- I think it was September,
14 October of 2006.

15 Q. So that was one of the factors that
16 entered into your decision with respect to Diamond
17 Willow?

18 A. And the need that we had for energy. Yes.

19 Q. Okay. And didn't that contract have both
20 capacity and energy, so didn't you need capacity
21 and energy at that time?

22 A. Yes, we did.

23 Q. Okay. So it wasn't just a need for energy
24 that you were trying to fulfill at the time you
25 entered Diamond Willow?

1 A. I'm not sure of your question.

2 Q. You didn't just need energy at the time
3 you chose to build Diamond Willow. You needed
4 energy and capacity.

5 A. No. We had already secured capacity
6 through agreements with -- with Northern States
7 Power. So we had met our capacity needs.

8 Q. At the time you entered into that contract
9 with Xcel, did you know you were -- you had to
10 build wind in Montana?

11 A. I'm not aware if that was a consideration
12 at that time.

13 Q. When is it you entered into the contract
14 with Xcel?

15 A. I was not involved with that, so I
16 would -- if I would have to guess, I would think
17 that was in the 2005 time frame, 2006.

18 Q. Okay. We also had discussions about the
19 cost of a combustion turbine and -- and I think you
20 estimated the cost at \$100 per megawatt and then
21 the cost of coal; isn't that correct?

22 A. Yes.

23 Q. And -- and -- coal, when you were doing
24 your estimates, was at about \$70; is that correct?

25 A. Yes.

1 Q. So in looking at wind, wind's an
2 intermittent resource; right?

3 A. Correct.

4 Q. You really need to -- if you're going to
5 compare it as a baseload option against something
6 that has capacity and energy like coal, say at \$70,
7 really you should take your 5.5 cent -- or \$55
8 energy from a wind farm and add the cost to firm it
9 up like the Xcel agreement, shouldn't you?

10 A. The two of them would actually be in
11 combination to serve the capacity and energy needs.

12 Q. So the total cost to fulfill that need
13 would not be 55 cents. It would be 55 cents plus
14 what the Xcel agreement was, 2.95 or -- or I don't
15 know if you want to look at it today, 5.9, double
16 that, and that's more like 100, \$110 per megawatt,
17 isn't it?

18 A. I don't have that number in front of me.

19 Q. I guess the record will demonstrate that.

20 Once you force wind into your system, it's
21 mandated, you know you have to build it and you
22 build that into your system, like the IRP, won't
23 that necessarily affect your following decisions so
24 if -- if it's in your system as compared to if it
25 weren't in your system, you may have a baseload

1 need and you may say we're going to select coal.
2 But if you force it into your testimony and your
3 need otherwise would have been baseload, it turns
4 to peaking or capacity, doesn't it?

5 A. I think it depends upon the situation and
6 the type of resource you're adding. I mean the
7 situation of Diamond Willow I at the time -- I mean
8 we were looking at energy in that decision at that
9 point in time of needing because we were a net
10 buyer, and I think the wind energy from Diamond
11 Willow I would only meet about two, two and a half
12 percent of our customers' total energy supply. So
13 it was just kind of taking the top or skimming off
14 as far as what our energy purchases needs were.

15 Q. Okay. But it doesn't blow all the time,
16 does it?

17 A. No.

18 Q. So if it's a peak period and wind isn't
19 blowing, you need to either buy from MISO or a CT
20 or something else to fulfill that part of the need.

21 A. Correct.

22 Q. And that part of the need, for example,
23 the peak periods, is generally a higher-priced
24 period, isn't it? More volatile, expensive time to
25 buy energy or resources?

1 A. It typically can be, but that volatility
2 can also occur at other times based upon what
3 resource is available and is setting the marginal
4 price.

5 Q. Okay. So forcing wind into the system
6 creates reliance on another volatile resource,
7 doesn't it?

8 A. I would think it reduces the amount of
9 reliability on a volatile resource.

10 Q. As compared to baseload? I mean if you're
11 weighing your options of I can either build wind
12 and a CT to fulfill this baseload need as compared
13 to a coal facility, which is stable, you've got
14 wind as one component and a CT as another component
15 and that component is very volatile --

16 A. I guess I was going back to the decision
17 back in 2007, 2008. We had resources available and
18 contracts to meet our capacity need. You know, the
19 place we were deficit was on the energy supply and
20 that's what our energy was. And so that's the
21 volatility that existed was in the energy prices
22 either caused by supply and demand, the next
23 marginal resource, or the reliance on natural
24 gas-fired generation. So the wind reduced that
25 because we had an asset that was purchased, paid

1 for. It basically has a zero dollar discharge
2 cost, so it displaces that marginal cost unit that
3 you otherwise would have had to have purchased.

4 Q. And you forced it into the resource plan
5 that wasn't selected.

6 A. At the times that the resource plans were
7 developed, they were committed resources based upon
8 looking at the opportunities that existed and
9 looking at the needs as far as on the wind goes and
10 comparing it to the market prices for energy and
11 gas. We had entered into those agreements for
12 those projects based on the timing. So at least
13 when the IRPs were performed, they were committed
14 resources. We had already said they were in the
15 best interest as far as reducing that volatility as
16 a comparison to what the market alternatives were.

17 Q. But the -- but the Big Stone II economic
18 analysis likewise didn't select generic wind; is
19 that correct?

20 A. As far as in the 2007 IRP?

21 Q. The analysis that was used in the Big
22 Stone II proceeding.

23 A. I believe that is correct.

24 MR. SAVELKOUL: Okay. I don't have
25 anything further. Thank you.

1 THE WITNESS: You're welcome.

2 JUDGE WAHL: Mr. Savelkoul, I have one
3 thing further. Were you going to offer CAS 8 with
4 Mr. Neigum?

5 MR. SAVELKOUL: Thank you, Your Honor.
6 Yes, I was. I would offer that at this time.

7 JUDGE WAHL: So I can check it off my
8 list.

9 Mr. Kuntz?

10 MR. KUNTZ: No objection.

11 JUDGE WAHL: Mr. Roaché?

12 MR. ROACHÉ: No objection.

13 JUDGE WAHL: Mr. Skokos?

14 MR. SKOKOS: No objection.

15 JUDGE WAHL: And Ms. Jeffcoat-Sacco.

16 MS. JEFFCOAT-SACCO: No objection.

17 JUDGE WAHL: Exhibit CSA -- CSA 8 is
18 received -- CAS 8 is received.

19 All right. Mr. Roaché, questions --
20 follow-up for Mr. Neigum?

21 MR. ROACHÉ: I have one.

22 **RE-CROSS-EXAMINATION**

23 **BY MR. ROACHÉ:**

24 Q. We're in a deficit of about 15 percent for
25 energy right now, MDU?

1 A. We're a net buyer of energy in the MISO
2 market, yes, so about 15 percent.

3 Q. When did it come about that actually we --
4 MDU wasn't capable of producing enough electricity
5 to supply its customers?

6 A. We are capable of supplying enough
7 electricity for our customers. If we take a look
8 at the generating resources we have and the types,
9 I mean we have our coal fleet and our gas turbines
10 and our wind turbines that can supply up to about
11 500 megawatts of electric generation.

12 Q. But it's cheaper to purchase it on the
13 market than it is to produce it yourself?

14 A. Typically with regards to our combustion
15 turbines. So typically rather than to run our
16 combustion turbines, it's cheaper to purchase
17 energy off the MISO market.

18 Q. Looking into the future, how is the
19 situation going to change as far as what the needs
20 are for building or supplying -- making new
21 supplies for electricity? Is that in plan or is it
22 good enough for now or where are we at?

23 A. I think that's the certain -- certainly
24 there's growth that's occurring. We're forecasting
25 that. You know, without being able to add baseload

1 generation, we're going to become -- continue to be
2 more dependent upon our baseload generation into
3 the future. And so as our customer load grows,
4 we're more and more into the market if it's cheaper
5 than what our combustion turbines are, which gets
6 back to the wind turbines actually provide the
7 price protection from that volatility that we could
8 otherwise face.

9 MR. ROACHÉ: No further questions.

10 JUDGE WAHL: Mr. Skokos?

11 MR. SKOKOS: Yeah.

12 **RECROSS-EXAMINATION**

13 **BY MR. SKOKOS:**

14 Q. Darcy, one question. As a resource
15 planner, do you see, like, almost -- somewhat of a
16 shift in how resources are being planned? I'll
17 preface this a little bit, but it seems that a lot
18 of companies are going away from the model where
19 they build lots of generation for the future, like
20 a large power source, where now it seems a lot of
21 companies are building small niches of power in
22 order to meet future generation and to meet the
23 current generation for capacity. Do you see that
24 model being replicated as we move to the future?

25 A. I guess I would -- maybe this --

1 categorize it as there's a lot of unknown at least
2 in the future based upon maybe a lack of policy
3 that exists of what generation can be built and as
4 far as what will it take to build some of these
5 sources of generation. And so that kind of leads
6 into companies maybe looking to lean more on the
7 market or to build smaller projects until they can
8 get a little more clarity that exists.

9 MR. SKOKOS: Okay. That's -- no further
10 questions.

11 JUDGE WAHL: Ms. Jeffcoat-Sacco?

12 MS. JEFFCOAT-SACCO: We have no questions.
13 Thanks.

14 JUDGE WAHL: Let's be in recess until a
15 little past 2:45, please.

16 (Recessed at 2:38 p.m. to 2:49 p.m.)

17 JUDGE WAHL: Okay. We're running.
18 Questions from the Commission for Mr. Neigum?
19 Commissioner Clark.

20 COMMISSIONER CLARK: Just a few, based on
21 some of the most recent round of questions.

22 **FURTHER EXAMINATION**
23 **BY COMMISSIONER CLARK:**

24 Q. You had said towards the end of, I
25 believe, Mr. Savelkoul's questioning talking about

1 wind resource and that you believe it had decreased
2 volatility because, as I understood it, you said
3 that it kicked off natural gas; is that right?

4 A. I guess I was referring to the reduced
5 volatility is adding wind in as an energy resource.
6 And so otherwise we're more dependent upon the
7 market or the need to dispatch our combustion
8 turbines at that time.

9 Q. Okay. The reason I ask is I was going
10 through CAS 4, and you probably do not have that in
11 front of you, but perhaps it can be provided. And
12 if you could turn to 648.

13 A. This is the transcript from --

14 Q. It's, I think, Mr. Steen's --

15 A. Oh, Big Stone II?

16 Q. Right.

17 A. What page?

18 Q. 648. This is just -- it's sort of in the
19 same area of the testimony that I believe we
20 discussed yesterday, but this specific part wasn't
21 but it happened to catch my eye. And it seems like
22 it's a bit of a contradiction to that and I'm
23 wondering if you can reconcile it for me. At the
24 bottom of 648, starting with my questioning at the
25 Big Stone hearing, I asked, "Does wind sometimes

1 work, though, as a peaking resource? A lot of what
2 I've heard is that often where it seems to fit
3 because it kicks off natural gas that would
4 otherwise run and that's where you get some of the
5 economies of wind. Is that incorporated into the
6 model?"

7 And then Mr. Steen said, "It can if your
8 utility is really dependent on natural gas to cover
9 its peak. In MDU's system we do have natural gas
10 to cover our peak, but our peak is for a very short
11 time period in the summertime. We're a
12 summer-peaking utility. You know, a hot, hot day
13 in July would generally start up a combustion
14 turbine to cover that peak. And generally on those
15 days the wind is not blowing. I wish it were."

16 And then I asked a few questions about
17 hydro. But then Commissioner Wefald at the bottom
18 of page 649, starts on line 21, "Why then can't --
19 if you only use those combustion generators that
20 you're invested in and they're sitting there all
21 year long and you use them for a couple of hours a
22 year, why wouldn't it be better use of resources to
23 have wind pair up with those so you could be using
24 them throughout the year and create a better
25 baseload resource?"

1 Mr. Steen answers, "Generally wind,
2 because it's nondispatchable, will offset coal, is
3 really what happens."

4 And then Commissioner Wefald asks, "But
5 systems all across the country are using it for
6 offsetting natural gas because the price is so much
7 higher."

8 And then he responds, "If they have a lot
9 of natural gas on their system."

10 Commissioner Wefald says, "But you have
11 110 megawatts."

12 Mr. Steen says, "We don't operate it very
13 often, only when MISO calls. Only when MISO calls
14 now."

15 So how does that reconcile with what you
16 had just mentioned about this wind on your system
17 being used to replace gas when it sounds like as of
18 a couple years ago it really was replacing coal?

19 A. I guess I would go back -- you know, if we
20 talk about the context I had in volatility, was
21 referring to this 2007, 2008 time period, you know,
22 where we were a net buyer. And, you know, we have
23 350 megawatts of coal-fired generation basically we
24 can offer into MISO. And a lot of times, you know,
25 our load during the day is over that 350 megawatt

1 load level. So we end up in the situation where
2 we're buying either to serve our customers' loads
3 or we're relying on our natural gas-fired turbines.

4 So it's -- at that point in time we were
5 either relying on MISO or our gas turbines to
6 supply our customer load really when -- when our
7 coal was fully dispatched. And so in that
8 situation there's the volatility that was occurring
9 because you were in seven-, eight-dollar gas and we
10 also had energy prices that were \$65 per
11 megawatt-hour -- or \$63 per megawatt-hour on an
12 annual basis.

13 So that wind comes in and it reduces that
14 volatility because you have less of a dependence
15 that you have either on the market energy purchases
16 or putting gas into our combustion turbines.

17 Q. But you don't believe that was the case in
18 2007 when Mr. Steen was testifying?

19 A. And not knowing where Mr. Steen was coming
20 from, it may end up being the question more of not
21 just strictly needing an energy resource but -- I
22 mean the proceedings here, I think, were largely
23 looking at needing a coal-fired resource versus a
24 wind/gas resource combination. And rather than
25 just wind as a stand-alone, as an energy resource,

1 was probably talking something more broader. And
2 so then you do have that -- you know, at least a
3 difference of situations maybe that we're
4 discussing.

5 Q. I was really confused for a moment after
6 Mr. Kuntz' questioning, but I think I'm less
7 confused now, but -- because it seemed like we
8 spent a lot of time over the last day and a half
9 saying, well, we had to force it into the system,
10 wind. It's not the least-cost resource, but we
11 have to consider these other social factors, so on
12 and so forth. And then we went through these
13 costs, and wind was at 55, gas was at 100, Big
14 Stone II, coal was at 70, the market was 55 to 63.
15 And I sat here thinking, well, if that's the case,
16 why doesn't the IRP pick it every time if it's
17 clearly cheaper than all these other things? And
18 is the answer that it's because that list that
19 Mr. Kuntz went down with you really isn't an
20 apples-to-apples comparison? It's because you have
21 such different capacity factors with each of those
22 that you really do have to take a lot more into
23 consideration; is that right?

24 A. I think there's more to consider with it.
25 And the other one that occurs with what's done with

1 the IRP or an expansion planning model, you know,
2 it has to serve the capacity obligation and it has
3 to serve the energy obligation as well.

4 And so as you go through available
5 resources, one of the first things it's going to
6 pick and say, how do I meet my demand or capacity
7 need and what can I pick? And it has to pick that
8 first because that's really -- you have to satisfy
9 that. If you picked energy only, you'd never
10 satisfy demand. So it has to find some way to
11 satisfy a demand option it can pick, and then it
12 will pick energy sources, either dispatching itself
13 or other combinations to come up with a least cost,
14 and that's at that point in time.

15 So when Montana-Dakota models itself
16 long-term, you know, through those expansion
17 processes, we're looking at needing to fulfill that
18 capacity need first. And if wind is only providing
19 eight as we talked about, you know, accredited --
20 we're getting 8 percent accredited capacity, you
21 know, we would be looking at if we wanted to serve
22 it all from wind, of needing hundreds and hundreds
23 of megawatts of wind to meet our capacity
24 obligation, and that wouldn't make sense.

25 Q. The -- you had mentioned that as -- as the

1 economy heats up, I think was the context of the
2 answer, and as we return to gas turbines becoming
3 again the clearing price for the MISO market, that
4 likely prices will spike back up to where they were
5 a few years ago. Is that only assuming that the
6 gas prices themselves also return to where they
7 were a few years ago?

8 A. They do have an impact on that because it
9 would be a factor of what's the last gas turbine
10 and what's the fuel cost for it. Yes.

11 Q. Isn't -- for gas that's -- a big part of
12 the delivered cost of gas is the commodity cost of
13 the fuel, isn't it?

14 A. Correct. And one of the things that's
15 occurred, you know, I would say on gas is that as
16 we're more dependent upon coal in MISO to set the
17 marginal cost and running our gas turbines less, we
18 don't see that demand for gas and commodities out
19 on the west. So I think the two of them will kind
20 of go together because it's a big user of natural
21 gas that hasn't had a need for it over the last
22 couple years.

23 Q. From your perspective as a planner, do you
24 think that there's been a -- has there been a shift
25 in the gas cost curve with the introduction of big

1 shale gas plays all over the country?

2 A. And I guess as I was -- maybe the point
3 where we were at, maybe in our '09 IRP of looking
4 at gas prices that were, you know, seven, eight
5 dollars and escalating, we're probably looking at
6 our next IRP of something that's maybe in that
7 six-dollar range and escalating. I mean so there
8 is a shift that's occurred. We're not forecasting
9 the current prices to continue but to get back to
10 something a little more -- you know, more towards
11 where the average has been.

12 Q. Right. And then one last question. I
13 noticed in the -- going back to the costs that
14 Mr. Kuntz had asked you about, coal, gas, wind and
15 market, again, was energy efficiency and
16 demand-side management ever priced out in a similar
17 manner where you'd be looking at what the cost
18 of -- of certain programs would be per megawatt?

19 A. I would say -- I'm not aware of doing
20 anything in that sort of piece for our demand
21 response programs like that.

22 Q. Does it make sense to start looking at
23 energy efficiency and demand resources as, in fact,
24 just another resource like a wind turbine or a gas
25 turbine or something else?

1 A. Well, I guess the way maybe how it
2 currently works, and maybe you know this, you know,
3 we look at potential programs and then there are
4 certain tests that are run against them to see if
5 they're viable, either from a cost basis or a
6 ratepayer utility or a societal basis, and take a
7 look and see which ones, you know, appear to
8 have -- you know, are cost effective. And in doing
9 that, we include those into our integrated resource
10 plan and we allow them to select that as a package
11 of plans or a combination of plans to basically
12 offset future needs.

13 Q. But as I understand it, that's only after
14 certain other resources may be forced into the
15 model. And I guess I'm trying to get to the
16 question of does it make sense to look at it
17 starting from scratch and putting that on par with
18 potentially a renewable resource so it might pick
19 that before it would pick wind?

20 A. Well, and I would -- and I know we've used
21 the word "forced." I guess the one I would more
22 look at using is "committed." And it's committed
23 in the sake we had -- we had -- you know, we've
24 talked about some of the numbers, here's this --
25 you know, at least what the current situation was

1 in '07 and '08, which I think made it cost
2 effective. But at least from the standpoint of
3 running the model, rather than letting it uncheck
4 it, you know, it basically is included.

5 Q. But I guess my point is you could -- you
6 could make an energy efficiency program or a demand
7 response program a committed resource as well;
8 right? So, I mean, doesn't it make sense to start
9 from scratch and just look at them all apples to
10 apples? I mean to me, as they say, the best
11 megawatt, you know, is one you don't have to build.

12 A. Sure.

13 Q. Isn't -- aren't programs like this just
14 another resource that are available to the utility
15 company?

16 A. The other one that occurs with
17 conservation is -- and it always ends up being the
18 penetration rate as well. So it's always the
19 questions, what's the certainty, even if you go
20 with a program that you're going to get
21 participants that want to sign up for it? And so
22 some of that of -- depending if you need it as a
23 short-term need, you know, can be difficult. What
24 if it doesn't come in? What if it doesn't
25 materialize? And some of these pieces we're

1 talking about as far as the commitment of wind and
2 some of these resources, there's the -- a niche
3 opportunity, which maybe we wouldn't have the same
4 way to pick up an apples-to-apples, you know, DSM
5 program at the same time and add it in. But I
6 think it -- what gets more effective in the
7 long-term planning, to include it more of as a
8 resource selection.

9 COMMISSIONER CLARK: Okay. Thanks.

10 JUDGE WAHL: Further questions from the
11 Commission? Follow-up, Mr. Kuntz?

12 MR. KUNTZ: Yes. Thank you.

13 **REDIRECT EXAMINATION**

14 **BY MR. KUNTZ:**

15 Q. Mr. Neigum, in following up questions of
16 Commissioner Clark and Mr. Savelkoul regarding the
17 prices that we checked off in 2007 and
18 Commissioner Clark's noting that, well, wind
19 doesn't include a whole lot of capacity, gas and
20 coal included some capacity. Same token, the MISO
21 market didn't include any capacity, either, did it,
22 those energy prices that you quoted?

23 A. No, it did not.

24 Q. And then Mr. Savelkoul asked you, you
25 know, what would be the addition to those prices

1 for wind or the MISO market, for example, based
2 upon the capacity contracts that you have with Xcel
3 currently as well as, you know, what you're looking
4 at from your most recent RFP. Over a break did you
5 have a chance to kind of calculate what those
6 capacity costs would add to either the MISO market
7 price or the wind price in terms to kind of put
8 them on a comparable basis?

9 A. And I guess I looked at the numbers for
10 the wind project as we were looking at doing, at
11 least to more get the comparison with coal and the
12 gas turbines.

13 Q. Okay.

14 A. You know, we have 50 megawatts of wind.
15 And if we would take the capacity cost that we were
16 paying at least Xcel, NSP, the \$2.95, if we would
17 take that and apply that across 50 megawatts of
18 wind and divide that by the annual production of
19 the wind, it would add about 1.3 cents. So it adds
20 \$13 per megawatt-hour. So we'd have \$13 per
21 megawatt-hour added to the previous \$55 we talked
22 about.

23 Q. 55 plus 13 gets us to 68, if my --

24 A. Yes.

25 Q. -- math is still correct.

1 And that would be, then, comparable
2 somewhat to the Big Stone price that you were
3 quoting of \$7 -- \$70?

4 A. Yes.

5 Q. Or the -- the gas turbine price based upon
6 \$100.

7 A. Correct.

8 Q. And \$100 gas turbine price was based upon
9 what type of delivered cost of natural gas to the
10 turbine?

11 A. Again, that's a rough estimate, but I
12 would guess that's probably in that five to
13 six-dollar range.

14 Q. And so if you assumed closer to today's
15 prices maybe a four-dollar-delivered price to the
16 turbine, what would that natural gas price be?

17 A. You're probably in that -- the same price
18 as Big Stone II, close to that \$70.

19 MR. KUNTZ: That's all I have.

20 JUDGE WAHL: Mr. Savelkoul.

21 **REXCROSS-EXAMINATION**

22 **BY MR. SAVELKOUL:**

23 Q. Thanks for clearing that combined capacity
24 cost to wind issue up. Now, the capacity contract
25 that you estimated a \$13 result for, when does that

1 expire?

2 A. That will expire the end of -- that takes
3 us through 2011.

4 Q. And a coal plant is good for -- did you
5 say 40 years?

6 A. Right.

7 Q. And your recent RFP for capacity -- which
8 is only a three-year capacity, I think you said;
9 isn't that right?

10 A. Correct.

11 Q. -- was double?

12 A. Yes.

13 Q. So those capacity costs are going up?

14 A. Yes.

15 MR. SAVELKOUL: Okay. I've got nothing
16 further. Thank you.

17 JUDGE WAHL: Mr. Roaché?

18 MR. ROACHÉ: No questions.

19 JUDGE WAHL: Mr. Skokos?

20 MR. SKOKOS: No questions.

21 JUDGE WAHL: Ms. Jeffcoat-Sacco?

22 MR. GRUMAN: No questions.

23 JUDGE WAHL: I'm sorry.

24 MR. GRUMAN: Gruman.

25 JUDGE WAHL: I didn't even look up,

1 Mr. Gruman.

2 Any further questions from the Commission?

3 Thank you very much, Mr. Neigum. Would
4 you pick up CAS 8, which I think you have, and give
5 it to the court reporter, please?

6 THE WITNESS: Yes.

7 JUDGE WAHL: Next, Mr. Kuntz?

8 MR. KUNTZ: Montana-Dakota calls Rita
9 Mulkern.

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

19 (Witness sworn.)

20 JUDGE WAHL: Mr. Kuntz.

21 **RITA A. MULKERN,**

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

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DIRECT EXAMINATION

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BY MR. KUNTZ:

Q. Please state your name and business address.

A. My name is Rita A. Mulkern, and my business address is 400 North Fourth Street, Bismarck, North Dakota 58501.

Q. And whom are you employed by?

A. I'm employed by Montana-Dakota Utilities Company.

Q. What's your position with Montana-Dakota?

A. I am the regulatory analysis manager for Montana-Dakota.

Q. And have you caused to be prepared what's been marked as MDU Exhibits 8, prefiled direct testimony and attachments, and MDU Exhibit 8R, prefiled rebuttal testimony and attachments in this proceeding?

A. Yes, I have.

Q. And if I were to ask you the questions that are set forth in exhibits -- MDU Exhibit 8 and MDU Exhibit 8R, would your answers be the same today?

A. Yes, they would.

Q. Okay. And you've had significant

1 involvement in the preparation of the -- this rate
2 case, have you not?

3 A. Yes, I did.

4 Q. Would you just briefly describe to the
5 Commission what your responsibilities are with
6 regard to the preparation of the application?

7 A. When we prepare a general rate case, we --
8 I guess Tamie Aberle and I kind of are both in
9 charge of completing the application. We're
10 responsible for different areas of it. For
11 developing the revenue requirement, we seek
12 information from other areas of the company.
13 Obviously we received information from the
14 accounting area with respect to the budget. We
15 received information from Mr. Neigum. Virtually we
16 work with all departments in the company to develop
17 our revenue requirement.

18 Q. And then you put that together?

19 A. We put it together and calculated what the
20 revenue requirement was.

21 Q. And those, then, become the basis for your
22 schedules to MDU Exhibit 8 and 8R?

23 A. They do.

24 MR. KUNTZ: We would offer MDU Exhibits 8
25 and 8R, Your Honor.

1 JUDGE WAHL: Mr. Savelkoul?

2 MR. SAVELKOUL: No objection.

3 JUDGE WAHL: Mr. Roaché?

4 MR. ROACHÉ: No objection.

5 JUDGE WAHL: Mr. Skokos?

6 MR. SKOKOS: No objection.

7 JUDGE WAHL: And Mr. Gruman?

8 MR. GRUMAN: No objection.

9 JUDGE WAHL: Exhibits 8 -- I'm sorry.

10 You're right. Exhibits MDU 8 and 8R are each
11 received.

12 Q. (MR. KUNTZ CONTINUING) Ms. Mulkern, could
13 you give the Commission a brief summary of your
14 direct and rebuttal testimony, please?

15 A. Yes, I will. The purpose of my direct
16 testimony is to present the company's cost of
17 service for the 12 months ending December 2009 and
18 the projected 2010 cost of service and calculate
19 the revenue deficiency.

20 The projected cost of service is
21 summarized in Statement L of the statements with
22 supporting detail contained in all the other
23 statements. The development of each of the items
24 of the projected rate base and income statement
25 were included in Statements M and N and described

1 in my testimony. The Statement L shows the summary
2 of the revenue requirement, and it showed a
3 calculation of a revenue deficiency of
4 \$13.3 million based on the projected operating
5 income of rate base and using the overall rate of
6 return of 9.091 percent.

7 Subsequently, a settlement was signed --
8 or submitted on June 16 that revised the revenue
9 requirement and calculated -- we calculated at that
10 point with a new return -- the return -- overall
11 rate of return included in the settlement of an
12 \$11.9 million increase, and that's based on the
13 overall rate of return of 8.699 percent.

14 In my testimony I also proposed changes to
15 the fuel cost adjustment, which we are also
16 proposing to change the name of to call it a fuel
17 and purchase power cost adjustment or FPPA.

18 That basically summarizes my direct
19 testimony.

20 With respect to my rebuttal testimony, I
21 primarily did two things in that. The first was to
22 quantify the effect of the settlement agreement
23 between the advocacy staff and Montana-Dakota in
24 this case, as well as identify the revenue
25 requirements-related issues that were not included

1 in the settlement.

2 The settlement applies to all the items
3 raised by staff witness, George Mathai, excluding
4 the wind generation; and that, as you've heard,
5 refers to the 19.5 megawatts at Diamond Willow I,
6 the 10.5 megawatts at Diamond Willow II and the
7 19.5 megawatts at Cedar Hills. It also excludes
8 the incentive compensation and the issue involving
9 the board of MDU Resources board of directors'
10 expenses.

11 In order to do that, I started to
12 calculate that revenue requirement. Started with
13 our projected 2010 cost of service and then
14 deducted the revenue expenses and rate base amounts
15 associated with the wind from the projected cost of
16 service, and we also removed the incentive
17 compensation and board expenses from that revenue
18 requirement.

19 From that point the company and the staff
20 then negotiated the remaining items and -- in order
21 to develop the revenue requirement expensed from
22 the settlement agreement of \$500,000. And to
23 summarize, in total removing all the wind
24 generation from North Dakota rate base, reduced the
25 rate base by \$62.3 million.

1 Overall, the revenue requirement that was
2 included in our rate case for all wind generation
3 and reflecting the June 16 settlement was a revenue
4 requirement of \$8,582,000.

5 The second part of my rebuttal testimony
6 was to quantify the effect of that wind generation
7 today as there has been primarily one significant
8 change since we filed our case and, therefore,
9 recalculated that revenue requirement associated
10 with the wind. And the significant event that
11 changed the revenue requirement is that in
12 September of 2010 the Small Business Jobs Act was
13 passed. And that provided for a continuation or an
14 extension of the 50 percent bonus tax depreciation
15 applicable to capital items that were in 2010. And
16 Cedar Hills and the Diamond II -- Diamond Willow
17 expansion would qualify for that bonus tax
18 depreciation. Like I said, that was the most
19 significant change in the revenue requirement.

20 In addition, we included the North
21 Dakota -- North Dakota has a state tax credit for
22 investment in wind generation and that would apply
23 to Cedar Hills. It's a 3 percent credit over five
24 years, and it's included as a rate base deduction
25 and amortized over the life of the plant.

1 Because the bonus tax depreciation
2 changed, our taxable liability in North Dakota
3 changed, and in 2010 we will not be able to take
4 the full extent of that investment tax credit for
5 2010. We do believe, however, that over time we
6 will be able to recover all of the investment tax
7 credit provided by the law.

8 The investment tax credit is assigned
9 directly to North Dakota. While the asset is
10 considered an integrated system asset -- we
11 allocate that to all states -- the investment tax
12 credit is a state tax amount or credit. And our
13 policy has always been to reflect in the state --
14 each state's cost of service the applicable state
15 tax rate. And since the investment tax credit is a
16 state tax, it is being assigned all to North Dakota
17 and the benefits of that all go to North Dakota.

18 And then, finally, there was a minor
19 change with respect to the depreciation rate used
20 on the new Diamond Willow and the Cedar Hills
21 facilities. With those changes and based -- the
22 revenue requirement and using the rate of return
23 included in the settlement agreement that was
24 signed yesterday, November 8, the total revenue
25 requirement associated with the wind is \$7,108,000

1 for North Dakota.

2 That concludes my summary of my direct and
3 rebuttal testimony.

4 Q. Ms. Mulkern, a couple of other things I
5 want to touch on. Are you also responsible for the
6 filing of the company's fuel adjustment clauses?

7 A. I am.

8 Q. On the electric side?

9 A. Yes, I am.

10 Q. How often does that occur?

11 A. We file monthly fuel cost adjustments for
12 our integrated system, North Dakota, South Dakota
13 and Montana, on a monthly basis.

14 Q. Has the effect of the Diamond Willow
15 projects, as well as Cedar Hills, impacted the
16 costs of the company's fuel?

17 A. It has reduced the fuel cost what they
18 otherwise would have been. Basically the cost --
19 the fuel savings associated with the wind that
20 Mr. Neigum talked about have been flowed through to
21 North Dakota customers as well as the Montana and
22 South Dakota customers.

23 Q. And how have those fuel savings been
24 flowed through?

25 A. They've been flowed through by reducing

1 the cost of the fuel. We -- basically we need to
2 either, as Mr. Neigum described, purchase less or
3 generate less than we would otherwise have done,
4 and that's replaced with a zero cost of the wind.

5 Q. So these zero fuel costs, if you will, for
6 the wind has been reflected in the company's fuel
7 adjustment clauses?

8 A. Yes, it has.

9 Q. Ever since those projects have come on
10 line then?

11 A. Yes, they have.

12 Q. And that's been allocated across the
13 jurisdictions how?

14 A. That is allocated -- basically actually
15 our -- in all three states, Montana, North Dakota
16 and South Dakota. We develop a system fuel cost.
17 And so -- develop total system fuel cost, total
18 system requirements and develop it that way. So
19 each -- each state has the same energy cost because
20 of our integrated system.

21 Q. So North Dakota customers have been
22 receiving approximately, what, two-thirds of the
23 advantage or benefit of the lower fuel cost from
24 the wind projects?

25 A. That would be correct.

1 Q. There was also a question asked earlier
2 today about DSM in this rate case. Can you
3 describe what there is with respect to DSM in this
4 rate case, either costs or programs or kind of
5 enlighten us on that?

6 A. Included in the revenue requirement was a
7 small amount for -- it was called DSM, but it was
8 more of an energy amount. That was for the
9 commercial lighting program that we've had in place
10 for several years. In conjunction with that, we've
11 proposed a tracking adjustment, and Ms. Aberle can
12 speak to that tracking adjustment, that would be --
13 into the future work with the DSM programs that we
14 would have.

15 MR. KUNTZ: Thank you. That's all the
16 questions I have. The witness is available.

17 JUDGE WAHL: Mr. Savelkoul?

18 MR. SAVELKOUL: Good afternoon.

19 **CROSS-EXAMINATION**

20 **BY MR. SAVELKOUL:**

21 Q. I've got some questions, first, about
22 incentive pay. MDU paid incentive and bonus
23 payments to its employees in 2009, didn't it?

24 A. Yes, it did.

25 Q. That was in addition to an -- on average

1 an increase in base salary, wasn't it?

2 A. That was part of -- that was part of the
3 overall compensation package, the -- the salaries
4 and wages and the incentive compensation as well as
5 the other benefits.

6 Q. What was the average increase in base
7 salary?

8 A. In?

9 Q. 2009.

10 A. 2009? I don't recall in 2009.

11 Q. Is there anything in the record that would
12 help you refresh your memory?

13 A. Not that I'm aware of.

14 Q. Did MDU pay incentive and bonus plan --
15 and bonus payments to employees in 2008?

16 A. Yes. There were incentive payments --
17 incentive costs in 2008.

18 Q. And what -- can you tell us what the
19 average increase in base salary was in 2008?

20 A. I do not have that information here.

21 Q. The incentive and bonus payments is in
22 addition to the increase in base pay, isn't it?

23 A. It's all part and parcel of the wage
24 package.

25 Q. In 2010, on average did you have an

1 increase in base salary?

2 A. In 2010 I believe the overall increase for
3 nonbargaining unit employees was about two and a
4 half percent, and for bargaining unit employees it
5 was about four and a half percent, I believe.

6 Q. And you expect to have bonus and incentive
7 payments in 2010 and you've requested that in this
8 rate case?

9 A. Yes. As has been discussed here, you
10 know, provided that the goals are met, there will
11 be a -- employees will receive incentive
12 compensation.

13 Q. And how did you determine how much
14 incentive compensation to include in this rate
15 case?

16 A. In the rate case we used a three-year
17 average of incentive compensation rather than
18 relying on a single year because our payouts do
19 change year to year. We use a -- traditionally use
20 a three-year average, and that's what we did in
21 this case. It was an average of 2008, 2009 and
22 then what was in the budget for 2010.

23 Q. Have you supplied -- or have you
24 determined your bonus plan for -- bonus and
25 incentive plan for 2010?

1 A. I believe that Mr. Goodin and others have
2 talked about what the incentive plan is for 2010.

3 Q. Well, your human resource manager
4 deferred -- or I'm sorry, vice president of human
5 resources deferred to you with respect to what the
6 bonus and incentive plan is today.

7 A. Maybe you could rephrase the question.
8 I'm not sure what -- exactly what you're asking.

9 Q. Can you tell us how for 2010 the incentive
10 and bonus plan is designed?

11 MR. KUNTZ: I believe Mr. Del Vecchio
12 referred to Ms. Mulkern the amount of dollars that
13 were included in the rate case for the incentive
14 compensation. The bonus plans, themselves, were
15 described in detail by Mr. Goodin. I don't believe
16 this witness has got the foundation to go into the
17 details of the plans themselves. He can -- she can
18 tell me how much is included within the rate case
19 for incentive compensation.

20 Q. (MR. SAVELKOUL CONTINUING) Yeah. I was
21 asking the human resource vice president about what
22 the current bonus and incentive plan is for 2010.
23 He didn't know. He suggested that Ms. Mulkern
24 could answer these questions.

25 A. And perhaps you could just clarify what

1 you mean by what we have in 2010. I'm not sure
2 what you're referring to.

3 Q. Staff had an information request, and I
4 don't know if you still have that, but it
5 requests -- this was the request. Please provide a
6 schedule showing incentive performance pay and
7 bonuses to each category of employees during 2008
8 through 2010 projected test period. Please provide
9 copies of any studies and detailed calculations of
10 such payments.

11 Now, the response included 2007 through
12 2009. Didn't include anything for 2010. I am
13 trying to ascertain what the plan is for 2010.

14 A. I'm not -- I'm not looking at whatever
15 you're referring to. Perhaps it would help if I
16 could see what you're referring to.

17 MR. SAVELKOUL: May I approach, Your
18 Honor?

19 JUDGE WAHL: You may.

20 Q. (MR. SAVELKOUL CONTINUING) Can you tell
21 me whether anything was included with respect to
22 the 2010 projected test year through this request?

23 A. Well, the projected 2010 test year was --
24 as included in our case, we -- it was an amount
25 that was included in the budget. It was based on

1 anticipated targeted payout, based on the new plans
2 that Mr. Goodin discussed. What you've given me is
3 an after-the-fact -- or after-the-fact -- is the
4 actual payouts by employees for those years. We
5 did not develop the projected test period using an
6 employee-by-employee calculation. It was -- it was
7 based on the budget amount.

8 Q. And you chose to respond with an
9 employee-by-employee. We asked for categories of
10 employees included in this rate case. Did you
11 provide that for 2010?

12 A. If I look at this, what we provided was
13 the detailed calculations of such payments. I
14 think that's --

15 Q. So no?

16 A. I'm sorry. What is your question again?

17 Q. Did you provide anything with respect to
18 2010 in your response to the question I read into
19 the record?

20 A. No, we did not.

21 Q. Thank you. Has the bonus and incentive
22 plan changed from 2009 to 2010?

23 A. As you've heard discussed by Mr. Goodin,
24 it changed between 2009 and 2010.

25 Q. But in the rate case, you included

1 historical bonus and incentive plan payments,
2 didn't you?

3 A. We included -- as I mentioned, we used a
4 three-year average to smooth out changes in the
5 incentive compensation. We used a 2008 historical,
6 2009, and then what would be anticipated to be
7 accrued in 2010. Overall, I think -- believe
8 Mr. Goodin said that the -- the total target dollar
9 amount didn't change between the two plans. So we
10 did not anticipate a big change in the incentive
11 compensation. It just changed the plans.

12 Q. So your plans changed, and from my
13 understanding of Mr. Goodin's testimony, reduced
14 the dependence on profitability, but you still --
15 your intent is actually to get employees the same
16 dollar amount?

17 A. I think what Mr. Goodin said is the
18 overall result was -- would reduce -- excuse me --
19 would be approximately the same dollars.

20 Q. But is -- is the point of your plan simply
21 to provide additional compensation to employees
22 or -- if you're going to pay out the same amount
23 and have different factors and call it different
24 things but pay out the same amount, what's the
25 point?

1 MR. KUNTZ: Objection. Argumentative.

2 JUDGE WAHL: Well, it's cross-examination,
3 but the -- the objection is overruled.

4 THE WITNESS: Can you repeat the question,
5 please?

6 Q. (MR. SAVELKOUL CONTINUING) If you're
7 going to pay out the same amount regardless of the
8 measuring points in which you use to provide
9 bonuses and incentives, what's the point of
10 changing?

11 A. I think Mr. Goodin discussed that fairly
12 lengthily in his testimony as to why the plans
13 changed. We don't know that we're going to pay out
14 the same amount. We anticipate that, you know,
15 given everything, given the changes, given the
16 parameters, that overall the payouts should be
17 approximately the same. If -- I think as far as
18 what changed or why it changed, Mr. Goodin did
19 cover that quite extensively.

20 Q. Okay. And you can't state whether it's
21 overstated or understated, the amount included in
22 base rate -- or rate base for this -- base rates
23 for this case?

24 A. I can tell you that we used a three-year
25 historical average based on 2008, 2009 and the 2010

1 budget. Overall, there's not a lot of change year
2 to year in that.

3 Q. Okay. Have you looked at any studies or
4 research on how other jurisdictions are treating
5 incentive pay and bonuses for ratemaking purposes?

6 A. I'm aware of generally the jurisdictions
7 that Montana-Dakota serves -- or provides service.

8 Q. So you'd be familiar with the other IOUs
9 and how they treat incentives and bonus plans in
10 North Dakota?

11 A. No. I was thinking more of how it's
12 treated in -- in Montana and Wyoming and South
13 Dakota, the other jurisdictions where we provide
14 service.

15 Q. But you're not familiar with the practices
16 within the largest service territory in which you
17 guys serve?

18 A. No. I'm not aware of Otter Tail or Xcel's
19 wage and salary packages.

20 Q. Okay. And you're not familiar with what
21 the Commission has previously approved for those
22 utilities?

23 A. No. My understanding is for the most part
24 they have settled those cases.

25 Q. So if -- if they were settled and they

1 included a reduction or an allocation to the
2 company and an allocation to the ratepayers, you
3 wouldn't be familiar with that?

4 A. My understanding of settlements is that
5 unless it's specified in the settlement, generally
6 it's an agreed-upon dollar amount; and both parties
7 give and take and exactly how they arrive at that
8 is -- probably could be different perception on one
9 party than the other because -- and I'm talking
10 about what we call a black box settlement, not one
11 that every detail is gone through.

12 Q. Okay. So you don't know.

13 A. I believe that's what I said. Yes.

14 Q. Okay. And your black box settlement
15 analogy, that would only relate to issues that are
16 challenged, wouldn't it?

17 A. I'm speaking generically of a black box
18 settlement. When I think -- more times than not,
19 when dealing with a black box settlement, it
20 settles all issues.

21 Q. So if -- if a utility proposed a sharing
22 of incentive and bonus pays and nobody challenged
23 that they wanted to share it, there would be a
24 sharing?

25 A. I really can't answer that -- that

1 question.

2 Q. Okay. Historically -- and, again, you can
3 look to the answer to information -- or discovery
4 request number 28B, -- the incentive pay and
5 bonuses have been much more heavily weighed on
6 profitability, have they not?

7 A. I really am not familiar with the
8 precise -- I guess I'm not the person in terms of
9 familiarity with exactly the -- with the incentive
10 plans and how they work. I believe Mr. Goodin
11 discussed that -- how they work yesterday.

12 Q. Okay. Can you -- can you look at that and
13 would that tell you?

14 A. This would tell me for a particular
15 employee for a particular year what the payout was
16 based on or the components of that payout.

17 Q. Did you prepare that response?

18 A. No, I did not.

19 Q. Who did?

20 A. That was prepared by our human resources
21 department.

22 Q. Your --

23 A. Mr. Del Vecchio is not an employee of
24 Montana-Dakota Utilities. This schedule was
25 prepared by Montana-Dakota, not by MDU Resources.

1 So that's why he was not able to answer questions
2 on it.

3 Q. Wasn't he here to support the incentive
4 and bonus program that the utility has requested?

5 A. He was here to do -- to submit rebuttal
6 testimony. And as I recall his testimony, it was
7 primarily on the practice of -- of incentive
8 compensation, how it fits into the overall wage and
9 benefit package and how that is derived by studies,
10 et cetera.

11 Q. Okay. I'm trying to get this -- what this
12 says into the record without having to admit the
13 confidential document. I'll ask you to turn to
14 page 39. With respect to the first line, that
15 employee -- and it looks like it's constant for the
16 majority down the page -- that employee gets bonus
17 based on seven factors. Financial would be one of
18 them -- or seven points. Finance would be
19 allocated four of those points; isn't that correct?

20 A. In looking at this schedule it appears
21 that, yeah, across the top they list the different
22 measures, and this particular employee would have
23 had four of the measures.

24 Q. Allocated to profitability or financial
25 performance.

1 A. I'm not sure what you mean by "allocated
2 to." They -- that's --

3 Q. I'm asking you.

4 A. Okay.

5 MR. KUNTZ: And, Mr. Examiner, this
6 witness says she's not familiar with this document.
7 She didn't prepare it. She's not familiar with the
8 plans. Mr. Goodin is here. He knows the plans.
9 He knows the documents. He was on the stand
10 yesterday. We'll recall him. But this is kind of
11 a waste of time asking a witness who's already said
12 she didn't prepare the documents. She's not
13 familiar with the plans. She knows what's in the
14 rate case for the plans. She's explained that a
15 couple times now. We're prepared to re-call
16 Mr. Goodin if that's what it takes to expedite
17 this.

18 MR. SAVELKOUL: I'm trying to avoid
19 getting this trade secret document into the
20 record --

21 MR. KUNTZ: Then we'll recall --

22 MR. SAVELKOUL: -- which you'd prefer
23 that.

24 MR. KUNTZ: Ask a witness who's familiar
25 with the document rather than one who isn't.

1 MR. SAVELKOUL: I would think she could
2 look at it and read.

3 JUDGE WAHL: Well, I agree with that.
4 I -- we may not agree with Mr. Savelkoul's
5 strategy, for lack of another word, but he's a
6 lawyer, he has a right to cross-examine, and I
7 don't think he's exceeded the bounds of
8 cross-examination. Now, at some point he may be
9 wasting our time, but I would hope he can decide
10 that as well as I do. I'm not sure where he's
11 going with this and it's not for me to control his
12 cross-examination.

13 MR. KUNTZ: He's asking this witness to
14 infer what certain things mean on this document
15 that she's already acknowledged she's not familiar
16 with. She doesn't know what they mean.

17 JUDGE WAHL: Well, because -- that she's
18 not familiar with the document doesn't say that she
19 can't -- she can't look at the document and offer
20 her advice. At some point this witness says, "I do
21 not know." At that point Mr. Savelkoul is done.

22 MR. KUNTZ: I guess my point is we have a
23 witness here. If the purpose of the --

24 JUDGE WAHL: I understand that you may
25 think that Mr. Goodin is a better witness, but

1 that's not my decision. Mr. Savelkoul.

2 MR. SAVELKOUL: I'll move on and request
3 that we be able to discuss with Mr. Goodin this
4 issue.

5 MR. KUNTZ: That will be fine. We'll
6 recall Mr. Goodin.

7 MR. SAVELKOUL: Thank you.

8 MR. KUNTZ: Do you want to do that now?

9 JUDGE WAHL: No, I don't want to do that
10 now.

11 Q. (MR. SAVELKOUL CONTINUING) Okay. Now I
12 want to turn to your rebuttal testimony, if we
13 could, please. Being the regulatory for the
14 utility, are you familiar with how other IOUs
15 within the state have dealt with their wind
16 resources and recovered the cost?

17 A. I have a general awareness of it. And
18 just to clarify, while I am the regulatory analysis
19 manager, I can't claim I am the regulatory manager.

20 Q. Who would that be?

21 A. Well, I am the regulatory analysis
22 manager. Ms. Aberle is the pricing and tariff
23 manager. We're both managers in the regulatory
24 area. Just wanted to clarify what our titles are
25 and what our responsibilities are for you.

1 Q. Okay. Who would be the responsible party
2 for following regulatory issues as they occur in
3 North Dakota?

4 A. Well, we both follow regulatory issues as
5 they occur in North Dakota. I did say I'm
6 generally familiar with the others.

7 Q. Okay. So can you tell me whether Xcel
8 recovers wind resources -- the cost of wind
9 resources in their base rates?

10 A. I am not aware of whether or not it's in
11 their base rates. I'm aware that they do recover
12 the cost of wind resources, but I don't have
13 familiarity with what portion would be through a
14 purchase power agreement or what portion would be
15 through owned generation.

16 Q. Okay. Are you familiar whether they are
17 recovering at all for any owned generation at this
18 point?

19 A. I'm not aware, as I said, of their mix of
20 purchase power versus owned generation.

21 Q. Okay. And are you familiar with Otter
22 Tail Power?

23 A. I'm familiar that Otter Tail has recovery
24 of owned generation.

25 Q. Is that in base rates or a rider?

1 A. I believe at this point it's in a rider.
2 I know in reviewing -- I did review the settlement;
3 and the settlement with Otter Tail said it was
4 included in a rider, but in the next rate case it
5 would be looked at putting into base rates.

6 Q. It would be reviewed at that time?

7 A. I believe so.

8 Q. Okay. Did you look at the level of detail
9 that they included in their filing?

10 A. I was not able to because it was
11 confidential.

12 Q. But -- but the confidential -- the public
13 version included a number of line items. It
14 included a large amount of information that was
15 included?

16 A. Well, there are a lot of line items, but I
17 was not able to look at -- I mean I could look at
18 basically titles, line item names.

19 Q. Okay. Did you hear MDU Witness Stomberg's
20 testimony about RECs being used in Montana?

21 A. I heard a general discussion about RECs
22 and --

23 Q. Okay. Are you familiar with the fact that
24 a certain amount of them are being recovered in
25 Montana -- or retired in Montana?

1 A. Yes. Some have been retired in Montana.

2 Q. Okay. Do you know approximately what
3 portion that is?

4 A. I do not know what portion that is.

5 Q. In your view, do RECs have a value?

6 A. I believe there's some discussion of that,
7 right, they do have value. Right now it's very
8 low. I think someone quoted about 85 cents for a
9 REC.

10 Q. Okay. I think Ms. Stomberg quoted a
11 dollar, but general range.

12 To the extent those are retired in
13 Montana, have you proposed a credit to North Dakota
14 ratepayers?

15 A. As of yet we haven't. I believe
16 Ms. Stomberg will look at as these become more --
17 have value, look at so that each jurisdiction would
18 receive their value for the RECs, whether it be
19 retired or whether it be sold.

20 Q. And why didn't MDU propose sharing them in
21 this rate case?

22 A. Right now the value is very small and it
23 just -- we just did not.

24 Q. Are you familiar with the grant that's
25 available to be used on wind projects as opposed to

1 the production tax credit?

2 A. Excuse me. Could you repeat that?

3 Q. There's a 30 percent grant that a utility
4 can select to use as opposed to taking advantage of
5 the production tax credits.

6 A. I don't -- I'm aware there was something.
7 I wasn't aware it was called a grant.

8 Q. Did MDU weigh the benefit of utilizing the
9 grant as opposed to -- as opposed to production tax
10 credits?

11 A. I believe that we did. I would have to
12 check that. I believe we did do that, but I'm not
13 certain.

14 MR. SAVELKOUL: May we approach, Your
15 Honor?

16 JUDGE WAHL: You may.

17 Q. (MR. SAVELKOUL CONTINUING) Can you
18 explain MDU's response to DR58 as set forth in this
19 IR in front of you?

20 A. The response is that Montana-Dakota chose
21 to go with the production tax credit over ten years
22 because it -- the option provided incremental
23 savings on a net present value basis over the
24 energy tax credit option.

25 Q. And can you tell us how you computed that?

1 A. I'll have to take a few minutes to look at
2 this schedule.

3 Q. Thank you. Please do so.

4 MR. KUNTZ: For your information,
5 Mr. Savelkoul, I understand Mr. Senger has probably
6 got more detailed knowledge of this particular
7 schedule calculation, and he will be called.

8 THE WITNESS: Oh, I'll defer this, then,
9 to Mr. Senger.

10 MR. SAVELKOUL: Thank you. Can you please
11 just leave it up there? We may use it then.

12 MR. KUNTZ: Was this marked?

13 MR. SAVELKOUL: It was not.

14 JUDGE WAHL: It was not marked. Listen,
15 if it's going to be floating, why don't we do that.
16 For the record, I will mark the discovery request
17 058 as CAS 10.

18 Q. (MR. SAVELKOUL CONTINUING) Okay. Now, we
19 hadn't executed the settlement agreement as of the
20 time you submitted this testimony. I just want to
21 clarify one thing. Now, I think your testimony on
22 page -- at the top of page three suggests that the
23 staff and the company agree that there should be a
24 revenue increase in the settlement of 2.9 million.
25 That wasn't included in the settlement. That's not

1 your understanding of staff's position right now,
2 is it?

3 A. No. I believe I said we -- we agreed to
4 \$500,000.

5 MR. KUNTZ: And just to be clear,
6 Ms. Mulkern, maybe I should have clarified this,
7 the prefiled testimony was filed on Friday. Were
8 there some changes between that and what has been
9 marked as an exhibit today?

10 THE WITNESS: Oh, yes, there were.

11 MR. KUNTZ: And that was my fault in
12 failing to point that out. Can you point out those
13 differences? That might account for what you're
14 talking about.

15 MR. SAVELKOUL: Yeah.

16 THE WITNESS: The difference would -- the
17 differences would be, as you noted on the top of
18 page three, the table, and I don't believe I have a
19 copy of the original.

20 MR. KUNTZ: I'm not sure I do, either.

21 (Off the record.)

22 MR. KUNTZ: You ready?

23 THE WITNESS: I'm ready. Sorry for the
24 delay here. On the top of page three there's a
25 table and the initial -- on the left under

1 Montana-Dakota is 11,519,000 that I referenced is a
2 revenue requirement -- or revenue increase with the
3 settlement dated June 16, 2010. Below that it
4 shows the revenue requirement of the issues that
5 were not included in the settlement. The first was
6 the incentive compensation, that number is not
7 changed; the board of directors' expenses, that
8 number has not changed.

9 JUDGE WAHL: I'm sorry, Ms. Mulkern. Are
10 you referring to an exhibit? What are we looking
11 at?

12 MR. SKOKOS: It's from the testimony.
13 From the rebuttal testimony.

14 MR. KUNTZ: Exhibit 8R, page three. And
15 what she's doing is because of the settlement
16 dynamics that were going on, what she prefiled on
17 Friday is slightly different than what we've marked
18 here. So if people were looking at their prefiled
19 copy from Friday, there have been some changes as a
20 result of the finalization of the settlement
21 between Friday afternoon and Monday morning. And
22 that's what she's trying to step through for
23 people.

24 THE WITNESS: The number that changed on
25 the table on page three was the wind generation

1 amount, what the total revenue requirement of the
2 wind generation amount was. And we have -- in
3 the -- what we're discussing today, the wind
4 generation is \$8,582,000. So the total -- the line
5 says, "Subtotal of hearing issues." That number is
6 nine-million seven-hundred ninety-nine. In other
7 words, we started with our position. We took out
8 the -- the items that we did not agree upon in
9 settlement, the incentive compensation, the board
10 of directors' expenses and the wind.

11 When those are excluded, Montana-Dakota --
12 the revenue increase, including those items, is
13 \$1,720,000.

14 The settlement adjustments that were
15 negotiated with the staff reduced that amount by
16 \$1.22 million, leaving a revenue increase for
17 settlement -- or a settlement increase of \$500,000.

18 In addition to that table, on page five,
19 on line four -- starting on line four, the line
20 references corresponding savings in fuel and
21 purchased power costs, and it was changed to also
22 refer to a corresponding increase in revenues.

23 On the new version, line ten, the total
24 revenue requirement for all wind resources is
25 \$8,582,000, and that matches the amount on the

1 table on page three.

2 On page six, on line -- on the current
3 version, line 18, where we quantify what the effect
4 of the wind generation is today given the changes
5 that have occurred, \$7,108,000.

6 And then, finally, on page seven there is
7 a table and it starts with the settlement amount.
8 In other words, what this table does, it kind of
9 gives you an idea of what -- what is the total
10 increase we are asking for today given the
11 settlement. So we have a settlement amount of
12 \$500,000. The incentive compensation and board of
13 directors' expenses are the same as before. The
14 wind generation is 7,108,000.

15 So today our request, including the
16 settlement, is \$8,825,000, which would be an
17 increase of 7.7 percent overall.

18 Some of the exhibits also changed as a
19 result of that. Exhibit No. RAM-2, page one. And
20 it appears also some were repaginated -- some of
21 the exhibits were repaginated. I don't believe
22 they changed, but they were repaginated. In the
23 new one, page three has changed from what was there
24 before.

25 Q. (MR. SAVELKOUL CONTINUING) What are we

1 looking at?

2 A. I'm sorry. I was going through the
3 changes from the original testimony. I was on the
4 Exhibit RAM-2.

5 Q. So are --

6 MR. KUNTZ: From the original rebuttal
7 testimony, you mean?

8 MR. SVELKOUL: Do you have different
9 rebuttal testimony than what we've been given?

10 THE WITNESS: I -- I'm not sure what you
11 have.

12 COMMISSIONER CLARK: Are you under tab
13 five of the rebuttal?

14 MS. JEFFCOAT-SACCO: It's not in the book.

15 COMMISSIONER CLARK: Not in the book.

16 MR. ROACHÉ: I don't have 8R or a revision
17 of 8R or a revision of the revision of 8R.

18 MR. SVELKOUL: It's been revised.

19 THE WITNESS: Should I refer to the
20 version that apparently most people have and
21 describe the changes from there?

22 MR. KUNTZ: I think the point is use the
23 exhibits that were handed out Monday and not the
24 prefilled stuff from Friday if you -- that's the
25 point that they're --

1 MR. SAVELKOUL: Oh.

2 JUDGE WAHL: All right.

3 MR. KUNTZ: And what she's done is
4 summarized her testimony, the changes from Friday
5 to Monday, because of the -- of the finalization of
6 the settlement, and she was going through the
7 attachments to it, but --

8 JUDGE WAHL: Referring to the documents
9 that are exhibits --

10 MR. KUNTZ: The ones that we handed --

11 JUDGE WAHL: -- in the portfolios.

12 MR. KUNTZ: Right. Use this, not the ones
13 in the notebook.

14 MR. SAVELKOUL: So the ones that were
15 filed with the Commission and e-mailed out are not
16 the correct ones?

17 MR. KUNTZ: Those were changed between
18 then and Monday. That was the numbers that she
19 just went through, reflected those changes. Those
20 were what were handed out Monday morning.

21 COMMISSIONER KALK: Your Honor, if I --

22 JUDGE WAHL: Yeah. But what we have as --
23 are MDU's exhibits that you have premarked --

24 MR. KUNTZ: Those are correct.

25 JUDGE WAHL: -- those are correct?

1 MR. KUNTZ: Those are correct.

2 JUDGE WAHL: So why are we going through
3 them at all? Why don't we just --

4 MR. KUNTZ: Because I think there was a
5 misunderstanding when Mr. Savelkoul was questioning
6 her about some numbers that didn't match what she
7 had testified to, and that's why I failed to point
8 out that there had been a change between Friday and
9 Monday.

10 JUDGE WAHL: All right. So let's just go
11 back, Mr. Savelkoul, to the documents that are
12 marked as exhibits by MDU and use those. Does that
13 get us all on the same track?

14 MR. SAVELKOUL: I at least now know where
15 the starting point is.

16 JUDGE WAHL: All right.

17 COMMISSIONER KALK: Your Honor, I have a
18 request.

19 JUDGE WAHL: Yes, Commissioner.

20 COMMISSIONER KALK: Could we take time,
21 take a five-minute break and then regroup until we
22 close this up?

23 JUDGE WAHL: Nobody knows what a
24 five-minute break is. Why don't we do that. Why
25 don't we -- would that be helpful? All right.

1 Let's recess until ten after four.

2 (Recessed at 4:01 p.m. to 4:11 p.m.)

3 JUDGE WAHL: All right. Mr. Savelkoul.

4 MR. SAVELKOUL: Okay. Thanks.

5 Q. (MR. SAVELKOUL CONTINUING) My
6 cross-examination was based on what you had filed
7 on Friday, so we might have to muddle through here
8 and page back and forth, but I think we can handle
9 that. Page three, you have a table there that
10 suggests -- or has an amount or a column for staff.
11 Now, that's -- just to be clear, that's not what
12 staff has agreed to. That's what -- your
13 understanding of how you would calculate staff's
14 current position?

15 A. That's -- yeah. This calculation is what
16 I did to show how both parties arrived at the
17 \$500,000.

18 Q. Do you understand that staff doesn't agree
19 with the \$500,000?

20 A. I guess you're telling me now they
21 don't -- I'm not aware whether they did or did not.
22 This was our representation.

23 Q. Right. It's not part of what is settled
24 and you're suggesting we agree with.

25 A. No. I'm just setting forth how the

1 parties got down -- in our viewpoint how the
2 parties arrived at the \$500,000.

3 Q. Okay. That -- that was what I was trying
4 to clear up. This is your viewpoint.

5 Okay. I'm going to direct your attention
6 to the wind generation line on page seven. Is that
7 the amount you're currently requesting to recover
8 for wind investment right now?

9 A. That is.

10 Q. Okay. Is that supported by a schedule or
11 a statement?

12 A. It is supported by Exhibit RAM-3.

13 MR. KUNTZ: For the record -- for the
14 record, that would be an attachment to Exhibit 8R.

15 Q. (MR. SAVELKOUL CONTINUING) RAM-3. Which
16 page on RAM-3?

17 A. It is the entire RAM. There are eight
18 pages, and those pages -- page one summarizes the
19 revenue requirement. It shows, you know, what an
20 operating income would be, the rate base and the
21 revenue requirement of 7.1 million.

22 Q. Okay. I now see that.

23 It looks like from Friday to yesterday you
24 made a change of 2.5 million adding in something
25 for sales on line RAM-3; is that right?

1 A. Yeah. Basically the change -- what the
2 change we did, and that is where it shows up, is
3 just to take the -- really from something that was
4 not considered part of the wind generation to part
5 of the wind generation.

6 Q. So you weren't asking -- I'm struggling
7 here. Is that supported by one of the pages?

8 A. Is what supported by one of the pages?

9 Q. The addition of 2.1 -- 2510 on RAM-3, page
10 one, on the line indicated sales.

11 JUDGE WAHL: Mr. Savelkoul, I wonder if
12 we're not as well to recess the hearing until
13 tomorrow morning.

14 MR. KUNTZ: Your Honor, Mr. Goodin is
15 available now. He's not available tomorrow
16 morning, so maybe this would be a chance to -- to
17 examine the incentive compensation issue and then
18 we could pick up with Ms. Mulkern in the morning
19 and finish this up and give Mr. Savelkoul a chance
20 to review that.

21 JUDGE WAHL: Mr. Savelkoul?

22 MR. SAVELKOUL: I'm going to waive
23 Mr. Goodin. I think we're going to try and just
24 explain the issue with our own witness. We can
25 move on to somebody else, if anybody else is

1 available.

2 MR. KUNTZ: That would be fine. We could
3 call Mr. Senger.

4 JUDGE WAHL: Mr. Savelkoul, are you --

5 MR. SAVELKOUL: That's just fine with us.

6 JUDGE WAHL: All right. Mr. Senger.

7 MR. KUNTZ: Please state your name.

8 JUDGE WAHL: I'm sorry. I'm sorry. I was
9 thinking.

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

19 (Witness sworn.)

20 JUDGE WAHL: Mr. Kuntz.

21 **GARRET SENGER,**

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

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DIRECT EXAMINATION

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BY MR. KUNTZ:

Q. Please state your name.

A. My name is Garret Senger.

Q. Your business address?

A. My business address is 400 North Fourth Street, Bismarck, North Dakota 58501.

Q. And whom are you employed by?

A. I'm employed with Montana-Dakota Utilities Company.

Q. And what's your position with Montana-Dakota?

A. My position is vice president, chief accounting officer and control.

Q. How long have you held that position?

A. For two years.

Q. And have you caused to be filed prefiled direct testimony of Garret Senger that's been marked as Exhibit 10 in this proceeding?

A. That is correct.

Q. If I were to ask you the questions that are set forth in MDU Exhibit 10 today, would your answers be the same as set forth in the prefiled testimony?

A. They would be the same.

1 MR. KUNTZ: We offer MDU Exhibit 10.

2 JUDGE WAHL: Mr. Savelkoul?

3 MR. SAVELKOUL: No objection.

4 JUDGE WAHL: Mr. Roaché?

5 MR. ROACHÉ: No objection.

6 JUDGE WAHL: Mr. Skokos?

7 MR. SKOKOS: No objection.

8 JUDGE WAHL: And Ms. Jeffcoat-Sacco?

9 MS. JEFFCOAT-SACCO: No objection.

10 JUDGE WAHL: MDU -- or Exhibit MDU 10 is
11 received.

12 Q. (MR. KUNTZ CONTINUING) Would you just
13 briefly summarize your direct testimony,
14 Mr. Senger?

15 A. In this proceeding I am sponsoring the
16 capital structure and Statements A, B and F.

17 Statement A represents the balance sheet
18 at December 31 for the years ended 2008 and 2009
19 for Montana-Dakota as well as the accompanying
20 notes to the financial statements.

21 Statement B represents an income statement
22 for the 12 months ended December 31, 2009, for
23 Montana-Dakota Utilities Company.

24 Statement F represents the utilities
25 structure at December 31, 2009, and a projected

1 capital structure at December 31, 2010.

2 The overall rate of return included in my
3 testimony is 9.091 percent, but a subsequent
4 settlement between the advocacy staff and
5 Montana-Dakota has adjusted that overall capital
6 structure to 8.73 percent.

7 Q. Does that complete your summary?

8 A. That completes my summary.

9 MR. KUNTZ: Mr. Senger is available for
10 cross-examination.

11 JUDGE WAHL: Mr. Savelkoul.

12 **CROSS-EXAMINATION**

13 **BY MR. SAVELKOUL:**

14 Q. Good afternoon, Mr. Senger. I'd like to
15 direct your attention to an exhibit that has been
16 marked as CAS 10.

17 A. All right. I have it in front of me.

18 Q. Can you explain how you computed the
19 response that's included with that exhibit?

20 A. What this schedule attempts to demonstrate
21 would be on a net present value basis what is a
22 revenue requirement, including the production tax
23 credit versus the federal energy tax credit. And
24 as demonstrated, if you look on the cover sheet
25 under net present value of free cash flow, you'll

1 see that the production tax credit model comes up
2 with a cash flow requirement of 30.15 million. If
3 you compare that, then, to the federal energy tax
4 credit model, the revenue requirement is 33.745
5 million. Thus, the production tax credit model is
6 more economical for the customer; and, hence, that
7 is the reasoning associated with taking the
8 production tax credit versus the energy tax credit.
9 It requires a -- the last number then on that page
10 is the internal rate of return; and, hence, you see
11 it's a lower required return on the production tax
12 credit model.

13 Q. Okay. Do you believe this to be accurate
14 as of today?

15 A. I believe it to be accurate as of today.
16 Correct.

17 Q. Does it include the effect of 50 percent
18 bonus depreciation?

19 A. It would not include the effect of bonus
20 depreciation, but that 50 percent would affect both
21 models. So your total investment would have come
22 down -- or your total net rate base would be the
23 same in both instances. It's just a -- it's just
24 the way the credits come through the cash flow.

25 Q. Does the ability of the company to use the

1 investment tax credit get affected by the
2 profitability of the company?

3 A. From a federal perspective I'm not sure
4 what the requirements are. I can't say that with
5 certainty.

6 Q. So if you weren't able to utilize the
7 production tax credit as the company currently has
8 a loss and similarly not able to utilize the North
9 Dakota investment tax credit, then this wouldn't be
10 accurate, would it?

11 A. The company would be able to utilize a
12 production tax credit.

13 Q. Regardless of loss or not?

14 A. Yes.

15 Q. Oh, I'm sorry. I thought I heard you say
16 you didn't know.

17 A. On the energy -- federal energy credit I'm
18 not sure, in regards to the federal energy credit.

19 Q. Okay. So with respect to the federal
20 energy credit, you don't know?

21 A. I believe we'd still be able to use it,
22 but I -- I'll check. I would need to verify that.

23 Q. Okay. How did you establish the renewable
24 energy credit tag that is used in this modeling?

25 A. You know, I would have to go back to the

1 details and assumptions within that model. It's
2 been some time since I looked at this schedule, and
3 it was prepared in accordance or in collaboration
4 with our tax department. So I would need to get
5 the details to answer that specifically.

6 Q. Is anybody else able to attest to what
7 that is, how that's computed?

8 A. We'd be able to find those details for you
9 and answer those questions. Not here today, but we
10 could offer that up at a later point in time.

11 Q. Perhaps tomorrow?

12 A. Perhaps tomorrow.

13 Q. If the net present value calculation used
14 a different discount rate, wouldn't the results
15 necessarily change as well?

16 A. I think I did sensitivities around that,
17 and while it changed, it was not significant
18 changes between the two and the answer still came
19 out in favor of production tax credit. It would
20 take a major swing to eat up that 3 million excess
21 that the PTCs currently surpassed the federal
22 energy credit.

23 Q. On the second page, can you tell me what
24 is included on the line described Federal and North
25 Dakota Tax Credit Amortizations?

1 A. What that is as the tax credits are
2 amortized and -- could you refer me exactly to
3 which line you're specifying?

4 Q. There's a line under income taxes. This
5 is on Attachment B, page one, that's titled Federal
6 and North Dakota Tax Credit Amortization.

7 A. What that represents would be the effect,
8 then, that's flowed through earnings as you
9 amortize out those tax credits. You receive the
10 cash up front, but the way it affects the income
11 statement is over the life, then, of the wind
12 project. So you've got to bring that into -- as a
13 reduction to taxes into the income statement over
14 the life of the wind and at the same time then that
15 also reduces the rate base effect of that ITC.

16 Q. Well, doesn't -- doesn't the credit come
17 to you 30 percent in one year and wouldn't that
18 affect rate base in that first year?

19 A. It affects rate base but not the income
20 statement in terms of what flows into your income
21 statement or earnings.

22 Q. So are you suggesting that it wouldn't
23 reduce rate base?

24 A. It would reduce rate base, but this would
25 add back to rate base as you amortize it out.

1 You --

2 Q. But the federal tax credit -- or the
3 grant, I'm sorry, is -- is given to the company.

4 A. Correct. And we do not take it into
5 earnings in one fell swoop. We amortize -- it's a
6 cash flow amount and it is a rate base deduction,
7 but the way it impacts your income statement is
8 that you amortize it over the 20-year life of the
9 wind project. And as you amortize it, that begins
10 to eat away at that rate base deduction, so by the
11 end, you no longer have that rate base deduction,
12 either.

13 Q. Can you explain to me why it's amortized?
14 I mean if it -- you take a reduction to the -- to
15 the cost of the farm, that's your rate base. It's
16 been reduced and that's your investment. That
17 should stay flat through the life of the farm.

18 A. But, you know, the way it affects income
19 tax accounting is that you need to take it over the
20 life of that project, amortize it over the life of
21 the project into earnings.

22 Q. For ratemaking purposes, though.

23 A. Not for ratemaking purposes. For income
24 statement presentation. For ratemaking purposes
25 what's presented here is the net present value, and

1 that includes the 12 million up front. Okay. That
2 33 million that you see on Attachment B, one of
3 two, that would include that 12 million coming in
4 year one and the effects of that in cash flow.

5 Q. Can you also provide the rate base effect
6 of this analysis?

7 A. Yes. There are other pages in that model
8 that would show you the rate base.

9 Q. All right. I think the --

10 A. And we can provide -- yes, that can be
11 provided.

12 Q. Okay. Can that be done tomorrow then?

13 A. Yes.

14 MR. SAVELKOUL: Thank you. I've got no
15 further questions with respect to this, then, thank
16 you, and no further questions. Oh, and I would
17 offer Exhibit CAS 10.

18 JUDGE WAHL: Mr. Kuntz?

19 MR. KUNTZ: No objection.

20 JUDGE WAHL: Mr. Roaché?

21 MR. ROACHÉ: No objection.

22 JUDGE WAHL: Mr. Skokos?

23 MR. SKOKOS: No objection.

24 JUDGE WAHL: Ms. Jeffcoat-Sacco?

25 MS. JEFFCOAT-SACCO: No objection.

1 JUDGE WAHL: Exhibit CAS 10 is received.

2 Mr. Roaché, questions for this witness.

3 MR. ROACHÉ: I'm out of juice again. Can
4 you hear me okay?

5 THE WITNESS: I can hear you.

6 **CROSS-EXAMINATION**

7 **BY MR. ROACHÉ:**

8 Q. I don't know if this is going to be
9 cleared up tomorrow morning with the new papers,
10 but from what I'm understanding is you spent X
11 amount of money to pay for the windmills. You got
12 a rebate of 30 percent. And that 30 percent is
13 being spread out over the course of the 20 years as
14 deducted from costs for the rate -- for the
15 ratepayers' purpose?

16 A. The North Dakota ITC we did that.
17 Correct. The federal grant we -- or energy tax
18 credit, we chose a production tax credit method
19 instead.

20 Q. Well, let me see if I can understand what
21 happened. Is you get 30 percent, stick it in your
22 pocket and then spread it out over 20 years to pay
23 me off?

24 A. No. No. You get the benefit as if there
25 is a one-time cash payment. You would get the

1 benefit of that as a rate base deduction.

2 Q. In full?

3 A. In full.

4 Q. And what is getting spread out over the
5 20 years?

6 A. It's GAAP accounting. Okay. It's the way
7 you have to recognize it on your income statement
8 for income statement purposes, not for regulatory
9 ratemaking -- or purposes.

10 Q. So the benefits immediately come to the
11 ratepayer?

12 A. That's correct.

13 MR. ROACHÉ: I have no further questions.

14 JUDGE WAHL: Mr. Skokos?

15 MR. SKOKOS: No questions.

16 JUDGE WAHL: Ms. Jeffcoat-Sacco?

17 MS. JEFFCOAT-SACCO: No questions.

18 JUDGE WAHL: Questions by the Commission?

19 Commissioner Clark.

20 COMMISSIONER CLARK: Just briefly.

21 **EXAMINATION**

22 **BY COMMISSIONER CLARK:**

23 Q. I would ask you the same question that I
24 asked Mr. Del Vecchio about the -- the unfunded
25 liability. In your experience in accounting, is

1 the unfunded liability that MDU has in both pools,
2 the bargain and nonbargained pools, is it out of
3 the ordinary with what's going on in the private
4 sector? What is the risk that's out there? Is the
5 goal to always have 100 percent funding or is it
6 acceptable from an industry standpoint to have less
7 than that?

8 A. In today's environment I think it's
9 acceptable in that you follow the IRS guidelines
10 which specify that you're in good shape if you fund
11 80 percent.

12 Q. 80 percent. Okay.

13 A. 80 percent. And -- and then it's -- you
14 get into a severe case if you're below 60, and
15 that's -- they call it the red zone.

16 Q. Okay. Thank you. That's very helpful.
17 This may be a question a little bit out in left
18 field and if it's not making any sense, feel free
19 to take a pass on it. But there were a number of
20 large corporations right after the passage of the
21 healthcare bill that took, I think, some sort of
22 write-off or a loss, and it had to do with how they
23 accounted for certain benefit plans that -- that
24 they had. Caterpillar was one and there are a
25 whole list of companies that came out right away.

1 Are you familiar with that?

2 A. I'm familiar with that. Correct. And MDU
3 did not account for those FAS 106 costs in that
4 regard, so we did not have that write-off.

5 Q. Okay. So that wouldn't have any impact at
6 all on --

7 A. Correct.

8 Q. -- what's going on here.

9 A. Right.

10 COMMISSIONER CLARK: Thank you. That's
11 all I had.

12 JUDGE WAHL: Any further questions from
13 the Commission? Commissioner Kalk.

14 **EXAMINATION**

15 **BY COMMISSIONER KALK:**

16 Q. Thank you, Garret. You might have heard
17 me talking to -- I don't remember, maybe it was
18 Mark -- about roughly the 900 Montana-Dakota
19 employees. How many of those are affected by
20 incentive compensation, where they receive
21 something?

22 A. All employees at Montana-Dakota are a part
23 of the incentive compensation program.

24 Q. Okay. So what would be different, then,
25 about those employees that are with the bargaining

1 unit and not with the bargaining unit and how you
2 figure out where those incentives goes? I mean I'm
3 not a bargaining expert by any means, but I know
4 there are a lot of rules that are different.

5 A. In terms of -- I guess certain companies
6 might have union contracts that specify whether or
7 not --

8 Q. Do you have a union contract?

9 A. We have union contracts, but the bonus
10 plans are not part of those contracts in terms of
11 differences. So all employees are under the same
12 umbrella, if you will, for incentive compensation.

13 Q. Okay. So -- and maybe this is just my --
14 I'm naive of how this all ties in, but tell me
15 again -- if you take somewhere -- you have a pot of
16 money for incentives, how does that exactly tie
17 back into this rate case as to where we're talking
18 about what we should allow or not allow if -- if
19 someone in this rate case doesn't allow the exact
20 number you're looking for, can't you take that
21 somewhere else in your organization and take -- and
22 put -- provide whatever incentives you want?
23 You're not limited by what this commission would
24 give you to give out incentives.

25 A. In terms of Montana-Dakota and

1 profitability of the company to be able to recover
2 those costs, we would be limited in that regard.

3 Q. But is there ability of Montana-Dakota
4 Resources to help fund some of those areas or is it
5 all strictly limited to just Montana-Dakota
6 Utilities?

7 A. I mean I can only speak for Montana-Dakota
8 Utilities, the company. I guess, you know, Mr. Del
9 Vecchio would have been the person probably to ask
10 about Resources and what -- what their incentive
11 programs entail.

12 Q. But how does it -- okay. If you go out
13 and put out money to build -- to build something
14 before it long comes in front of this commission,
15 you expend capital that you're going to come back
16 and request rate for later, why couldn't you do the
17 same thing with employee compensation?

18 A. I think we're doing that today. You know,
19 we've expended dollars in the past based on these
20 plans and now we're in front of you for a rate
21 increase request, and we're including what our
22 history has been in terms of incentive
23 compensation.

24 COMMISSIONER KALK: Okay. I think I
25 understand what you're saying. Thank you.

1 JUDGE WAHL: Further questions from the
2 Commission?

3 Follow-up, Mr. Kuntz?

4 MR. KUNTZ: None.

5 JUDGE WAHL: Mr. Savelkoul?

6 MR. SAVELKOUL: None.

7 JUDGE WAHL: Mr. Roaché.

8 MR. ROACHÉ: I have a question. Is Rita
9 going to be back?

10 MR. KUNTZ: Yes.

11 JUDGE WAHL: Yes. She is indeed,
12 Mr. Roaché. Where -- indeed. In spades.

13 MR. ROACHÉ: Okay. Then I have no other
14 questions.

15 JUDGE WAHL: Mr. Skokos?

16 MR. SKOKOS: No questions. But I'd just
17 like to introduce Verle Reinicke. He's been
18 sitting next to me. He's the chair of our
19 organization. I just wanted to introduce him to
20 the Court because I hadn't done it yet. Thanks.

21 JUDGE WAHL: Welcome, Mr. Reinicke.
22 Although, I notice you've been present from the
23 outset.

24 Ms. Jeffcoat-Sacco?

25 MS. JEFFCOAT-SACCO: No questions.

1 JUDGE WAHL: All right.

2 MR. KUNTZ: I'm not sure, does -- would
3 Mr. Savelkoul like to have us recall Mr. Senger in
4 the morning to introduce those couple schedules
5 that you asked about?

6 JUDGE WAHL: I assume so.

7 MR. SAVELKOUL: Yes, I would. And I'd
8 appreciate it, if he's going to look at them
9 tonight, if he can e-mail them to me tonight so I
10 can be better prepared or -- thank you.

11 JUDGE WAHL: Okay. With that and subject
12 to your recall, Mr. Senger, thank you very much.

13 THE WITNESS: You're welcome.

14 JUDGE WAHL: 20 minutes, Mr. Kuntz.

15 MR. KUNTZ: I think we have a witness that
16 we can probably finish in that time period, if not
17 less, hopefully. Montana-Dakota would call
18 Stephanie Bosch.

19 COMMISSIONER KALK: You just jinxed her,
20 you know that?

21 MR. KUNTZ: I'm counting on that we're
22 getting close to five o'clock so everybody will be
23 anxious.

24 JUDGE WAHL: Ms. Bosch, as you have heard
25 me advise previous witnesses, your testimony is

1 required to be under oath and I'm required by law
2 to advise you regarding perjury before
3 administering the oath. Perjury is a false
4 statement of material fact which you do not believe
5 to be true. In North Dakota perjury is a Class C
6 felony, punishable by a fine up to \$5,000,
7 imprisonment for a period of up to five years, or
8 both.

9 (Witness sworn.)

10 JUDGE WAHL: Mr. Kuntz.

11 **STEPHANIE L. BOSCH,**

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

14 **DIRECT EXAMINATION**

15 **BY MR. KUNTZ:**

16 Q. Please state your name and business
17 address?

18 A. My name is Stephanie L. Bosch, and my
19 business address is 400 North Fourth Street,
20 Bismarck, North Dakota.

21 Q. Whom are you employed by?

22 A. Montana-Dakota Utilities Company.

23 Q. What's your position with Montana-Dakota?

24 A. I am the regulatory analyst supervisor.

25 Q. And did you cause to be prepared with --

1 prefiled testimony in this proceeding that's been
2 marked as MDU Exhibit 11?

3 A. Yes, I did.

4 Q. And if I asked you the questions that are
5 shown in MDU Exhibit 11 today, would your answers
6 be the same as shown in that exhibit?

7 A. Yes, they would.

8 Q. Do you have any changes to that exhibit?

9 A. No, I don't.

10 MR. KUNTZ: We would offer MDU Exhibit 11.

11 JUDGE WAHL: Mr. Savelkoul?

12 MR. SAVELKOUL: No objection.

13 JUDGE WAHL: Mr. Roaché?

14 MR. ROACHÉ: No objection.

15 JUDGE WAHL: Mr. Skokos?

16 MR. SKOKOS: No objection.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco?

18 MS. JEFFCOAT-SACCO: No objection.

19 JUDGE WAHL: Exhibit MDU 11 is received.

20 Q. (MR. KUNTZ CONTINUING) And, Ms. Bosch,
21 would you briefly describe what's contained in your
22 testimony, MDU Exhibit 11?

23 A. Sure. The purpose of my direct testimony
24 was to describe the projected volumes and revenues
25 used in this rate case.

1 MR. KUNTZ: The witness is available for
2 cross-examination.

3 JUDGE WAHL: Mr. -- I believe we're going
4 to be done in 20 minutes. Mr. Savelkoul?

5 MR. SAVELKOUL: We have no questions for
6 this witness.

7 JUDGE WAHL: Mr. Roaché?

8 MR. ROACHÉ: I have no questions.

9 JUDGE WAHL: Mr. Skokos?

10 MR. SKOKOS: No questions.

11 JUDGE WAHL: Ms. Jeffcoat-Sacco?

12 MS. JEFFCOAT-SACCO: No questions.

13 JUDGE WAHL: Questions from the
14 Commission?

15 COMMISSIONER CLARK: None.

16 COMMISSIONER KALK: I have one, Judge.

17 JUDGE WAHL: I'm sure Ms. Bosch is
18 delighted.

19 **EXAMINATION**

20 **BY COMMISSIONER KALK:**

21 Q. Understanding you are under oath.

22 A. Yes.

23 Q. If you had to pick a university between
24 University of North Dakota and North Dakota
25 State -- North Dakota State University, which would

1 you pick?

2 A. The University of North Dakota.

3 COMMISSIONER KALK: That's all I have,
4 Judge.

5 JUDGE WAHL: I assume there's no follow-up
6 to that.

7 MR. KUNTZ: I agree with the witness.

8 JUDGE WAHL: I suggest we recess until
9 8:30 tomorrow morning.

10 (Recessed at 4:42 p.m., Tuesday, the 9th
11 day of November, 2010.)

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