

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern States Power Company
2011 Electric Rate Increase Case No. PU-10-657
Application

Northern States Power Company
2012 Electric Rate Increase Case No. PU-11-55
Application

Northern States Power Company
Customer Credit - DOE Case No. PU-11-557
Settlement Application

TRANSCRIPT OF

HEARING

Taken At
State Capitol
Bismarck, North Dakota
October 18, 2011

BEFORE THE HON. AL WAHL
-- TEMPORARY ADMINISTRATIVE LAW JUDGE --

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COMMISSIONERS PRESENT:

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

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1 (The proceedings herein were had and made
2 of record, commencing at 8:34 a.m., Tuesday,
3 October 18, 2011, as follows:)

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

10 This is the consolidated hearing of three
11 Northern States Power Company cases, namely, Case
12 No. PU-10-657, its application to increase its
13 rates for electric utility service to provide
14 additional 2011 test year annual revenue; Case No.
15 PU-11-55, its application to increase its rates for
16 electric utility service to provide additional 2012
17 test year annual revenue; and Case No. PU-11-557,
18 its petition for approval of a credit mechanism to
19 refund a payment received by it pursuant to a
20 settlement with the United States regarding the
21 Department of Energy's partial breach of its
22 contract to take spent nuclear fuel.

23 Before proceeding with the consolidated
24 hearing, I will ask the commissioners for their
25 comments and any directions for the hearing.

1 Commission President Tony Clark.

2 COMMISSIONER CLARK: Good morning to
3 everyone. Good morning, Judge. Just welcome and
4 thank you for being here. These are always a good
5 opportunity for the Commission to really talk about
6 and look at the company's full structure, so we get
7 into all sorts of questions during these sort of
8 hearings, and I look forward to a good one and a
9 good record that the Commission developed to make a
10 decision upon. Thank you.

11 JUDGE WAHL: Commissioner Kevin Cramer.

12 COMMISSIONER CRAMER: Good morning.
13 Welcome, everyone, as well. I appreciate the
14 opportunity. I don't really have any, I don't
15 think, particular direction that I would offer. I
16 guess one thing I would say to Xcel, would be an
17 expression of appreciation for the way you -- while
18 we have two distinct different years that we're
19 looking at, your willingness to separate those
20 after the fact to accommodate our ability to have
21 the necessary funds to dig as deep as we want to.
22 We appreciate -- I appreciate at least your
23 willingness to do that. It saved us a lot of
24 headache in the last legislative session, as you
25 probably know. So with that, I just look forward

1 to a very good day.

2 JUDGE WAHL: Commissioner Brian Kalk.

3 COMMISSIONER KALK: Good morning and
4 welcome, as well, and just also thank you to all
5 the groups involved in the rate case because
6 there's a lot of groups spend a lot of time putting
7 this together over quite some period of time. So
8 thank you for all the work.

9 And I always like to give out full
10 disclosure. It's interesting that the last time we
11 had a rate case with MDU, I noticed that someone
12 from Bottineau had recently been hired on staff,
13 and today I notice from Xcel Energy that Gail
14 Bronco I knew from 1987 is now on staff. So I just
15 take that for now. Thank you, Your Honor.

16 JUDGE WAHL: Thank you, Commissioners.
17 The record will show that it is approximately 8:30
18 a.m., October 18, 2011, the time and date noticed
19 for the consolidated hearing of certain
20 applications and a petition by Northern States
21 Power Company before the North Dakota Public
22 Service Commission.

23 These matters are as follows: On December
24 20, 2010, Northern States Power, sometimes
25 referring to as NSP, filed an application to

1 increase its rates for electric utility service to
2 provide additional 2011 test year annual revenue of
3 \$19,773,000 or a 12.02 percent increase over
4 current rates. This application was docketed as
5 Case No. PU-10-657.

6 On February 8, 2011, NSP filed an
7 application to increase its rates for electric
8 utility service to provide additional 2012 test
9 year annual revenue of \$4,226,000. This
10 application was docketed as Case No. PU-11-55.

11 On June 22, 2011, the Commission issued a
12 notice of rescheduled hearing for a public hearing
13 on these two cases as a consolidated hearing to be
14 held today at this time and at this place. The
15 notice provided that the issues to be considered
16 upon this hearing for the disposition of Case No.
17 PU-10-657 and Case No. PU-11-55 are as follows:

18 1. What is the value of NSP's property,
19 used and useful, for the service and convenience of
20 the public in North Dakota?

21 2. What is NSP's rate of return on its
22 property, used and useful, for the service and
23 convenience of the public in North Dakota?

24 3. What is a just and reasonable rate of
25 return on NSP's property, used and useful, for the

1 service and convenience of the public in North
2 Dakota?

3 4. What rates and charges are necessary
4 to provide a just and reasonable rate of return on
5 NSP's property, used and useful, for the service
6 and convenience of the public in North Dakota?

7 5. Are NSP's proposed rate schedules
8 designed in such a manner that they result in a
9 basis of charge to its customers that is just and
10 reasonable without discrimination?

11 And 6. Other relevant information or
12 proposals concerning the proceeding.

13 On August 11, 2011, NSP filed with the
14 Commission a petition for approval of a credit
15 mechanism to refund approximately \$4.9 million
16 received by it pursuant to a settlement with the
17 United States regarding the Department of Energy's
18 partial breach of its contract to take spent
19 nuclear fuel beginning January 31, 1998. This
20 petition was docketed as Case No. PU-11-557.

21 The issue to be considered upon a hearing
22 for the disposition of this case is whether the
23 proposed credit mechanism is just and reasonable.

24 On September 15, 2011, NSP and the
25 Commission advocacy staff filed with the Commission

1 a settlement agreement which they asserted will
2 resolve the issues before the Commission in each of
3 these cases, namely, PU-10-657, PU-11-55 and
4 PU-11-557.

5 The following day, September 16, 2011, the
6 Commission issued a substitute notice of hearing
7 for a hearing of all these cases today at this time
8 and this place, and upon its motion -- or upon
9 motion at its meeting October 12, 2011,
10 consolidated these cases for hearing pursuant to
11 and in accordance with its rules.

12 Proceeding then, Mr. Loftus, please state
13 your name -- your appearance for the record.

14 MR. LOFTUS: Yes. Good morning. Matthew
15 Loftus on behalf of Xcel Energy. And with me is
16 Mr. David Sederquist on behalf of the company and
17 also Ms. Laura McCarten, who is our regional vice
18 president.

19 JUDGE WAHL: Mr. Gruman, please state your
20 appearance for the record and identify any member
21 of the Commission staff who will participate for
22 the hearing as advocacy staff.

23 MR. GRUMAN: Good morning. Mark Gruman,
24 advocacy staff. Next to me is Mitch Armstrong,
25 co-counsel, advocacy staff, and also Mike Diller,

1 advocacy staff.

2 JUDGE WAHL: Mr. Armstrong, you should
3 speak for yourself. Please state your appearance
4 for the record.

5 MR. ARMSTRONG: Thank you. Mitch
6 Armstrong, Special Assistant Attorney General on
7 behalf of advocacy staff in Case No. PU-10-657 and
8 Case No. PU-11-55.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco, please
10 state your appearance for the record and identify
11 any other member of the Commission staff who will
12 participate for the hearing as advisory staff.

13 MS. JEFFCOAT-SACCO: Illona
14 Jeffcoat-Sacco, general counsel with the
15 Commission, as Commission adviser. And with me is
16 Patrick Fahn. He's the director of compliance and
17 competitive markets and is also a Commission
18 adviser in this case.

19 JUDGE WAHL: Thank you, counsel. Mr.
20 Loftus, you may proceed.

21 MR. LOFTUS: Thank you. Again, good
22 morning, Commissioners. Matthew Loftus on behalf
23 of Xcel Energy.

24 We appreciate the opportunity to be before
25 you today. The purpose of this hearing is to

1 present for your consideration a settlement
2 agreement that has been entered into between the
3 advocacy staff and the company. That settlement
4 agreement would resolve all issues that are
5 currently pending in the electric rate cases as
6 well as the DOE docket that the judge referenced
7 earlier.

8 Now, in a moment we will call our regional
9 vice president, Ms. Laura McCarten, to provide
10 testimony in support of the settlement agreement.
11 After that she will be available to answer any
12 questions that you may have. However, to the
13 extent you have questions that go beyond the scope
14 of Ms. McCarten's testimony, we have present today
15 in the hearing room Mr. John Felling, who is our
16 financial witness; Mr. Steven Huso, who is our rate
17 design witness; Mr. Joel Limoges, who is the
18 manager in the distribution area and also an
19 electrical engineer. We also have numerous other
20 company personnel that are participating today by
21 phone, and all of these folks will be available to
22 answer questions that you may have.

23 Before we call Ms. McCarten to provide
24 testimony, I would just like to provide, I guess, a
25 few other points of procedural history in this

1 docket. As the judge mentioned, there are two rate
2 increase requests at issue today, one for 2011 and
3 one for 2012. On January 26, 2011, this Commission
4 authorized the implementation of interim rates
5 subject to refund.

6 On April 6, 2011, this Commission hired
7 Blue Ridge Consulting to assist the advocacy staff
8 in this review of our application and discovery
9 commenced.

10 On May 10, 2011, the company adjusted its
11 rate increase application to reflect our decision
12 to terminate the Merricourt wind project. This
13 adjustment decreased our request in 2011 to \$17.9
14 million and our 2012 step increase to \$2.4 million.

15 On May 23 and 24 the company held public
16 input sessions in Fargo, Grand Forks, Minot and
17 Bismarck, both in person and through interactive
18 television.

19 On August 18, the advocacy staff submitted
20 the testimony of Blue Ridge Consulting, and after
21 that the company and the advocacy staff engaged in
22 settlement discussions which ultimately resulted in
23 a settlement agreement that was executed and filed
24 into this docket on September 15th, 2011.

25 And as the judge noted earlier, the

1 settlement agreement not only resolves all issues
2 in our currently pending electric rate cases, but
3 it also provides an efficient mechanism to allow
4 proceeds to be returned to our customers resulting
5 from a settlement between the company and the US
6 Department of Energy regarding spent nuclear fuel.

7 The company believes that the advocacy
8 staff has performed an extensive and comprehensive
9 review of our rate case applications, including the
10 submission of over 450 data requests. We
11 appreciate the thorough review performed by the
12 advocacy staff and we appreciate their hard work in
13 arriving at the settlement agreement that is before
14 you today.

15 As will be discussed in further detail by
16 Ms. McCarten in a few minutes, the company believes
17 that the settlement agreement is fair and
18 reasonable and is in the public interest. Thank
19 you.

20 JUDGE WAHL: Mr. Gruman, your opening
21 statement, please.

22 MR. GRUMAN: Good morning. As Mr. Loftus
23 has indicated, advocacy staff is in support of
24 settling Northern States Power's pending electric
25 rate case petitions. To support this position,

1 advocacy staff will provide testimony from Mike
2 Diller, director of economic regulations for the
3 North Dakota Public Service Commission.

4 Additionally, two of our experts are available via
5 telephone to answer any additional questions that
6 you may have.

7 In summary, Mr. Diller will inform you
8 today that this settlement agreement is a fair and
9 reasonable disposition of the issues before you.
10 Specifically the ratepayers will benefit by a
11 reduction of the return of equity from 10.75
12 percent to 10.4 percent, representing a recent
13 historical low for this Commission and an ROE in
14 line with adjacent jurisdictions. Additionally,
15 this settlement accepts 85 percent of staff's rate
16 base and operating expense adjustments.

17 As will be indicated by Mr. Diller, NSP
18 has agreed to several efforts which should
19 significantly improve reliability, while at the
20 same time reasonably mitigate the negative
21 consequences of power loss.

22 Mr. Diller will provide testimony
23 concerning the settlement agreement between NSP and
24 the Department of Energy, offering his opinion
25 towards not only its viability, but the net result

1 to ratepayers. Finally, Mr. Diller will address
2 the power Sector Regulations Project currently
3 occurring in Minnesota. Thank you.

4 JUDGE WAHL: Ms. Jeffcoat-Sacco, I
5 understand you will not make an opening statement.

6 MS. JEFFCOAT-SACCO: That's correct.

7 JUDGE WAHL: Mr. Loftus.

8 MR. LOFTUS: Thank you, Your Honor. Your
9 Honor, the parties have stipulated to the
10 introduction into the record of various pieces of
11 evidence and exhibits. We have agreed to waive
12 foundation for those. Therefore, if it is
13 appropriate with Your Honor, I will now read into
14 the -- for purposes of introduction and entry into
15 the record 24 exhibits that are involved and
16 related to the settlement agreement.

17 JUDGE WAHL: Mr. Gruman, do you so
18 stipulate?

19 MR. GRUMAN: We do, Your Honor.

20 JUDGE WAHL: Ms. Jeffcoat-Sacco, do you so
21 stipulate?

22 MS. JEFFCOAT-SACCO: Yes.

23 JUDGE WAHL: You may proceed, Mr. Loftus.

24 MR. LOFTUS: Thank you, Your Honor.

25 Exhibit No. 1 is a cover letter, our rate case

1 application, petition, deficiency, proposed
2 schedules, and our interim rate petition.

3 Exhibit No. 2 is a correction to the
4 interim rate petition.

5 Exhibit No. 3 is the direct testimony of
6 Ms. Laura McCarten and our compliance matrix.

7 Exhibit No. 4 is the direct testimony of
8 Mr. John Felling.

9 Exhibit No. 5 is the direct testimony of
10 Ms. Anne Heuer.

11 Exhibit No. 6 is the direct testimony of
12 Ms. Ann Bulkley.

13 Exhibit No. 7 is the direct testimony of
14 Ms. Jannell Marks.

15 Exhibit No. 8 is the direct testimony of
16 Mr. Dennis Koehl.

17 Exhibit No. 9 is the direct testimony of
18 Ms. Pamela Graika.

19 Exhibit No. 10 is the direct testimony of
20 Mr. Ian Benson.

21 Exhibit No. 11 is the direct testimony of
22 Ms. Jill Reed.

23 Exhibit No. 12 is the direct testimony of
24 Mr. Michael Peppin.

25 Exhibit No. 13 is the direct testimony of

1 Mr. Steven Huso.

2 Exhibit No. 14 are the proposed tariffs.

3 Exhibit No. 15 are the interim rate
4 tariffs.

5 Exhibit No. 16 is our withdrawal letter
6 from the Merricourt wind project.

7 Exhibit No. 17 is the Merricourt impact
8 upon this rate case application and updated
9 schedules.

10 Exhibit No. 18 is the Department of
11 Energy's settlement refund proposal.

12 Exhibit No. 19 is the settlement
13 agreement.

14 Exhibit No. 20 is an errata to the
15 settlement agreement.

16 Exhibit No. 21 is the settlement testimony
17 of Ms. Laura McCarten.

18 Exhibit No. 22 is a letter to the
19 Commission regarding the Environmental Protection
20 Agency pilot project.

21 Exhibit No. 23 is the direct testimony of
22 Mr. Michael McGarry.

23 And Exhibit No. 24 is the direct testimony
24 of Mr. S. Keith Berry.

25 JUDGE WAHL: Exhibits 1 through 24 as

1 identified are each received pursuant to the
2 stipulation of counsel.

3 You may proceed, Mr. Loftus.

4 MR. LOFTUS: Thank you, Your Honor. With
5 that I would like to call to the witness stand our
6 regional vice president, Ms. Laura McCarten.

7 JUDGE WAHL: Ms. McCarten, as you know,
8 your testimony is required to be under oath and I'm
9 required by law to advise you regarding perjury
10 before administering the oath. Perjury is a false
11 statement of material fact which you do not believe
12 to be true. In North Dakota perjury is a Class C
13 felony, punishable by a fine up to \$5,000,
14 imprisonment for a period of up to five years, or
15 both. Will you raise your right hand, please?

16 **LAURA McCARTEN,**
17 being first duly sworn, was examined and testified
18 as follows:

19 JUDGE WAHL: Mr. Loftus.

20 MR. LOFTUS: Thank you, Your Honor.

21 **EXAMINATION**

22 **BY MR. LOFTUS:**

23 Q. Ms. McCarten, before we -- before you
24 provide your testimony, your settlement -- your
25 testimony in support of the settlement was entered

1 into the record as Exhibit No. 21?

2 (Cell phone interruption.)

3 THE WITNESS: I apologize for that.

4 That's mine. I have to take full responsibility
5 for that. I'm so sorry. I thought I had turned
6 that off. I'm so sorry for the distraction.

7 JUDGE WAHL: Why don't you take a minute
8 and --

9 THE WITNESS: And make sure I get it.

10 JUDGE WAHL: -- turn it off.

11 (Discussion had off the record.)

12 Q. (MR. LOFTUS CONTINUING) Ms. McCarten,
13 your testimony in support of the settlement has
14 been entered into the record as Exhibit No. 21. Do
15 you have any corrections to make to that testimony?

16 A. Yes, there is one correction. On page 5
17 of my testimony, line number 7, the dollar amount
18 has been changed slightly. The correct dollar
19 amount is \$119,410,000.

20 Q. Thank you, Ms. McCarten. And that dollar
21 figure conforms with the dollar figure that is set
22 forth in the settlement agreement?

23 A. That is correct.

24 MR. LOFTUS: Thank you. And, Your Honor,
25 just as a note, this correction has already been

1 made to the testimony that was submitted into the
2 record.

3 Q. (MR. LOFTUS CONTINUING) Your Honor, with
4 that, I would just ask Ms. McCarten if she has a
5 summary or an opening statement to provide in
6 support of the settlement agreement.

7 A. Yes, I do. Thank you. Judge Wahl,
8 Commissioners, good morning. Thank you for the
9 opportunity to be here and to provide this opening
10 statement on behalf of Northern States Power.

11 This settlement agreement is a product of
12 a constructive and collaborative effort between the
13 advocacy staff and the company to seek fair and
14 practical solutions in these proceedings and to
15 implement those solutions in an efficient and
16 timely manner.

17 As a result of these collaborative
18 efforts, the Commission has before it a fair
19 settlement agreement that reasonably balances the
20 interests of both our customers and the company.

21 In summary, the settlement provides the
22 company a reasonable return on equity of 10.4
23 percent, reflects 85 percent of the non-ROE revenue
24 adjustments recommended by your advocacy staff and
25 your consultants, supports additional expenditures

1 to enhance reliability in North Dakota, allows the
2 company to recover incremental costs incurred
3 during the Minot flood, provides for an efficient
4 and timely means to pass proceeds from our DOE
5 settlement to customers.

6 I would like to briefly discuss each of
7 these elements of the settlement starting with the
8 ROE.

9 It's been three years since our last rate
10 case. In the absence of a rate increase, our ROE
11 was projected to decline from a normalized 6.8
12 percent in 2010 to 3.0 percent in 2012. The
13 increase in rates is needed in large part because
14 of investments we've made in our nuclear and coal
15 generation units, one of the most important of
16 which is the investment that will allow the
17 Monticello Nuclear Plant to continue to operate for
18 another 20 years and to increase its output by 71
19 megawatts.

20 We continue to modernize and expand our
21 transmission and distribution infrastructure and
22 we're also facing higher costs because of
23 increasing compliance requirement around the issues
24 of safety and reliability imposed by both the
25 Nuclear Regulatory Commission, or NRC, and the

1 National Electric Reliability Council, NERC.

2 The settlement agreement is based on the
3 direct testimony filed on behalf of advocacy staff,
4 and the Commission can be assured that advocacy
5 staff and the professional consultants left no
6 stone unturned in reviewing our company's finances,
7 operations and practices.

8 As a result of their extensive discovery
9 involving over 450 data and information requests,
10 advocacy staff proposed a total of 25 financial
11 adjustments. The largest financial adjustment
12 proposed was to reduce the ROE from the company's
13 proposed 11.25 percent to 9.55 percent. The
14 settlement before you recommends an ROE of 10.4
15 percent, which reduced the 2011 test year revenue
16 requirement by 2.3 million.

17 The 10.4 percent ROE is supported by a
18 number of considerations, including a recognition
19 that the Commission's most recent rate case
20 decisions for our company, MDU and Otter Tail
21 Power, in those cases the Commission approved an
22 ROE of 10.75 percent. Although interest rates are
23 currently low, that doesn't translate directly into
24 a low required ROE, and this is because
25 investors -- investor aversion to risk remains

1 high, generally requiring better returns.

2 While this settlement is not structured on
3 an issue-by-issue basis, the settlement does
4 reflect, as you've heard, 85 percent of the
5 requested non-ROE revenue reductions that were
6 proposed by your advocacy staff. Had we litigated
7 these issues, the company would have contested many
8 of the adjustments, certainly more than is
9 reflected in the settlement's aggregate adjustment
10 to the revenue requirement. Therefore, we believe
11 that the company's acceptance of the lower 2011
12 revenue increase recommended by the settlement
13 evidences the reasonableness of the final rate
14 increase.

15 The settlement further benefits both the
16 company and our customers by including a 2012 step
17 increase and allowing a true-up of 2012 retail
18 non-fuel sales. It benefits the company by
19 allowing it to recover specific known 2012 cost
20 increases that result from having 2011 investments
21 in service for a full year.

22 It benefits our customers because it
23 avoids the need for the company to file a rate case
24 with the 2012 test year, which we believe would
25 have resulted in further significant rate

1 allocated to the customer classes based upon the
2 company's filed class cost-of-service study
3 resulting in cost-based rates. The existing rate
4 design will remain largely unchanged and the fixed
5 monthly customer charges will not increase.

6 Advocacy staff's investigation went beyond
7 the analysis of revenue requirements to include the
8 company's reliability performance. The settlement
9 identifies and funds three reliability initiatives
10 that the company will implement in 2012 to improve
11 its reliability performance in North Dakota.

12 Under the settlement the company will
13 install approximately 25 Intelliteam switches in
14 its Fargo distribution system. These are a type of
15 smart grid technology that will limit the impact of
16 feeder-level outages by approving restoration time.
17 These switches, which the company aims to have
18 installed or completely installed by about
19 mid-2012, will cover about 80 percent of the load
20 in Fargo.

21 Also, the company will increase its
22 expenditures on tree trimming, allowing it to move
23 from a four-and-a-half-year tree trimming cycle to
24 a four-year cycle.

25 And, finally, we've agreed to an outage-

1 related customer credit program under which
2 customers experiencing six or more qualifying
3 outages will receive a \$50 bill credit. This
4 customer guarantee underscores our commitment to
5 provide reliable electric service in North Dakota.

6 In summary, we believe the settlement
7 fairly resolves the issues in this case and
8 provides an efficient and timely means to pass
9 proceeds from our DOE settlement to customers and
10 recover incremental cost incurred during the Minot
11 flood.

12 We respectfully ask that the Commission
13 approve this settlement so that we can implement
14 reasonable final rates for our North Dakota
15 customers and move ahead to issue sizable refunds
16 to those customers early in 2012. Thank you.

17 MR. LOFTUS: Your Honor, with that I would
18 tender the witness for any questions from the
19 commissioners or the advisory staff.

20 JUDGE WAHL: Mr. Gruman?

21 MR. GRUMAN: No questions, Your Honor.

22 JUDGE WAHL: Ms. Jeffcoat-Sacco.

23 MS. JEFFCOAT-SACCO: I have a pole
24 attachment question and I'm guessing I should not
25 really direct that to you, but can you tell me

1 which witness I will -- I would direct that to.

2 THE WITNESS: I'm not certain if we're
3 going to have -- if we know the question, perhaps I
4 could answer that better.

5 MS. JEFFCOAT-SACCO: Well, I was just
6 curious about the difference in the Qwest projected
7 replacements and then the costs that NSP would
8 incur in order to deal with those replacements and
9 I didn't know -- and perhaps it's in the testimony
10 someplace, but I just didn't find it. I didn't
11 know what was the time frame for those estimates
12 and whether the buy/sell to Century -- CenturyLink
13 was the cause of that increased replacement of
14 poles or was going to be -- or that number was
15 going to be affected by the buy/sell, if that was
16 before the buy/sell, and so do you know the answer
17 to that?

18 THE WITNESS: Ms. Jeffcoat-Sacco, I do
19 not, but let me ask my attorney if he can direct
20 that question to one of our other witnesses who are
21 available.

22 MS. JEFFCOAT-SACCO: We can wait then for
23 that. That's fine.

24 MR. LOFTUS: Okay. I'm getting
25 confirmation, I believe, Mr. Felling can answer

1 that. Also, I believe Joe Mansur, who is
2 participating by phone, may also have some
3 background regarding the Qwest pole attachments, as
4 well.

5 JUDGE WAHL: Anything further, Ms.
6 Jeffcoat-Sacco?

7 MS. JEFFCOAT-SACCO: No. Thank you.

8 JUDGE WAHL: Questions from the
9 Commission? Commissioner Clark.

10 **EXAMINATION**

11 **BY COMMISSIONER CLARK:**

12 Q. Good morning.

13 A. Good morning.

14 Q. Just a few. With regard to the
15 reliability improvement costs, these are the
16 Intelliteam switches --

17 A. Yes.

18 Q. -- which, I guess, they're classified as a
19 sort of smart grid technology, do you have a sense
20 for what the improvement in outages would have been
21 in, say, the Fargo area if these had been installed
22 previously so we get a sense for -- given the
23 problems we've had in Fargo, would this type of
24 switch reduce the outage and do you have any sort
25 of number so we can get an example of what that

1 might have been?

2 A. Yes, Commissioner Clark, I do have
3 information of that sort and we also have a witness
4 who can delve more deeply into that. But let me
5 start by just explaining briefly what the
6 Intelliteam switch does.

7 The Intelliteam switch can sense where
8 along the length of a feeder the fault actually
9 occurred and then switch that section out of
10 service so that the remaining customers served by
11 that feeder remain in service. Typically that
12 switching can happen within 45 seconds, so you can
13 see that you can isolate the outage just to a small
14 portion of the feeder and everybody else can be
15 returned to service much more quickly.

16 We've estimated, based upon our 2010
17 performance, if these switches had been in place in
18 2010, we would have reduced -- we measure
19 reliability in customer minutes out. We would have
20 reduced that by approximately 1.2 million customer
21 minutes, which in 2010 represented about 30-some
22 percent, 32 percent of the total outages. 2010 was
23 a rather high outage year.

24 We also looked at the potential impact or
25 the theoretical impact in 2011. In 2011 if those

1 switches had been in place, we estimate that the
2 customer minute outage would have been reduced by
3 about 12 percent.

4 Q. Okay. And is that North Dakotawide? Is
5 that just the Fargo service territory?

6 A. This is just affecting -- this would just
7 be affecting Fargo because we are proposing to
8 install these switches just in Fargo.

9 Q. Okay. So it would be a 32 percent
10 reduction, I think you said about a 12 percent
11 reduction in the Fargo area?

12 A. Commissioner Clark, I may have
13 misunderstood your question. I believe these
14 numbers are aggregate. When I say that 1.2 million
15 represents about 32 percent, I believe that is the
16 aggregate of all North Dakota outages. So it's not
17 a 32 percent reduction just in Fargo.

18 Q. Okay. Got it. I see the annual revenue
19 requirement will increase 250,000 for the 25
20 switches, which are an aggregate \$2.5 million
21 expense; is that right? At least that's what I get
22 from the testimony. Do you have a sense for what
23 the -- what's the depreciation schedule on these
24 sort of switches? What's the estimated useful life
25 for an Intelliteam switch?

1 A. Commissioner Clark, I don't have that
2 information, so I would ask my counsel to direct
3 that request to the proper witness.

4 MR. LOFTUS: Yes. Commissioner Clark, I
5 believe Mr. Joel Limoges may have an idea of what
6 the estimated service life is for those.

7 COMMISSIONER CLARK: My question is, and
8 we can direct it to a later witness and I might ask
9 it of advocacy staff, as well. The idea is I'm
10 just trying to get to a sense that the 250 figure
11 is reasonable and why you believe it is, and I
12 assume it probably is related to the depreciation
13 of those switches.

14 THE WITNESS: I'm sure you're correct on
15 that, Commissioner, so shall we make a note and
16 follow up later?

17 COMMISSIONER CLARK: That would be great.

18 THE WITNESS: Okay.

19 COMMISSIONER CLARK: If you don't, I'll
20 just make a note to ask.

21 THE WITNESS: Okay.

22 JUDGE WAHL: Mr. Loftus, you should in due
23 course add these additional witnesses to your
24 schedule.

25 MR. LOFTUS: Thank you, Your Honor.

1 Q. (COMMISSIONER CLARK CONTINUING) Also in
2 this section related to reliability improvement
3 costs, there's a proposed revenue requirement line
4 of \$20,000 to fund a customer credit program
5 issuing \$50 credits on an annual basis to those who
6 experience at least six sustained interruptions
7 during the year, which are defined as five minutes
8 or longer. Do you know how many of those there
9 would have been in, say, the 2010 year -- calendar
10 year, how many refunds would have been issued if
11 this would have been in place at that time?

12 A. Commissioner Clark, I don't have that
13 answer, so, again, I'll ask my counsel to consider
14 which of our other witnesses could provide that
15 information.

16 Q. Okay. I think I'm just trying to
17 establish a basis for whether this is a meaningful
18 action or not, and I don't have a sense for, you
19 know, how many customers would have triggered that
20 standard had it been in place.

21 Can you walk me through the treatment of
22 Minot flood-related costs and the associated
23 revenue requirement?

24 A. Yes. I do have a schedule that's part of
25 my testimony and it might be worthwhile to go to

1 that schedule. There's a table with specific
2 numbers and the rows are labeled -- maybe I'll
3 start at a high level and then we can dive into it.

4 Q. Sure. If you can just direct me where
5 that is on the exhibit, if you could.

6 A. My exhibit is -- my testimony, which I
7 think was Exhibit 21, is that correct, and then
8 Schedule 1 of my testimony is two pages, and one
9 page has a couple of tables on it that provide a
10 summary of the costs that were incurred.

11 So maybe at a high level let me start by
12 saying to deal with the Minot flood situation, we
13 assigned personnel from other parts of North
14 Dakota, also from Minnesota and South Dakota,
15 linemen, designers and meter technicians. We
16 assigned them to Minot in order to help with the
17 extensive recovery effort that we dealt with there,
18 so we incurred costs that included those persons
19 who are not normally assigned in Minot, the work
20 that they did in Minot and their costs to stay in
21 Minot while they were there, lodging, meals, and so
22 forth. We incurred those costs. We incurred
23 overtime costs for the people who are normally
24 stationed in Minot. We also incurred -- so we had
25 O&M expenses that we incurred. We also incurred

1 some capital expenses in that we had to replace
2 over 4,000 meters and, I think, 158 transformers.

3 So we tracked all of those costs very
4 precisely to identify which labor costs and which
5 material costs were associated with flood recovery
6 and kept them separate from some of the normal work
7 that was still continuing in Minot done by
8 either -- typically by the local Minot crews.

9 So that's how we did that. And we
10 captured then the O&M costs through a point in time
11 and the capital costs and rolled the capital costs
12 into the rate -- the base rates.

13 So if we look at Schedule 1, page 1 of 2,
14 maybe I can start with the top table and identify
15 that there are approximately -- well, we use three
16 categories of cost to identify the costs associated
17 with our flood effort in Minot, and we identify
18 capital and O&M.

19 If we start with the first line, it's
20 labeled distribution operations. That's more or
21 less labor and expenses associated with labor of
22 the people who worked on the flood, and that is
23 152,000 in capital costs and 1.37 million in O&M.

24 Then there are also costs associated with
25 transformers. As I said, we had to replace, I

1 believe the number is, 158 transformers. The
2 capital cost associated with the transformers is
3 481 million. There is an offset to O&M, which is a
4 peculiarity of our accounting system so we don't
5 collect O&M costs twice on setting transformers.
6 The same is true with meters. So \$496,000 in
7 capital costs for meters and an offset of about
8 207,000 to the O&M.

9 So we subtotaled those two numbers, and
10 for the capital cost associated with the Minot
11 flood, the total is 1.129 million, and the revenue
12 requirement associated with that capital cost is
13 included in the settlement agreement as part of the
14 base rates.

15 So under O&M we've -- through this top
16 table we've just identified a portion of our total
17 O&M, and it's the O&M associated with labor and
18 then these accounting offsets associated with the
19 transformers and meters. The subtotal there is
20 1.033 million.

21 Then we add in the local resource -- the
22 labor incurred by the local resources, the Minot
23 crews. That is in the second table below. And you
24 can see that we're collecting just the overtime for
25 the local resources, \$229,000. The material

1 associated with the work they did on the flood
2 restoration, the \$155,000, and then when we total
3 that with the -- excuse me here. I'm confusing
4 myself.

5 The total O&M collection here is 862,000.
6 That's part of our settlement requirement -- or the
7 settlement agreement. And let me just make sure
8 I'm following correctly with the O&M piece here.
9 The 862,000 is the net of lines 4 plus 5 plus 7
10 plus 9. 4 is the overtime incurred by the local
11 resources, 5 is the material, 7 are miscellaneous
12 costs, which is lodging and transportation, and
13 then number 9 -- line 9 is the difference between
14 the subtotal of O&M from the previous table, 1.033
15 minus the 447, for a total of \$862,000.

16 Q. Okay. So 4.4 basically is the total
17 that's included in the settlement; is that right?

18 A. The total O&M that's included in the
19 settlement is \$862,000.

20 Q. And the total capital is 3.6?

21 A. No, actually the total capital is not 3.6.
22 The total capital is the 1.129 or 1.13 million.
23 This table, when you get to the very final net
24 increment to North Dakota test year, this is not
25 accurate with respect to capital. The capital in

1 the settlement is not 3.6 million. It's 1.13. And
2 I think what happened here, Commissioner, is if you
3 look at the top table, you'll see three rows that
4 are not highlighted in yellow, facilities,
5 estimated insurance, net facilities. This is the
6 cost of restoring our service center. That is not
7 included in the settlement agreement.

8 Q. Okay. I'll try to phrase my question in a
9 way that makes sense because it's more of a
10 regulatory philosophy question, not having a lot of
11 experience with kind of major flood-type issues.

12 I understand capital being rolled into the
13 rate base, and these are investments that over time
14 have a value. Things like labor costs for sort of
15 immediate expenses for recovery from a flood, as a
16 normal regulatory business practice, accounting
17 practice, is that something that typically would be
18 rolled into a rate case in your experience in other
19 jurisdictions, or is that just sort of water under
20 the bridge, so to speak, that the rates that were
21 in effect at the time were there to compensate Xcel
22 for the costs of ongoing business and in some years
23 you may not have a lot of expenses related to
24 weather damage, disaster recovery, flooding, things
25 like that, but in other years you may have an

1 extraordinary amount, and this would be one of
2 those years. Is there something to the regulatory
3 philosophy that says that that was Xcel's
4 requirement to cover those costs and that's why in
5 other years maybe you made a little extra so that
6 that could be bankrolled, sort of the regulatory
7 lag issue, where some years you make a little more,
8 some years expenses are greater? Maybe you could
9 respond to that.

10 A. Yes, Commissioner. Thanks for the
11 question. Including recovery of these one-time O&M
12 costs for 2011 was part of the larger settlement
13 that we agreed to. There was give and take on a
14 lot of issues, and I think that we saw the final
15 outcome and the final package of all of the issues
16 that we agreed to in the settlement agreement with
17 the inclusion of recovery of this significant
18 862,000. In fact, this is not even our total O&M
19 incurred in dealing with the flood. So we saw this
20 as part of the package that made sense and it was
21 an extraordinary effort and extraordinary situation
22 that we dealt with there, so we felt that this was
23 fair and reasonable to include recovery of these
24 O&M expenses in light of the larger context of all
25 of the give and take of all of the issues that we

1 settled together working with advocacy staff.

2 Q. Okay. So it's a part of the settlement
3 essentially and wouldn't necessarily set a
4 precedent for how regulatory policy would be
5 handled in each and every case that might come
6 before the Commission --

7 A. I agree with that.

8 Q. -- next time?

9 A. Excuse me, Commissioner. I agree with
10 that. I think that we believe that there's nothing
11 in this settlement in the aggregate of dealing with
12 all these issues in the O&M treatment on this that
13 sets a precedent for any future rate case.

14 Q. I think I have just a few more. I think I
15 have all my questions with regard to your
16 testimony. I have just a couple of questions that
17 I had given all the parties a heads-up on with
18 regard to a project that is going on in Minnesota
19 with regard to discussions with the EPA about
20 future planning. It would be one of those issues
21 that I'd probably ask as part of a plan meeting
22 during a normal circumstance, but as long as we've
23 got this and it seemed to make sense to ask it in
24 the context of that, at least it was the safest way
25 to handle it.

1 Could you talk a little bit about that
2 project that's going on in Minnesota between state
3 officials, industry, environmentalists with regard
4 to future planning?

5 A. Commissioner, is this the so-called pilot
6 project looking at how to efficiently implement
7 regulations that the EPA is considering
8 promulgating?

9 Q. I think so. Illona Jeffcoat-Sacco had
10 forwarded this to Xcel and just indicated that it
11 had come up, and it was a news article that was in
12 one of the trade press --

13 A. Certainly.

14 Q. -- publications and it relates to EPA
15 working with Minnesota state officials, industry
16 and environmentalists on a plan to identify
17 measures that could -- measures the state could
18 take to ease utility compliance with regard to
19 future environmental regulations.

20 A. Thank you, Commissioner. Let me answer
21 your question at a high level and then I'll direct
22 to one of the witnesses we have prepared. This
23 pilot project was something that came about, as I
24 understand, the EPA approached the Minnesota
25 Pollution Control Agency and said would you like to

1 work with us, and the state agencies in Minnesota
2 decided, yes, they would like to work with the EPA
3 on this, and then they asked my company, also
4 Minnesota Power, some large customer
5 representatives and environmental groups to
6 participate as part of the advisory committee, and
7 we agreed to do so because we felt that by bringing
8 our knowledge of the impact of these regulations,
9 what it would take to actually comply with those
10 regulations and ideas we had on how to achieve
11 outcomes in a cost-effective manner, we thought it
12 would be best if we could bring that perspective to
13 that effort.

14 And before we agreed to do that or as we
15 agreed to do that, we developed a set of guiding
16 principles that we and Minnesota Power also used
17 very clearly to say as we participate in this
18 project, here's what we're going to look for. One
19 of the things we're looking for is answers that
20 mitigate costs to customers that are practical and
21 that reflect real-world experience. Also, we
22 retained the right to challenge anything that might
23 come out of that process. We said we'll provide
24 our input, but this is not binding us to any
25 particular outcome.

1 issues and he said one of the most frustrating
2 things is that we always retain our right to object
3 to certain things when we go into settlements with
4 the EPA and before long they're settling with
5 someone else in California that slipped something
6 into something that we've already agreed to, and
7 while we retain this right, they just basically are
8 hard to trust, quite frankly. So I have to admit
9 that I'm a little concerned.

10 Even after I read Mr. Sederquist's letter,
11 I look at the agencies and organizations that are
12 involved. First of all, the EPA and Minnesota
13 Pollution Control Agency together collaborating
14 doesn't give me a lot of confidence. MISO, I guess
15 I'm -- I reserve judgment. The Great Plains
16 Institute being the facilitator, the World
17 Resources Institute providing technical assistance,
18 I'm kind of wondering who's looking out for North
19 Dakota ratepayers, quite honestly. Do you have an
20 answer for that other than hopefully Xcel?

21 A. Well, Commissioner, Xcel certainly is. We
22 bring that on behalf of all of our customers to any
23 of those things we engage in. I guess I can't
24 answer your question beyond that, but I would think
25 that elected representatives and people that have

1 been working in D.C., certainly North Dakota's
2 representatives, are very engaged in that, elected
3 on the federal level, so I would expect that that
4 would be happening, as well, and we are also
5 working in D.C. trying to affect smart outcomes
6 wherever possible and also to influence the EPA and
7 other agencies when they make their regulation that
8 the impact on our customers is mitigated and that
9 we get credit on behalf of our customers for early
10 actions we've taken -- cost-effective early
11 actions.

12 Q. Okay. I appreciate that. You know, one
13 of the things I've noticed about retirement is it
14 liberates people, frees up oftentimes their ability
15 to say what's on their mind. Of course, your
16 former CEO was pretty free prior to retirement, but
17 I was reading a Minnesotapost.com article where he
18 has said many times, reiterated twice in this
19 article, "I'd be okay if there were never any more
20 coal. No more coal would be fine with me." And
21 then he states, "I just need the rules of the road
22 with regard to government forcing compliance with
23 regulations." That sounds like the head of a
24 company that's more interested in how to recover
25 costs from regulations than somebody willing to

1 fight it, so my -- again, I just use it to restate
2 my concern and to emphasize, I'd prefer a utility
3 fighting the federal government on behalf of its
4 ratepayers than sort of collaborating with them, if
5 I made my point.

6 A. Yes, Commissioner, and to that point I
7 would like to note that just a week ago Xcel Energy
8 filed suit against the EPA to try to get the EPA to
9 correct its methodology in the Casper rules that
10 did not give us, and by "us," our customers, credit
11 for the early action we had taken with the
12 so-called MERP projects. So we will continue to
13 fight on that front, as well.

14 Q. And I appreciate that because I did -- I
15 went into the website, I've watched the nice
16 YouTube video talking about MERP compliance and the
17 High Bridge and Riverside plants that we've
18 previously approved, I guess, believing that it was
19 necessary to replace them more so than just trying
20 to meet MERP requirements, although I have to tell
21 you that in your own literature in your own
22 website, many articles I've read complying with
23 MERP is the only reason generally given to those
24 High Bridge and Riverside upgrades, if you call
25 them upgrades, and so I appreciate the fact that

1 you're suing the EPA for at least credit for what
2 you've done.

3 Okay. I have a question. We had a filing
4 of testimony -- I guess we're calling it testimony,
5 I don't know if it's public input or testimony from
6 Larry Gauper, a resident in Fargo, and he has a
7 couple of requests and I wanted to ask you about
8 these. I'm sure you're familiar with the requests.
9 He's asking us to submit two stipulations if we
10 were to grant this rate increase. One is to adopt
11 a regulatory requirement that all electrical power
12 outages involving more than 25 homes be reported to
13 the PSC along with the reason for the failure.
14 Monitoring of this record and periodic analysis
15 should be made an official duty of the PSC.

16 And, two, he's asking Xcel Energy and all
17 power companies operating in North Dakota be
18 required to have a plan for scheduled replacement
19 of underground cable to prevent failures caused by
20 aging. You know the premise of his, I think,
21 point. He lives in an area that's had a number of
22 failures due to underground cable.

23 My question for you is: Does Xcel have a
24 policy already that relates to replacement of
25 underground when there are multiple failures?

1 A. Commissioner, yes, we do. We track all of
2 the outages and we track the cause of those
3 outages, and if we find that -- we have a standard
4 policy that we use across our whole company
5 everywhere, and if we find that a particular
6 stretch of cable experiences outages within a time
7 frame for a common cause, then that tells us, yes,
8 we need to get in there and replace that.

9 Sometimes a customer can experience an
10 outage for three completely unrelated reasons, and
11 in those cases we don't just go in and replace the
12 cable necessarily. Now, we are always looking at
13 customer experience. And in Mr. Gauper's case
14 we're working with him, he's contacted us and we're
15 taking his concerns very seriously and we have a
16 plan in place to respond to those. But we don't
17 believe that it makes sense to just generally
18 wholesale replace equipment after 20 years when it
19 can operate for much more than that. We don't
20 think it's prudent and a good way to spend money
21 for our customers.

22 Q. Do you know if there's anywhere in all of
23 the filings in the testimony and evidence that
24 states that policy? In other words, do you know
25 what the time frame is in this policy? In other

1 words, you just have given a rather general
2 description of the policy, so many in a certain
3 time frame. Do you know specifically what it is?

4 A. I don't have that in front of me,
5 Commissioner, but we have a witness here who does
6 know that, and that is part of our standard
7 procedures that we have within our company that all
8 of our engineers and planning people abide by and
9 follow.

10 Q. Very good. I'll ask that specifically
11 later then. Then probably we'll ask a PSC witness,
12 as well, about whether the PSC becoming that
13 watchdog is feasible or burdensome in any way or if
14 there's some reason we shouldn't be the reporting
15 agency.

16 I want to get to the Intelliteam switch
17 issue that Commissioner Clark was asking you a
18 little bit about. Do you use this technology in
19 other jurisdictions?

20 A. Yes, Commissioner, we do. Typically they
21 have been installed on higher-voltage parts of our
22 system. Again, it's a balance of what level of
23 investment to achieve what level of performance.
24 So the installation in Fargo at this voltage -- at
25 the voltage level of the Fargo system is not

1 something that we do widespread. We do have a few
2 installed elsewhere on this voltage, but it's not a
3 standard.

4 Q. Just so I'm clear, the recovery of the
5 costs for this particular -- this specific
6 reliability project, will they be socialized
7 systemwide, as well, in future rate cases in other
8 states?

9 A. My understanding is that is exactly how
10 they're treated. So as they're treated here, it
11 becomes part of base rates and shared across all
12 customers. That is how it is done elsewhere, but
13 let me ask my counsel to make a note of that so we
14 can get that confirmed by the expert witness.

15 Q. Very good. Thank you. With that I have
16 just one more line of questioning, and while it's
17 not related directly to this rate case, it
18 certainly will have rate implications at some
19 point, I would think.

20 On May 8th of 2007 Jack Dalrymple and I
21 attended a news conference in Fargo at the Xcel
22 service center with at the time Paul Bonavia,
23 although he's probably still Paul Bonavia.

24 A. He still is.

25 Q. He's not with Xcel Energy, as I

1 understand.

2 A. Who knows?

3 Q. But he was the president of Xcel's
4 utilities group at the time, where he announced the
5 company's commitment to build 200 -- build or buy
6 200 megawatts of wind in North Dakota by 2011.
7 Now, I want to acknowledge right upfront that, you
8 know, you had a project, the exXco Merricourt
9 project, that you pulled out of for reasons that I
10 don't argue with at all and I understand that.

11 My question is, having made that
12 commitment, is it Xcel's continued commitment to
13 meet that, I guess, promise made in 2007 and, if
14 so, how soon? And I think to sort of back it up a
15 little bit with my own statement is, since that
16 time -- at that time there were 700 megawatts of
17 wind capacity in North Dakota, now there are over
18 1400 megawatts of installed wind capacity, about
19 another 500 megawatts that are expected to be built
20 and operating by the end of next year. In other
21 words, North Dakota is a pretty good generator of
22 electricity by lots of means, and Xcel has little
23 to none in the state. How soon can we expect those
24 200 megawatts to be built in North Dakota?

25 A. Commissioner, we are still committed to

1 the 200 megawatts. We're still working to make
2 that happen, and we want to make it happen in a way
3 that is cost-effective and makes sense for our
4 customers, as well. That was behind our reasoning
5 of exiting the Merricourt project.

6 When we exited the Merricourt project, we
7 turned to continue looking for a North Dakota wind
8 project, and we had -- through the course of the
9 Merricourt project and another wind solicitation
10 that had completed in the fall of 2010, we were
11 very aware of the players and the marketplace, so
12 we did a focus search in North Dakota for projects
13 that could be developed and come online before the
14 end of 2012 so that they could take advantage of
15 the production tax credit and be cost-effective for
16 our customers.

17 We beat the bushes, we worked with all the
18 usual prospects, everyone we knew. We also put the
19 word out. And through all of the potential
20 developers that we had talked to through the summer
21 and early fall, we found one project that we felt
22 met all the key criteria that could be in place by
23 the end of 2012 that would have the transmission
24 interconnection capabilities and that also would
25 not have the risk of unresolved and unresolvable by

1 the end of 2012 environmental issues.

2 We are working with that developer and
3 with that project. We're hopeful we'll be able to
4 close that very shortly so that they can get
5 working and bring the project in by the end of
6 2012. Those negotiations are not complete, but
7 we're hopeful.

8 Q. How important is the desire of Xcel to own
9 the project -- how important is that in the
10 negotiation or in finding a project? Because many
11 of the projects we're siting now, they're somewhere
12 around one and a half to 1.6 million per megawatt
13 for the installed cost, but I know there's value
14 especially in your balance sheet to owning. How
15 important is that in your process?

16 A. Commissioner, you're correct. There's
17 value in us being able to own assets, and our
18 approach has been to have a mix of wind assets that
19 we own and others that we procure through power
20 purchase agreements. This particular project that
21 we're working on, we're hopeful that the end result
22 is that we will own it. And the terms as they're
23 developing as we speak is it would be a turnkey,
24 the developer would develop all the way to the
25 point that it's operational and then we would take

1 over ownership of that project, which, as you can
2 appreciate, I think, that helps us manage risk, as
3 well.

4 Q. Sure.

5 A. We get a fully operational project. So
6 that's what we're hoping for. I think that if
7 we're not able to secure an ownership project, then
8 we would look at the PPA approach.

9 Q. Well, with that then, I just thank you for
10 your testimony and I guess I would like to just say
11 in sort of following up some of Commissioner
12 Clark's questions about the recovery of costs for
13 the Minot project, first of all, thank you and
14 congratulations on doing it very well. As you
15 know, I was moved, frankly, by the work that those
16 guys and women did on the frontline both to
17 maintain power and keep people safe during the
18 flood and to restore it as safely and as well
19 organized as they did after the flood and they're
20 to be congratulated and they have certainly my
21 admiration.

22 A. Thank you, Commissioner. I'll be sure to
23 pass that on to people who deserve that, so thank
24 you so much.

25 COMMISSIONER CRAMER: I have nothing else.

1 JUDGE WAHL: Commissioner Kalk.

2 COMMISSIONER KALK: Thank you, Your Honor.

3 **EXAMINATION**

4 **BY COMMISSIONER KALK:**

5 Q. Laura, thank you for your testimony. I
6 always say by the time Kevin and Tony have got
7 through with all their great questions, there's
8 only a couple left. But it's interesting, the
9 three of us obviously don't talk before that, but
10 as we listen to the testimony, a lot of the same
11 things kind of come out.

12 I guess the one question I had about the
13 switches was, remember when we installed all those
14 meters that didn't quite -- hadn't been tested in
15 the cold weather. Have the switches been tested in
16 North Dakota weather somewhere in your system?

17 A. Commissioner, I'm going to ask counsel to
18 direct that question to our expert witness, Joe
19 Limoge.

20 Q. That's the first question. Then the
21 second one is -- actually you and I had a chance to
22 tour Monticello here a while back and it was very
23 insightful. I had never been inside a nuclear
24 power plant before. But the 71 megawatts increase
25 of power you talk about, how did you get at that

1 and is there more to get down the road?

2 A. Commissioner, I believe that in the --
3 this is probably the second -- I shouldn't say that
4 because I'm not sure of it, but let me speak for
5 this particular uprate.

6 The way that we get the additional energy
7 output is we're able to change out certain
8 components in the balance of plant, like the
9 turbine or feed-water heater exchangers. There's
10 pieces of equipment that we can change out that
11 extract more energy from the steam that allow
12 more --

13 Q. So technology improvements?

14 A. It's also a matter of being able to look
15 at how the plant was originally designed and how
16 much sort of margin was originally built in to
17 operate at this level and you're going to be safe
18 under all sort of extraordinary circumstances or
19 challenges to plant operation. And we've found
20 over time that we've been able to, with better
21 analytical and better understanding of plant
22 operations, say we thought we had this much margin,
23 and I'm gesturing -- we thought we had, you know,
24 20 percent margin, actually we've got 30 percent
25 margin. We only need 20 percent margin, so we can

1 up the output of the plant and still maintain the
2 adequate level of safety margin. So that's been
3 allowed through enhancements and improvement in
4 analytics and understanding of the equipment
5 operation.

6 Q. And perhaps some tying of whatever the
7 regulatory standards are from the nuclear folks,
8 those adjust over time. Okay. That makes sense.

9 A. They adjust typically -- they ratchet
10 tighter. But what we found is that we still can
11 maintain a safety margin and do some changeouts in
12 the plant that allows us to produce more energy.

13 Q. So the day that I was down there there was
14 significant construction going on around the plant,
15 if you will. Is all that completed or is that
16 still ongoing, and if it's not completed, how do
17 you draw the line on, okay, this much was included
18 in this rate case and where do we draw the line for
19 the next rate case, if you will?

20 A. Commissioner, I think I'm going to refer
21 that question to one of our expert witnesses. The
22 project work that you're talking about, a lot of
23 what we saw was the lifecycle management changeout
24 of equipment to make sure we can operate safely for
25 another 20 years, some of the extended power uprate

1 in order to capture more energy. The particulars
2 of the completion of that I think I'll direct to
3 our expert witness and I'll ask counsel to line
4 that person up.

5 Q. Okay. A question on the workforce. Kevin
6 brought up the great job folks did up in Minot, and
7 I wouldn't disagree with any of that. Back to our
8 discussion a few years ago, I had some concern
9 then, perhaps maybe still do now, that Xcel maybe
10 has cut the workforce in North Dakota too deep to
11 meet the demands. As part of this rate case and
12 ongoing operations, have you looked at your
13 workforce to make sure you've got enough linemen
14 that are yours all the time, enough people in the
15 Fargo call center to meet the needs? Have you
16 looked at those and how so?

17 A. Commissioner, we're constantly looking at
18 our staffing level and, in fact, I can tell you
19 that we are actually planning some more linemen in
20 Minot. Minot is an area that just is exploding and
21 we saw that challenge when we were dealing with the
22 Minot flood of not only dealing with the flood
23 issue, but the tremendous growth and meeting both
24 of those needs.

25 We always look at our staffing level to

1 make sure that it's correct, that we can do the job
2 that's needed. Some of the reductions we've
3 experienced over the last several years have been
4 as a result of change in technology, particularly
5 with meter reading, so we did see some staff
6 reduction there.

7 The other thing I can tell you is that in
8 addition to constantly monitoring our staffing
9 levels and making sure that they are what we think
10 they need to be, we also operate as a complete
11 system, so when we need additional crews, whether
12 it's contract crews or technicians that have
13 special training that are -- wherever they're
14 located, we take them and put them to where the
15 need is. So that is something that we also do on
16 an ongoing basis.

17 Q. Okay. The Minot flooding, we talked about
18 that quite a bit. But the Fargo flooding, I sat in
19 a lot of meetings with Dave and Mark over the last
20 few years out there. It would seem to me that you
21 could put together a matrix very similar to what
22 you did for Minot for Fargo. There has to have
23 been a lot of costs associated with all the Fargo
24 flooding. Why weren't those included in this rate
25 case?

1 A. Commissioner, my understanding is we
2 didn't incur the same type of damage to
3 transformers, to meters.

4 Q. So was the damage component probably you
5 have more time perhaps to fight the flood and not
6 have the damage occur?

7 A. Yeah, I think I'm going to need to refer
8 to counsel to make sure we can answer that question
9 correctly.

10 Q. Okay. Fair enough. And the last one --
11 let's see here. Oh, okay. A couple things tied in
12 together and I'll finish up. As you look at this
13 settlement agreement -- proposed settlement
14 agreement, who inside Xcel -- how do you get from
15 the approval process -- you're the VP of this
16 region. Who determines it? Is it your decision to
17 say, yeah, this is the one? Do you talk to -- Ben
18 is in charge. Does he make the decision or how
19 does that come about, if you will?

20 A. Commissioner, ultimately that decision is
21 approval by the CEO and president of NSP-Minnesota,
22 so my boss, Judy Poferl. And several other
23 executives have a hand in that, so it's something
24 that's talked about and understood with the
25 leadership of the regulatory group, as well, but

1 ultimately that comes down to the president and CEO
2 of this operating company.

3 Q. Okay. Then the last question, I guess, is
4 more of a statement, and don't read too much into
5 it, I think, for the group here, but I would like
6 somebody to read something into this. When MDU
7 comes up for their rate case, the first person to
8 take the stand is the top individual for the
9 company. When Otter Tail, the same way. So why is
10 not the top person from Xcel here today with the
11 opening comments? Am I to infer something from
12 that for North Dakota?

13 A. If that's a question to me --

14 Q. That's, I guess, a question, yes.

15 A. Okay. Well, Commissioner, I'm accountable
16 for our --

17 Q. I understand.

18 A. -- operations in North Dakota and South
19 Dakota. And I would say, no, don't infer anything
20 from my presence here as opposed to the president
21 and CEO of any deferential and consideration for
22 this jurisdiction versus Minnesota or South Dakota.

23 Q. Did he show up at the Minnesota rate case?

24 A. Yes.

25 Q. I guess that's just -- let me reiterate

1 that Kathy does a great job in Minot, the crew here
2 does a great job. I've always felt that North
3 Dakota doesn't get the radar screen of the top
4 individuals of Xcel. And so when we have a rate
5 case, which is a very significant thing for a
6 company, it just sends me a signal that I don't
7 know that I'd like. So I would just wish you would
8 pass that back along. And we have time if the
9 individual wants to come out here and talk about
10 his companies. I don't mean to finish on that
11 note, but, I guess, maybe I do because it sends to
12 me the wrong signal. It really does.

13 A. And, Commissioner, if I could be clear,
14 and this probably doesn't change your point at all,
15 but the person who testified at the Minnesota rate
16 case was the president and CEO of the operating
17 company, NSP-Minnesota, so that was Judy Poferl.

18 COMMISSIONER KALK: Okay. Thank you.

19 JUDGE WAHL: Commissioner Clark.

20 **FURTHER EXAMINATION**

21 **BY COMMISSIONER CLARK:**

22 Q. Just real quick in followup, the
23 Intelliteam switches, the costs are going to be
24 spread across the entire North Dakota jurisdiction.
25 All of the switches, as I understand, are going

1 into Fargo. Are any of these deployed anywhere
2 else in North Dakota right now, Minot or Grand
3 Forks? And from a standpoint of giving me
4 something on the record, talk about should Minot be
5 getting some of these, should Grand Forks be
6 getting some of these? Obviously most of the
7 problems we've had with reliability are in Fargo,
8 which is why, I assume, we're having them there.
9 But if ratepayers across the state are paying for
10 them, talk about why we should be socializing the
11 costs across the jurisdiction, and perhaps you can
12 speak to will customers in other communities be
13 seeing these at some point in the future.

14 A. Commissioner, I think the question you
15 pose is a fundamental one about rate design in that
16 we don't have an infinite number of rate classes to
17 try to precisely match exact costs to each exact
18 type of customer, and at some point we do make
19 investments that do get socialized over all of our
20 customer class, even if not everyone benefits
21 equally.

22 I understand your question in this case.
23 I think it's a question of a fact that when we look
24 at our system and we look at how it's designed and
25 what components or features make sense, there is a

1 differentiation between more dense areas and
2 different voltages. So I think it's really a
3 question of this technology fits that sort of
4 customer density and that voltage level, which is
5 part of the customer density, and I think it is
6 reasonable to include it and socialize it across
7 the full customer class because of that -- I guess
8 that principle that at some point not everyone
9 benefits from every aspect of the system equally,
10 but it seems to be the right balance to strike.

11 Q. Any chance that Grand Forks and Minot at
12 some point in the future will be getting some of
13 these switches?

14 A. Possibly. It's not standard today and so
15 I don't know how long a period of time that that
16 would evolve to become a standard.

17 Q. The hundred or so switches that exist in
18 other spots in the Xcel system, what was the
19 trigger for putting those in in other instances?
20 Was it specific reliability problems within
21 specific town borders?

22 A. Commissioner, I will ask counsel to refer
23 that question to our expert witness.

24 COMMISSIONER CLARK: Thanks. And then
25 this is just maybe more a comment than a question,

1 but I, too, would like to thank you for your action
2 in suing the EPA with regard to the early actions
3 in Minnesota. I think it's the right thing to do.
4 It occurs to me that actions like that actually end
5 up giving some support to a state statute in North
6 Dakota that we have that I'm not necessarily a huge
7 fan of, which is one that basically says, and I'm
8 kind of paraphrasing it, that utilities shall not
9 plan their utility systems in a way that tries to
10 guess what future environmental regulations are,
11 that they should only be tailoring them to the
12 environmental regulations that are on the books as
13 they are and that they can't be planning for
14 expected environmental regulations.

15 Like I said, I don't know that I'm a huge
16 fan of that law. I think that there should be some
17 flexibility given to a commission and its utility
18 in figuring these decisions out. But to the degree
19 that EPA makes decisions like that that don't take
20 account for early actions, I think it encourages
21 states to say, forget about it, we won't plan for
22 these sorts of things until you actually promulgate
23 the rule, which I think is a bad outcome for the
24 EPA, too, so I hope they rethink their position or
25 lose their case.

1 JUDGE WAHL: Further questions from the
2 Commission? Followup, Mr. Loftus?

3 MR. LOFTUS: Your Honor, I don't have any
4 followup, but I do have a -- we have been jotting
5 down some of the other questions for our other
6 witnesses and I'm happy to call them forward if
7 they're present today or ask them to answer the
8 questions via telephone, if that's okay with Your
9 Honor.

10 JUDGE WAHL: It is, but let me -- let me
11 finish with Ms. McCarten.

12 MR. LOFTUS: Sure.

13 JUDGE WAHL: And then you should plan to
14 schedule your witnesses accordingly as you think
15 best. Follow up, Mr. Gruman?

16 MR. GRUMAN: No, Your Honor.

17 JUDGE WAHL: Ms. Jeffcoat-Sacco?

18 MS. JEFFCOAT-SACCO: Yes.

19 **EXAMINATION**

20 **BY MS. JEFFCOAT-SACCO:**

21 Q. The schedule attachment with the Minot
22 costs you said was -- you said those were the costs
23 through a certain date and I just wondered what
24 that date was.

25 A. Ms. Jeffcoat-Sacco, I will ask our expert

1 witness for the exact date. It's some time --
2 whether it's a month or two months ago I'm not
3 exactly sure, but we'll get that information.

4 Q. Okay. And the followup to that, which you
5 may know the answer to, would be are all of the
6 flood recovery -- all of that work is considered
7 complete by NSP, or are there additional costs that
8 we should be expecting to see at some point in the
9 future or not because the settlement cuts them off
10 at this level?

11 A. Ms. Jeffcoat-Sacco, I think the answer is
12 the settlement cuts them off at this level and yet
13 we are incurring more costs to recover from the
14 flood situation in Minot.

15 Q. And then I just wondered on the customer
16 credit part of the reliability section, I guess I
17 just wondered what the theory for that is when you
18 could take those funds and put it into reliability
19 as opposed to putting it into paying a customer if
20 there is a problem. Why that approach?

21 A. Ms. Jeffcoat-Sacco, fair question. I
22 think the value of a customer credit is twofold.
23 One, it's one more tool for us as a company to be
24 alert to and understand where we're maybe getting
25 clusters of outages that -- if for any reason it's

1 not showing up in all the other ways that we
2 monitor our reliability performance and our
3 equipment performance, so I think it's an
4 additional tool to help us focus on the customer
5 impact.

6 Secondly, I think it conveys to the
7 customers who have experienced this that we're
8 aware of it, that we don't think it's correct and
9 that by virtue of the credit we're trying to at
10 least offset some of the inconvenience that they
11 experienced.

12 Also, I don't think that \$20,000 would --
13 as an investment in reliability and equipment would
14 get you a whole lot, and we are through the other
15 aspects of this settlement, I think, going to have
16 some very impactful outcomes through increased tree
17 trimming and the installation of the Intelliteam
18 switches.

19 MS. JEFFCOAT-SACCO: Okay. Thank you.

20 JUDGE WAHL: Anything further? Followup
21 from the Commission? Mr. Loftus?

22 MR. LOFTUS: Thank you, Your Honor. If
23 there's nothing more for Ms. McCarten, then --

24 JUDGE WAHL: No. Let me just finish with
25 Ms. McCarten. Any followup for Ms. McCarten?

1 MR. LOFTUS: No, Your Honor, no followup.

2 JUDGE WAHL: Mr. Gruman?

3 MR. GRUMAN: No, Your Honor.

4 JUDGE WAHL: All right. Thank you very
5 much, Ms. McCarten.

6 I think this would be a good time to take
7 a brief recess. Let's be in recess until ten
8 o'clock by this clock, please.

9 (Recess taken.)

10 JUDGE WAHL: All right. Let's be in
11 order. Mr. Loftus.

12 MR. LOFTUS: Thank you, Your Honor. Your
13 Honor, I'd like to call Mr. John Felling to answer
14 some questions related to recovery of costs,
15 please.

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

1 a possibility that we may be expanding the Intelli
2 switches to other areas and, again, when we do,
3 those will be socialized as they are the switches
4 that we're installing now in Fargo.

5 MR. LOFTUS: Thank you. Your Honor, I
6 have no further questions, but --

7 JUDGE WAHL: Mr. Gruman.

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 MS. JEFFCOAT-SACCO: Is this a pole
11 attachment witness?

12 MR. LOFTUS: No.

13 MS. JEFFCOAT-SACCO: I forgot who was who.

14 MR. LOFTUS: We will have actually Mr. Joe
15 Mansur, who is participating by phone, and he will
16 be available to answer the pole attachment
17 question.

18 JUDGE WAHL: Questions from the
19 Commission? Commissioner Clark.

20 **EXAMINATION**

21 **BY COMMISSIONER CLARK:**

22 Q. I don't know if this is a question. It's
23 probably a fairly leading one, if it is. But I
24 suppose in a similar vein, flood costs that are
25 associated with Minot are socialized to residents

1 in Fargo, in the past natural disasters in Grand
2 Forks were spread across the region, so it really
3 is operated as a single system; is that correct?

4 A. Commissioner, that's correct.

5 COMMISSIONER CLARK: Thank you.

6 JUDGE WAHL: Further questions from the
7 Commission? Commissioner Kalk.

8 **EXAMINATION**

9 **BY COMMISSIONER KALK:**

10 Q. Just one. Did you hear my previous
11 question about, to your knowledge, have these
12 things been tested somewhere where it's extreme
13 weather, where we've seen challenges before where
14 something worked in Colorado, but it didn't work in
15 northern North Dakota?

16 A. I did hear that question and, as Ms.
17 McCarten said, I would have to defer that, as well.
18 I do not know the answer to that question.

19 COMMISSIONER KALK: Okay. Thank you.

20 JUDGE WAHL: Further questions from the
21 Commission? Followup, Mr. Loftus?

22 MR. LOFTUS: I guess there is one
23 followup. I recall there was a question about the
24 inclusion of the Minot flood-related costs and the
25 restoration costs as a part of this settlement. I

1 believe maybe Commissioner Clark had a question
2 about that. I'm not sure, Commissioner Clark, if
3 you wanted Mr. Felling to follow up on that
4 question from you or not.

5 COMMISSIONER CLARK: I'm trying to
6 remember what it was. I'm just looking at my
7 notes.

8 MR. LOFTUS: If I recall correctly, I
9 think it might have been more of a fundamental
10 ratemaking question about how these costs are
11 included as opposed to are they just kind of
12 recovered in the existing test year revenue
13 requirement.

14 COMMISSIONER CLARK: I think I had it
15 answered to my satisfaction from Ms. McCarten. It
16 was just related to regulatory philosophy of what
17 should be recovered in a rate case, and so on and
18 so forth, and her answer that it was part of the
19 settlement, I think, was fine.

20 MR. LOFTUS: Thank you. Your Honor, in
21 that case I have no further questions.

22 JUDGE WAHL: Followup, Mr. Gruman.

23 MR. GRUMAN: No, Your Honor.

24 JUDGE WAHL: Ms. Jeffcoat-Sacco?

25 MS. JEFFCOAT-SACCO: No.

1 JUDGE WAHL: Thank you very much, Mr.
2 Felling. Mr. Loftus.

3 MR. LOFTUS: Next I would like to call Mr.
4 Joel Limoges, I think. And, Your Honor, Mr.
5 Limoges will answer questions regarding the
6 Intelliteam switches.

7 JUDGE WAHL: Mr. Limoges, as you know,
8 your testimony is required to be under oath and I'm
9 required by law to advise you regarding perjury
10 before administering the oath. Perjury is a false
11 statement of material fact which you do not believe
12 to be true. In North Dakota perjury is a Class C
13 felony, punishable by a fine up to \$5,000,
14 imprisonment for a period of up to five years, or
15 both. Will you raise your right hand, please?

16 **JOEL LIMOGES,**
17 being first duly sworn, was examined and testified
18 as follows:

19 JUDGE WAHL: Mr. Loftus, I noticed the
20 court reporter looking to see, I assume, how Mr.
21 Limoges spells his name. I don't see it on the
22 list, so you might provide that information to
23 begin with.

24 MR. LOFTUS: Thank you, Your Honor.
25

EXAMINATION

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BY MR. LOFTUS:

Q. Joel -- or excuse me. Mr. Limoges, will you please provide your full name and spelling for the record, please?

A. Joel Limoges, L-i-m-o-g-e-s.

Q. Mr. Limoges, Commissioner Kalk had a question about the testing of the Intelliteam switches and in particular had they been tested to deal with weather that can be experienced here in North Dakota. Do you have a response?

A. Yes, I do. We have 70 of these type switches in service in Minnesota. The weather in Minnesota is not markedly different than that in North Dakota. The manufacturer on their website has a test of these switches installed in Alaska, so there's nothing on these switches that would be affected by cold weather. We believe they will work properly.

Q. There was also another question, I believe, from Commissioner Cramer with regard to replacement of underground cable and I believe maybe the standard that's involved or what standard the company uses when it determines whether or not to replace that cable. Can you provide an

1 explanation of the company's process?

2 A. Yes. There are basically two different
3 types of cable. There's main line cable, which is
4 basically the feeder it serves up to -- on a 23 kV
5 system it can serve eight to ten thousand
6 customers. That cable when it experiences two
7 installation failures, the entire piece is
8 replaced. Okay.

9 Then there's another set of cable which we
10 call tap cable which runs through the neighborhoods
11 and it goes transformer to transformer to
12 transformer. And that cable is installed, you
13 know, as the system evolves and grows so we have a
14 little bit different criteria to replace it. Any
15 two cable failures on a segment, replace that
16 segment, transformer to transformer essentially.
17 Any three outages -- three cable failures on a half
18 loop that goes from a fuse to transformer to
19 transformer and then transformer where you leave it
20 open to another size so we can switch around a
21 piece of cable. Three outages on a half loop, you
22 replace the entire half loop, or two-thirds of the
23 segments on a half loop fail, we need to replace
24 the entire half loop. We're trying to get to
25 minimize the customer disruption by this policy.

1 Q. Thank you, Mr. Limoges. Another question
2 that was raised was the potential for expansion of
3 the installation of these switches beyond Fargo,
4 perhaps to Minot or Grand Forks. Can you provide a
5 discussion on that potential?

6 A. Yes. When we look at evaluating
7 reliability enhancements, we're always looking at a
8 cost-benefit. We assign a value for customer
9 minutes out. We assign the capital investment
10 costs, the ongoing maintenance costs. The 23 kV
11 system -- it is our standard companywide to put
12 these switches on 35 kV systems because you have
13 much higher customer counts on our cost-benefits,
14 the cost-benefit is a very high ratio. A 23 kV
15 system that has slightly lower customer counts, but
16 still higher than the 15 kV system. So the
17 cost-benefit for the Fargo system has just cleared
18 the cost-benefit hurdle to be implemented in Fargo.
19 One would expect that over time the 15 kV system
20 would clear the same cost-benefit, but it's not
21 there today.

22 MR. LOFTUS: Thank you. Your Honor, I
23 have no further questions for Mr. Limoges.

24 JUDGE WAHL: Mr. Gruman?

25 MR. GRUMAN: No, Your Honor.

1 JUDGE WAHL: Ms. Jeffcoat-Sacco?

2 MS. JEFFCOAT-SACCO: No questions.

3 JUDGE WAHL: Questions from the
4 Commission? Commissioner Kalk.

5 **EXAMINATION**

6 **BY COMMISSIONER KALK:**

7 Q. Thank you for your testimony, Joel. You
8 came out and briefed us after the Fargo outages.
9 You were part of that discussion that day, weren't
10 you?

11 A. Yes.

12 Q. Okay. So that's, I guess, the backdrop
13 for some of my questions. You must be an
14 electrical engineer or something, too; right?

15 A. Yes.

16 Q. I'm not an electrical engineer so bear
17 with me. When you talk about the methodology for
18 replacement, if it does that, then you do that,
19 where are those decisions made? Is that a think
20 tank somewhere in Minneapolis, is it somebody in
21 St. Cloud, is it somebody in Fargo? When something
22 goes wrong, some linemen, I assume, go out and look
23 at it. Walk me through, how do you spool that
24 information, if you will?

25 A. The policy is developed by a cross-

1 functional team led by engineering, which is my
2 staff. We take input from our line crews, from our
3 standards people, and based upon that we make our
4 policy. Policy is just a guideline, so that's the
5 first cut that says -- you know, the vast majority
6 of your cable replacements go through the policy.

7 We also take into account -- we have a
8 mechanism for our field people to tell us that --
9 from time to time we'll have a cable that didn't
10 fail multiple times, but when they went out to
11 splice it back together, they noticed that it was
12 in poor repair and they get that information in to
13 us and then based upon what they tell us, we may or
14 may not initiate cable replacement.

15 Q. So how does that practically work when
16 someone on the ground in Grand Forks sees
17 something, they'll submit it to some database, and
18 you review it, you know, weekly, monthly,
19 quarterly?

20 A. Actually they'll pick up the phone and
21 we'll have an engineer talk to them in realtime and
22 make that decision there.

23 Q. Fair enough. Then you talked about the
24 cost-benefit analysis in Fargo because of the size,
25 but look at maintenance challenges. Prior to the

1 flooding in Minot, it seemed like that system up
2 there was pretty reliable. We had a long-term --
3 in the last couple, three years a lot of problems
4 in Fargo. You know, I understand these switches
5 will help us to some degree eventually, but, you
6 know, based on your knowledge and experience of the
7 system, why is that happening or why has that
8 happened? Is there something you could pinpoint
9 knowing the systems? And you probably get the
10 feeds for all the regions.

11 A. We are always studying why reliability is
12 much better in one place than the other. We
13 typically tend to focus on places where reliability
14 is not as good and places where it's good. We
15 don't really have a good answer for why Minot has
16 been performing so well up until this year as
17 opposed to some of the other areas. You see that
18 across the company. Reliability is mostly weather
19 related, and for some reason the Minot system just
20 does not seem to experience the same weather that
21 we've seen in some other places.

22 Fargo has had some interesting challenges
23 the last few years. I mean, we had a flood there
24 basically every year for the last eight years.

25 Q. Sure.

1 A. And that does weaken structures and things
2 like that and it enhances tree growth. All of
3 those things go into accounting for why reliability
4 is challenged.

5 Q. Is there something different that you have
6 in the Minot system than you do in Fargo and Grand
7 Forks? And I guess I'm thinking just myself, when
8 I go to Minot, it seems like they've got their own
9 crew of technicians, if you will, that they operate
10 just in the Minot area, where you've got a group of
11 folks that operate between Grand Forks and Fargo
12 and other areas. It seems like Minot might have
13 its own dedicated maintenance staff.

14 A. We have dedicated staffs in both Fargo and
15 Grand Forks, also.

16 Q. Are they sized similarly to customers?

17 A. I'm not in a position to answer that.

18 COMMISSIONER KALK: I think maybe that's a
19 follow-up question to somebody, is the maintenance
20 staff compared to Minot and Grand Forks and Fargo,
21 if they're sized to the service area they serve, if
22 that makes sense. Thank you, Your Honor.

23 JUDGE WAHL: Further -- Commissioner
24 Clark.

25 COMMISSIONER CLARK: I had some questions

1 related to depreciation of these sorts of switches,
2 expected life expectancy, so on and so forth.

3 Would this be the witness to direct those to?

4 MR. LOFTUS: Commissioner Clark, Joe
5 Mansur, who will be next, will be able to answer
6 those.

7 JUDGE WAHL: Any further questions?
8 Commissioner Cramer.

9 COMMISSIONER CRAMER: Thank you, Your
10 Honor and Joel.

11 **EXAMINATION**

12 **BY COMMISSIONER CRAMER:**

13 Q. I referenced earlier Mr. Gauper's
14 testimony. Have you read that testimony?

15 A. Yes, I have, Commissioner.

16 Q. The two stipulations he's asking us to
17 consider, I kind of wanted to flesh that out a
18 little bit, what you just said with regard to what
19 your current policy is. His first one regarding
20 outages involving more than 25 homes. Describe the
21 half loop to loop and homes and how the policy you
22 just described might affect 25 homes or if 25 homes
23 is even the right number if we were to adopt some
24 type of a stipulation like this.

25 A. Okay. Back to that cable discussion --

1 thank you for that question, Commissioner. That
2 cable discussion where the cable goes from the
3 fuse, which is typical in the overhead system, to a
4 transformer to a transformer to a transformer.
5 Typically on average you can figure each
6 transformer serves about eight homes. Okay.
7 That's not the same as a customer. You know, the
8 commercial customers have their own transformer
9 many times. So at 25 pretty much every cable
10 failure would be reported of these loops that we're
11 talking about.

12 Q. Okay. So -- okay. Yeah. And if there
13 were a number of them that affected 25 people, that
14 would be a pretty good indication there's a problem
15 obviously because it would require easily three and
16 a half loop and maybe more?

17 A. Yes, Commissioner, that's true.

18 Q. With regard to a second stipulation that
19 he's suggesting, it has to do with a plan for
20 scheduled replacement to prevent failures caused by
21 aging. I take from that that what he's saying is
22 that you know how old the cable is under the
23 ground, there should be a regular schedule for
24 replacing it. We all know cable was an experiment
25 when some of this -- underground was an experiment

1 when some of this went in and in some cases it's a
2 failed experiment and some cases hugely successful
3 and it all depends on your experience, I suppose.
4 Do you have some sort of a replacement for age
5 criteria, or is age really the relevant issue? And
6 I'm not frankly sure that it is.

7 A. If we could correlate age to failure, we
8 would replace it on an age basis. We also don't
9 really know the age of a cable. We can't look at a
10 map and say this cable was installed in '86 or '87.
11 We can only give a range. So -- but there's some
12 dates of manufacture. You can dig it up, cut it
13 apart, which is the worst thing you could do to a
14 cable system that's functioning right. On there
15 there are some date stamps inside from the
16 manufacturer of the cable. Other than that we
17 don't have any record of dates. There's a date
18 when the GIS system went into service within the
19 last ten years or so, that we would have those
20 dates, but prior to that we do not have the dates,
21 and we have been unable to correlate age and
22 failure.

23 Q. Okay. So with regard then back to
24 stipulation number one, is this an unreasonable
25 stipulation for us to adopt and why or why not and,

1 secondly, if not, is there a more stringent
2 standard that we could or should apply?

3 A. I believe someone else is going to testify
4 as to what data we already report as far as
5 reliability, et cetera.

6 Q. Then my last question would be: The
7 issues -- the specific issues relating to this
8 Harwood Groves area -- yeah, the Harwood Groves
9 neighborhood, have they been -- has that cable been
10 replaced yet?

11 A. There's been several segments of it that
12 have been replaced, and we just initiated a plan,
13 we're in the permitting processing, to put a pretty
14 good fix into that neighborhood.

15 COMMISSIONER CRAMER: Very good. I have
16 nothing further. Thank you.

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

19 **FURTHER EXAMINATION**
20 **BY COMMISSIONER KALK:**

21 Q. Just a followup from the followup. You
22 talked about weather before. So can you correlate
23 weather to failure, put it in a magic box, it comes
24 out with tornado is going to equal this?

25 A. I don't have any magic box that does that.

1 I wish we did.

2 Q. There must be some model somewhere; right?

3 A. I can tell you that lightning correlates
4 with cable failures very well, and that's a
5 frustration for our customers because they'll make
6 it through the storm and then a couple of days
7 later when the sun is shining, the cable will fail
8 and they'll say, Hey, we made it through the storm
9 and yet now we failed. That's typically how a
10 cable fails, it's lightning. I believe we talked
11 about that when I was here last.

12 Q. So in predicting failure, what do you use
13 to predict failure? Is there something that you
14 use inside the system, though, that you can predict
15 failures down the road? You said just from your
16 experience, weather. If you look at a flooding
17 event, there will be certain types of things you
18 can predict. I'm looking for, I guess, a model of
19 something. It seems like you have models for
20 everything these days. There's nothing that you
21 know of that you correlate those across?

22 A. There's no model.

23 Q. Just experience?

24 A. If you're asking if we had 50-mile-an-hour
25 winds and a flood, do we have a model that can now

1 say we expect X amount of pole failures, we don't
2 have a model that does such a thing.

3 COMMISSIONER KALK: Thank you.

4 JUDGE WAHL: Further questions from the
5 Commission? Followup, Mr. Loftus?

6 MR. LOFTUS: I have none, Your Honor.

7 JUDGE WAHL: Mr. Gruman?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 MS. JEFFCOAT-SACCO: I have a request. Is
11 it okay with everyone if Pat Fahn asks a question
12 of this witness?

13 COMMISSIONER KALK: Pat is an engineer,
14 too.

15 **EXAMINATION**

16 **BY MR. FAHN:**

17 Q. Earlier you were talking about that you
18 had indicated that if you had to report every time
19 25 homes were out of service, that it would
20 basically be every cable failure would be reported
21 then?

22 A. The vast majority of the cable failures
23 would be reported at a 25-customer threshold.

24 Q. And also -- I just want to make sure we're
25 talking apples and apples, but earlier you

1 indicated that cable would probably be replaced if
2 there were two failures or maybe three.

3 A. Two failures on a segment, three on the
4 half loop. Two on the segment gets the segment
5 replaced. Three on the half loop gets the entire
6 half loop replaced.

7 Q. And are we talking about the same kind of
8 failures here, the two or three versus the failures
9 that would be reported if there were 25 homes out
10 of service?

11 A. I'm not sure I understood that question.

12 Q. Well, I'm thinking that if 25 homes are
13 out of service, if every cable failure were
14 reported because of that and the standard is two or
15 three outages, it doesn't seem like -- it seems
16 like maybe every one every time should be reported
17 because it only takes two or three to cause a cable
18 to be replaced.

19 A. So what's the question?

20 Q. I just want to make sure that we're
21 talking apples and apples.

22 A. I think we are.

23 Q. And maybe reporting every cable failure
24 isn't such a -- maybe it isn't outrageous. Do you
25 think it's reasonable then to report every cable

1 failure?

2 A. I believe there's going to be another
3 witness talking about that reporting process.

4 MR. FAHN: Okay. Thank you.

5 JUDGE WAHL: Anything further, Ms.
6 Jeffcoat-Sacco?

7 MS. JEFFCOAT-SACCO: No, Your Honor.

8 JUDGE WAHL: Followup from the
9 commissioners? Anything further? Mr. Loftus,
10 followup?

11 MR. LOFTUS: I have none, Your Honor.

12 JUDGE WAHL: Mr. Gruman?

13 MR. GRUMAN: No, Your Honor.

14 JUDGE WAHL: Thank you. Thank you very
15 much, Mr. Limoges. Mr. Loftus.

16 MR. LOFTUS: Thank you, Your Honor. Your
17 Honor, I would like to call Mr. Joe Mansur, who is
18 participating by phone, to answer questions
19 regarding the Intelliteam switches and Minot flood
20 costs.

21 JUDGE WAHL: So I'm assuming, Mr. Mansur,
22 you can hear me.

23 MR. MANSUR: Yes, sir.

24 JUDGE WAHL: Mr. Mansur, 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 **JOE MANSUR,**

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

12 JUDGE WAHL: Mr. Loftus.

13 MR. LOFTUS: Thank you, Your Honor.

14 **EXAMINATION**

15 **BY MR. LOFTUS:**

16 Q. Mr. Mansur, Commissioner Clark asked a
17 question about the useful life of these Intelliteam
18 switches. Can you please provide a response to
19 that question?

20 A. Yeah. My estimation would be the useful
21 life of an Intelliteam switch is approximately 30
22 to 35 years.

23 MR. LOFTUS: Your Honor, if it might be
24 appropriate, I just ask Commissioner Clark if he
25 has any follow-up questions.

1 JUDGE WAHL: No. Mr. Gruman?

2 MR. GRUMAN: No questions, Your Honor.

3 JUDGE WAHL: Ms. Jeffcoat-Sacco?

4 MS. JEFFCOAT-SACCO: No questions about
5 switches. Questions about pole attachments?

6 MR. LOFTUS: That's fine.

7 MS. JEFFCOAT-SACCO: Am I allowed?

8 JUDGE WAHL: Yes. Is this the witness who
9 will address that?

10 MS. JEFFCOAT-SACCO: I think so.

11 JUDGE WAHL: Now is your turn.

12 **EXAMINATION**

13 **BY MS. JEFFCOAT-SACCO:**

14 Q. Mr. Mansur, I was just curious when I read
15 the numbers for those Qwest pole replacements and I
16 wondered what the timing of that change in the
17 Qwest corporate plan which causes, of course, a
18 change in the NSP plan and the relationship and
19 timing of that to the sale to CenturyLink, and I
20 didn't know if this large increase was due to the
21 sale or despite the sale. What can you tell me
22 about that?

23 A. Sure. I don't -- I don't think it had
24 anything to do with the sale, itself, because the
25 change in our activity in terms of having to do

1 increased transfers actually started -- or we were
2 notified back in 2008 that then Qwest was embarking
3 on a new program where on a 10-year cycle they
4 hoped to go through their entire wood pole plans
5 and have every one of the poles that they owned
6 throughout their territories inspected. So in
7 summary I guess what I'm trying to say is their
8 formal pole inspection program started back in
9 2008.

10 Q. Okay. And that does clarify that, and
11 then my next question was going to be about the
12 staff's original recommendation on how to allocate
13 or how to account for the costs for the North
14 Dakota replacements because they were so few, there
15 were so few failures in North Dakota, and I was
16 going to ask if the company -- if NSP had
17 considered using the staff's allocation. I
18 understand there's a settlement, but as far as the
19 process going forward. But your response that this
20 is a replacement plan of Qwest's unrelated to
21 failure may be the answer, but can you tell me --
22 can you give me an answer to that question, please?

23 A. I'm sorry. Can you clarify? I guess I'm
24 not understanding what it is you're asking.

25 Q. The staff had recommended that the

1 allocation of the costs for these pole attachments
2 be done differently because the failure rate in
3 North Dakota was so low compared to the rest of the
4 Qwest territory.

5 A. Oh, I see. I think I understand.

6 Q. And I was going to ask if the company was
7 agreeable to changing that allocation method or not
8 and, if not, why not.

9 A. Yeah. The allocation method the company
10 used was basically we took a look at the increased
11 workload that we would -- that we've been getting
12 from Qwest on an annual basis in terms of requests
13 for us to come and transfer our facilities off of
14 poles they've just replaced as a result of their
15 inspection program. Our allocation method was
16 based on the number of attachments we have in North
17 Dakota relative to our total NSP company
18 attachments, so, in other words, the percent of
19 attachments to CenturyLink in North Dakota relative
20 to North Dakota, South Dakota and Minnesota as a
21 whole.

22 I think what you're speaking to is the
23 recent historical transfers we've had to do have
24 been very minimal. We supplied like a transfer
25 history going back to 2008 up through 2010, and

1 it's true that it's been -- basically we have not
2 seen an uptake in North Dakota yet.

3 However, the reason for that is because,
4 as you might expect, when a company administers an
5 inspection program, they basically do it on a grid
6 basis so they start in various towns and counties
7 and they work their way through the entire town or
8 county and making sure that they cover the entire
9 grid before they move on.

10 The information we have is as of yet the
11 inspections -- even though new Century or then
12 Qwest started their program in 2008, they had yet
13 to do any inspections in North Dakota. Their
14 tentative plans were to start this year in the -- I
15 believe it was the Bismarck-Mandan area in 2011 and
16 then in 2012 their tentative plans are to start
17 inspections in Fargo and Grand Forks. So the
18 increase we're going to see as -- you know, as Xcel
19 Energy in terms of our North Dakota operations will
20 really likely manifest itself in 2012.

21 MS. JEFFCOAT-SACCO: Thank you.

22 JUDGE WAHL: Now, Commissioner Clark.

23 COMMISSIONER CLARK: Thanks.

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EXAMINATION

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BY COMMISSIONER CLARK:

Q. Maybe the easiest way to answer my question might be to -- if there is a table somewhere in the documents or exhibits that you have filed that points me to the -- how the \$250,000-per-year increase in revenue requirement was arrived at with relation to the Intelliteam switches? Is that detailed anywhere or was that just a number that was arrived at through the settlement?

A. Yeah, I'm sorry. I wouldn't be able to answer that question.

COMMISSIONER CLARK: Okay. That's fine. Okay. I'll direct that at someone else.

I think you understand what I'm trying to get at, is just some justification for the \$250,000 cost. If it's a 30- to 35-year asset, just kind of back of the envelope, you're recovering in the neighborhood of 8 million if future commissions keep in that \$250,000 a year, which must be somehow made up of the return on the undepreciated portion of the asset and on the allowable expense recovery for the depreciation. So if there's some table that points me to the reasonableness of the 250,

1 that would be helpful. Thanks. Or a witness who
2 can describe it or produce it.

3 JUDGE WAHL: Further questions from the
4 Commission? Commissioner Kalk.

5 **EXAMINATION**

6 **BY COMMISSIONER KALK:**

7 Q. Just one question. You said 30 to 35
8 years. What's the longest one that you know of
9 that's actually been in service? Is your estimate
10 based on one that's been in service or just
11 strictly an estimate based on your background?

12 A. Not based on any particular switch I know
13 of that's been in service that long, but more on my
14 engineering background and knowledge of, you know,
15 typically how long not only automated switches have
16 lasted on our system, but also normal switches --
17 nonautomated, I should say.

18 COMMISSIONER KALK: Okay. Thank you.

19 JUDGE WAHL: Further questions from the
20 Commission? Followup, Mr. Loftus?

21 MR. LOFTUS: Thank you, Your Honor.

22 **FURTHER EXAMINATION**

23 **BY MR. LOFTUS:**

24 Q. Mr. Mansur, there was a question about the
25 2009 Fargo flood and I believe the costs related to

1 that and, if I remember correctly, how those costs
2 were recovered. Do you have any explanation or
3 background to provide a response to that question?

4 A. Well, I believe, as Mr. Limoges had
5 mentioned in his earlier testimony, we have been
6 experiencing on a more routine basis flood issues
7 in the Fargo area, and it seems like that has been
8 a typical event for us year over year to some
9 degree. You know, basically when it comes to Fargo
10 versus what we've experienced in Minot, the Fargo
11 flood was a much less severe event. The amount of
12 expenditure is probably on the order of, you know,
13 10 percent or less of the overall impact than the
14 Minot situation.

15 And, indeed, the Minot situation was kind
16 of an all-hands-on-deck event, including having to
17 bring in personnel from -- you know, from Minnesota
18 and South Dakota in force, whereas when it comes to
19 our annual experiences with Fargo, again, much less
20 severe, much smaller magnitude in comparison and
21 most of which we can handle with local North Dakota
22 personnel.

23 Q. Thank you, Mr. Mansur. Then one other
24 question that was raised regarded the Minot flood
25 costs and the cutoff date for when the cost

1 estimates provided in the settlement agreement.
2 What was the cutoff date for those costs? Do you
3 have a response to that question?

4 A. I don't have an exact date, but I believe
5 it was -- we provided that estimated number in like
6 the first week of September.

7 MR. LOFTUS: Thank you, Mr. Mansur. Your
8 Honor, I have no further questions.

9 JUDGE WAHL: Mr. Gruman?

10 MR. GRUMAN: No, Your Honor.

11 JUDGE WAHL: Ms. Jeffcoat-Sacco?

12 MS. JEFFCOAT-SACCO: Pat and I were just
13 discussing, didn't the previous witness just defer
14 one of the questions on Mr. Gauper's information to
15 this witness?

16 MR. LOFTUS: Actually --

17 MS. JEFFCOAT-SACCO: Or was that to
18 somebody else?

19 MR. LOFTUS: Right. Mr. Dave Sederquist
20 will respond to Mr. Gauper's question.

21 MS. JEFFCOAT-SACCO: Okay. And then one
22 last thing. I think for the witnesses that did not
23 have the prefiled exhibits, it would be helpful to
24 have some information on their position.

25 MR. LOFTUS: Sure.

1 MS. JEFFCOAT-SACCO: I don't really know
2 who these people are and I can't look it up
3 anywhere. Thank you.

4 MR. LOFTUS: That's a great point and,
5 Your Honor, we'll be happy to provide the bios of
6 all company personnel who did not prefile
7 testimony, but have answered questions today.

8 JUDGE WAHL: Is that a request, Ms.
9 Jeffcoat-Sacco, for a late-filed exhibit or --

10 MS. JEFFCOAT-SACCO: Yes, please.

11 JUDGE WAHL: All right. For the record,
12 Mr. Loftus, that will be Exhibit 25 and that will
13 be biographical information for all witnesses who
14 had not filed prefiled testimony. Is that
15 agreeable, Mr. Loftus?

16 MR. LOFTUS: Yes, Your Honor. Thank you.

17 JUDGE WAHL: Any objection, Mr. Gruman?

18 MR. GRUMAN: No, Your Honor.

19 JUDGE WAHL: All right. Exhibit 25 as
20 identified is received as a late-filed exhibit.

21 Anything further, Ms. Jeffcoat-Sacco?

22 MS. JEFFCOAT-SACCO: No, Your Honor.

23 JUDGE WAHL: Followup from the Commission?
24 Any further questions from the Commission?

25 Anything further, Mr. Loftus, with regard

1 to Mr. Mansur?

2 MR. LOFTUS: No, Your Honor.

3 JUDGE WAHL: Mr. Gruman, anything further
4 with regard to Mr. Mansur?

5 MR. GRUMAN: No, Your Honor.

6 JUDGE WAHL: Thank you very much, Mr.
7 Mansur.

8 THE WITNESS: You're welcome.

9 JUDGE WAHL: Mr. Loftus.

10 MR. LOFTUS: Thank you, Your Honor. Next
11 I would like to call Mr. Michael Bull, who is
12 participating by phone, and he will respond to
13 questions regarding the EPA pilot project.

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

24 **MICHAEL J. BULL,**
25 being first duly sworn, was examined and testified

1 as follows:

2 JUDGE WAHL: Mr. Loftus.

3 MR. LOFTUS: Thank you, Your Honor. Your
4 Honor, before I ask Mr. Bull any questions, I just
5 wanted to note for the record that Exhibit 22 is
6 our response letter relating to the EPA pilot
7 project, just as a note of clarification, and, Your
8 Honor, I have no specific questions for Mr. Bull,
9 but I do tender him for any questions that the
10 commissioners or the other parties may have. Thank
11 you.

12 JUDGE WAHL: Mr. Gruman?

13 MR. GRUMAN: I have no questions, Your
14 Honor.

15 JUDGE WAHL: Ms. Jeffcoat-Sacco?

16 MS. JEFFCOAT-SACCO: I have no questions.

17 JUDGE WAHL: Questions from the
18 Commission? Commissioner Clark.

19 **EXAMINATION**

20 **BY COMMISSIONER CLARK:**

21 Q. Thank you and thanks for being here as
22 well as the response, Exhibit 22. So you can walk
23 me through the genesis of this. It's my
24 understanding that this was something that Xcel was
25 approached about, approached by Minnesota state

1 officials, basically the MPCA and the EPA, to
2 participate in this advisory committee with this
3 group that they were working on; is that correct?

4 A. Yes, Mr. Chair, that's correct. They
5 approached us and requested that we participate in
6 an advisory capacity for this pilot project.

7 Q. I would assume it's one of those offers
8 you can't refuse. Are you familiar with the
9 genesis of it? Was it something that the Minnesota
10 PUC was on the ground floor? Was it purely EPA and
11 MPCA that did this? Was this a project of this
12 Great Plains Institute? Who kind of thought this
13 up and put together the collaborative?

14 A. Mr. Chair, my understanding is that the
15 EPA approached our Minnesota Pollution Control
16 Agency in the spring with the idea of a pilot
17 project like this where we could look at these
18 various rules and see if there are ways that they
19 could be more cost-effectively implemented
20 together. And from there the Pollution Control
21 Agency reached out to the Minnesota Department of
22 Commerce, Division of Energy Resources, and the
23 Minnesota Public Utilities Commission, asked if
24 they would coordinate with them with the Minnesota
25 PCA and help sponsor this project. So it's now

1 referred to -- generally referred to as the
2 Minnesota-EPA Power Sector Rules Project because
3 it's a group of state agencies working together
4 representing both our environmental regulators and
5 our economic regulators.

6 Q. You called that the Minnesota-EPA what
7 Rules Project?

8 A. Power Sector Rules Pilot Project.

9 Q. Power Sector Rules Pilot Project. And,
10 forgive me, the Great Plains Institute comes in
11 where?

12 A. Mr. Chairman, my understanding is that the
13 Great Plains Institute was contracted or asked to
14 participate for facilitation purposes by the
15 Minnesota state agencies. I'm not sure whether it
16 was a decision that all three agencies participated
17 in or any one in particular. I don't know.

18 Q. So whatever facilitation costs, those are
19 coming through the state and the EPA, but not the
20 regulated utilities?

21 A. Mr. Chair, that's correct. I actually
22 don't know the financial arrangement.

23 Q. And the reason I'm asking all these
24 questions is it related to -- it would seem as
25 though whatever comes out of this could have a

1 pretty dramatic impact on North Dakota ratepayers
2 because, as we've been told many times in the past,
3 Xcel operates on an integrated system that's run
4 for the benefit of ratepayers throughout its
5 northern NSP region, so not just North Dakota, but
6 South Dakota, Wisconsin, I think even a little bit
7 of northern Michigan.

8 Are you aware through this collaborative,
9 have officials from other states ever been invited
10 to participate in this collaborative, understanding
11 that it's not necessarily Xcel's role as just one
12 member of the AC -- advisory committee to do so,
13 but are you aware that any invitation was ever
14 extended to anyone outside of just the State of
15 Minnesota?

16 A. Mr. Chair, no, I don't know that anyone
17 outside has been -- outside the state has been
18 invited to participate. I do know -- well, my
19 understanding is that there are a number of folks
20 from other states that are calling in and
21 monitoring the activities of the work groups when
22 we have formal meetings so that -- the agencies are
23 trying to make this as open a process as possible
24 so that they can -- the idea, as I understand it,
25 that EPA wants to be able to sort of -- if we're

1 able to come up with a series of recommendations
2 that will reduce the cost of implementing these
3 rules, that they want to be able to sort of
4 highlight those for other states, as well, and so
5 that if there's a -- so I think they're trying to
6 include more folks in to be able to monitor and
7 observe these discussions.

8 Q. Are you aware of how officials from other
9 states would have been notified about it?

10 A. No, sir, I'm not.

11 Q. And, again, these aren't directed to you
12 because it's not necessarily, like I said, as just
13 a member of the advisory committee, your
14 responsibility to take care of it, but I just am
15 curious how we ended up in this situation where
16 there could be decisions made that have a dramatic
17 impact on North Dakota and it doesn't appear that
18 North Dakota has even a seat at the table.

19 A. Mr. Chair, I appreciate that and we're
20 very -- I think very sensitive to the concerns
21 you're raising. I think one thing I would add to
22 Ms. McCarten's very good overview and description
23 of the project is that we were working very closely
24 with Minnesota Power, but also with representatives
25 of our large industrial customers and other

1 business customers as we -- in very close
2 coordination as we work through some of the policy
3 discussions that we're just starting now to have,
4 but also in sort of -- in the modeling. We're
5 working to develop a baseline -- modeling baseline,
6 and there's a lot of key assumptions built into it
7 as we build into that -- as we build that baseline
8 that we want to make sure that our customers are
9 onboard with, as well. So we are -- I think we're
10 paying very close attention to the potential
11 impacts on our customers.

12 And we let -- it may have been a request
13 that we couldn't refuse, but we did let our
14 agencies know that our interest in participating in
15 this pilot was a focus on finding ways -- given all
16 the things that we are already doing to reduce the
17 environmental impacts of our operations, we wanted
18 to make sure -- that our customers are paying for,
19 we wanted to make sure that this pilot is focused
20 on things that we can do to reduce the cost of
21 implementing these rules.

22 Q. Sure. And you did indicate these are all
23 open meetings; is that correct?

24 A. Yes, sir, that's correct.

25 Q. Can we -- maybe it's a request you can

1 move up the chain or maybe Xcel can just pass along
2 the information to us. I think it would be helpful
3 for us to get information on when these meetings
4 are being held so North Dakota has an opportunity
5 to at least find out what's going on. And I don't
6 know if it's a -- of who we make that request to.
7 I don't know if it's the EPA or the Great Plains
8 Institute just had a misunderstanding of how
9 utility regulation works throughout the Upper
10 Midwest, but I think it would be helpful for all
11 states to be at least somehow apprised of what's
12 going on with that particular process,
13 understanding it's an integrated regional system
14 that apparently decisions are being made regarding.

15 A. Absolutely, Mr. Chair. We'll do our part
16 to let your staff know when these meetings are,
17 but, also, we'll share your -- maybe your comments
18 or your concerns with state agencies, Great Plains
19 Institute, other participants in this process so
20 maybe they'll do maybe a -- be a little more
21 proactive in reaching out to the other states that
22 are impacted by this process.

23 COMMISSIONER CLARK: That would be
24 helpful. Thank you.

25 JUDGE WAHL: Further questions from the

1 Commission? Mr. Loftus, followup?

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EXAMINATION

3 **BY MR. LOFTUS:**

4 Q. I guess the only followup I have is more
5 of a procedural question for Mr. Bull relating to
6 the EPA project.

7 Just for everybody's, I guess,
8 clarification, Mr. Bull, can you review very
9 quickly how many meetings have been held as a part
10 of this project and going forward how perhaps the
11 North Dakota staff could become involved?

12 A. Sure. There have been only a couple --
13 only two face-to-face meetings of this advisory
14 group and thus far they've been primarily
15 informational, getting presentations from EPA and
16 others about these various rules so that the group
17 has a basis -- consistent basis from which to work.

18 There have been a couple -- also a couple
19 of calls of the advisory group and a number of
20 calls of the modeling group. And all of that
21 information is available on -- there's a -- MPCA
22 maintains a website listing those materials and
23 notices of meetings and such. We've included that
24 website URL in the letter that Mr. Sederquist sent
25 to the Commission, but also in the -- I think we

1 can make phone calls and let people know directly
2 and that sort of -- or forward emails as we get
3 them and ask to have the North Dakota commission
4 staff added to any lists that the agencies are
5 maintaining.

6 COMMISSIONER CLARK: Judge Wahl, if I just
7 might.

8 JUDGE WAHL: Commissioner Clark.

9 COMMISSIONER CLARK: This might streamline
10 the process a bit. It is a little bit awkward for
11 you as a member of the AC to be kind of making that
12 request. What I might suggest instead is if Xcel
13 can just provide us with contact with the
14 facilitator, which I assume is GPI or the EPA,
15 whoever the right contact person is and then we as
16 a commission or staff can write a letter expressing
17 our concerns that we haven't yet been included on
18 this, but explain why it would be advantageous to
19 have other states at least notified of what's going
20 on, and then we can go ahead and make that contact
21 as opposed to making you do that. Does that make
22 sense?

23 THE WITNESS: It certainly does make
24 sense. Thank you.

25 JUDGE WAHL: Anything further,

1 Commissioner Clark?

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FURTHER EXAMINATION

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BY COMMISSIONER CLARK:

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Q. The only other question -- I don't know -- are you aware, have there been other state -- North Dakota state officials who have been at any of the meetings or on the calls that have taken place? I'm thinking of -- I don't know if someone from our State Health Department was ever contacted. Maybe that's where a contact was made.

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A. Mr. Chair, I think my only -- I don't know of anyone in particular. My only -- I think there might have been someone from an Economic Development Commission -- North Dakota Economic Development Commission staff person perhaps on an email string. As we get notices, I think maybe there was some -- there might have been some contact there, but I don't know that those -- that anyone is actually calling into the meetings and I don't believe there was anyone here.

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Q. Sure. And I don't know if there necessarily would need to be someone from the North Dakota Health Department being we're probably talking about Minnesota-based facilities. Really the greater impact is on the regulatory side and

1 utility side when costs are asked to be spread
2 across a region, so it's more a rate recovery issue
3 than anything. Okay. Thanks. That's all I have.

4 JUDGE WAHL: Anything further from the
5 Commission? Mr. Loftus, further followup?

6 MR. LOFTUS: No, Your Honor. Thank you.

7 JUDGE WAHL: Mr. Gruman?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 MS. JEFFCOAT-SACCO: No, Your Honor.

11 JUDGE WAHL: Thank you very much, Mr.
12 Bull. Mr. Loftus.

13 MR. LOFTUS: Thank you, Your Honor. Your
14 Honor, I would like to call Mr. Dennis Koehl, who
15 is participating by telephone, to respond to
16 questions regarding our nuclear power plants.

17 JUDGE WAHL: Mr. Koehl, can you hear me?

18 MR. KOEHL: Yes, sir, I can.

19 JUDGE WAHL: Mr. Koehl, as you heard me
20 advise previous witnesses, your testimony is
21 required to be under oath and I'm required by law
22 to advise you regarding perjury before
23 administering the oath. Perjury is a false
24 statement of material fact which you do not believe
25 to be true. In North Dakota perjury is a Class C

1 felony punishable by a fine up to \$5,000,
2 imprisonment for a period of up to five years, or
3 both.

4 **DENNIS KOEHL,**

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

7 JUDGE WAHL: Mr. Loftus.

8 MR. LOFTUS: Thank you, Your Honor.

9 **EXAMINATION**

10 **BY MR. LOFTUS:**

11 Q. Mr. Koehl, earlier, I believe,
12 Commissioner Kalk had a question relating to the
13 status of lifecycle management activities at
14 Monticello. Are you able to provide an update?

15 A. Yes, sir, I can. When Mr. -- Commissioner
16 Kalk visited the site, that was in early April, we
17 had several activities ongoing at the station. We
18 were in a refueling outage. As part of that
19 refueling outage, not knowing what he was
20 referencing to because he saw a lot of construction
21 work, we had work in our switchyard ongoing as part
22 of putting in an additional line to St. Cloud. We
23 also had -- as part of the security upgrades
24 required by the Nuclear Regulatory Commission, we
25 had a security building as well as some fence and

1 some security equipment being installed.

2 Internal to the plant, Mr. John Grubb, our
3 plant manager, toured the Commissioner, and some of
4 the larger lifecycle management issues that he
5 should have been able to see during his tours dealt
6 with the changeout of some of our heaters which are
7 in our secondary system, or what we call the
8 balance of plant, with the extended power uprate,
9 as well as we had a common seed demineralizer
10 system that was being totally replaced within the
11 station. All that work is complete and that was
12 completed near the end of May.

13 Q. Thank you, Mr. Koehl. Mr. Koehl, I
14 believe there might have also been a question
15 regarding how the company determines what costs
16 related to our nuclear facilities, like the timing
17 of those costs, when they will be incurred and,
18 therefore, fall within a particular test year. Can
19 you describe how those costs are scheduled and
20 implemented at the nuclear power plants, please?

21 A. The schedule for the costs are when we
22 basically place the equipment into service after
23 making the changes, so the costs associated with
24 the work that was performed in this last outage,
25 all that equipment was placed into service and is

1 used and useful. Any work that we have not
2 performed or is out in the future does not get
3 placed into the schedule.

4 MR. LOFTUS: Thank you, Mr. Koehl. Your
5 Honor, I have no further questions.

6 JUDGE WAHL: Mr. Gruman?

7 MR. GRUMAN: No, Your Honor.

8 JUDGE WAHL: Ms. Jeffcoat-Sacco?

9 MS. JEFFCOAT-SACCO: Nothing. Thanks.

10 JUDGE WAHL: Questions from the
11 Commission? Commissioner Kalk.

12 **EXAMINATION**

13 **BY COMMISSIONER KALK:**

14 Q. Just one. Thank you for your testimony
15 because that really helped out. Just a question
16 on -- the plant has increased power by, I think it
17 was, 71 megawatts. Do you get a sense of how much
18 more that could happen there in the next five to
19 ten years?

20 A. If that's referring back to your early
21 question, then yes, of Ms. McCarten. I'm not aware
22 of any additional extended power uprates that can
23 be done on the model and the vintage of the
24 Monticello plant that's out there. That being
25 said, the only item could be technology change that

1 would improve on, you know, measurement uncertainty
2 on instrumentation.

3 COMMISSIONER KALK: Okay. Thank you.

4 JUDGE WAHL: Any further questions from
5 the Commission? Followup, Mr. Loftus?

6 MR. LOFTUS: I have none, Your Honor.

7 JUDGE WAHL: Mr. Gruman?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 MS. JEFFCOAT-SACCO: No.

11 JUDGE WAHL: Thank you very much, Mr.
12 Koehl. Mr. Loftus.

13 MR. LOFTUS: Thank you, Your Honor. I
14 would like to call Mr. David Sederquist and he is
15 present here.

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

1 **DAVID SEDERQUIST,**

2 being first duly sworn, was examined and testified
3 as follows:

4 JUDGE WAHL: Mr. Loftus.

5 MR. LOFTUS: Thank you.

6 **EXAMINATION**

7 **BY MR. LOFTUS:**

8 Q. Mr. Sederquist, I believe Commissioner
9 Cramer earlier had a question regarding Mr.
10 Gauper's recommendations and in particular the
11 first recommendation that -- regarding reporting of
12 outages. Do you have any followup to provide to
13 the discussion between Mr. -- Commissioner Cramer
14 and Mr. Limoge?

15 A. Sure. One of my roles with Xcel Energy is
16 to work with the commissioners and staff to develop
17 and refine reporting needs and to coordinate
18 meetings and presentations and the like.

19 We currently, by way of background, do
20 provide reliability information to the Commission
21 in a number of ways. We have our annual earnings
22 report that we file each May with the Commission.
23 Included in there are our reliability stats,
24 duration and frequency of outage information for
25 the North Dakota system as well as the more

1 localized area served by our five largest
2 substations. We also, I think, have introduced the
3 staff to our web-based outage map and I believe
4 we've demonstrated to the Commission how that
5 works. It's a realtime system. You can go online,
6 actually see the multistate area, see where outages
7 are presently occurring, there's information there
8 about how many customers are being impacted.

9 We recently have this summer started
10 providing, I'll call it, courtesy emails, if you
11 will, on our feeder-level outages to staff. We
12 haven't had any feeder-level outages for a while
13 now, so there haven't been too many emails lately,
14 but those are the more significant outages
15 typically affecting 1,500 to 2,000 customers at a
16 minimum. So we've been keeping staff abreast of
17 those, and we do have periodic presentations that
18 we make to the Commission, either a PI meeting
19 presentation on our reliability programs or results
20 or other ad hoc meetings as the Commission desires.

21 Q. Thank you.

22 A. I might just add, you know, that's kind of
23 the collection of reporting that we do provide.
24 We're certainly willing to entertain other
25 suggestions from staff. We like to work with

1 staff. If there are other needs that they have, we
2 can certainly work with them on that and perhaps
3 the other utilities that might be impacted by some
4 of those requirements.

5 Q. Thank you, Mr. Sederquist. In addition to
6 that, I believe Commissioner Clark asked earlier
7 how the company estimated \$20,000 for the customer
8 credit program. Can you provide any background as
9 to how the company established that estimate?

10 A. Sure. Given the relatively low cost of
11 that program and the variability on outages and the
12 varying numbers of customers that might be impacted
13 by multiple outage, like six or more outages in a
14 calendar year, we felt that it was reasonable to
15 develop an estimate for the year based on our
16 experience.

17 In the State of Minnesota we've had this
18 customer credit program in place there for years,
19 and we know that we expend approximately \$300,000 a
20 year on these credits there, and we also know the
21 relationships jurisdictionally, the percentages and
22 the allocations. We used the 6 percent allocator
23 of the NSP-Minnesota operating company to determine
24 that the 300,000 would translate to 20,000. The
25 300,000 relates to the Minnesota jurisdiction on a

1 Minn. operating company level, that's about
2 \$335,000, and applying the 6 percent gets us to
3 that \$20,000 estimate, which we felt was within a
4 reasonable range to put in the settlement.

5 MR. LOFTUS: Thank you, Your Honor. I
6 have no further questions.

7 JUDGE WAHL: Mr. Gruman?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 **EXAMINATION**

11 **BY MS. JEFFCOAT-SACCO:**

12 Q. Dave, what are these Minnesota credits,
13 the 320 thousand or 25, whatever you mentioned that
14 you're spending or that you're spending systemwide?
15 Is there a specific rule or requirement in
16 Minnesota for a bill credit, or is this just
17 responding to people that have decided they're fed
18 up and it's been out too much and they call and
19 complain and a credit is then run to placate them
20 basically? What is the 300 based on?

21 A. Well, the 300,000 is more of just looking
22 back at our expenditures and seeing, but the
23 program, itself -- and I'm not the expert on it. I
24 will tell you that my understanding is that this is
25 a tariffed -- it's in our Minnesota rate tariffs.

1 I believe we shared that information with staff in
2 developing this settlement program. It describes
3 how -- we modeled this very similarly to the
4 Minnesota tariff, but beyond that I guess I'm not
5 too knowledgeable about the history of the customer
6 credit program there.

7 Q. And I apologize. Is the tariff in one of
8 these filings? I don't remember seeing it. But
9 the first thing is, I'd like to see the tariff if
10 we can have another -- either the Minnesota or the
11 proposed North Dakota or perhaps both, if we could
12 have another late-filed exhibit.

13 JUDGE WAHL: How is the exhibit to be
14 described, Ms. Jeffcoat-Sacco?

15 Q. (MS. JEFFCOAT-SACCO CONTINUING) Would the
16 company be submitting Minnesota's and North
17 Dakota's proposed -- Minnesota's actual, North
18 Dakota's proposed?

19 A. We are not proposing a tariff in North
20 Dakota. The settlement proposal is not the full
21 program that we have in Minnesota. It's a part of
22 it, and we felt that defining it explicitly in the
23 settlement document would suffice, so we did not
24 propose a tariff in North Dakota.

25 Q. Okay. So this would be the -- what's the

1 correct name?

2 A. Minnesota customer credit tariff.

3 JUDGE WAHL: All right. So the name of
4 the exhibit will be the Minnesota customer credit
5 tariff. Is that correct, Mr. Sederquist?

6 THE WITNESS: Yeah, I think that will do.

7 JUDGE WAHL: Mr. Loftus, any objection?

8 MR. LOFTUS: We have none, Your Honor.

9 JUDGE WAHL: Mr. Gruman?

10 MR. GRUMAN: No, Your Honor.

11 JUDGE WAHL: For the record, the Exhibit
12 26, Minnesota customer credit tariff, to be filed
13 by NSP is received as a late-filed exhibit. Ms.
14 Jeffcoat-Sacco.

15 MS. JEFFCOAT-SACCO: And the number?

16 JUDGE WAHL: 26. I'm sorry.

17 MS. JEFFCOAT-SACCO: Okay. Thank you.

18 Q. (MS. JEFFCOAT-SACCO CONTINUING) Can you
19 tell me what is -- can you tell me the general
20 standard in the Minnesota credit program? Is it
21 the same sort of outage, time and duration, that
22 you proposed in North Dakota?

23 A. Yeah, it's simply whether a customer has
24 been impacted by what I'll call a qualifying
25 outage, because there are a couple of outages that

1 wouldn't trigger this. Those would be storm-
2 related outages or public damage, a car or a truck
3 running into a pole. Those would not apply to this
4 program, but all other outages, if you've had six
5 or more of them in a calendar year, then in the
6 following year you would qualify for a payment.

7 Q. And how long has that been in effect in
8 Minnesota?

9 A. I can't answer that.

10 Q. Was it implemented in response to some
11 major reliability issues?

12 A. Again, I would need to defer that question
13 to another one of our experts. I apologize.

14 MS. JEFFCOAT-SACCO: You and I had a lot
15 of discussions about the relative propriety of
16 these individual customer credits that every other
17 ratepayer is helping to pay for, and I just -- is
18 the witness -- is there a plan to have the witness
19 that knows a little bit more about this here today
20 or not?

21 JUDGE WAHL: The question is directed to
22 Mr. Loftus, I take it, Ms. Jeffcoat-Sacco?

23 MS. JEFFCOAT-SACCO: Yes. I don't know
24 who it would be.

25 MR. LOFTUS: Your Honor, we did not plan

1 to have any person or company personnel over the
2 phone answer questions more detailed with regard to
3 the credit program, but we can certainly try to get
4 somebody present in the room in Minnesota that
5 could answer those questions.

6 JUDGE WAHL: Yes, understanding that we're
7 going to be back after lunch.

8 MS. JEFFCOAT-SACCO: That's all I have
9 then. Thank you.

10 JUDGE WAHL: Questions from the
11 Commission? Commissioner Clark.

12 COMMISSIONER CLARK: Thank you.

13 **EXAMINATION**

14 **BY COMMISSIONER CLARK:**

15 Q. Do you know, does Xcel get recovery in
16 Minnesota for the customer credit?

17 A. My understanding is that in Minnesota when
18 the program was originally set up, those payments
19 were characterized as penalties and as such were
20 not included, and have not been included, in rates.

21 In our proposal we -- we view these
22 payments as more or less partial compensation or
23 even a refund, if you will, for service that did
24 not meet standards. It's part of an overall
25 reliability program that we have that includes many

1 other things, and it's part of our response to a
2 reliability situation much like if we were going to
3 go out and do a spot trim on somebody's. This is
4 just part of our overall approach. That's how we
5 view these credits.

6 Q. I have a concern, I think, that's similar
7 to what Ms. Jeffcoat-Sacco described, which is it
8 does seem odd, though, that it's not any skin off
9 Xcel's back, it's \$20,000 that's coming from other
10 ratepayers to compensate those ratepayers that have
11 received some poor quality of service. So what's
12 Xcel's skin in the game?

13 A. Well, we certainly would have an
14 incentive, Commissioner, to improve upon the record
15 given a fixed recovery in rates. Just like any
16 other cost, we definitely would endeavor to cut
17 that number as low as possible. It would be
18 difficult to project that no outages at all would
19 ever occur or multiple outages that no customer
20 would be impacted, but we definitely feel -- as Ms.
21 McCarten indicated before, it's just another tool,
22 it's another way for us to be aware of the impacts
23 of our outages and where there might be pockets
24 that need addressing, so we think that, you know,
25 we do have skin in the game, that it is important

1 to us.

2 Q. David, would you be the one to direct
3 questions to regarding the reasonableness of cost
4 recovery for the Intelliteam switches?

5 A. I can -- I can handle some of that, but
6 perhaps Mr. Felling would be more appropriate.

7 COMMISSIONER CLARK: I'll reserve that for
8 him then. Thanks.

9 JUDGE WAHL: Further questions from the
10 Commission? Commissioner Kalk.

11 COMMISSIONER KALK: Dave, thanks for your
12 testimony. Just a -- are you going to be the
13 witness who is going to address the -- I know you
14 know the North Dakota system very well -- the
15 correlation to number of line workers to the
16 population?

17 THE WITNESS: I believe Ms. McCarten will
18 address that.

19 COMMISSIONER KALK: Okay. Thank you.

20 JUDGE WAHL: Further questions from the
21 Commission? Followup, Mr. Loftus?

22 MR. LOFTUS: I have none, Your Honor.
23 Thank you.

24 JUDGE WAHL: Mr. Gruman?

25 MR. GRUMAN: No, Your Honor.

1 JUDGE WAHL: Ms. Jeffcoat-Sacco?

2 FURTHER EXAMINATION

3 BY MS. JEFFCOAT-SACCO:

4 Q. Dave, I'd just like to know if the company
5 would be willing to -- in order to provide
6 information and focus to the company, instead of
7 sending \$50 to the customers that have the six
8 whatever it is, six outages, you could report those
9 to the Commission and that would give you -- that
10 would give you a clue that that was happening, and
11 would that cost less than \$50 if you reported every
12 one of those to the Commission.

13 A. Just simply report them?

14 Q. Yes, instead of the other reporting
15 proposal that's under discussion.

16 A. Yeah, we can -- we can do that.

17 JUDGE WAHL: Followup questions from the
18 Commission? Mr. Loftus?

19 MR. LOFTUS: Your Honor, I have none.
20 Thank you.

21 JUDGE WAHL: Mr. Gruman?

22 MR. GRUMAN: No, Your Honor.

23 JUDGE WAHL: Thank you very much, Mr.
24 Sederquist. Mr. Loftus.

25 MR. LOFTUS: Thank you, Your Honor. Your

1 Honor, I would like to recall Ms. McCarten.

2 JUDGE WAHL: Ms. McCarten, you understand,
3 of course, that your testimony continues under oath
4 and subject to penalties of perjury?

5 MS. McCARTEN: Yes, I do.

6 JUDGE WAHL: Mr. Loftus.

7 MR. LOFTUS: Thank you, Your Honor.

8 **LAURA McCARTEN,**

9 having been previously duly sworn, was examined and
10 testified as follows:

11 **FURTHER EXAMINATION**

12 **BY MR. LOFTUS:**

13 Q. Ms. McCarten, Commissioner Kalk had a
14 question regarding the staffing levels in North
15 Dakota. Do you have a response to his question?

16 A. Yes, I do. Commissioner, we requested
17 this information from the manager of our
18 construction forces in North Dakota. What -- the
19 information I have is that in Grand Forks we have
20 seven crew members assigned to work out of Grand
21 Forks; in Minot we currently have six, but are
22 increasing that to eight; in Fargo we have 11. The
23 relative population is, Minot is the smallest at
24 around 15,000, Grand Forks a little bit larger at
25 around 23,000, and then Fargo, not counting all the

1 outlying, but in the area of 46,000. So I think
2 those numbers are commensurate in general with the
3 population and also reflecting the very rapid
4 growth around the Minot area in the addition of a
5 couple of crew members to that service center.

6 The other thing I would note is that we
7 augment -- these are year-round forces,
8 accommodating vacation, and so forth, but we
9 augment our work crews at all locations to
10 accommodate high volumes of work with contract
11 crews, for example, so high construction periods,
12 certainly storm restoration, we augment the local
13 resources.

14 MR. LOFTUS: Your Honor, I have no further
15 questions.

16 JUDGE WAHL: Mr. Gruman?

17 MR. GRUMAN: No, Your Honor.

18 JUDGE WAHL: Ms. Jeffcoat-Sacco?

19 MS. JEFFCOAT-SACCO: Nothing, Your Honor.

20 JUDGE WAHL: Questions from the
21 Commission? Commissioner Kalk.

22 **FURTHER EXAMINATION**

23 **BY COMMISSIONER KALK:**

24 Q. Thank you, Laura, for your testimony. I
25 guess I'll just follow through a little bit on some

1 questions.

2 So we're going to grow Minot by a couple
3 more, so eight for roughly 15,000 people knowing
4 that's a growing region. Some of the concerns I
5 guess I have are that, you know, in conversation
6 with a lot of folks in the northwestern part of the
7 state and the central part of the state, there's
8 just not enough of certain skill sets to go around
9 so we're all in a bidding war for contractors and
10 subcontractors and all that. So the growth of
11 Minot, the eight full-time employees, I think makes
12 sense. But then you go to eight for 15,000, that
13 would equal 24 people by the 11 that should be in
14 the Fargo area full-time if you correlate those
15 same numbers. So why wouldn't we grow the Fargo
16 staff a little bit more if we're going to try to
17 keep the same number of people per system because
18 the Minot system has performed very well and my
19 inclination is it's because you've got techs on the
20 ground that know their system very, very well.

21 A. Commissioner, the staffing levels reflect
22 needs to maintain and serve the current needs in
23 the current service territory, but they also are
24 looking at what's efficient to meet the growth, so
25 I think that it's not -- it's probably an apples

1 and oranges looking at Fargo versus Minot as the
2 growth in Fargo is not the same as we see in Minot.
3 So the additional staffing that Minot needs, it's
4 not correlated just to the population count, I
5 guess is the point I would make. And hearing from
6 the Minot city manager about a month ago of the
7 almost -- I don't know what the correct word is,
8 but the takeoff in building permits and building
9 activity around there, housing, and so forth,
10 there's a real pressing need there, so I think that
11 the addition of staff in Minot is reacting to that
12 very localized need.

13 Q. So the growth in Fargo is predominantly
14 not in your region, mostly Cass County Electric,
15 perhaps?

16 A. Well, there is that, as well. We have the
17 defined service territory.

18 Q. And I believe you have a service area
19 agreement with Verendrye in Minot; is that right?

20 A. I'm sorry. What?

21 Q. A service area agreement between yourself
22 and Verendrye.

23 A. Is Verendrye the co-op?

24 Q. I think you have one of those on file,
25 don't you? That's a question, I guess, just trying

1 to -- I'll check with our staff on that one because
2 I just have an inkling that there's a tie-in. How
3 do you get to the number of technicians? I just
4 don't think we have enough people on the ground.
5 You're saying that -- when we know an area has been
6 taxed with flooding, we know an area has previously
7 performed not what the rest of the system is,
8 technology may be a piece of the answer, but I just
9 believe people out there looking at the systems
10 every day, knowing their system is going to
11 increase their reliability. I guess that's just my
12 pontification.

13 COMMISSIONER KALK: Thank you, Your Honor.

14 JUDGE WAHL: Further questions from the
15 Commission? Followup, Mr. Loftus?

16 MR. LOFTUS: I have none, Your Honor.

17 JUDGE WAHL: Mr. Gruman?

18 MR. GRUMAN: No, Your Honor.

19 JUDGE WAHL: Ms. Jeffcoat-Sacco?

20 MS. JEFFCOAT-SACCO: None. Thanks.

21 JUDGE WAHL: Thank you very much, Ms.

22 McCarten. Mr. Loftus.

23 MR. LOFTUS: Your Honor, I'm told that we
24 have somebody in Minnesota who can respond to the
25 questions of Ms. Jeffcoat-Sacco regarding the

1 credit payments. Her name is Jody Londo. So I
2 would like to ask her to respond to those
3 questions.

4 JUDGE WAHL: Her last name, please?

5 MR. LOFTUS: Sure. It's L-o-n-d-o.

6 JUDGE WAHL: Ms. Londo, can you hear me?

7 MS. LONDO: Yes, I can. Good morning,
8 Commissioner.

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

18 **JODY L. LONDO,**
19 being first duly sworn, was examined and testified
20 as follows:

21 JUDGE WAHL: Mr. Loftus.

22 MR. LOFTUS: Thank you. Your Honor, I
23 have no questions for this witness, but simply
24 offer her to answer any questions from the parties
25 or the commissioners.

1 JUDGE WAHL: Mr. Gruman?

2 MR. GRUMAN: No, Your Honor.

3 JUDGE WAHL: Ms. Jeffcoat-Sacco?

4 **EXAMINATION**

5 **BY MS. JEFFCOAT-SACCO:**

6 Q. Good morning. Would you be able to fill
7 in some details about the customer credit tariff in
8 Minnesota? Specifically I was curious about when
9 -- how long that tariff has been in effect, when it
10 took effect, and some specifics about when you give
11 the credit, under what conditions, what are the
12 benchmarks and how much the credits are, and then I
13 believe we have the answer to this, but you can
14 confirm about whether any of that is recovered in
15 rates in Minnesota.

16 A. Okay. Well, these outage credit payments
17 were established in a 2002 docket before the
18 Minnesota Commission.

19 JUDGE WAHL: Ms. Londo, would you just
20 give me a minute, please?

21 COMMISSIONER CLARK: She may just want to
22 talk closer to the mike rather than --

23 JUDGE WAHL: Rather than mess with the
24 switches?

25 COMMISSIONER CLARK: Yeah.

1 JUDGE WAHL: Ms. Londo, we're having -- I
2 certainly welcome the advise, Commissioner. Ms.
3 Londo, we're having trouble hearing you and it may
4 be because you're soft -- rather soft-spoken. If
5 you would move closer to your microphone and speak
6 up, please. You may proceed.

7 THE WITNESS: Okay. Is this better?

8 JUDGE WAHL: Let's try it and we'll see.

9 THE WITNESS: Okay. Customer outage
10 credits in Minnesota were established in a 2002
11 docket before the Minnesota Commission. They took
12 effect in 2004. That was the first performance
13 here that they took effect. The dollar amounts are
14 a \$50 annual credit to customers that experience
15 and sustain outage -- six or more sustained outages
16 in a year, a \$50 credit to customers who experience
17 an outage that lasts 24 hours or more, and that's
18 for each one of those outages. Those are the
19 general credits that apply to all customers.

20 There were some other credits developed
21 out of a more recent rate case to some municipal
22 pumping customers, but that's a pretty limited
23 application. And these payments are not recovered
24 in rates.

25 MS. JEFFCOAT-SACCO: Thank you. That's

1 all the questions that I have.

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

4 **EXAMINATION**

5 **BY COMMISSIONER CLARK:**

6 Q. Sure. We had heard earlier from another
7 witness that the total amount that was paid out in
8 Minnesota was -- I forget -- it was 300-some
9 thousand, 350, somewhere in there. Do you have
10 that figure handy?

11 A. I don't have that in front of me, no. I'm
12 sorry.

13 Q. Okay. I guess the question would be
14 regarding whether that total would have included
15 both the sustained outage -- the six or more --
16 those customers who received money on the basis of
17 having six or more five-minute outages or greater,
18 as well as the extended 24-hour outage payments.
19 I'm trying to figure out if -- being that it
20 doesn't appear that North Dakota's includes the
21 extended outage, if that somehow skews the \$20,000
22 number that they arrived at for recovery here.

23 A. I can say that that dollar amount is in
24 the range of the annual payment that we paid. It
25 would include all of those credits. I just don't

1 have the specific dollar amount in front of me.

2 Q. It would be in the range of 3- to 350
3 thousand?

4 A. Correct.

5 COMMISSIONER CLARK: Thanks. That's all I
6 have.

7 JUDGE WAHL: Any further questions from
8 the Commission? Followup, Mr. Loftus?

9 MR. LOFTUS: Your Honor, I have none.

10 JUDGE WAHL: Mr. Gruman?

11 MR. GRUMAN: No, Your Honor.

12 JUDGE WAHL: Ms. Jeffcoat-Sacco?

13 **FURTHER EXAMINATION**

14 **BY MS. JEFFCOAT-SACCO:**

15 Q. Only if you could please tell us what
16 prompted the filing of the tariff in Minnesota.

17 A. Yes. The tariff was part of a negotiated
18 settlement that was between parties stemming from
19 an investigation regarding the company's service
20 quality.

21 MS. JEFFCOAT-SACCO: Thank you.

22 JUDGE WAHL: Any further questions from
23 the Commission as followup?

24 COMMISSIONER CLARK: No.

25 JUDGE WAHL: Any followup, Mr. Loftus?

1 MR. LOFTUS: I do have one brief question
2 for Londo.

3 EXAMINATION

4 BY MR. LOFTUS:

5 Q. Ms. Londo, are you aware if other
6 utilities have similar types of service quality
7 programs within the State of Minnesota?

8 A. Xcel Energy is the only utility in
9 Minnesota that has a service quality tariff that
10 has financial components to it like these credits.

11 MR. LOFTUS: Thank you. Your Honor, I
12 have nothing further.

13 JUDGE WAHL: Mr. Gruman?

14 MR. GRUMAN: No, Your Honor.

15 JUDGE WAHL: Ms. Jeffcoat-Sacco?

16 MS. JEFFCOAT-SACCO: Nothing. Thanks.

17 JUDGE WAHL: Any followup for the
18 Commission?

19 COMMISSIONER CLARK: No.

20 JUDGE WAHL: Thank you very much, Ms.
21 Londo.

22 THE WITNESS: Thank you.

23 JUDGE WAHL: Mr. Loftus.

24 MR. LOFTUS: Thank you, Your Honor. I
25 would also like to recall Mr. John Felling as to

1 the Intelliteam switching costs.

2 JUDGE WAHL: Mr. Felling, you understand,
3 of course, that your testimony continues under oath
4 and subject to penalties of perjury?

5 MR. FELLING: Yes, I do.

6 JUDGE WAHL: Mr. Loftus.

7 MR. LOFTUS: Thank you.

8 **JOHN FELLING,**
9 having been previously duly sworn, was examined and
10 testified
11 as follows:

12 **FURTHER EXAMINATION**

13 **BY MR. LOFTUS:**

14 Q. Mr. Felling, I believe earlier
15 Commissioner Clark asked for a breakdown of the
16 \$250,000 in costs that are related to the 25
17 Intelliteam switches as referenced in the
18 settlement agreement. Can you provide that
19 background?

20 A. Yes, I can. I've got a schedule in front
21 of me here. I don't believe this schedule is on
22 the record, but I can speak to the numbers here
23 that were used to develop the 250,000.

24 There's a hundred -- first off, on the
25 life, the life we assumed was 31 and a half years,

1 which is consistent with Mr. Mansur's earlier
2 testimony of 30 to 35 years. We have a capital
3 investment of \$2.5 million, again, with a life of
4 31 and a half years. We assumed a 30 percent
5 removal rate with no salvage. Those numbers work
6 out to a first-year revenue requirement, the
7 depreciation is 103,000 and then return on rate
8 base plus taxes makes up 147,000, giving us a
9 \$250,000 total.

10 MR. LOFTUS: Thank you, Mr. Felling. Your
11 Honor, I think it might be appropriate if I could
12 offer and introduce into the record the schedule
13 that Mr. Felling referenced. I'm not sure that we
14 have additional copies at this very moment, but we
15 can certainly make those over the lunch break and
16 bring those back. So I would like to offer and
17 introduce into the record as Exhibit No. --

18 JUDGE WAHL: 27.

19 MR. LOFTUS: -- 27, yes, Your Honor.

20 JUDGE WAHL: And which is identified how,
21 please?

22 MR. LOFTUS: What's the title of that?

23 THE WITNESS: Calculation of levelized
24 annual revenue requirements, Intelliteam switches.

25 JUDGE WAHL: Calculation of?

1 THE WITNESS: The title on the report is
2 calculation of levelized annual revenue
3 requirements, Intelliteam switches.

4 JUDGE WAHL: All right. Counsel, let's
5 try this out. I'm expecting no objections. You
6 obviously have a right to examine the exhibit, and
7 if you wish to do that, we'll just postpone the
8 offer, but on a chance that you're not asking for
9 that, Mr. Gruman, any objection?

10 MR. GRUMAN: No. We've discussed that.
11 No objection, Your Honor.

12 JUDGE WAHL: Ms. Jeffcoat-Sacco?

13 MS. JEFFCOAT-SACCO: I don't have any
14 objection, but was it prepared by you?

15 THE WITNESS: This schedule was not
16 prepared by me, no. I have reviewed it, but I did
17 not prepare it.

18 MS. JEFFCOAT-SACCO: I may have missed it.
19 Do you know who prepared this? Was that question
20 originally asked by Mr. Loftus?

21 JUDGE WAHL: No, I don't believe so.

22 THE WITNESS: I believe it was prepared by
23 someone in my department, but I don't know
24 specifically who did it.

25 JUDGE WAHL: Who works under your

1 supervision?

2 THE WITNESS: Not under my supervision. A
3 peer of mine.

4 MS. JEFFCOAT-SACCO: And for what purpose
5 was it prepared?

6 THE WITNESS: For purposes of establishing
7 support for the settlement agreement.

8 MS. JEFFCOAT-SACCO: I have no objection.

9 JUDGE WAHL: Exhibit 27 is received.

10 MR. LOFTUS: Thank you, Your Honor.

11 Q. (MR. LOFTUS CONTINUING) And, Mr. Felling,
12 I believe there's a question perhaps from
13 Commissioner Clark regarding, I guess, the recovery
14 of the Intelliteam switch costs. Do you have any
15 further discussion to provide in response to that
16 question?

17 A. I don't remember specifically what the
18 question was you're referring to.

19 MR. LOFTUS: Your Honor, in that case I'll
20 tender the witness for any questions from the
21 commissioners or the parties and perhaps
22 Commissioner Clark can raise that question.

23 JUDGE WAHL: Yes, sir. Let me just add,
24 though, that you will at the break provide --
25 obtain copies of the exhibit for counsel and the

1 commissioners?

2 MR. LOFTUS: Yes, Your Honor, we'll be
3 happy to do that.

4 JUDGE WAHL: All right. And be sure that
5 the court reporter has the original, of course.

6 MR. LOFTUS: Thank you.

7 JUDGE WAHL: Mr. Gruman?

8 MR. GRUMAN: No.

9 JUDGE WAHL: Ms. Jeffcoat-Sacco?

10 MS. JEFFCOAT-SACCO: No.

11 JUDGE WAHL: Questions from the
12 Commission? Commissioner Clark.

13 COMMISSIONER CLARK: No. That schedule
14 that you'll be providing should be what I need, and
15 I would just indicate probably to Mr. Diller when
16 he's called, that I'll probably ask if he finds it
17 reasonable as advocacy staff, so if he could take
18 the time to review that, that would be good.

19 JUDGE WAHL: Any further questions from
20 the Commission? If not -- I hesitate. Well, let's
21 do the game, I guess. Mr. Loftus, followup?

22 MR. LOFTUS: I have none, Your Honor.
23 Thank you.

24 JUDGE WAHL: Mr. Gruman?

25 MR. GRUMAN: No, Your Honor.

1 JUDGE WAHL: Ms. Jeffcoat-Sacco?

2 MS. JEFFCOAT-SACCO: No.

3 JUDGE WAHL: Thank you very much, Mr.
4 Felling. Mr. Loftus.

5 MR. LOFTUS: Your Honor, I would like to
6 call Ms. Jill Reed to provide testimony with regard
7 to compensation. During the break Ms.
8 Jeffcoat-Sacco advised me that she had some
9 questions regarding compensation.

10 JUDGE WAHL: Ms. Reed, can you hear me?

11 MS. REED: I can. Can you hear me?

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

22 **JILL REED,**

23 being first duly sworn, was examined and testified
24 as follows:

25 JUDGE WAHL: Mr. Loftus.

1 MR. LOFTUS: Thank you, Your Honor. Your
2 Honor, I have no questions for this witness, but
3 tender the witness for any questions from the
4 commissioners or the parties.

5 JUDGE WAHL: Mr. Gruman?

6 MR. GRUMAN: No, Your Honor.

7 JUDGE WAHL: Ms. Jeffcoat-Sacco?

8 MS. JEFFCOAT-SACCO: I do, but I didn't
9 know this witness was next and I'm looking for my
10 notes, so may I have five minutes?

11 JUDGE WAHL: We'll be in recess for, let's
12 say, 10 minutes. By the clock here, let's be in
13 session at a quarter to 12, please.

14 (Recess taken.)

15 JUDGE WAHL: Back on the record. Mr.
16 Loftus. Wait a minute. Not at all. Ms.
17 Jeffcoat-Sacco. I got ahead of myself. I'm sorry,
18 Ms. Reed. We're going to have to wait.

19 THE WITNESS: Okay.

20 JUDGE WAHL: All right. Let's be in
21 order. Ms. Jeffcoat-Sacco, we're with you, I
22 think.

23 MS. JEFFCOAT-SACCO: Yes.
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EXAMINATION

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BY MS. JEFFCOAT-SACCO:

Q. The advocacy staff testimony that was prefiled and is marked as Exhibits, must be, 23 and 24 references some of the performance indicators that may or may not be part of the company's incentive compensation plan, and the advocacy staff witness advocates removal of certain indicators and mentions that he thinks they have been removed and are not part of the incentive plan, but is awaiting confirmation from the company. Are you familiar with what I'm talking about?

A. I am not, but I can make a few comments about the KPIs.

Q. Do you have the testimony in front of you of advocacy staff, Exhibit --

A. I have in front of me my testimony, as well as the information request that --

Q. Okay. So you have the McGarry -- the Mike McGarry testimony? If you look on pages 39 and 40.

A. Which number? I'm sorry.

Q. Pages 39 and 40 of Exhibit 23.

A. I'm looking at the -- you'll just have to guide me. I'm looking at the information request number.

1 Q. Oh, I don't have that.

2 JUDGE WAHL: Mr. Loftus, can you be of any
3 assistance?

4 MR. LOFTUS: If I might simply suggest if
5 Ms. Jeffcoat-Sacco maybe could just read the
6 question at issue, then I believe Ms. Reed will be
7 able to confirm that particular statement in Mr.
8 McGarry's testimony.

9 Q. (MS. JEFFCOAT-SACCO CONTINUING) The
10 question that Mr. McGarry says he's awaiting
11 confirmation of was a confirmation that emissions-
12 related goals have been removed from the company's
13 incentive comp plans and no emissions-related
14 incentives are allocated or directly charged to
15 North Dakota ratepayers.

16 A. Yes, and that is a true statement.

17 MS. JEFFCOAT-SACCO: Okay. That's the
18 only question I have. Thank you.

19 JUDGE WAHL: Questions from the
20 Commission? Followup, Mr. Loftus?

21 MR. LOFTUS: I have none, Your Honor.

22 JUDGE WAHL: Mr. Gruman?

23 MR. GRUMAN: No, Your Honor.

24 JUDGE WAHL: Thank you very much, Ms.
25 Reed.

1 THE WITNESS: Thank you.

2 JUDGE WAHL: Mr. Loftus.

3 MR. LOFTUS: Your Honor, the company has
4 no further witnesses to call at this time.

5 JUDGE WAHL: Mr. Gruman, let me ask you,
6 please, what is -- what will be advocacy staff's
7 presentation?

8 MR. GRUMAN: The case in chief will
9 consist of testimony from Mike Diller. I think we
10 can be pretty efficient.

11 JUDGE WAHL: I'm really not asking for you
12 to rush through it, though.

13 MR. GRUMAN: No, I'm not saying that. I'm
14 saying that I would like to advocate to keep going,
15 is what I'm getting at, so --

16 JUDGE WAHL: Well, the only problem that
17 I'm trying to adjust, I'm anticipating the
18 testimony of Mr. Gauper and he is not going to be
19 available until about 1:30. So I'm willing to keep
20 going. We could recess until sometime after 1:30
21 if that's the general consensus. On the other
22 hand, I'm really not willing to work through the
23 noonhour, through the lunch hour, either, on a long
24 day. So my point is whether we -- whether it's
25 well to recess now and come back at one o'clock.

1 MR. GRUMAN: My vote is to keep going, but
2 I certainly defer to anyone else, what their
3 opinion is.

4 COMMISSIONER CLARK: My only comment is, I
5 do have a flight later in the afternoon. I don't
6 think we're going to run into that time period, but
7 getting more done now as opposed to backloading it
8 at the end at the 1:30 session would be better for
9 me.

10 JUDGE WAHL: We're going to wait, anyway,
11 for Mr. Gauper.

12 COMMISSIONER CLARK: Right, we're coming
13 back.

14 JUDGE WAHL: Let's be in recess until one
15 o'clock.

16 (Recess taken at 11:54 a.m. to 1:02 p.m.)

17 JUDGE WAHL: Let's be in order, please.
18 Mr. Loftus, I believe you have yet a matter for the
19 Commission.

20 MR. LOFTUS: Yes. Thank you, Your Honor.
21 My understanding is that Commissioner Kalk has some
22 additional questions for Ms. Laura McCarten, so I
23 would like to recall Ms. McCarten to the witness
24 stand, please.

25 JUDGE WAHL: All right. Ms. McCarten,

1 again, you understand, of course, that your
2 testimony continues under oath and subject to
3 penalties of perjury?

4 MS. McCARTEN: I do.

5 JUDGE WAHL: Mr. Loftus.

6 MR. LOFTUS: Thank you. Your Honor, I
7 tender the witness for any additional questions.

8 JUDGE WAHL: And I understand those are
9 questions by Commissioner Kalk. Commissioner Kalk.

10 COMMISSIONER KALK: Thank you, Your Honor.

11 **LAURA McCARTEN,**

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

14 **FURTHER EXAMINATION**

15 **BY COMMISSIONER KALK:**

16 Q. Thank you, Laura. Just over lunch hour,
17 just a couple candid questions, I guess. We talked
18 previously about reliability, and the overall
19 reliability plan, I think, that's in the settlement
20 agreement, there's a lot of it that makes sense,
21 but it doesn't talk a lot about, you know, maybe
22 some more people in certain areas, which got me
23 thinking about, is there something in the
24 settlement agreement that has more weight than
25 others that will be a deal breaker if it was

1 included or wasn't included? Your thoughts about
2 that, because I would just like to hear what you
3 have to say about that.

4 A. Okay. Thank you, Commissioner. I guess
5 my thought on the settlement is that it stands as a
6 complete package where all of the pieces work
7 together and all of the pieces are kind of
8 dependent upon the other pieces. I think that the
9 ROE was a very important piece of that. The
10 aggregate settlement, as was mentioned, 85 percent
11 of the advocacy staff recommendations are not ROE
12 recommendations. Without saying what they were and
13 kind of considering that a black box I think is an
14 important piece of the whole. The treatment in the
15 2012 step-in for the true-up. All of these, I
16 think, work as a package. The recovery of the
17 Minot O&M costs and the ability to recover the
18 capital investment in base rates, all of these, I
19 think strike a balance amongst what the company's
20 needs are to be able to be healthy and continue to
21 invest in the company -- in the assets that are
22 needed to serve our customers and are also mindful
23 and I think responsive to customers' needs and
24 interests and to what the Commission is trying to
25 achieve. So I would be very hard-pressed to try to

1 pull any one piece of that out and say this is the
2 most important piece of that settlement because it
3 all works together as a package.

4 COMMISSIONER KALK: Okay. Thank you.
5 That's all I had, Your Honor.

6 JUDGE WAHL: Mr. Loftus -- well, I'm
7 sorry. You have yet another matter, Mr. Loftus.
8 Proceed.

9 MR. LOFTUS: Thank you, Your Honor.

10 **FURTHER EXAMINATION**

11 **BY MR. LOFTUS:**

12 Q. Ms. McCarten, with regard to the
13 settlement agreement and in light of the
14 discussions earlier today, do you have any
15 statements to make at this time?

16 A. Yes. Thank you. I would like to speak in
17 response to the Commissioners' discussion this
18 morning regarding the proposed billing credit
19 mechanism and also to Mr. Gauper's recommendation
20 regarding reporting of outages that affect 25 or
21 more customers. And with respect to these two
22 issues I would like to offer the following possible
23 revision to the settlement agreement.

24 First, with respect to outages affecting
25 customers, six or more in a calendar year, we would

1 propose to provide annual reports of exactly that
2 data of customers who experience six or more
3 qualified outages during a calendar year.

4 Second, we would be open to, as I think
5 was suggested in some discussion earlier this
6 morning, not going -- following through with the
7 payment of the \$50 bill credit to customers who
8 experience those six or more outages.

9 And, finally, we would propose that in
10 addition to the reporting that I just noted, which
11 is customers who experience six or more qualified
12 outages, we would, in addition to that, retain the
13 existing reliability reporting that is in place
14 today, that includes the realtime reporting, of
15 feeder-level outages, the annual reports of area
16 reliability performance, et cetera, as was outlined
17 by Dave Sederquist, that we keep it at that and not
18 expand it to include reporting on an ongoing basis
19 outages that affect 25 or more customers as per Mr.
20 Gauper's proposal.

21 And here's my reasoning behind that
22 approach on those issues. First, we agree there is
23 value in tracking and reporting on customers who
24 experience six or more outages. We think this sort
25 of information can reveal trends that then can be

1 useful to the Commission and to the company to
2 identify potentially localized issues or problem
3 areas that need special additional attention, so we
4 agree that tracking is valuable and can ultimately
5 help improve reliability performance.

6 We also acknowledge the concern expressed
7 this morning that the payment of the bill credit
8 perhaps is maybe not in keeping with the approach
9 that the Commission might prefer, and if the
10 Commission decides that they don't want to go to
11 the payment of the bill credits for customers who
12 experience six or more qualified outages, we would
13 accept that. If the Commission decides you do want
14 to have those bill credits made but really don't
15 want that to be part of the recovery, we would be
16 agreeable to that, as well.

17 Finally, with respect to Mr. Gauper's
18 proposal, we believe that that would create a
19 fairly significant administrative burden without
20 the commensurate value of helping us improve
21 reliability performance. With the system as large
22 and as many customers as we have here, it's not a
23 hundred percent reliable system. We think we have
24 very high reliability performance, but,
25 nonetheless, you could experience outages that

1 affect 25 or more customers, there could be many of
2 those in the course of a year. We don't have an
3 exact number, but it could be perhaps up in the
4 area of a thousand per year. That's a lot per day.
5 And the question then is, is that useful
6 information towards the purpose of trying to
7 improve reliability performance? In my opinion,
8 it's not. It's a lot of data. It won't
9 necessarily reveal any trends whereas the other
10 reporting we think would reveal some trends that
11 could be actionable towards improving reliability
12 performance.

13 So in summary, what I'm proposing, I
14 believe, achieves the proper balance for data that
15 is useful to the Commission and to the company in
16 assessing and improving the reliability
17 performance. That is what I wanted to add.

18 JUDGE WAHL: Mr. Loftus, anything further?

19 MR. LOFTUS: Your Honor, I have nothing
20 further. Thank you.

21 JUDGE WAHL: Mr. Gruman, questions for the
22 witness?

23 MR. GRUMAN: No, Your Honor.

24 JUDGE WAHL: Ms. Jeffcoat-Sacco?

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

1 JUDGE WAHL: Questions from the
2 Commissioner? Commissioner Kalk.

3 **FURTHER EXAMINATION**

4 **BY COMMISSIONER KALK:**

5 Q. Thank you. Our discussion earlier about
6 how many linemen in Minot and how many in Fargo,
7 would you be agreeable to adding two more linemen
8 in Fargo?

9 A. At this point I would not be agreeable to
10 doing that. I think that all the other things
11 we've talked about we can tie back to really
12 fundamentally either meeting a business need or
13 clearly getting us to a performance level that we
14 need to be at, and we believe we do have the right
15 staffing level in Fargo at this point along with,
16 as I mentioned before, contract augmentation or
17 other augmentation that's necessary for demanding
18 situations.

19 COMMISSIONER KALK: Thank you.

20 JUDGE WAHL: Further questions from the
21 Commission? Mr. Loftus, followup?

22 MR. LOFTUS: I have none, Your Honor.
23 Thank you.

24 JUDGE WAHL: Mr. Gruman?

25 MR. GRUMAN: No, Your Honor.

1 JUDGE WAHL: Ms. Jeffcoat-Sacco?

2 MS. JEFFCOAT-SACCO: Nothing. Thanks.

3 JUDGE WAHL: Thank you very much, Ms.

4 McCarten. Anything further, Mr. Loftus?

5 MR. LOFTUS: No, Your Honor. Thank you.

6 JUDGE WAHL: Mr. Gruman.

7 MR. GRUMAN: Advocacy staff calls Mike
8 Diller.

9 JUDGE WAHL: Mr. Diller, as you well know,
10 your testimony is required to be under oath and I
11 am required by law to advise you regarding perjury
12 before administering the oath. Perjury is a false
13 statement of material fact which you do not believe
14 to be true. In North Dakota perjury is a Class C
15 felony, punishable by a fine up to \$5,000,
16 imprisonment for a period of up to five years, or
17 both. Will you raise your right hand, please?

18 **MIKE DILLER,**

19 being first duly sworn, was examined and testified
20 as follows:

21 JUDGE WAHL: Mr. Gruman.

22 MR. GRUMAN: Thank you.

23 **EXAMINATION**

24 **BY MR. GRUMAN:**

25 Q. Would you please state your name for the

1 record?

2 A. Mike Diller, D-i-l-l-e-r.

3 Q. And what's your job title here at the PSC?

4 A. Director of economic regulation.

5 Q. In summary, what are your duties for the
6 PSC?

7 A. My primary duties involve managing rate
8 cases, overseeing advance determination of prudence
9 cases, mergers and acquisitions -- haven't seen
10 that for a while -- annual reporting requirements,
11 annual reviews, those types of things.

12 Q. What is the purpose for your testimony
13 today?

14 A. I'm here to support the settlement
15 agreement.

16 Q. And why does staff support the settlement
17 agreement?

18 A. Well, first, I believe that a fully
19 litigated case will result in higher rates to North
20 Dakota ratepayers than have been achieved through
21 the settlement agreement. Secondly, I believe the
22 settlement agreement is fair and reasonable. I
23 think the settlement agreement is fairly creative
24 and efficient in disposing of the issues of the
25 cases.

1 My prepared testimony will be brief and
2 fixated primarily upon the issues of return on
3 equity, the black box settlement of expense and
4 rate base adjustments, reliability of service, the
5 Department of Energy settlement and the requested
6 review of the power sector regulations project.

7 Q. Why does staff support a 10.4 percent
8 return on equity for calculating revenue
9 requirements?

10 A. We agreed to support the 10.4 percent ROE
11 for a number of reasons. First of all, it
12 represents a downward movement in comparison to the
13 returns that the Commission has been authorizing in
14 recent decisions.

15 Secondly, the ROE agreed to in this
16 settlement is lower than any return authorized by
17 the Commission since at least 1977, and that's as
18 far back as my records go.

19 Third, it's representative of what other
20 commissions are authorizing around the country.

21 Fourth, it's within a few basis points --
22 if you want to compare what we've done here to the
23 Department of Commerce, it's within a few basis
24 points of what the DOC is currently arguing in its
25 rebuttal testimony before the Minnesota Commission.

1 Q. Aside from ROE, how were the remaining
2 issues raised in staff's prefiled testimony
3 resolved?

4 A. The parties agreed to a black box
5 settlement accepting 85 percent of staff's expense
6 in rate base adjustments. The agreement was black-
7 boxed to fully protect the positions of the parties
8 with respect to each issue and then in the event
9 that the settlement agreement is not accepted by
10 the Commission.

11 I have reviewed our case and believe the
12 black box settlement represents a best-case
13 scenario. In a truly litigated instance staff
14 cannot reasonably expect to win every issue it has
15 raised in its prefiled case and, therefore, agreed
16 to accept 85 percent of our adjustments or a
17 reduction to NSP's revenue requirement of
18 approximately \$1.6 million.

19 Q. Please describe why additional dollars are
20 provided for in the settlement relating to the
21 reliability of electric service.

22 A. NSP has had reliability issues over the
23 past few years as can be seen in complaints
24 received by the Commission, as well as reported
25 reliability indices. As a result, I traveled to

1 Fargo to meet with NSP's engineers to see if we
2 couldn't develop an approach to attain higher
3 levels of reliability in North Dakota. NSP was
4 well prepared with the information I had requested
5 and for the most part had a solution worked out
6 before I arrived for which I was very appreciative.

7 Outages cannot be avoided altogether.
8 There is no amount of money or duplication of
9 facilities that would assure the deliverability of
10 electricity a hundred percent of the time. Storms
11 happen, accidents happen, facilities deteriorate
12 and need to be fixed or even replaced.

13 The challenge then in addressing
14 reliability is determining what level of
15 duplication is warranted and what amount of money
16 are we willing to spend to improve it.

17 During the last four years underground
18 cable faults have caused about 22 percent of the
19 customer outages in North Dakota. The total miles
20 of underground cable comprise about 35 percent of
21 NSP's wires and lines.

22 While underground wiring is preferable to
23 builders and homeowners for safety and aesthetic
24 purposes, it cannot be viewed for weaknesses or
25 potential faults. Today technology does not exist

1 that would foretell of possible faults to
2 underground electric cabling. Accordingly, the
3 current maintenance program related to underground
4 cable is to repair it when an isolated fault occurs
5 and replace it when multiple faults occur.

6 I asked NSP to estimate what it would cost
7 to replace underground cable on a 20-year cycle.
8 The results indicate a 2 to 3 percent annual
9 increase in rates would be necessary, if applied
10 socially across all ratepayer classes, or about
11 three times that if assessed only to the users of
12 underground electric cable. I believe the cost of
13 this rotational replacement is too high, and
14 instead prefer that NSP simply abide by its
15 existing guidelines to replace lines with
16 multiple-fault occurrences in a timely manner.

17 The next main cause of outages in recent
18 years has been breaker failures. Breakers are
19 significant investments and can cost upwards of \$1
20 million. As a result, rotational cyclical
21 replacement without regard to each breaker's useful
22 life would be expensive.

23 NSP is deploying a new method by which it
24 takes a sample of the oil from the breaker to try
25 and predict the end life of the breaker rather than

1 relying on visual inspections. I don't pretend to
2 understand the chemistry behind it, but given the
3 cost of these units, I believe this new method of
4 predicting end life through chemical analysis
5 should be given a chance before ever considering
6 replacing these things on a cyclical basis.

7 Another significant contributor to
8 customer outages is vegetation disturbances.
9 Trees, like grass, grow a lot when water is
10 available. North Dakota has been in a wet cycle
11 for several years and more tree trimming is
12 necessary. Therefore, we agreed to add a tree
13 trimming crew to the four crews currently operating
14 in North Dakota at a cost of \$212,000 per year.
15 The effects of this program will not be seen
16 immediately, but over the long run should improve
17 reliability.

18 In summary, underground cable faults,
19 failed breakers and vegetation interference
20 accounted for more than 50 percent of NSP's
21 customer minute outages over the past four years.

22 The most significant solution offered for
23 improved reliability comes from a more macro view
24 of trying to minimize the impact of large outage
25 events by installing smart switches throughout the

1 Fargo area. The specifics of the program are
2 described in Laura McCarten's prefiled testimony,
3 we've talked about it quite a bit today already and
4 no elaboration is needed here other than to say
5 that I'm in agreement with deploying the smart
6 switches.

7 Q. Mr. Diller, have you reviewed NSP's
8 petition for approval of the credit mechanism for
9 the Department of Energy's settlement referenced in
10 the settlement agreement, and what have you
11 concluded?

12 A. Under the Nuclear Waste Policy Act, the
13 federal government has been collecting one-tenth of
14 a penny per kilowatt-hour for all nuclear energy
15 generated since 1982, resulting in the collection
16 of more than \$30 billion -- that's a fairly old
17 number, I think that's a 2009 number -- but to
18 dispose of the nation's spent nuclear fuel
19 beginning no later than January 31st, 1998. To
20 date the DOE has not accepted any spent nuclear
21 fuel and has discontinued the development of a deep
22 geological repository at Yucca Mountain in the
23 State of Nevada. DOE has spent more than 13
24 billion on Yucca Mountain with little or no
25 progress towards the development of a functioning

1 repository.

2 As NSP's filing shows, NSP has been suing
3 the federal government for breach of contract for
4 more than a decade, spending nearly \$7 million in
5 outside legal fees and other litigation expenses.
6 The DOE settlement for the years before and ending
7 in 2008 represents recovery of about one-fourth of
8 the costs incurred by NSP because the federal
9 government failed to provide a national repository.
10 The DOE settlement does not remove DOE's obligation
11 to provide a repository and establishes a framework
12 for additional payments to NSP through 2014.

13 The settlement agreement will result in a
14 very quick and efficient one-time credit plus
15 interest net of litigation costs for the first of
16 these payments received in August 2011. The credit
17 will be combined with the interim rate refund and
18 offset by the Minot flood expenses as shown on
19 Table 2, page 11 of the settlement agreement.

20 Q. Mr. Diller, have you reviewed the article
21 forwarded by the commission advisers in Exhibit 22
22 related to the power sector regulations project
23 and, if you have, what have you determined?

24 A. I have. The power sector regulations
25 project has not been operating long enough to have

1 any impact on the rates being determined in this
2 proceeding. That said, it is definitely something
3 that we should monitor since our interests are
4 often impacted by what NSP is doing in Minnesota
5 and the regulatory decisions of Minnesota. The
6 decisions reached in the project may indeed impact
7 future rate proceedings.

8 Generally speaking, the goals outlined by
9 NSP for participating in the project labeled
10 Exhibit 22 are reasonable to better inform the EPA,
11 to minimize costs of complying with the so-called
12 train wreck, to build consensus and understanding,
13 to influence federal policymakers, hopefully that's
14 for the good, and to try and get credit for
15 proactive green initiatives before green was hip or
16 before green was required.

17 That said, aggressive environmental
18 institutions appear to be driving the project,
19 which makes me pause and wonder if minimizing costs
20 to consumers will be sacrificed in the name of
21 consensus and more regulatory burden to ratepayers
22 and consumers. It's too early to tell where the
23 pilot project of EPA is headed, but I remain very
24 cautious and skeptical.

25 MR. GRUMAN: Thank you, Mr. Diller. Your

1 Honor, I have no further questions.

2 JUDGE WAHL: Mr. Loftus?

3 MR. LOFTUS: Your Honor, the company has
4 no questions at this time. Thank you.

5 JUDGE WAHL: Ms. Jeffcoat-Sacco?

6 **EXAMINATION**

7 **BY MS. JEFFCOAT-SACCO:**

8 Q. Mike, the only question that I have, and I
9 understand the reason for the black box settlement,
10 but often some of the staff's recommended
11 adjustments are due to an accounting process or an
12 allocation process that staff thinks is a better
13 process or method than the company is using, and I
14 just wondered if the company has made any
15 adjustments that staff may have found and
16 recommended in its investigation of this case. Has
17 the company agreed to change, for example, how it
18 allocates for something or the accounting method
19 that it uses, or are those all still just open
20 questions for the next rate case?

21 A. Well, we certainly explored those things
22 on a number of fronts, both on a macro and a micro
23 level. You've already talked a little bit about
24 the pole attachments. On the macro level would be
25 considering whether or not we should allocate costs

1 on a jurisdictional basis based on 12-CP or some
2 other method. So the allocation of costs is always
3 an issue in a rate case. We've not established any
4 kind of precedent or changed any rules as part of
5 this settlement agreement.

6 Q. And are you comfortable with that?
7 Sometimes staff will have some going-forward
8 revisions to that process that the company may
9 agree to even if it doesn't affect the numbers.
10 Are you comfortable that there are no pressing
11 issues of that regard that need to be dealt with
12 now?

13 A. I don't believe so.

14 MS. JEFFCOAT-SACCO: Thank you.

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

17 **EXAMINATION**

18 **BY COMMISSIONER CLARK:**

19 Q. Thanks for your testimony, Mike. Turning
20 to Exhibit 27, which is the levelized annual
21 revenue requirement factor, which is the table
22 related to the questions regarding the
23 reasonableness of the \$250,000 revenue requirement
24 for the Intelliteam switches. Are you comfortable
25 with that number given the table that's been

1 provided?

2 A. Actually, I didn't know this schedule
3 existed. I didn't know that it was actually based
4 on anything.

5 Q. I do note the ROE is.

6 A. And I kind of say that cavalierly. You
7 know, when you're in a settlement negotiation,
8 you're not paying attention to necessarily the
9 hundreds of dollars, but trying to capture the
10 thousands and the tens of thousands and hundreds of
11 thousands of dollars. And my quick analysis of the
12 250,000 was, okay, it's going to cost 2 and a half
13 million dollars. What's a return on 2 and a half
14 million dollars? If it's 10 percent, \$250,000, and
15 you add on taxes to that and you're upwards of 400-
16 plus-thousand. And you add depreciation to that.
17 They're going to have to buy these switches early
18 in 2012, and so basically what you have is a
19 half-year convention here of \$250,000 or close to
20 it. So I'm very comfortable with it. They're
21 going to have the money invested for all practical
22 purposes most of the year, so seemed like an easy
23 choice to me.

24 COMMISSIONER CLARK: Okay. Thanks.

25 That's all I have.

1 A. That's a very fair and good question,
2 Commissioner Cramer. As you're asking this, I'm
3 thinking, boy, I have a lot to say about this, but
4 would NSP use this against me in the future. But
5 they're probably more in tune with the facts,
6 anyway, than I am even so I'll go ahead and answer
7 that fully.

8 Yes, part of the reason we hired Blue
9 Ridge Consulting was they had a very good engineer
10 on staff that was in tune with this very thing, and
11 he ran a lot of tests that are basically not
12 required by FERC, but they're FERC tests. FERC has
13 established a number of tests to do to see if 12-CP
14 is really the appropriate factor to use. And after
15 his analysis, basically what he told me was, Mike,
16 they meet every test, and 12-CP is about as good as
17 you can expect for a jurisdictional allocation
18 factor.

19 I suspect they know that already. I
20 didn't really want to admit it to them, but that's
21 just one -- but I'll say this, that's just one
22 expert. Next time when I'm doing the case, my
23 opinion might be different. But that's, yes, we
24 did look at it very hard.

25 Q. You heard a lot of discussion already

1 about Mr. Gauper's recommendations as far as
2 stipulations. You even heard a willingness by the
3 company to stipulate to some things that aren't in
4 the --

5 A. We'll take it.

6 Q. Yeah. Okay.

7 A. You probably have more questions. I'm
8 sorry.

9 Q. No, that's basically it. My question
10 would have been, you know, realizing you haven't
11 had time, or maybe you have, to collaborate on
12 this, would you have a problem from an advocacy
13 standpoint?

14 A. Well, let me -- I will share the solution
15 I came up with driving in from the country this
16 morning, so it's a little bit of a variation, but I
17 was trying to figure out, you know, how can we best
18 prevent the Larry Gauper situations from occurring
19 again. And, you know, I have a copy of the
20 underground cable replacement guidelines, and I
21 think they're very good, and you've already heard
22 their witness talk about them.

23 If you have two outages on a segment and
24 within a two-year period of time, you replace it.
25 Now, I suspect -- I didn't confirm this, I haven't

1 talked to any of them, but I suspect that if we
2 would have got on that right away when Larry
3 Gauper's segment had two faults, maybe he wouldn't
4 be testifying to us today.

5 So to me if you really want to zero in on
6 that solution, maybe instead of reporting 25 --
7 whenever customers are out 25 times or even an
8 annual report of more than six outages, maybe you
9 have them report annually so that we can look at
10 the time frame that it takes between when the
11 policy is in play and when you actually get boots
12 on the ground and get out there and get the thing
13 replaced.

14 To me I like that and it's more
15 manageable. We don't want a thousand notices from
16 NSP every time 25 people are out of service. We
17 have a small staff. And when you do that, it loses
18 its significance and so that's my drive-in solution
19 that I had this morning.

20 Q. One of the things that occurred to me
21 actually in listening to some of the testimony
22 about this was, I was reminded what Justice Neumann
23 said to me once when he said, Kevin, you just might
24 have to grow government. And I was thinking about
25 what it would take to monitor all of this given we

1 have so much to monitor. And yet I feel for people
2 who have multiple outages, and if it's an annual
3 report that somebody has to pore through to find
4 the problem, I'm quite certain Mr. Gauper will call
5 us before we get through the annual report. And so
6 I do want to make sure that there's some mechanism
7 that's both not overly burdensome, but also
8 responsive to the ratepayer.

9 A. I agree and, you know, one of the things
10 the Commission is doing right now is working
11 through all of its policies -- its internal
12 policies to the agency, and what surprised us as
13 we've gone through that is, we have these peculiar
14 policies that really aren't even explainable in
15 some cases and it's because they've been developed
16 when one occurrence occurred sometime 20 years ago.

17 So I hope we don't get overreactive, but,
18 on the other hand, we need to make sure that there
19 aren't any more Larry Gaupers in the future, and I
20 -- if we're expected to go out and watch the people
21 replacing cable or investigating cable, you're
22 right, we need a lot of government. I don't think
23 that's a very good solution. We have customer
24 complaints that tip us off. We've got Dave's
25 reports that come to us via email. We've got a

1 policy in place if we'd require -- they have a
2 policy, a good policy, not a replacement of
3 perfectly good cable because the 20 or 40 years or
4 whatever you use is up, but because there has been
5 two faults or in some cases three faults in a half
6 loop, whatever that is.

7 Q. With that I guess I would just thank you
8 for your testimony and then reiterate or emphasize
9 appreciation for your skepticism of monitoring the
10 Environmental Protection Agency's power sector
11 rules pilot project to make sure that it's a
12 collaborative and not a conspiracy. Thank you.

13 A. It's very easy to monitor. The Minnesota
14 Pollution Control Agency has the minutes, the
15 agenda, the PowerPoint presentations online, and
16 that will add to your skepticism.

17 COMMISSIONER CRAMER: That's not very
18 encouraging, but thank you.

19 JUDGE WAHL: Any further questions from
20 the Commission? Commissioner Kalk.

21 **EXAMINATION**

22 **BY COMMISSIONER KALK:**

23 Q. Thank you, Mike, for your testimony,
24 always candid. I appreciate that, not to assume
25 that other people's wasn't candid.

1 In your discussion back and forth with the
2 company, how much discussion, if any, did you have
3 about pensions of retired employees, pay raises for
4 people? Did that come out at all in any of the
5 discussion or is that any of your 85 percent things
6 that you asked for and got?

7 A. The short answer is, I did not as a
8 negotiator get involved in pay raises and incentive
9 comp plans. If you looked at McGarry's testimony,
10 you know, those are the issues that we found and
11 raised and of everything except ROE we agreed to 85
12 percent of our adjustments.

13 Q. You just talked about the outside
14 consultants. How much value would you put on
15 having them at your -- available for you? Does it
16 just make it that -- is it 50 percent easier, a
17 whole bunch easier? How do you put -- how much
18 easier is it to do these cases -- how much of a
19 better job do you do by having these outside
20 consultants?

21 A. Well, Commissioner Kalk, we used to --
22 staff used to do our own rate cases, but they'd
23 only roll around every three or four or five, ten
24 years, so, you know, we could handle that. But
25 between the ADP applications, the siting work

1 that's going on, you know, the rate cases that are
2 being filed, there's just no way that internal
3 staff can even do a reasonable job, and so I'm very
4 thankful that we have a mechanism where we can
5 spend a hundred thousand dollars, 125, in this case
6 we'll probably spend close to \$200,000, but it's
7 very helpful. We couldn't get our work done, I
8 don't think, without it. We would. It just
9 wouldn't be the level of work that the Commission
10 has grown accustomed to.

11 Q. All right. Thank you, Mike. Just one
12 last question, and this ties back to maybe
13 Laura's -- a question for Laura. You said that NSP
14 agreed to add a tree trimming crew. I wonder if
15 that -- clarify the numbers. I was talking number
16 of employees, eight for Minot, I guess, so there
17 are people being added in Fargo. Just maybe I
18 didn't define them the right way.

19 A. I don't think -- well, I would say this,
20 that there -- I guess they'd have to answer this,
21 but my understanding is that those probably would
22 not be full-time employees, but maybe they are. I
23 don't know. I guess NSP would have to take the
24 stand and answer that. But I was thinking it would
25 be more of a contract service kind of thing, but

1 either way there's going to be a couple more people
2 working --

3 Q. Okay.

4 A. -- either way.

5 COMMISSIONER KALK: Thank you, Mike.

6 JUDGE WAHL: Further questions from the
7 Commission? Followup, Mr. Gruman?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE WAHL: Mr. Loftus?

10 MR. LOFTUS: We have no followup. Thank
11 you.

12 JUDGE WAHL: Ms. Jeffcoat-Sacco?

13 **FURTHER EXAMINATION**

14 **BY MS. JEFFCOAT-SACCO:**

15 Q. What about your opinion on the slightly
16 revised proposal? Specifically you did talk a
17 little bit about the reporting, but about the
18 credit or the no credit or the ratepayers --

19 A. I guess what I heard from Laura was that
20 we're willing to eat the \$20,000, and that's what I
21 was replying to Kevin, we'll take it. What was the
22 other part of the --

23 Q. That's really it. I didn't know if you
24 had a preference of the three options.

25 A. I prefer my option or my --

1 Q. Well, and the reason then? I'm trying to
2 get out which is the -- you know, which one has the
3 most substantial basis to do for the Commission.

4 A. Sure. Well, they have a policy in place
5 right now, and their witness has already talked
6 about it, I have a copy of it right here in front
7 of me. To me that is a very smart way to replace
8 cable and very efficient, cost-effective. To me
9 let's build on that then, and the way you build on
10 that is, okay, you have this guideline. What are
11 you doing about it? I mean, are you saying, yeah,
12 we had two cable faults and we got around to
13 replacing it three and a half years later. I don't
14 know what the answer is there. I'm just giving
15 that as a wild, you know, scenario. But I think
16 rather than create something new or different,
17 let's just build on something that's already good.

18 MS. JEFFCOAT-SACCO: That's all. Thank
19 you.

20 JUDGE WAHL: Followup from the Commission?
21 Commissioner Cramer.

22 **FURTHER EXAMINATION**

23 **BY COMMISSIONER CRAMER:**

24 Q. Well, let's build on it right now then,
25 Mike, because I think -- if I understand, and I

1 don't disagree that the policy is a good one, but
2 the scenario that you just articulated wasn't just
3 flying by the seat of your pants. I suspect
4 there's some suspicion in that, and maybe three and
5 a half is too much, but what seems to me to be the
6 real issue isn't whether they have a good policy or
7 not, it's whether they implement that policy, and
8 if they're not implementing, is anybody enforcing
9 it. And it gets back to my statement earlier about
10 growing government. How are we going to monitor
11 that and, furthermore, is there a way to put as a
12 stipulation in the settlement agreement a
13 discipline -- an enforcement discipline that gives
14 a little more teeth to it, because, quite honestly,
15 we all know, and Commissioner Kalk has certainly
16 alluded to it a number of times today, when these
17 hearings are said and done, we don't really have
18 much leverage anymore with these companies.

19 A. I don't know what the legal process is for
20 accomplishing what you're talking about, but we
21 certainly as two and three parties, I would think
22 that we could get together and figure out a
23 resolution that would be agreeable to everyone
24 hopefully and submit it to the Commission. I don't
25 know how that takes place, but --

1 Q. Well, we're sending signals, aren't we?

2 A. Yeah.

3 COMMISSIONER CRAMER: Thank you. I have
4 nothing else.

5 JUDGE WAHL: Further questions from the
6 Commission? Mr. Gruman, followup?

7 MR. GRUMAN: No, Your Honor.

8 JUDGE WAHL: Mr. Loftus?

9 MR. LOFTUS: We have none, Your Honor.

10 JUDGE WAHL: Ms. Jeffcoat-Sacco?

11 MS. JEFFCOAT-SACCO: None. Thanks.

12 JUDGE WAHL: Thank you very much, Mr.
13 Diller.

14 THE WITNESS: Thank you.

15 JUDGE WAHL: Mr. Gruman.

16 MR. GRUMAN: Well, Your Honor, unless
17 there are any questions for our experts, Mr.
18 McGarry or Mr. Berry, that concludes the advocacy
19 staff's case in chief.

20 JUDGE WAHL: I should ask for the record,
21 I suppose, Commissioners, is there any request for
22 any examination of the other witnesses for advocacy
23 staff?

24 COMMISSIONER KALK: You know, I would just
25 have a general question for whoever happens to be

1 queued up next.

2 JUDGE WAHL: There is no one,
3 Commissioner.

4 COMMISSIONER KALK: Who's the 1:30 witness
5 supposed to be?

6 JUDGE WAHL: That's Mr. Gauper.

7 MR. GRUMAN: That's not ours.

8 COMMISSIONER KALK: Okay. That's fine
9 then.

10 COMMISSIONER CLARK: I'm fine. Thank you.

11 JUDGE WAHL: Okay. The answer is no, Mr.
12 Gruman. Nothing further from advocacy staff?

13 MR. GRUMAN: Nothing further, Your Honor.

14 JUDGE WAHL: I take it Commission advisory
15 counsel has nothing for the record at this point.

16 MS. JEFFCOAT-SACCO: That's correct.

17 JUDGE WAHL: All right. Mr. Loftus, have
18 you got any rebuttal at this point? I'm assuming
19 not.

20 MR. LOFTUS: No, Your Honor. Thank you.

21 JUDGE WAHL: All right. Then let me just
22 ask for the record whether there is anyone present
23 in the hearing room, any member of the public who
24 wishes to address the Commission concerning this
25 matter? There being none, Mr. Gauper, I believe

1 that you are on line. Can you hear me, sir?

2 MR. GAUPER: Yes, I am, Your Honor. I can
3 hear you.

4 JUDGE WAHL: Mr. Gauper, this is the time
5 when you can tell the Commission what they think --
6 what you think they should know about this
7 business. You can in effect, as we have discussed,
8 offer your testimony to the Commission.

9 Let me ask you first, Mr. Gauper, just to
10 state your name for the record.

11 MR. GAUPER: Larry L. Gauper, G-a-u-p-e-r.

12 JUDGE WAHL: Mr. Gauper, what is your
13 residence address?

14 MR. GAUPER: 621 Hackberry Drive South,
15 Fargo, North Dakota 58104.

16 JUDGE WAHL: And is your residence
17 address, Mr. Gauper, the same as your post office
18 address?

19 MR. GAUPER: That's correct.

20 JUDGE WAHL: Yes. Mr. Gauper, as I recall
21 discussing with you, your testimony is required to
22 be under oath and I'm required by law to advise you
23 regarding perjury before administering the oath.
24 Perjury is a false statement of material fact which
25 you do not believe to be true. In North Dakota

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

4 **LARRY L. GAUPER,**

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

7 JUDGE WAHL: You may, Mr. Gauper, proceed
8 to address the Commission.

9 THE WITNESS: Thank you, Judge. I've
10 enjoyed watching the hearing this morning --
11 through most of the morning, and I'm encouraged by
12 some of the comments I've been hearing.

13 I'm going to give my testimony here as I
14 prepared it initially. However, I made a number of
15 small changes to it. The first one, I want to
16 apologize to Commissioner Brian Kalk. In my
17 printed testimony or document I believe he had this
18 morning, I addressed Commission Chairman Tony
19 Clark, Kevin Cramer and Commissioner Kevin Cramer
20 the second time, so I want to -- an oversight there
21 on Commissioner Kalk. I wanted to apologize for
22 that.

23 I asked the North Dakota Public Service
24 Commission to make two stipulations, as partly
25 you've discussed this morning, in granting the

1 current rate increase being requested by Xcel
2 Energy.

3 Number one, adopt a regulatory requirement
4 that all electrical power outages involving more
5 than 25 homes be reported to the PSC, along with
6 the reason for the failure. Monitoring of this
7 record and periodic analysis should be made an
8 official duty of the PSC.

9 Number two, Xcel Energy and all power
10 companies operating in North Dakota should be
11 required to have a plan for scheduled replacement
12 of underground cable to prevent failures caused by
13 aging.

14 Regarding my first request, at present it
15 seems reporting of electrical failures by power
16 companies is done on a nonmandatory, almost
17 anecdotal, basis. If a large outage does occur
18 such as the February 2011 failure involving over
19 16,000 Xcel customers in the Fargo area in excess
20 of 12 hours, I believe the PSC does ask the company
21 for a voluntary report may be filed by the company.

22 However, when outages involving fewer
23 numbers of customers occur, there seems to be no
24 requirement for the company to report those
25 failures to the PSC and give a reason. This

1 nonreporting situation makes it virtually
2 impossible to determine patterns of outages and
3 their causes.

4 Now, the aggregate or cumulative reporting
5 of failures I've heard talked about this morning
6 does not present useful analyses of problems for
7 the company, the PSC or the consumer. In watching
8 the proceedings this morning, I noticed the company
9 seems to be putting a lot of the blame on Fargo
10 outages on flooding. Now, bear in mind that Xcel's
11 most widespread outage affecting those 16,000
12 customers for over 12 hours happened way ahead of
13 any flooding problems in Fargo.

14 I also question how the entire power grid
15 in Fargo and the surrounding area is structured.
16 Again, on a beautiful spring day a large segment of
17 downtown Fargo lost power and the company stated
18 through the media that it was caused by a company
19 failure in Dilworth. That's east of Moorhead,
20 Minnesota. The company told me that the failure in
21 February of this year, which I believe was a record
22 for Xcel, was caused by a substation failure on the
23 western edge of the city in or near West Fargo, and
24 I live at the eastern edge of the city, the Harwood
25 Groves neighborhood. This causes me to wonder how

1 fragile the Xcel grid is in the Fargo area.

2 Like I said, I live in the Harwood Groves
3 neighborhood on the south side of Fargo, well
4 within the city limits, in an area that I consider
5 to be in the heart of Xcel Energy's service
6 territory. Our neighborhood not only experiences
7 failures that encompass larger portions of the
8 city, but, in addition, we have endured numerous
9 outages affecting approximately 100 homes in our
10 neighborhood, and this has been acknowledged to a
11 certain degree by the company.

12 It is difficult for the consumer to know
13 the exact cause of these neighborhood failures
14 because there is no requirement for the company to
15 report them to the PSC. We can only go by what the
16 company is telling us with no means of independent
17 verification. This to me is inexcusable in
18 regulating a monopoly that is supposed to be
19 controlled.

20 I'm glad to hear the company's
21 representative, I believe it was Mr. Limoges, say
22 that the company has a special plan for the Harwood
23 Groves area. I look forward to experiencing the
24 results of that effort.

25 Regarding my second request, Xcel and all

1 power companies doing business in the state should
2 be required to have a plan of preventative
3 replacement of underground cable. I can't tell you
4 how many times the term "underground fault" has
5 been given as the reason for a power failure in our
6 neighborhood.

7 I recently asked an Xcel lineman who was
8 called out on, fortunately, a sunny afternoon to
9 repair what he told me was old underground. There
10 was no weather problem, there was no rain or wind
11 or blizzard or flood. The cable died of old age.

12 Xcel's preventative maintenance program
13 for underground cable is apparently use it until it
14 fails, and I heard the description this morning
15 about the -- or this afternoon about the two
16 outages and then replace. To me as a consumer who
17 depends on continual electrical service this is
18 unacceptable.

19 Age and failure records for all outages
20 should be kept and automatically filed with the
21 PSC. Computers keep track of things very well.
22 These could be put into a computer file that could
23 be massaged by one of the consultants that the PSC
24 hires. From these reports problem trends can be
25 noted and addressed so failures are not redundant.

1 This has been the case with underground faults in
2 our neighborhood.

3 Xcel and all companies should have a plan
4 in place to replace sections of underground cable
5 on a periodic scheduled preventative basis.
6 Waiting until it fails is not a maintenance
7 program. To me it's negligence, and the PSC should
8 demand that it be corrected.

9 I don't have to tell you or any power
10 company how critical reliability is. We have
11 enough weather-related problems in North Dakota
12 that can cause widespread and serious outages not
13 controlled by the company at all. That's why it's
14 doubly important that any failure that can be
15 prevented by effective design and conscientious
16 maintenance should be addressed on a continual
17 basis.

18 I want Xcel and all power companies in
19 North Dakota to succeed. I can't simply go to
20 another provider if I feel my present company is
21 not doing the job the way it should be. I also
22 have the greatest respect and gratitude for the
23 technicians who are called out at any time, 24/7,
24 in some of our worst weather to restore power.

25 However, some of our longest and most

1 widespread outages and most of those that have
2 plagued our neighborhood and our community have not
3 been caused by Mother Nature. These failures
4 happened during some of our best weather, and
5 that's why I question the design, management and
6 preventative maintenance policies of my provider,
7 Xcel Energy.

8 In the interest of reliability I am asking
9 the PSC to adopt the stipulations I've requested,
10 and I thank you very much for this opportunity to
11 address my concerns. Thank you.

12 JUDGE WAHL: Thank you, Mr. Gauper, and
13 now counsel and the commissioners may have
14 questions for you.

15 THE WITNESS: Sure.

16 JUDGE WAHL: Mr. Loftus?

17 MR. LOFTUS: Thank you, Your Honor. I
18 have no questions for Mr. Gauper.

19 JUDGE WAHL: Mr. Gruman?

20 MR. GRUMAN: No, Your Honor.

21 JUDGE WAHL: Ms. Jeffcoat-Sacco?

22 MS. JEFFCOAT-SACCO: No questions.

23 JUDGE WAHL: Questions from the
24 Commission? Commissioner Clark.

25

EXAMINATION

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BY COMMISSIONER CLARK:

Q. Just a couple. And, Mr. Gauper, thank you for your testimony, it was very thoughtful, as well as your submitted testimony beforehand.

A. Thank you.

Q. It sounds like you were able to listen in, I suspect, on the Internet earlier today to some of the previous testimony.

A. That's correct. Uh-huh. Appreciate that.

Q. Some of these things were covered and -- at least some Xcel responses were covered and I would be curious in your thoughts about their response. First to the issue of reporting outages, they've suggested that rather than reporting outages that affect more than 25 homes, that that might create too much data, almost static, that would be tough to decipher for the Commission what's meaningful and what's not and identifying trends. They've suggested this -- identifying all consumers who have had six or more what they define as extended outages, five-minute or more outages, throughout the course of the year as an alternative. Do you have any thoughts on that?

A. Yes, I do. I heard that portion. I was

1 gone for about an hour and a half over the
2 noonhour, but I heard that portion a few minutes
3 ago about the two outages and then replace and also
4 strict adherence to that policy followup. Good to
5 have the policy, but good to follow up. I think
6 that would have prevented -- someone mentioned on
7 the panel there that that would have probably
8 negated some of my communication with Xcel and the
9 Commission.

10 My problem here has to do -- I understand
11 that's a lot of reporting, but computers do keep
12 track of things, and what I'm saying is that when
13 they determine what the cause was, say, of an
14 outage in our neighborhood and it affected 25 or
15 more homes -- and I picked that number arbitrarily.
16 We have about a hundred homes. So when that is
17 filed with the company by somebody, and somebody at
18 Xcel must put into a computer this happened and
19 that happened and that was the cause.

20 If that was transmitted periodically to
21 the Public Service Commission and kept in a
22 computer file there, then an analysis could point
23 to something, an analysis could be massaged to say,
24 well, what's causing -- we're seeing an awful lot
25 of underground outages here or we're seeing this

1 kind of outage or there's squirrels out there. I
2 mean, somebody would know something about the
3 pattern. And I realize that reporting six or more,
4 but to me six or more outages starts to be
5 prohibitive. That shouldn't be. And particularly
6 if it goes back to one cause, and that's what a
7 report of all -- a detailed report of all of the
8 outages would point to and that would help, I
9 think, in determining what they should do with that
10 situation.

11 Q. Okay. And then with regard to your second
12 point regarding a plan for Xcel and other utilities
13 for underground replacement, there was some
14 testimony, I think both from Mr. Diller of the
15 advocacy staff, as well as Xcel testimony, that
16 discussed the need to -- for the Commission to try
17 to weigh some of the decisions with regard to when
18 utility plant should be replaced and some concern
19 that sometimes age isn't necessarily the
20 determining factor and that if it was an age-based
21 requirement, for example, you could be taking out
22 lots of very useful plant at a cost that would be
23 expensive for consumers. Did you hear that
24 testimony, or maybe your suggestion is?

25 A. Yes, I heard part of that. I think

1 someone said that that cable and then the
2 determination of that cable is made whether it
3 should be replaced. The problem is if one segment
4 starts to go in like our neighborhood, as has
5 happened because of underground failure, and then,
6 oh, six months later another one goes, that's kind
7 of an indication to the layman here that we may
8 have a problem with cable all throughout the
9 neighborhood.

10 And I realize the company cannot replace
11 all of that cable at once. I mean, that would be
12 terribly expensive. What I was thinking was what
13 would be wrong with having a plan that says, we see
14 some failures here because of age, and because of
15 what we've talked to the manufacturer about as far
16 as life expectancy of that cable, and a good
17 manufacturer should be able to estimate that,
18 saying, well, it's been in there 25, 30 years,
19 let's start replacing anything that we haven't
20 replaced in the last five years or whatever and
21 then go through the neighborhood and replace those
22 on a preventative basis.

23 That's my argument in terms of this
24 waiting-until-it-fails policy. That's what I would
25 suggest.

1 Q. Sure. Okay. Were you able to listen to
2 any of the testimony regarding the smart grid
3 switches, the Intelliteam switches earlier?

4 A. I heard part of that and I didn't quite
5 understand it. I'm kind of out of my element here,
6 as I'm sure Xcel would agree. But I heard part of
7 it, but I didn't quite understand that.

8 Q. Okay. Sure. I think the idea being that
9 faults -- perhaps underground faults, but other
10 faults, might be able to be more quickly identified
11 and then sort of sealed off from the rest of the
12 system so that it wouldn't cause wider-scale
13 outages like across town like you had talked about,
14 and I didn't know if you had any reaction to that
15 effort.

16 A. Yes, I applaud that. I mean, if that is
17 what it would do in terms of -- it seems like, as I
18 pointed out in my testimony, if you have a fault in
19 Dilworth, it really shouldn't shut off businesses
20 and traffic lights and everything else in downtown
21 Fargo. The other part of it is -- or Christmas
22 tree lights, I mean, the old kind. The other piece
23 is West Fargo, out in that area.

24 When I met with engineers from Xcel here
25 in Fargo -- and they were gracious enough to have

1 me out after that big outage because I was
2 concerned -- and that was a West Fargo or far
3 western end of the city substation, but it knocked
4 out 16,000 homes or more and businesses all
5 afternoon, and it started on a nice afternoon.
6 They claim that will never happen again, at least
7 in the lifetime of the gentleman who is running
8 Xcel engineering in Fargo at the time we talked,
9 and hopefully it won't, but that's a serious
10 problem, and I think the cause of that specifically
11 should be reported to the PSC and somebody who is a
12 consultant of an independent nature as the PSC
13 hires from time to time ought to look at that, say,
14 you know, the company is correct on this or they're
15 incorrect. They found the reason. This won't
16 happen again because of this.

17 I guess what I'm getting at is it
18 shouldn't affect such a widespread area, including
19 our neighborhood, when it happens so far away, and
20 I know that has to do with the grid, and I know
21 grids are interconnected nationally and of all
22 that, but I'm talking about our immediate area.

23 Q. Sure. Thanks. And, Larry, thanks again.
24 Of course, the Commission doesn't make any
25 decisions today so --

1 A. Sure.

2 Q. We take it all under advisement. One of
3 the things that does cross my mind, especially with
4 regard to your suggestions regarding reporting of
5 service quality issues basically, which I'll sort
6 of categorize as the broader issue, service outage,
7 service quality, that that's something we deal with
8 with all utilities and, of course, this case only
9 affects Xcel, but it may be worthy of future
10 consideration for the Commission in a rulemaking,
11 which is something that would affect all utility
12 companies, and we might want a more systematic
13 process for outage reporting to the Commission so
14 that we can make comparisons not only within
15 utilities, but across them. So I thank you for
16 your comments.

17 A. Well, thank you, and I appreciate very
18 much the opportunity. Part of my purpose in
19 spending the time with this and talking to the
20 company and the PSC has been satisfied in the sense
21 that I realize the company seems to be very
22 concerned at this point about this problem, and
23 selfishly with our neighborhood, I suspect there
24 will be a close look at this and they're doing
25 that, but I'm interested in what they're interested

1 in, I'm interested in what the PSC is interested
2 in, I'm interested in reliability, and any data
3 analysis -- any data that can be collected and then
4 analyzed and massaged to determine patterns, that
5 is what I really think is being looked at and
6 hopefully something can be come up with.

7 JUDGE WAHL: Are there any further
8 questions from the Commission? Commissioner Kalk.

9 **EXAMINATION**

10 **BY COMMISSIONER KALK:**

11 Q. Thank you very much for testifying. I
12 just have a couple procedural questions, I guess.
13 The company and the PSC, we had public input
14 sessions prior to the hearing today. I'm very glad
15 we had your testimony today, but at what point did
16 you actually hear that there was a rate case going
17 on and get engaged in the process, because -- great
18 points today, but I don't recall anybody testifying
19 in the public input sessions in the Fargo area. I
20 can't remember. I don't think there was.

21 A. I understand that, Commissioner. I read
22 about the --

23 Q. That's our job to get it out there. When
24 did you get engaged? When did you hear about this?

25 A. Well, I have been engaged with Xcel for

1 about 14 years since I moved into the neighborhood,
2 but I did hear about those public input sessions.
3 I had been in communication with the company
4 locally and I had a conflict the day that the one
5 at NDSU was going to be held -- I believe it was up
6 at NDSU -- and couldn't make that one, and I
7 thought, well, I think I've made some points about
8 my concerns to Xcel.

9 But then as I started to look at this a
10 little bit more, I had been sending some emails out
11 about the underground cable, and staff out there
12 alerted me to the fact there is this hearing coming
13 up and probably to get it in the record my
14 concerns, it would be a good idea to testify, and
15 that's what I'm doing.

16 Q. Okay. Great. You explained in general
17 terms where you're at. Can you walk me through a
18 little bit closer to some landmarks where you're at
19 in south Fargo.

20 A. Sure. Yeah. Harwood Groves is about a
21 25-year-old neighborhood which is located on South
22 University Drive in Fargo. It's -- east of us on
23 University and 35th Avenue is Courts Plus.

24 Q. Oh, sure. Okay. I know exactly where
25 you're at now.

1 A. The new Waterford complex is just to our
2 eastern entrance to Harwood Groves.

3 Q. Okay. Then --

4 A. Does that help?

5 Q. It sure does. I know exactly where you're
6 talking about now. So when you've got questions, I
7 mean -- so have you had any problems with their
8 customer service or the linemen that come out? It
9 sounds like they've been all very good. You know,
10 in general has that been very responsive to your
11 needs?

12 A. Yes. Yes. To answer your question with
13 yes/no, yes. I would say that they are very
14 diligent in getting out here and getting -- and
15 during the flood, which we had no problems with,
16 testifies to their preparations for the flood and
17 for their diligence during the flood to keep things
18 going. Their linemen and their technicians, as I
19 say, are, I think, excellent and I really applaud
20 them for all what they have to go out into.

21 But what I'm trying to do is trying to get
22 those people sitting in the meeting rooms and the
23 drawing boards and at the computers in Minneapolis
24 and other places, Fargo, to kind of solve these
25 problems so those guys and gals don't have to come

1 out. That's ultimately my goal.

2 COMMISSIONER KALK: Okay. Thank you very
3 much.

4 THE WITNESS: The service has been good,
5 yeah.

6 JUDGE WAHL: Further questions from the --
7 Commissioner Cramer.

8 **EXAMINATION**

9 **BY COMMISSIONER CRAMER:**

10 Q. Thank you, Larry, for your testimony and
11 for your engagement and I think you've entered into
12 the case very nicely, quite honestly.

13 A. Thank you very much. I appreciate that,
14 and the representatives of the company.

15 Q. As you probably know, the reliability
16 issue was an issue that was raised by the
17 Commission, you know, maybe even before the filing
18 of the rate case, as I recall, relating more to the
19 grid, as you call it, the larger community, that
20 hopefully these switches will alleviate. The bulk
21 of that is the insulation of an outage to a more
22 confined area and identification of where the
23 problem is and then the redundancy to keep most of
24 the lights on.

25 Your situation, however, is a little bit

1 different as it relates to more neighborhood,
2 especially specific to underground cable, and you
3 had mentioned -- or you had stated that you want
4 the same thing the Commission wants and the same
5 thing the company wants and that is reliability,
6 and you are correct in that statement. However, I
7 would add to it that while we want reliability, we
8 also want it at an appropriate cost to consumers,
9 and so as we go forward, just know that you're
10 speaking to our heartbeat, but at the same time,
11 you know, a hundred percent reliability is
12 impossible, and if we can get to 99 percent but
13 it's cost prohibitive, you might have to settle for
14 98. Does that sound --

15 A. Well, that's correct. I mean, I don't
16 disagree with that. I'm a practical guy myself
17 budgetwise. I'm retired, and so forth, so I
18 understand the cost thing.

19 But at the same time, if I'm hearing the
20 testimony correctly out there, what bits I heard,
21 that after two failures things should be replaced,
22 and sometimes that's not done. As someone on the
23 Commission alluded to, the policy should be
24 followed. And I think that's important. That
25 shouldn't be more costly than the usual maintenance

1 that's done. If our underground is failing out
2 here, maybe there was something wrong with the
3 design, the way the system was designed and for our
4 neighborhood. What I'm saying to Xcel -- and they
5 seem to be agreeing with me that they're looking at
6 this as a special design situation -- that maybe
7 something wasn't done.

8 Fourteen years ago I was in a similar
9 situation with a lot of Xcel outages, and they told
10 me they were putting in a new 270,000-volt feeder
11 line or something like that, and I'm beyond my
12 knowledge here, but they told me they were doing
13 some of that. Well, we go for a while, it's fine,
14 then all of a sudden here come those failures, and
15 they're extremely frustrating.

16 So I understand they have to balance the
17 cost with the performance, but I would like them to
18 be just a little -- I'd like them to be more
19 diligent on looking at the thing not from just how
20 do we spend more money, but have we got the stuff
21 replaced periodically that we need to replace and
22 keep up to date.

23 Q. Well, you've certainly provided a good
24 case study for us, and oftentimes that is what
25 precipitates a better policy. As Commissioner

1 Clark referred to, that might become a rule, as a
2 matter of fact, because it probably provides some
3 good best practices. So I appreciate your allowing
4 yourself and your neighborhood to be this case
5 study. I have nothing further.

6 A. Well, thank you very much. I appreciate
7 the opportunity.

8 JUDGE WAHL: Any questions from the
9 Commission? Followup, Mr. Loftus?

10 MR. LOFTUS: Your Honor, the company has
11 no follow-up questions. Thank you.

12 JUDGE WAHL: Mr. Gruman?

13 MR. GRUMAN: No, Your Honor.

14 JUDGE WAHL: Ms. Jeffcoat-Sacco?

15 MS. JEFFCOAT-SACCO: Nothing. Thanks.

16 JUDGE WAHL: Thank you. Thank you very
17 much, Mr. Gauper.

18 THE WITNESS: You're welcome.

19 JUDGE WAHL: You're welcome to stay on the
20 line, of course, or you may, as you wish, leave at
21 this time.

22 THE WITNESS: Yes. But I'll watch on the
23 streaming, so appreciate that. Thank you, Your
24 Honor.

25 JUDGE WAHL: All right. Mr. Loftus, any

1 rebuttal to Mr. Gauper's testimony?

2 MR. LOFTUS: Your Honor, we have no
3 rebuttal. Thank you.

4 JUDGE WAHL: Mr. Gruman?

5 MR. GRUMAN: No, Your Honor.

6 JUDGE WAHL: Ms. Jeffcoat-Sacco? I really
7 shouldn't describe it as rebuttal. Anything
8 further with regard to Mr. Gauper's testimony?

9 MS. JEFFCOAT-SACCO: No.

10 JUDGE WAHL: All right. Very good.
11 Commissioners, your closing statements.
12 Commissioner Clark.

13 COMMISSIONER CLARK: Just thank you to
14 everyone for a good hearing. I think we were able
15 to develop the record, which is what we always try
16 to do at these things so the Commission has an
17 ability to make decisions at the end of the day.
18 So thank you and safe travels back to Minneapolis
19 or wherever you came from.

20 JUDGE WAHL: Commissioner Cramer.

21 COMMISSIONER CRAMER: Just the same.
22 Thank you, everybody, for a job well done, good
23 presentation, efficiently executed, I might add. I
24 appreciate that. And a good job to the staff, as
25 well. Very well done. Thank you.

1 JUDGE WAHL: Commission Kalk.

2 COMMISSIONER KALK: Just echo the same,
3 thanks to all for your work. We have a commission
4 meeting next week, I believe, so I'm sure we'll put
5 this on the schedule as soon as we can to have some
6 type of a work session. Thank you all very much.

7 JUDGE WAHL: One more time. Anything
8 further for the record, Mr. Loftus?

9 MR. LOFTUS: Your Honor, no. Thank you.

10 JUDGE WAHL: Mr. Gruman, anything further
11 for the record?

12 MR. GRUMAN: No. Thank you, Your Honor.

13 JUDGE WAHL: Ms. Jeffcoat-Sacco, anything
14 further for the record?

15 MS. JEFFCOAT-SACCO: No.

16 JUDGE WAHL: Accordingly, the record for
17 this consolidated hearing for the North Dakota
18 Public Service Cases No. PU-10-657, PU-11-55 and
19 PU-11-557 is closed. Thank you very much, counsel.

20 (Concluded at 2:12 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Denise M. Andahl, a Registered Professional Reporter,

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

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

Bismarck, North Dakota, this 9th day of November, 2011.

Denise M. Andahl
Registered Professional Reporter

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