

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :
345/230 kV Transmission Line - :
Williams County : Case No.
Siting Application : PU-11-692

TRANSCRIPT OF
PUBLIC HEARING

Taken At
205 East Broadway
Williston, North Dakota
April 10, 2012

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

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COMMISSION.

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1 (The following proceedings were had and
2 made of record herein, commencing at 9:59 a.m.,
3 Tuesday, the 10th day of April, 2012:)

4 JUDGE HOBERG: For the record, it's
5 10 a.m. on April 10, 2012. We're in the Williams
6 County Courthouse in Williston, North Dakota, for
7 the administrative hearing in the matter of the
8 siting application of Basin Electric Power
9 Cooperative.

10 My name is Allen Hoberg. I am the
11 designated hearing officer for this matter with the
12 Office of Administrative Hearings. I was
13 designated by the Public Service Commission as the
14 substantive hearing officer, and I'll talk a little
15 bit more later about what exactly that means.

16 I'll take appearances at this time,
17 starting with the Applicant, please.

18 MS. JACOBSON: Thank you, Your Honor. My
19 name is Casey Jacobson and I represent Basin
20 Electric Power Cooperative.

21 JUDGE HOBERG: Thank you. And who's with
22 you at the table there?

23 MS. JACOBSON: Next to me is Darlene
24 Steffan, my administrative assistant, and she'll be
25 assisting me with exhibits here today.

1 JUDGE HOBERG: Thank you.

2 Mr. Gruman, please.

3 MR. GRUMAN: Good morning, Your Honor.

4 Mark Gruman representing the North Dakota Public
5 Service Commission. To my left is Chris Marohl,
6 also part of the North Dakota Public Service
7 Commission. Perhaps this is the most opportune
8 time to motion -- Mr. Marohl would like to
9 answer -- or ask some questions on his own, if that
10 would be acceptable.

11 JUDGE HOBERG: Any concern about that,
12 Ms. Jacobson?

13 MS. JACOBSON: No. No objections.

14 JUDGE HOBERG: Granted. I'll grant that.

15 There's no intervenors of record in this
16 matter; correct?

17 MS. JACOBSON: That's correct.

18 JUDGE HOBERG: All right. And our court
19 reporter today is Stephanie Smith.

20 We discussed a little bit off the record
21 who's all present and I believe there's no members
22 of the public present, other than -- it's Mountrail
23 what again?

24 MS. JACOBSON: Mountrail-Williams Electric
25 Cooperative.

1 JUDGE HOBERG: Okay. So there's three
2 people from Mountrail-Williams Electric Cooperative
3 here and everyone else is from Basin Electric, I
4 believe, but I'll -- I'll ask, just for the record,
5 is there any member of the public here that is in
6 attendance and may wish to participate? I see no
7 one, so --

8 Okay. Of course, members of the Public
9 Service Commission are not present today because I
10 am, as I said, the substantive hearing officer,
11 which means that I'll be listening to the evidence
12 today and issuing a recommended decision to the
13 Public Service Commission. I'll issue recommended
14 findings of facts, conclusions of law and an order
15 and they'll issue the final order in regard to this
16 matter.

17 Just some background as to how we got here
18 today. On January 20 of 2012, Basin Electric filed
19 applications for a waiver of procedures and time
20 schedules, a corridor certificate and a route
21 permit to authorize construction of approximately
22 2.1 miles of a 230 kilovolt electric transmission
23 line and approximately 1.6 miles of a 345 kilovolt
24 electric transmission line and associated
25 facilities in Williams County, North Dakota, and

1 that was shown on a map attached to the
2 applications.

3 Basin Electric requests the Commission to
4 waive procedures and time schedules set forth in
5 North Dakota Century Code Chapter 49-22 and North
6 Dakota Administrative Code Article 69-06 to allow
7 for a single consolidated application for corridor
8 certificate and route permit and to hold a combined
9 hearing on the waiver request and application for
10 corridor certificate and route permit.

11 I issued a Notice of Filing and Notice of
12 Hearing on 3-9-12 scheduling today's public
13 hearing.

14 The issues to be considered today are:
15 First, will the location, construction and
16 operation of the proposed facilities produce
17 minimal adverse effects on the environment and upon
18 the welfare of the citizens of North Dakota?

19 Are the proposed facilities compatible
20 with the environmental preservation and the
21 efficient use of resources?

22 Will the proposed facility locations
23 minimize adverse human effect -- human
24 environmental impact while ensuring continuing
25 system reliability and integrity and ensuring that

1 energy needs are met and fulfilled in an orderly
2 and timely fashion?

3 And, finally, is it appropriate for the
4 Commission to waive procedures and time schedules
5 as requested, including the request for a single
6 consolidated application for corridor certificate
7 and route permit?

8 Those are the issues, the only issues for
9 the hearing today.

10 I saw a couple people come in today -- or
11 today -- a minute ago. Are they with any -- you're
12 members of the public? Okay. They're shaking
13 their heads yes. At the beginning of the hearing I
14 asked if there were any members of the public here
15 and then I asked also if those members of the
16 public -- well, there weren't any -- wanted to
17 give -- present information to the Commission
18 today. Are you just here viewing today? They're
19 shaking their heads yes.

20 So there is an attendance sheet going
21 around. I'd appreciate it if you would sign that.
22 And you're certainly welcome to sit here and take
23 in the hearing today. It is open to the public.
24 The Commission does encourage public participation
25 to people that are interested in providing input,

1 either for or against or neutral to the
2 application, but it's fine to just sit there and
3 listen and watch too. If you change your mind and
4 decide you want to present some information to the
5 Commission, please let me know that.

6 So other than that, here's the hearing
7 procedure we'll follow today. I'll call on the
8 Applicant -- well, actually, we've revised it a
9 little bit. Ordinarily I would call on the
10 Applicant first, and she's indicated that she's
11 going to call two witnesses, but I'm taking
12 Mr. Dale Haugen first because he has another
13 commitment.

14 So the order will be the opening statement
15 by the Applicant, then testimony by Mr. Haugen,
16 then witnesses for Basin Electric -- the two
17 witnesses for Basin Electric. All of the witnesses
18 will be subject to questioning by Commission
19 counsel and Commission staff and perhaps myself,
20 and then I'll allow such further questioning from
21 Basin Electric or further information from the
22 witnesses they may wish to present.

23 After we've completed the testimony of
24 Mr. Haugen and Basin Electric's case, I'll probably
25 ask again if there's anyone who wishes to present

1 information, public witnesses that may wish --
2 maybe changed their mind and wish to present
3 information. If there is none, that will complete
4 the presentation of evidence. If there is public
5 participation, I will allow Basin to present any
6 additional information that they may wish to
7 present.

8 We won't be reaching a decision on this
9 matter today. We'll review all of the evidence
10 when we return to Bismarck, and we will likely
11 schedule a work session at the Public Service
12 Commission to consider proposed findings of fact
13 and conclusions of law and a proposed order by
14 Basin Electric and -- and to discuss that and then
15 issue a -- as I said, a recommended decision,
16 recommended findings of fact, conclusions of law
17 and order.

18 Because it's a recommended decision, the
19 Public Service Commission may accept, reject or
20 modify my recommendation when they issue their
21 final decision.

22 After the Commission issues its final
23 decision, there may be appeal rights or other
24 rights under the Administrative Agencies Practice
25 Act, Chapter 28-32 of the North Dakota Century

1 Code, or under the Commission's rules, North Dakota
2 Administrative Code Article 69-02.

3 The burden of proof today is on the
4 Applicant to show by the greater weight of the
5 evidence that it's entitled to a grant of the
6 applications it is seeking and an issuance of a
7 corridor certificate and route permit.

8 Any questions about procedures today,
9 Ms. Jacobson?

10 MS. JACOBSON: No, Your Honor.

11 JUDGE HOBERG: Mr. Gruman?

12 MR. GRUMAN: No, Your Honor.

13 JUDGE HOBERG: All right. Then let's
14 begin with your opening, please.

15 MS. JACOBSON: Great. Your Honor, Public
16 Service Commission staff, ladies and gentlemen, my
17 name is Casey Jacobson and I'm an attorney for
18 Basin Electric -- Basin Electric Power Cooperative.

19 On November 8, 2011, Basin Electric
20 submitted to the Public Service Commission a letter
21 notifying the Commission of its intent to construct
22 a 3.7-mile transmission line indicated as Segment
23 A, 345/115 kV, Segment B, 230/115 kV and Segment C,
24 a 230 kV transmission line. Basin Electric also
25 requested that the Commission shorten the one-year

1 waiting period between filing a letter of intent
2 and the filing of an application for a certificate
3 of corridor compatibility.

4 By motion dated December 7, 2011, the
5 Commission acknowledged the letter of intent,
6 shortened the one-year waiting period between
7 filing a letter of intent and the siting
8 application to one day, assessed a filing fee of
9 \$15,000 and assigned a project case number,
10 PU-11-692.

11 On January 20, 2012, Basin Electric
12 submitted its combined applications for a waiver of
13 procedures and time schedules, certificate of
14 corridor compatibility and a route permit for the
15 Williston Tie transmission project.

16 On March 9, 2012, the Public Service
17 Commission issued a Notice of Hearing on Basin
18 Electric's application.

19 There are several unique aspects to this
20 project. The first is that the project involves
21 Mountrail-Williams Electric Cooperative, as well as
22 Basin Electric. Mountrail-Williams is a Class C
23 member of Basin Electric.

24 Dale Haugen, the manager of
25 Mountrail-Williams, will testify regarding the

1 extraordinary amount of load growth that their
2 cooperative is experiencing due to oil and gas
3 development in this part of the state. He'll also
4 discuss the close working relationship between
5 Mountrail-Williams and Basin Electric on the
6 development of this project.

7 Mountrail-Williams and Basin Electric
8 recognize that the Western Area Power
9 Administration's substation outside of Williston
10 was nearing its capacity and its limitation for
11 expansion due to commercial development surrounding
12 the Williston substation and identified a need for
13 an additional substation with close proximity to
14 the Williston substation.

15 In the fall of 2011 the Williams County
16 Commission approved the issuance of zoning change
17 and conditional use permit for the construction of
18 the Judson substation. Further, Mountrail-Williams
19 identified a need for the Stateline project, a 115
20 kV transmission line interconnecting into the
21 Williston substation to serve the new ONEOK gas
22 processing plant, which is located north of
23 Williston.

24 Mr. Haugen will testify that it is
25 critical that Mountrail-Williams/Stateline

1 transmission project be commercial by October of
2 2012.

3 After learning of this Stateline project
4 by Mountrail-Williams, Basin Electric realized that
5 an opportunity may exist to co-locate facilities in
6 this congested area of the Williston substation as
7 Basin Electric also needed access to the Williston
8 substation for its 345 Antelope Valley Station to
9 Neset transmission line project, which is expected
10 to be commercial in 2016.

11 As you will hear today, the opportunity to
12 double circuit these needed transmission lines
13 minimizes adverse impacts to the environment and to
14 landowners.

15 While the Mountrail-Williams 115 line by
16 itself is not subject to the Commission's
17 jurisdiction, by virtue of the fact that it's
18 double circuited with the 345/230 Basin Electric
19 facilities, it will be impacted by the case.

20 Today the first witness will be Mr. Gary
21 Christenson. He's the project manager for the
22 Williston Tie project. Mr. Christenson will
23 testify that this project consists of three
24 segments. Line Segment A of the project is a
25 345/115 double-circuit transmission line that

1 begins at the northernmost point of the project and
2 travels south for 1.62 miles to the future Judson
3 substation. All easements for this segment have
4 been obtained.

5 Line Segment B of the project is a 230/115
6 double-circuit transmission line which is
7 approximately 1.9 miles. All easements have been
8 obtained for Segment B.

9 Segment C is a single-circuit 230 kV
10 transmission line which is .2 miles that runs north
11 and south interconnecting to the Williston
12 substation.

13 Mr. Christenson will testify that we have
14 all but two easements for Segment C of the
15 Williston Tie project.

16 Mr. Christenson will also discuss the need
17 for the project, a description of the transmission
18 facilities and location of the proposed line and
19 Basin Electric's policies with respect to the
20 Public Service Commission's policy criteria, and he
21 will also address issues related to construction of
22 the project.

23 Mr. Christenson will testify that the
24 proposed route manages adverse impacts, represents
25 the orderly siting of transmission facilities, is

1 an efficient use of resources and why the proposed
2 route is the only reasonable alternative.

3 The second unique aspect of this project
4 is that the corridor and route are one and the
5 same. The second witness, Mr. Cris Miller, will
6 testify that this was done because at the time of
7 the determination that this project would be
8 jurisdictional under the siting act, over
9 90 percent of the easements had been obtained. He
10 will also discuss that because of the existing
11 commercial industrial growth around the Williston
12 substation, there are no reasonable alternatives
13 other than the proposed route.

14 The third unique aspect of this project is
15 that at certain points avoidance areas exceed more
16 than 50 percent of the proposed corridor and
17 routes. Mr. Miller will testify that the proposed
18 route contains no exclusion areas. However, Basin
19 Electric has been advised of the planned future
20 construction of an RV park just north of the Judson
21 substation.

22 You will hear that at this time there are
23 no occupied residences within 500 feet of Segment A
24 of the project but there may be so in the future,
25 so Basin Electric obtained a waiver from the

1 landowner.

2 Mr. Miller will also testify that no
3 avoidance or exclusion areas are found in the
4 majority of Segment B, but where the proposed route
5 gets close to the Williston substation there are
6 five residences and seven businesses located in
7 Segments B and C that are located within 500 feet
8 of the proposed routes.

9 Mr. Miller will testify that the five
10 residences are owned by a commercial business and
11 Basin Electric has been unable to date to obtain a
12 waiver from them.

13 Basin Electric respectfully requests the
14 Commission to find that no reasonable alternative
15 exists and that the proposed route be approved as
16 described in the plan and profiles submitted with
17 the application in January of this year.

18 Thank you.

19 JUDGE HOBERG: Thank you, Ms. Jacobson.

20 All right. Mr. Haugen, do you want to
21 come up to the chair there, please? And I'll swear
22 you in as a witness. Actually, this is for the
23 benefit of you and the other two witnesses; that
24 is, I'm required by law to tell all witnesses at
25 administrative hearings that the maximum penalty

1 for perjury in this state is a Class C felony,
2 punishable by a maximum five years imprisonment,
3 \$5,000 fine, or both. And, of course, perjury is
4 essentially not telling the truth at a hearing such
5 as this.

6 (Witness sworn.)

7 JUDGE HOBERG: Thank you. So you're not
8 getting questions from Ms. Jacobson. You're just
9 going to give us a narrative; correct?

10 MR. HAUGEN: That is correct.

11 JUDGE HOBERG: All right. Please proceed.
12 Read slowly, though, if you're going to read so we
13 make sure the court reporter gets it all.

14 **DALE HAUGEN,**

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

17 **STATEMENT**

18 **BY MR. HAUGEN:**

19 Q. My name is Dale Haugen. My business
20 address is P.O. Box 1346, Williston, North Dakota
21 58801.

22 I am general manager of Mountrail-Williams
23 Electric Cooperative. I am providing testimony on
24 behalf of Mountrail-Williams Electric Cooperative
25 in support of Basin Electric's building of the

1 high-voltage transmission line in the Williston
2 area as a double circuit or joint right-of-ways.

3 Mountrail-Williams Electric's loads have
4 increased dramatically the last three-year time
5 period, gaining an average of 30-plus percent and
6 with year 2012 keeping the same trend.

7 The major oil formations lie within our
8 Mountrail and Williams Counties service area. This
9 oil production requires electricity for oil
10 pumpers, oil and gas pipelines, secondary recovery,
11 support industry and further homes for the workers.
12 This accounts for our significant growth.

13 Mountrail-Williams developed a load
14 forecast of energy and demand for a period of 2011
15 through 2025 in accordance with Rural Utilities
16 Service's, or RUS, guidelines. This judgmental
17 forecast considered trends and future expectations,
18 but reflect the experience and knowledge that the
19 cooperative has of our service area.

20 Mountrail-Williams' load is going to grow
21 from our 2010 peak of 101 megawatts to a projected
22 644 megawatts in the year 2025. This is 5.8 times
23 more load in the next 15 years.

24 Basin Electric Power Cooperative would not
25 be here today if it wasn't for Mountrail-Williams'

1 members' needs or requirements for electricity.
2 The load pocket that has developed in Western North
3 Dakota and right here in and around Williston has
4 got us struggling to serve the rapid load growth.

5 In conclusion, yes, Mountrail-Williams
6 needs a reliable transmission infrastructure in
7 northwest North Dakota in order to achieve our
8 members' customers' needs, but better yet is the
9 working together to serve this region by coexisting
10 the same right-of-way and the same electrical
11 structures.

12 The cooperative believes that the current
13 proposal is the most appropriate for
14 Mountrail-Williams' members and its use of their
15 land in a prudent manner.

16 Thank you.

17 JUDGE HOBERG: Thank you, Mr. Haugen.

18 Ms. Jacobson, did you have any questions
19 for --

20 MS. JACOBSON: No questions, Your Honor.

21 JUDGE HOBERG: All right. Thank you.

22 Mr. Gruman?

23 MR. GRUMAN: No, Your Honor.

24 JUDGE HOBERG: Mr. Marohl.

25 MR. MAROHL: Just a quick question.

CROSS-EXAMINATION

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BY MR. MAROHL:

Q. So those numbers, that 644 megawatts, is that for Mountrail-Williams?

A. That is just -- that is correct. That is just for Mountrail-Williams' --

Q. Okay.

A. -- load -- projected load growth.

Q. Okay. What's your kind of geographic --

A. We serve both the Mountrail County and Williams County. Otherwise, from the state line border to just west of Berthold.

MR. MAROHL: Okay. Thank you. That's all I have.

JUDGE HOBERG: Thank you.

EXAMINATION

BY JUDGE HOBERG:

Q. Mr. Haugen, could you do the project that you need without Basin Electric doing the portion -- the A, B, C portions?

A. Pardon me?

Q. Could you do just the 115 all by itself?

A. That was the plan. We had purchased the Judson substation for a substation for Mountrail-Williams, and we have to obtain service

1 from the Williston WAPA substation from there to
2 our Judson in order to transform the electricity
3 from 115 down to a usable voltage, and then also
4 from the Judson substation out to the ONEOK plant
5 that was referred to earlier.

6 Q. So the answer is yes, you could --

7 A. So, yes, we would be doing it on our own
8 as a single-structure circuit.

9 JUDGE HOBERG: Okay. Any additional
10 questions of Mr. Haugen?

11 MS. JACOBSON: No, Your Honor.

12 JUDGE HOBERG: Thank you, Mr. Haugen.

13 THE WITNESS: Thank you.

14 JUDGE HOBERG: All right. Ms. Jacobson,
15 your first witness is Mr. Christenson?

16 MS. JACOBSON: Yes. But before my first
17 witness, I would move to enter into evidence two
18 exhibits, and the first is a certification relating
19 to order provisions - transmission facility siting
20 that the Public Service Commission staff has
21 requested us to sign. And the second exhibit is
22 the application that was submitted to the Public
23 Service Commission.

24 JUDGE HOBERG: Is that in this? It's not
25 in this one?

1 MS. JACOBSON: No, it is this. Were you
2 provided a copy of the application?

3 JUDGE HOBERG: Yes, I was. I do.

4 MS. JACOBSON: Okay.

5 JUDGE HOBERG: I don't know if I have the
6 order provision thing, though. Is that it there?

7 MS. JACOBSON: Yes.

8 JUDGE HOBERG: Oh, okay.

9 MS. JACOBSON: I'm sorry. I didn't make
10 copies for --

11 JUDGE HOBERG: Okay. This is the --

12 MS. JACOBSON: Application.

13 JUDGE HOBERG: Okay. Did you need to see
14 this, Mr. --

15 MR. GRUMAN: No, Your Honor. And I don't
16 object.

17 JUDGE HOBERG: Okay. All right. So
18 Exhibit 1 will be the app -- did you say Exhibit 1
19 is the application?

20 MS. JACOBSON: Yes.

21 JUDGE HOBERG: Okay. And Exhibit 2 is the
22 certification relating to order provisions -
23 transmission facility siting. I'll admit both of
24 those exhibits.

25 All right. Please call your first

1 witness.

2 MS. JACOBSON: Your Honor, procedural
3 question. Were we going to have the court reporter
4 mark the exhibits?

5 JUDGE HOBERG: Yeah, we can do that.
6 Usually I mark them, but --

7 MS. JACOBSON: Okay. It doesn't matter.
8 So just so you know that we'll have quite a few.

9 JUDGE HOBERG: Oh, you have a lot more
10 exhibits?

11 MS. JACOBSON: Yes.

12 JUDGE HOBERG: Oh, okay. I thought maybe
13 these were the only two. I did see this.

14 MS. JACOBSON: We'll probably have about
15 ten other ones.

16 JUDGE HOBERG: Okay. Let's have them
17 marked then, please.

18 (Exhibits 1 and 2 were marked for
19 identification.)

20 MS. JACOBSON: Your Honor, would it be all
21 right if the witness testified right here? We have
22 prepared testimony books, and I think it's easier
23 for them to go through these on a hard surface like
24 the desk here.

25 JUDGE HOBERG: And that's a mike right

1 there?

2 MS. JACOBSON: I think --

3 JUDGE HOBERG: Is that one working?

4 SOUND TECHNICIAN: Yep.

5 JUDGE HOBERG: Okay. Stephanie, is that
6 okay?

7 THE REPORTER: Yes.

8 JUDGE HOBERG: Okay. Yeah. That's fine.

9 MS. JACOBSON: Okay. Wonderful. My first
10 witness is Mr. Gary Christenson.

11 JUDGE HOBERG: Mr. Christenson, did you
12 hear the admonition I gave in regard to perjury?

13 MR. CHRISTENSON: I did.

14 (Witness sworn.)

15 JUDGE HOBERG: Thank you.

16 Ms. Jacobson, please.

17 **GARY CHRISTENSON,**

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

20 **DIRECT EXAMINATION**

21 **BY MS. JACOBSON:**

22 Q. Mr. Christenson, please give us your name,
23 business address and your occupation.

24 A. My name is Gary Christenson. I'm employed
25 as a civil engineer for Basin Electric Power

1 Cooperative, 1717 East Interstate Avenue, Bismarck,
2 North Dakota.

3 Q. Please state your educational background
4 and employment history.

5 A. I have a bachelor of science degree in
6 civil engineering and am a registered engineer in
7 the state of North Dakota. I have worked as a
8 civil engineer at Basin Electric for 39 years.

9 Q. What have been your responsibilities in
10 connection with the Williston Tie project?

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

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

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

25 Q. Would you please describe Basin Electric?

1 we going to mark this in the -- you've marked it
2 here as Exhibit 1.

3 MS. JACOBSON: It's just Exhibit 1 after
4 each witness' testimony and -- and I can --
5 Stephanie will mark it right now as Exhibit 3, if
6 that's all right.

7 JUDGE HOBERG: Okay. Yeah. Yeah.

8 (Exhibit 3 was marked for identification.)

9 MS. JACOBSON: Your Honor, I move for
10 admission into evidence Exhibit 3, a map of the
11 proposed route.

12 JUDGE HOBERG: Any objection to that?

13 MR. GRUMAN: No, Your Honor.

14 JUDGE HOBERG: All right. I'll admit
15 Exhibit 3.

16 Q. (MS. JACOBSON CONTINUING)

17 Mr. Christenson, please describe the proposed
18 Williston Tie project.

19 A. The project can be divided into three
20 segments. Line Segment A of the project is a
21 345/115 double-circuit transmission line traveling
22 south for approximately 1.62 miles from a 345/115
23 kV transmission line structure located near the
24 north edge of Section 15, Township 154 North, Range
25 102 West to the future Judson 345 kV substation,

1 which is not part of the project.

2 The right-of-way for this segment is
3 150 feet in width. All structures will be
4 single-pole, self-supporting, galvanized steel
5 structures with concrete foundations. Structures
6 for the 345/115 kV segment will be taller, about
7 130 feet, with similar span lengths.

8 The structures will support conductors for
9 each circuit in a vertical configuration on each
10 side. Angle and dead-end structures will require a
11 single pole for each circuit on the 345/115 kV
12 segment. Each circuit will have an optical ground
13 wire supported near the structure top for
14 communication and lightning protection.

15 (Exhibit 4 was marked for identification.)

16 Q. (MS. JACOBSON CONTINUING)

17 Mr. Christenson, I show you Exhibit No. 4. Can you
18 please identify it?

19 A. It is a drawing of a typical 345/115
20 double-circuit structure which will be used for
21 Segment A.

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

24 JUDGE HOBERG: Is this one different than
25 was in the application?

1 MS. JACOBSON: I believe this is found in
2 the application, but exhibit -- this exhibit can be
3 found after Gary's testimony in the pocket.

4 JUDGE HOBERG: Okay. Well, for purposes
5 of reference, then, we'll -- I mean we don't really
6 need two, but I'll admit Exhibit 4.

7 Q. (MS. JACOBSON CONTINUING)
8 Mr. Christenson, could you please describe Segment
9 B of the proposed route?

10 A. Transmission line Segment B is a 230/115
11 kV double-circuit transmission line which is
12 approximately 1.9 miles in length and will travel
13 east from the Judson 345 kV substation to a 230/115
14 dead-end structure located in Section 24.

15 (Exhibit 5 was marked for identification.)

16 Q. (MS. JACOBSON CONTINUING)
17 Mr. Christenson, I hand you a drawing which has
18 been marked Exhibit 5, and could you identify it,
19 please?

20 A. It is a drawing of a typical 230/115
21 double-circuit structure which will be used for
22 Segment B.

23 MS. JACOBSON: Your Honor, I'd move for
24 admission of Exhibit No. 5.

25 JUDGE HOBERG: Any objection to Exhibit 5?

1 MR. GRUMAN: No, Your Honor.

2 JUDGE HOBERG: I'll admit Exhibit 5.

3 Q. (MS. JACOBSON CONTINUING)

4 Mr. Christenson, please describe Segment C of the
5 proposed route.

6 A. Segment C begins at the point where the
7 115 kV separates from the 230/115 double-circuit
8 structure. A single-circuit, single-pole 230 kV
9 transmission line will turn north for about
10 two-tenths miles interconnecting to the Western's
11 Williston substation. The right-of-way for this
12 segment is 80 feet in width.

13 (Exhibit 6 was marked for identification.)

14 Q. (MS. JACOBSON CONTINUING)

15 Mr. Christenson, I show you what the court reporter
16 has marked as Exhibit 6 and ask you to identify it,
17 please.

18 A. This drawing is for a single-circuit
19 structure to be used for Segment C.

20 MS. JACOBSON: Your Honor, I would move
21 for admission of Exhibit 6.

22 JUDGE HOBERG: Any objection to Exhibit 6?

23 MR. GRUMAN: No, Your Honor.

24 JUDGE HOBERG: I'll admit Exhibit 6.

25 Mr. Christenson, I'm sorry, I wasn't paying that

1 close attention. Could you give me the length
2 and -- and the right-of-way width of B and C again,
3 please?

4 THE WITNESS: B is 1.9 miles. It's a
5 100-foot right-of-way. And Segment C is .2 miles
6 and 80-foot right-of-way.

7 JUDGE HOBERG: Thank you. Please
8 continue, Ms. Jacobson.

9 Q. (MS. JACOBSON CONTINUING)
10 Mr. Christenson, why is this line being double
11 circuited with Mountrail-Williams?

12 A. Last year Basin Electric identified a need
13 for a 345 kV line from the Antelope Valley Station
14 to our Naset substation near -- near Tioga, North
15 Dakota. When discussing this project with
16 Mountrail-Williams, they informed us of a 115 kV
17 line project that Mountrail-Williams also needed to
18 interconnect into the Williston substation.

19 Mountrail-Williams was farther along in
20 the development of their project and needed to
21 commence construction in the spring of 2012.
22 Available right-of-way was very limited because of
23 commercial development. It just made sense to
24 utilize the same right-of-way and minimize any
25 impacts with one set of structures instead of two.

1 After discussing these plans with the
2 Public Service Commission staff, it was determined
3 that Segments A, B and C would need to be sited per
4 the Energy Conversion -- Converse -- Conversion and
5 Transmission Facility Siting Act because the design
6 of the line is greater than 115.

7 Q. Mr. Christenson, why is this line needed?

8 A. The August 2011 Basin Electric load
9 forecast indicates an acceleration of growth in the
10 northwestern North Dakota area that is mainly a
11 result of the development related to the Bakken oil
12 field. Much of the short-term load growth in this
13 area is associated with provision of electrical
14 service to support the rapid expansion of a number
15 of the facilities for oil and natural gas
16 production, as well as supporting the
17 infrastructure and services.

18 The proposed AVS to Charlie Creek to
19 Judson to Naset 345 kV transmission line will be
20 the major electric power delivery path into western
21 North Dakota and eastern Montana area when it is
22 placed in service. The Judson substation will be
23 an electric power delivery substation associated
24 with that project. The power will be transformed
25 from the 345 kV operating voltage to 230 kV at

1 Judson.

2 The existing high-voltage network in the
3 Watford City, Williston, Tioga and Minot areas is
4 currently operated at 230 kV.

5 Therefore, the Judson 345/230 kV
6 substation will be delivering -- will deliver power
7 from the 345 kV high-capacity transmission line
8 into the existing 230 kV transmission network at
9 Williston.

10 Q. Mr. Christenson, when do you plan to start
11 construction on this project?

12 A. We hope to begin construction as soon as
13 we receive all the permits, including the siting
14 permit from the PSC. Segments A and B of this
15 project need to be in service by the fall of this
16 year to serve a large load of Mountrail-Williams.
17 Construction begins on Segment C in 2015.

18 Q. What is the estimated cost of this
19 project?

20 A. Basin Electric's share, which includes
21 only the 230 and 345 kV circuits, will be near 4
22 million.

23 Q. What standards has Basin Electric adopted
24 in designing this line?

25 A. The transmission line will be constructed

1 according to standards of the Rural Utilities
2 Service, the National Electric Safety Code, the
3 Institute of Electrical and Electronics Engineers,
4 the American Society of Civil Engineers, the
5 American Institute of Steel Construction and the
6 American Concrete Institute. Basin Electric will
7 comply with all applicable state, local and county
8 ordinances.

9 Q. What is the minimum ground clearance
10 provided?

11 A. A minimum of 26 feet for the 230 kV
12 circuit and 30 feet for the 345 kV circuit will
13 be -- will be provided at a maximum conductor
14 temperature of 212 degrees Fahrenheit. At lower
15 temperatures the clearances will be greater.

16 Q. Would you please describe the electric and
17 magnetic fields created by a 230 kV and 345 kV
18 transmission line?

19 A. Electric and magnetic fields, commonly
20 referred to as EMF, are invisible lines of force
21 that surround any electrical device. All power
22 lines, electrical wiring and electrical equipment
23 produce electric and magnetic fields. Electric
24 fields are produced by voltage. Magnetic fields
25 will result from the flow of electricity through

1 wires. Both types of fields decrease rapidly as
2 the distance from the source increases.

3 The electric field is shielded or weakened
4 by common materials that conduct electricity, even
5 materials that conduct electricity poorly such as
6 trees and buildings. Magnetic fields are more
7 difficult to shield. Therefore, discussion and
8 study of exposure to these fields is usually
9 directed to magnetic fields.

10 Directly below the centerline of a 230 kV
11 and 345 kV power line, the mean magnetic field
12 strength is about 58 milligauss. At 50 feet from
13 the centerline, the field strength is about 20
14 milligauss, which is lower than the limits
15 suggested by the National Institute of
16 Environmental Health Sciences.

17 For comparison, the field strength one
18 foot from a running hair dryer is 70 milligauss and
19 one foot from a can opener is 300 milligauss.

20 Q. Will the electric or magnetic fields
21 produced by the proposed Williston Tie project be
22 harmful to human or animal health and safety?

23 A. No.

24 Q. How much radio, television and cell phone
25 interference can be expected?

1 A. Interference with television and AM radio
2 reception should not be noticeable beyond the edge
3 of the right-of-way. The line will have no effect
4 on FM radio or cell phone reception.

5 Q. Are you aware of any actual or potential
6 hazards to humans, animal life or the environment
7 posed by the transmission line?

8 A. Electrocution hazard is present under any
9 transmission line where a person extends conductive
10 objects close to the energized conductors. The
11 primary hazard to wildlife is birds flying into a
12 wire.

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

15 A. The overhead ground wire will shield the
16 conductors from direct hits by lightning. The
17 current from each of the lightning strikes is
18 diverted to the ground at the adjacent structures.
19 When this current is discharged from the pole base
20 to the surrounding ground, a steep potential --
21 excuse me, a step potential voltage will
22 momentarily exist on the ground near the pole
23 presenting an electrocution hazard.

24 Q. How many total landowners are crossed with
25 the proposed line and how many of those easements

1 have been acquired?

2 A. We have nine landowners along this
3 proposed line and have signed easements with seven.
4 All the easements have been obtained in Segments A
5 and B. Of the remaining two landowners on Segment
6 C, one is the Western Area Power Administration who
7 has indicated to us their willingness to sign an
8 easement. The one remaining landowner represents
9 1.3 percent of the total easement area required.

10 Q. Would you describe the construction
11 procedures and workforce required for the
12 construction of the proposed line?

13 A. The construction of the transmission line
14 is done in a sequential manner, consisting of a
15 series of small crews spread out over the length of
16 the line. As one crew completes work in an area,
17 the next crew enters and proceeds with the next
18 construction activity.

19 The construction activities for
20 installation of a transmission line include
21 structure staking, gate installation, foundation
22 installing, structure hauling, structure framing,
23 structure erection, conductor hauling, conductor
24 installation, conductor clipping and right-of-way
25 cleanup.

1 The various crews indicate a need of
2 approximately 15 to 20 workers. The actual
3 manpower needs vary from project to project,
4 depending on the time constraints, contractor
5 procedures, terrain, seasonal conditions and other
6 factors.

7 After construction is complete, Basin
8 Electric will complete a final inspection of the
9 right-of-way to identify items which require
10 corrective action. When corrections have been
11 verified, the contractor will be released from
12 further responsibility.

13 The right-of-way division will then
14 address the reclamation work as the disturbed
15 construction areas require. A contractor
16 specializing in right-of-way reclamation will be
17 retained to break up compacted areas, fill in the
18 ruts and seed grasses in order to return the area
19 to its original condition.

20 Q. What housing provisions are required for
21 this type of workforce?

22 A. The transmission line contractor to be
23 utilized for this project has made provisions for
24 housing his workers.

25 Q. Do you plan to carry out construction on

1 the proposed transmission line during wet weather?

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

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

10 A. When crossing existing fence lines, Basin
11 Electric will install barbed wire gates with a
12 16-foot opening. Gates will be locked, if required
13 by property owner or tenants.

14 Q. What is the -- what is done with the spoil
15 from any excavation which is required during
16 construction of the line?

17 A. The spoils from all foundations will be
18 spread at the structure site if approved by the
19 landowner. Otherwise, it will be removed from the
20 right-of-way.

21 Q. Do any trees or shrubs need to be cleared
22 to construct the Williston Tie project?

23 A. No.

24 Q. What efforts has Basin Electric made to
25 economize the costs of construction and operation

1 of this project?

2 A. Basin Electric has an obligation to its
3 member cooperatives to construct facilities at the
4 least cost while maintaining reliability and
5 safety. All materials and services are
6 competitively bid by qualified suppliers. Basin
7 Electric will combine purchases with other projects
8 to take advantage of volume pricing. Basin
9 Electric maintains its own facilities, minimizing
10 the cost of contracted services.

11 Q. Mr. Christenson, in my opening statement I
12 explained that an avoidance area is encountered in
13 the proposed route. That avoidance area concerns
14 five residences within 500 feet of the proposed
15 route and seven businesses.

16 Pursuant to North Dakota Administrative
17 Code 69-06-08-02(2), Basin Electric has requested
18 that the Commission find that under the
19 circumstances there is no reasonable alternative to
20 this route as it concerns the five residences and
21 seven businesses within 500 feet of the
22 transmission facility proposed.

23 (Exhibit 7 was marked for identification.)

24 Q. (MS. JACOBSON CONTINUING)

25 Mr. Christenson, I hand you Exhibit No. 7 which the

1 court reporter has marked and ask you to please
2 identify it.

3 A. This is a map showing the residences and
4 businesses within the proposed route.

5 MS. JACOBSON: Your Honor, I'd move for
6 admission of Exhibit No. 7.

7 JUDGE HOBERG: Any objection to Exhibit 7?

8 MR. GRUMAN: No, Your Honor.

9 JUDGE HOBERG: I'll admit Exhibit 7.

10 Q. (MS. JACOBSON CONTINUING) The Commission,
11 in determining whether an avoidance area should be
12 designated for a facility, must consider the
13 following:

14 One, the proposed management of adverse
15 impacts;

16 Two, the orderly siting of facilities;

17 Three, system reliability and integrity;

18 Four, the effective use of resources;

19 And, five, alternative routes.

20 I am now going to ask you a series of
21 questions relating to these factors.

22 Mr. Christenson, please explain why, under
23 these circumstances, there is no reasonable
24 alternative to the route proposed by Basin
25 Electric.

1 A. In answering this question it is important
2 to understand the background history.
3 Mountrail-Williams Electric Cooperative will be the
4 electrical service provider for the ONEOK gas
5 processing facility. That service will originate
6 from the existing Williston substation.

7 Mountrail-Williams had already acquired an
8 easement on the Westchem Agri-Chemicals, Inc.,
9 property. Mountrail-Williams had also a verbal
10 agreement with the landowner of Sections 15, 23 and
11 24 for a 50-foot-wide easement across his property.
12 With those easements, Mountrail-Williams had
13 essentially acquired access into the Williston
14 substation to serve their committed loads.

15 Subsequently, Basin Electric's system
16 studies showed that to continue to provide system
17 reliability and integrity in northwest North
18 Dakota, a 345 kV line would be required into the
19 Williston area. Additional energy had to be
20 provided into the Williston substation to prevent
21 voltage problems.

22 Investigation of the area by Basin
23 Electric land personnel showed no land was
24 available to add a 345 kV yard adjacent to the
25 existing Williston substation. A new substation

1 site was selected in Section 23.

2 This new substation would require a 230 kV
3 line tie into the existing Williston 230
4 substation. Access into the existing 230 kV
5 Williston substation proved to be very difficult.
6 Commercial development had overtaken the area and
7 the predominant landowner had very specific ideas
8 as to where a transmission line easement would be
9 allowed.

10 Since Mountrail-Williams had easements and
11 commitments in place for the 115 kV line, Basin
12 Electric and Mountrail-Williams decided to utilize
13 the same right-of-way for a double-circuit 230/115
14 kV and 345/115 kV lines.

15 Double circuiting both segments will
16 provide a more efficient use of resources. One
17 route instead of two routes would certainly
18 minimize any adverse impacts. Since alternative
19 routes were simply not available, agreements were
20 made with the landowner to increase the width of
21 the right-of-way to accommodate the increased
22 voltages.

23 Given the circumstances surrounding the
24 area, the aforementioned commercial development and
25 the location of existing transmission lines, no

1 reasonable alternative exists.

2 Q. Mr. Christenson, please discuss how the
3 route proposed by Basin Electric manages potential
4 adverse impacts.

5 A. All transmission lines have potential
6 adverse impacts, mostly visual and safety related.
7 The proposed line has been routed near quarter
8 section lines, as well as off section line roads
9 where possible. Transmission structures have been
10 chosen which provide a more pleasing appearance.

11 The transmission line will be designed and
12 constructed according to all applicable engineering
13 and safety codes and standards, thereby assuring
14 safety to the public.

15 Q. Please explain how this route represents
16 the orderly siting of transmission facilities.

17 A. Available options were evaluated, although
18 for this project, options were very limited. The
19 landowner who owns most of the three sections
20 involved had very specific requirements as to the
21 transmission line location. Adjustments were made
22 to accommodate adjacent landowners and to minimize
23 any potential environmental impacts.

24 Q. Please explain how this route results in
25 the efficient use of resources.

1 A. From the onset, the agreement
2 Mountrail-Williams had with the predominant
3 landowner of this area for their 115 kV line played
4 a critical part in the determination to utilize one
5 easement for both the Mountrail-Williams 115 kV
6 line, as well as Basin Electric's planned 345 kV
7 line and 230 kV tie into the Williston substation.

8 The ability to utilize double-circuit
9 structures with longer span capabilities, than what
10 Mountrail-Williams would have chosen for the
11 single-circuit line, has maximized benefits to all
12 parties and minimized the resources required for
13 both projects.

14 Q. Please explain the route alternatives
15 analyzed and rejected.

16 A. Mr. Cris Miller will be answering that
17 question in more specificity in terms of what was
18 evaluated with the work done through Western's
19 environmental assessment. However, we did analyze
20 other routes in terms of engineering and
21 construction constraints.

22 Q. Mr. Christenson, what were those routes?

23 A. We did examine if it was possible to
24 locate the proposed route farther south where
25 Segments B and C intersect to avoid some of the

1 avoidance areas in that area -- that exist there.
2 We determined that there was no suitable place for
3 the route anywhere north of Highway 2, except for
4 the current location, as there are setbacks from
5 Highway 2 which prevent placement of a transmission
6 line there, a permanent road easement, commercial
7 development and an existing transmission line
8 covering 120 feet.

9 Further, that would have impacted the
10 location of the rest of the line, and the landowner
11 who owns the land on the rest of the route would
12 not have granted us an easement for the rest of the
13 proposed project.

14 Q. Mr. Christenson, you just testified of an
15 existing transmission line covering 120 feet.
16 Would it have been possible to co-locate the
17 Williston Tie project within that existing
18 easement?

19 A. No, it is not possible to be located
20 within that easement, as Western already has two
21 115 kV lines, so there is no physical space for
22 location of any Basin Electric facilities.

23 Q. Did Basin Electric consider routing the
24 line straight east in Section 24, crossing over
25 141st and then interconnecting with the Williston

1 substation instead of the current proposed route
2 which travels southeast in Section 24?

3 A. No. Additional land sales and commercial
4 development were already occurring in that area of
5 Section 24. The layout of future infrastructure,
6 buildings, roads, et cetera, were not known.

7 Furthermore, commercial development was
8 already occurring on the east side of 141st Avenue
9 Northwest, immediately north of the existing
10 Williston substation. No obvious transmission line
11 routes were seen. Further, the landowner who had
12 the majority of this route was not in favor of that
13 alternative.

14 Q. Please explain any considerations or
15 alternative routes with the Mountrail-Williams or
16 Basin Electric that were considered and why
17 ultimately this route was the only reasonable
18 alternative.

19 A. As stated previously, no reasonable
20 alternative routes existed. The availability of a
21 route that allowed for the double circuiting of the
22 two transmission lines required was the primary
23 reason the proposed route was chosen.

24 Q. Mr. Christenson, is this route proposed by
25 Basin Electric based solely on economic

1 considerations?

2 A. No.

3 Q. Mr. Christenson, the North Dakota Public
4 Service Commission's transmission facility corridor
5 and route policy criteria provide that the
6 Commission may give preference to an applicant that
7 will maximize benefits that result from the
8 adoption of certain policies and practices. I am
9 now going to ask you a series of questions
10 regarding these policies and practices.

11 What is Basin Electric's policy with
12 respect to maximizing potential benefits through
13 location and design of its facilities?

14 A. Basin Electric performs comprehensive
15 transmission studies to identify facilities that
16 are needed to ensure a reliable transmission
17 system. The location and voltage of -- voltage of
18 these facilities is determined by transmission
19 planning experts to maximize the benefits of these
20 lines.

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

24 A. Basin Electric initiates and maintains
25 close contact with all pertinent federal, state and

1 local agencies prior to construction of a facility.
2 For this project, Basin Electric and/or
3 Mountrail-Williams have met with county
4 commissions, zoning boards and city organizations.
5 We involved the public by conducting public scoping
6 meetings, mailing information and visiting
7 landowners.

8 Q. What type of commitment does Basin
9 Electric have to North Dakota consumers regarding
10 this project?

11 A. Basin Electric is contractually committed
12 to meet all the additional power requirements,
13 above their allocation from Western Area Power
14 Administration, for the 14 North Dakota rural
15 electric cooperatives that are its members. This
16 project is needed to supply reliable power to
17 northwestern North Dakota.

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

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

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

1 A. Basin Electric's policy is that
2 environmental impacts should be monitored and steps
3 taken to mitigate and alleviate those impacts which
4 have adverse effects. The environmental assessment
5 prepared by the Western Area Power Administration
6 and the application to the PSC discusses expected
7 impacts and mitigation measures proposed with
8 respect to the project.

9 Once a transmission line is completed, a
10 continuing program of maintenance begins. Basin
11 Electric will monitor the line and correct any
12 problems for the life of the facilities.

13 Q. What is the policy of Basin Electric
14 regarding the use of existing and proposed
15 rights-of-way and other existing proposed
16 transmission facilities?

17 A. Basin Electric strives to avoid
18 duplication of transmission facilities. We have
19 agreements with Montana-Dakota Utilities and
20 Western Area Power Administration which enable us
21 to use facilities jointly. These agreements have
22 resulted in economic savings to the consumers and
23 the avoidance of unnecessary duplication of
24 transmission lines and substations. Further, this
25 line is being double circuited to avoid duplication

1 in this area.

2 Q. Mr. Christenson, based on your knowledge
3 of the Williston Tie project, do you believe the
4 location, construction and operation of the
5 proposed facilities produce minimal adverse effects
6 on the environment and upon the welfare of the
7 citizens of North Dakota?

8 A. Yes.

9 Q. Are the proposed facilities compatible
10 with the environmental preservation and the
11 efficient use of resources?

12 A. Yes.

13 Q. Will the proposed facility locations
14 minimize adverse human and environmental impact
15 while ensuring continued system reliability and
16 integrity and ensuring that energies are met --
17 energy needs are met and fulfilled in an orderly
18 and timely fashion?

19 A. Yes.

20 Q. Is it appropriate for the Commission to
21 waive procedures and time schedules as requested,
22 including the request for a single consolidated
23 application for a corridor certificate and route
24 permit and the width of the corridor?

25 A. Yes.

1 Q. It is -- is it appropriate for the
2 Commission to designate the previously discussed
3 avoidance area for this proposed facility?

4 A. Yes.

5 Q. Does this complete your testimony?

6 A. Yes, it does.

7 MS. JACOBSON: No further questions, Your
8 Honor.

9 JUDGE HOBERG: Thank you, Ms. Jacobson.
10 Mr. Gruman, do you have any questions?

11 MR. GRUMAN: I do, Your Honor. Thank you.

12 **CROSS-EXAMINATION**

13 **BY MR. GRUMAN:**

14 Q. Mr. Christenson, has an inventory been
15 completed concerning Sections A through C
16 concerning tree and shrubs?

17 A. I think that might be addressed in the
18 environmental analysis that Cris is going to give.

19 Q. Okay.

20 A. To my knowledge, there's no tree issues.

21 MR. GRUMAN: All right. I'll defer my
22 question, then, to the next witness. I have no
23 further questions, Your Honor.

24 JUDGE HOBERG: All right. Thank you.

25 Mr. Marohl.

1 MR. MAROHL: I guess I can start with one.

2 CROSS-EXAMINATION

3 BY MR. MAROHL:

4 Q. Why -- why isn't the Judson substation a
5 part of this application?

6 A. Maybe you can answer that.

7 JUDGE HOBERG: No.

8 THE WITNESS: It's not -- not required by
9 the PSC to site a substation. And -- and it will
10 be a part later on. I mean the AVS to Neset
11 transmission line will be -- an application will be
12 made for that to the PSC next year and then the
13 Judson substation will be included.

14 Q. (MR. MAROHL CONTINUING) Included in that
15 application?

16 A. I think I'm correct on that.

17 JUDGE HOBERG: That's the 200-mile
18 project.

19 THE WITNESS: Yes. Because it will not be
20 built until later.

21 Q. (MR. MAROHL CONTINUING) And it's my
22 understanding that this won't be energized at all,
23 these lines, until that time?

24 A. That's right. We will string the wire for
25 Segment B, but Segment C won't even be constructed

1 until later.

2 JUDGE HOBERG: But the one was going to
3 be -- one segment was going to be energized in
4 2012; isn't that correct?

5 THE WITNESS: None of these segments will
6 be energized until the -- the 200-mile project is
7 completed.

8 JUDGE HOBERG: Oh, okay.

9 THE WITNESS: The 115, of course, will be
10 energized, but not the 230 or the 345.

11 JUDGE HOBERG: Mr. Marohl.

12 Q. (MR. MAROHL CONTINUING) You mentioned
13 there's two waivers that are remaining. The
14 Western Area Power Administration is one of them?

15 A. Correct. Two easements are remaining.
16 Western has indicated they'll be signing that. And
17 then there's one easement required from Patterson
18 Land Services --

19 Q. Right.

20 A. -- and they're located right in that area.

21 JUDGE HOBERG: Patterson Land Services is
22 the other one?

23 THE WITNESS: That's correct.

24 JUDGE HOBERG: But they've not indicated
25 that they're going to sign?

1 200-mile one and then this one?

2 A. Well, exactly right. I mean we even
3 wondered whether we should be coming to you for a
4 permit or not. These two lines are needing to have
5 PSC permission because they're 115 -- or 230 and
6 345. But in order to build it, we didn't want to
7 be presumptuous and build structures out there and
8 then come to you later for an application with the
9 bigger project, so that's why they're being
10 included right now, even though they will not be
11 energized until the rest of the project is
12 completed.

13 Q. Well, what if for some reason the 200-mile
14 project isn't built?

15 A. Well, that's a risk we take.

16 Q. Okay. But you -- you're hoping and
17 assuming that it will be built?

18 A. Well, we hope so, given the conditions in
19 northwest North Dakota. Yes.

20 Q. Okay. I was a little curious, you gave me
21 the numbers for A, 1.62, and for B, 1.9, and for C,
22 .2, but I saw some other different numbers before.
23 Are those -- I mean one set of numbers I saw added
24 up to 3.92 miles.

25 A. I think 3.7, roughly, is the total number

1 of --

2 Q. Right. 3.66 or --

3 A. Yeah. Yeah. I suppose there was some
4 rounding that went on at one point.

5 Q. But the 1.62, the 1.9 and the .2, that's
6 correct?

7 A. Yes.

8 Q. Okay. So, you know, you talked about the
9 alternative routes for this that weren't really
10 feasible, but there's really no alternative to not
11 doing the project. I mean the project needs to be
12 done as far as electrical load; is that right?

13 A. Well, unless we get entrance into the
14 Williston sub, that 200-mile line I talked about
15 means nothing. We have to provide energy into the
16 sub, because as you -- well, much to -- many of the
17 transmission lines that exit the Williston sub are
18 already in place.

19 So it really became obvious that we were
20 going to have a difficult time getting into that
21 substation. Development was already occurring.
22 Ideally we'd have liked to have added a substation
23 adjacent to the existing sub that would have --
24 that would have negated the need for this line, but
25 there was no land available. And so it was an

1 iterative process where we found a substation site
2 and then tried to find a place to build the tie
3 between the two substations.

4 Q. Okay. I'm -- you're asking us to find
5 that there's no reasonable alternative to locating
6 within 500 feet of five residences and seven
7 businesses; correct?

8 A. Correct.

9 Q. Was there -- I imagine you approached
10 those people and --

11 A. Well, when we were looking at the initial
12 routing, there weren't that many residences. Four
13 trailers had been added. There was a house there,
14 which we thought was an office, but subsequently
15 found out that it, in fact, was occupied.

16 Q. Yeah. Because -- because the numbers were
17 different in the application, I think, and so --
18 and some of those residences are real recent,
19 aren't they?

20 A. Well, Mr. Miller will be able to address
21 that --

22 Q. Okay.

23 A. -- information in a little bit more
24 detail.

25 Q. Okay. Is it -- the reason that

1 Mountrail-Williams Electric Cooperative is not a
2 part of this application and it is strictly Basin's
3 is because they're also a member of Basin?

4 A. Well, and it's only a 115 kV line.

5 Q. Yeah, I know they wouldn't have to be, but
6 you've included it. Why is it just -- why isn't it
7 a cooperative application, if you know?

8 A. I don't know.

9 Q. Okay. They are a member of Basin?

10 A. They are a member, yes.

11 Q. Yeah.

12 A. So, I mean, let me understand your
13 question again a little better.

14 Q. Well, it seems like there should have been
15 two entities applying, Mountrail -- because --

16 A. But the 115 line is not jurisdictional.

17 Q. I know it's not, but it's included in
18 this -- in this project, isn't it?

19 A. I guess, yeah.

20 Q. Okay. Did you say you -- the future
21 Judson substation, the land has already been
22 purchased?

23 A. Correct.

24 Q. Okay. And you have a waiver from the RV
25 park person?

1 A. We do.

2 Q. That's interesting. Okay.

3 What's the compensation policy to the --
4 to the landowners? Is it for damage, soils, crops
5 and then is there a permanent easement too?

6 A. Yes, there's a permanent easement. Right.
7 But you're talking about right-of-way damages?

8 Q. Yeah.

9 A. Well, that's determined after construction
10 to see what the extent of damages are. We pay for
11 crop damages and --

12 Q. Right.

13 A. -- and for repair.

14 Q. And then there's a permanent easement too?

15 A. There's a permanent -- yes.

16 JUDGE HOBERG: Okay. All right. I don't
17 have any further questions.

18 Ms. Jacobson, any further questions?

19 MS. JACOBSON: No, I don't have any, Your
20 Honor.

21 JUDGE HOBERG: Mr. Gruman?

22 MR. GRUMAN: No, Your Honor.

23 JUDGE HOBERG: Mr. Marohl?

24 MR. MAROHL: No, Your Honor.

25 JUDGE HOBERG: Thank you, Mr. Christenson.

1 Stephanie, do you need a little break?

2 THE REPORTER: Sure.

3 JUDGE HOBERG: Okay. Let's take a
4 five-minute recess here, five or ten.

5 (Recessed at 11:05 a.m. to 11:13 a.m.)

6 JUDGE HOBERG: Okay. Let's go back on the
7 record. It's about 11:10, 11:12. And your next
8 witness, Ms. Jacobson, please.

9 MS. JACOBSON: My next witness is Mr. Cris
10 Miller, who is seated next to me.

11 JUDGE HOBERG: Okay. Mr. Miller, did you
12 hear the admonition I gave earlier in regard to
13 perjury?

14 MR. MILLER: Yes, I did.

15 (Witness sworn.)

16 JUDGE HOBERG: Thank you.

17 Ms. Jacobson, please.

18 **CRIS MILLER,**
19 having been first duly sworn, was examined and
20 testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. JACOBSON:**

23 Q. Please state your name, address and
24 occupation.

25 A. My name is Cris Miller. My business

1 address is 1717 East Interstate Avenue, Bismarck,
2 North Dakota. I'm employed by Basin Electric Power
3 Cooperative as senior environmental project
4 administrator.

5 I am responsible for the preparation of
6 environmental studies and permit applications for
7 various transmission and generation projects Basin
8 Electric is currently planning.

9 Q. Would you please state your educational
10 background and professional experience?

11 A. I earned a bachelor of science degree from
12 North Dakota State University, Fargo, North Dakota,
13 in 1982 with a major in civil engineering. I have
14 been employed with Basin Electric since 1991.

15 Q. Mr. Miller, what have been your
16 responsibilities in connection with the Williston
17 Tie project?

18 A. I am responsible for the overall
19 preparation and coordination of the environmental
20 analysis of this project within Basin Electric and
21 through our consultant, HDR Engineering, of
22 Minneapolis, Minnesota.

23 This involved working with an
24 interdisciplinary consultant team, contacting and
25 meeting with public officials, coordinating

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

8 Q. What is the purpose of your testimony in
9 this proceeding?

10 A. I will describe the methodology used to
11 delineate the proposed corridor and route and to
12 demonstrate with respect to environmental
13 considerations that the proposed corridor and route
14 are in accordance with the North Dakota Energy
15 Conversion and Transmission Facility Siting Act and
16 North Dakota Public Service Commission rules.

17 Q. You mentioned Western. What is their
18 involvement with the Williston Tie project?

19 A. The Williston Tie project is part of
20 Mountrail-Williams Electric Cooperative's
21 16-mile-long Williston to Stateline 115 kV
22 transmission line project, referred to as the
23 Stateline project.

24 The Stateline project will interconnect
25 the Western's Williston substation and terminate at

1 the ONEOK gas processing plant. This
2 interconnection is a federal action subject to
3 National Environmental Policy Act, otherwise known
4 as NEPA.

5 Western is developing an environmental
6 assessment, otherwise known as an EA, for the
7 Stateline project. Western published the EA in the
8 Federal Register in December of 2011. Public
9 comment period closed January of 2012. Western is
10 evaluating the comments received and will
11 incorporate into their agency final action. A
12 finding of no significant impact is expected very
13 soon.

14 Q. Is the NEPA process a separate process
15 from the PSC siting process we are attending here
16 today?

17 A. Yes. It is an independent and separate
18 process by a federal agency.

19 Q. Mr. Miller, what is the size of the
20 corridor in this project?

21 A. The corridor is 3.7 miles in length and
22 the route and corridor widths are one and the same.
23 The 345/115 kV portion of the project has a
24 150-foot-wide corridor. The 230/115 segment has a
25 100-foot-wide corridor. And the single-circuit 230

1 kV segment has an 80-foot-wide corridor.

2 Q. And why is that?

3 A. Since the overall transmission line length
4 in this case is very short, a corridor width equal
5 to the route width was used for the project. Also,
6 at the initiation of the PSC application process, a
7 large percentage of the easements had been obtained
8 for the project.

9 With the tight occupancy of the
10 surrounding lands in the project area, there was
11 very little opportunity to vary the route within a
12 wider corridor as one would normally expect in
13 linear projects of this type.

14 (Exhibit 8 was marked for identification.)

15 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
16 hand you this document which the court reporter has
17 marked as Exhibit 8 and ask you to please identify
18 it.

19 A. It is Figure 4.1 of the siting application
20 depicting land use.

21 MS. JACOBSON: Your Honor, I'd move for
22 admission of Exhibit 8.

23 JUDGE HOBERG: Any objection?

24 MR. GRUMAN: No, Your Honor.

25 JUDGE HOBERG: Exhibit 8 is admitted.

1 Q. (MS. JACOBSON CONTINUING) Mr. Miller, can
2 you please give us a general description of land
3 use of both the corridor and the route?

4 A. As previously testified by
5 Mr. Christenson, the corridor and the route can be
6 broken into three segments, A, B and C.

7 Segment A crosses lands that are 95
8 percent used for agricultural purposes.

9 Segment B's land use is 85 percent
10 agricultural. As the corridor and route near the
11 Williston substation, the available land that would
12 be suitable for a transmission project dramatically
13 diminishes to a point where there is but a single
14 pathway available to enter the Williston
15 substation.

16 This 370-foot-wide pathway is also
17 occupied by Western's two existing 115 kV
18 transmission lines that are located within a
19 120-foot easement running east to west. Segment
20 B's corridor occupies the southerly 100-foot of the
21 250-foot area available through this area. This
22 370-foot area is bordered by businesses and
23 residences.

24 Segment C is industrial and roadway with
25 zero percent of the land in agricultural use.

1 Q. Would you please describe the general
2 philosophy and objectives used by Basin Electric in
3 delineation of the proposed corridor and selection
4 of the proposed route?

5 A. The process used by Basin Electric and its
6 consultants in the analysis of the study area and
7 eventual identification of the proposed corridor
8 and route is based upon a deductive approach that
9 is from the general to the specific.

10 This approach entails starting with a
11 broad study area within the confines of the
12 relatively short project length and then narrowing
13 and refining it by incorporating data and other
14 input gathered from landowners, public agencies and
15 environmental databases to the point where all
16 defined corridors are identified in the study area.

17 The ultimate goal of the corridor and
18 route selection process was to locate a suitable
19 line route between the two end points, while
20 adhering to the PSC's avoidance and exclusion
21 criteria. For this project, the corridor selection
22 process was specific to a line route. This was
23 primarily due to the short corridor and route
24 length and one single landowner representing
25 approximately 79 percent of the overall corridor

1 and route length.

2 This landowner's preference for the
3 proposed route and corridor location strongly
4 influenced the project's proposed route. Further
5 restrictions were identified by the rapidly
6 changing landscape in the immediate area of the
7 Williston substation due to commercial and
8 industrial business development.

9 Western and Mountrail-Williams evaluated
10 three route alternatives and a no action
11 alternative in the EA.

12 (Exhibit 9 was marked for identification.)

13 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
14 hand you this document which the court reporter has
15 marked as Exhibit 9 and ask you to identify it,
16 please.

17 A. It is a map depicting the three route
18 alternatives that Western and Mountrail-Williams
19 evaluated as part of the Williston to Stateline
20 project. These alternatives were a major factor in
21 the location of the project's proposed route.

22 MS. JACOBSON: Your Honor, I would move
23 for admission of Exhibit 9 into evidence.

24 JUDGE HOBERG: Any objection to Exhibit 9?

25 MR. GRUMAN: No, Your Honor.

1 JUDGE HOBERG: Exhibit 9 is admitted.

2 Q. (MS. JACOBSON CONTINUING) Mr. Miller,
3 please describe the alternative routes that were
4 analyzed.

5 A. Route alternative A follows and parallels
6 U.S. Highway 2 west upon leaving the Western
7 substation and was dismissed for further
8 consideration due to additional line length
9 resulting in higher cost for the transmission line
10 while providing no substantive benefit from an
11 environmental or land use perspective over the
12 proposed route.

13 Route alternative A would have been
14 located within 500 feet of over 20 residences,
15 approximately 7 businesses and near or over
16 multiple communication towers as the land uses --
17 use became less commercial and more residential
18 use. Further, it was not the preferred route by
19 landowners and, thus, they were unwilling to sign
20 easements on a voluntary basis.

21 Route alternative B would exit the
22 Williston substation and travel six miles north to
23 56th Street Northwest and then turn west
24 terminating at Mountrail-Williams/Stateline
25 substation.

1 This alternative would be closer to known
2 whooping crane sightings and is an area that was
3 identified as a future growth area in the Williston
4 comprehensive plan as a mixture of industrial and
5 commercial uses. Landowners were not supportive of
6 this route when approached regarding possible
7 easements.

8 When route alternatives A and B were
9 compared to the proposed route, that neither
10 alternative A or B offered substantive
11 environmental and/or economic benefits that would
12 warrant further, more detailed investigations, thus
13 these alternatives were not carried forward for
14 detailed analysis in the EA.

15 Q. Mr. Miller, why was the proposed route
16 chosen over the alternatives analyzed?

17 A. The final route alternative was chosen
18 after careful analysis of the regional electrical
19 system factors related to construction and
20 operation requirements. This analysis was focused
21 on a location that would meet the project's purpose
22 and need, be consistent with planned and
23 anticipated system needs, meet design and
24 reliability standards, avoid and minimize impacts
25 to environmentally sensitive resources, be

1 reasonable, be technically feasible and be
2 economically viable.

3 Q. Mr. Miller, were there engineering
4 guidelines that were also considered in this
5 process?

6 A. Yes. Areas that were considered less
7 suitable for construction and operation of a
8 transmission line included:

9 Crossings involving other high-voltage
10 power lines;

11 Steep slopes which could pose maintenance
12 and erosion problems;

13 Areas requiring unusually long spans;

14 Areas lacking reasonable access for
15 construction and maintenance;

16 Areas of questionable foundation
17 stability;

18 And areas with existing infrastructure.

19 Q. Who participated in the corridor and route
20 selection process?

21 A. A multidisciplinary team of Basin Electric
22 and Mountrail-Williams, including environmental,
23 engineering and lands and right-of-way personnel
24 worked together in the corridor and route selection
25 process. In addition, consultants to Basin

1 Electric, including staff from HDR Engineering of
2 Minneapolis, Minnesota, played a major role in the
3 corridor and route delineation process.

4 Q. Mr. Miller, did Basin Electric incorporate
5 public input in the corridor and route selection
6 process?

7 A. Yes. The deductive approach employed
8 starts with a broad study area, then narrowing it
9 by incorporating various data and input from public
10 agencies, representative officials, private
11 industry and the general public to a point where
12 the corridor is identified within the study area.

13 Public scoping meetings were held in July
14 of 2011 in compliance with the scoping provisions
15 of the NEPA implementation regulations. These
16 meetings were conducted in Williston, North Dakota.
17 The purpose of the meetings was to aid in the
18 federal decision-making process and to assist in
19 the formulation of issues to be addressed by
20 Western's environmental assessment.

21 The comments received during this meeting
22 were also considered in the corridor and route
23 selection process. The project's correspondence
24 from officials and agencies contacted are presented
25 in Appendix B of the application. In total, 45

1 agencies, organizations or officials were contacted
2 for early input for this project. Nine Native
3 American tribes were also contacted to solicit
4 their input on the project.

5 Q. Mr. Miller, North Dakota Century Code
6 49-22-09 of the North Dakota Energy Conversion and
7 Transmission Facility Siting Act lists 11 factors
8 to guide the Public Service Commission in
9 evaluation of sites, corridors and routes. I will
10 now ask you a series of questions directed at these
11 relevant factors.

12 Did Basin Electric evaluate the impacts to
13 public health and welfare, natural resources
14 expected from the Williston Tie project?

15 A. Yes. Basin Electric's application
16 addressed these issues. Specifically, the
17 construction and operation techniques were
18 addressed in Chapter 3. Impacts to the environment
19 and mitigation measures in relation to the corridor
20 and route were addressed in Chapter 4.

21 The project will not have any significant
22 impacts to public health and welfare, natural
23 resources and the environment.

24 Q. Did Basin Electric evaluate technologies
25 to minimize the adverse environmental impacts?

1 A. The project utilizes the most recent
2 transmission technologies and systems that minimize
3 impacts to the environment. Specifically, the
4 incorporation of single-pole structures and double
5 circuiting the 115 system with either of Basin
6 Electric's 345 or 230 kV lines will minimize the
7 impact to current land uses, as well as minimizes
8 the impacts to biological and cultural resources.

9 Q. Were any unavoidable adverse environmental
10 effects of the corridor and route evaluated?

11 A. Yes. And it was determined that the
12 environmental effects of the corridor and routes
13 were minor.

14 Q. Did the project evaluate irreversible and
15 irretrievable commitment of natural resources for
16 the corridor and routes?

17 A. Yes. Irreversible and irretrievable
18 resource commitments are related to the use of
19 nonrenewable resources and the effects that the use
20 of these resources have on future generations.
21 Irreversible effects primarily result from use or
22 destruction of a specific resource that cannot be
23 replaced within a reasonable time frame.

24 Irretrievable resource commitments involve
25 the loss in value of an affected resource that

1 cannot be restored as a result of the action.
2 There are few commitments of resources associated
3 with this project that are irreversible and
4 irretrievable. Those resources primarily related
5 to construction, specifically aggregate resources,
6 concrete steel and hydrocarbon fuel.

7 Q. Did the project evaluate direct and
8 indirect impacts?

9 A. Yes. The direct economic impacts included
10 impacts associated with a small amount of
11 agricultural land being removed from production due
12 to the transmission line. In general, the
13 agricultural areas surrounding each structure can
14 still be farmed, and landowners will be compensated
15 for the land occupied by the transmission line.

16 The remaining direct and indirect economic
17 impacts are primarily positive. Personal income
18 will be generated for the residents of the county
19 and the state by circulation and recirculation of
20 the dollars paid out by Basin Electric as business
21 expenditures and state and local taxes.

22 (Exhibit 10 was marked for
23 identification.)

24 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
25 show you what the court reporter has marked as

1 Exhibit 10 and ask you to please identify it.

2 A. These are two maps showing the commercial
3 development that has happened from 2009 to fall of
4 2011 around the Williston substation.

5 MS. JACOBSON: Your Honor, I'd move for
6 admission of Exhibit 10.

7 JUDGE HOBERG: I'm sorry. Which one was
8 that again now?

9 MS. JACOBSON: It's a series of two maps
10 with the blue border on the top. Yes.

11 JUDGE HOBERG: Okay. And which one was
12 10?

13 MS. JACOBSON: It's one and the same.
14 It's just a two-page exhibit.

15 JUDGE HOBERG: Oh, I see. Okay. I wasn't
16 paying attention right there. I was reading
17 something else. I'm sorry. Did you mark those?

18 MS. JACOBSON: Yes.

19 JUDGE HOBERG: Okay. Any objection to 10?

20 MR. GRUMAN: No, Your Honor.

21 JUDGE HOBERG: All right. Exhibit 10 is
22 admitted.

23 Q. (MS. JACOBSON CONTINUING) Mr. Miller,
24 does the project impact existing development plans
25 of the state, local government and private entities

1 at or in the vicinity of the corridor and route?

2 A. No conflicts with existing developmental
3 plans were identified. Recent oil and gas
4 development in the immediate area continues to
5 expand. It is reasonably foreseeable that areas
6 within the corridor and route will be considered
7 for gas and oil development. The location of the
8 corridor and route is not expected to inhibit the
9 potential for future gas and oil development with
10 current methods currently employed in the oil and
11 gas industry.

12 The 2010 Williston comprehensive plan
13 identified small areas in the eastern terminus of
14 the corridor as possible future industrial land
15 use. The recent oil and gas activity associated
16 with the development has caused rapid development
17 of commercial and industrial properties surrounding
18 the project.

19 The double circuiting of the proposed
20 Stateline project with the Williston Tie project
21 helps to maximize the future development
22 opportunities in the immediate area.

23 Q. What are the effects on biological
24 resources within the corridor and route?

25 A. Chapter 4 of the application discusses in

1 great detail the potential impacts to biological
2 resources such as wetlands, vegetation, wildlife
3 and rare and unique species. Basin Electric has
4 implemented measures to avoid and minimize effects
5 to biological resources. The impact of the project
6 on biological resources is expected to be minimal.
7 The project will be designed to minimize impacts to
8 avian species.

9 Q. Has the project addressed all issues
10 raised by agencies?

11 A. The area in the vicinity of the project
12 was reviewed by state and federal agencies as part
13 of the EA of the Stateline project. Agency
14 comments varied accordingly to agency function and
15 jurisdiction, but agency comments generally
16 emphasized a desire to minimize impacts to
17 environmental resources, which Basin Electric has
18 done.

19 Q. Mr. Miller, earlier you stated that a
20 factor in selection of the proposed route is the
21 PSC avoidance and exclusion criteria. Please
22 describe what an exclusion criteria means.

23 A. The North Dakota Public Service Commission
24 rules at North Dakota Administrative Code Chapter
25 69-06-01 states, "Exclusion criteria means criteria

1 that remove areas from consideration for energy
2 conversion facility sites and transmission facility
3 routes."

4 Q. Please describe what an avoidance criteria
5 means.

6 A. The North Dakota Public Service Commission
7 rules at North Dakota Administrative Code Chapter
8 69-06-01 states, "Avoidance criteria means criteria
9 that remove areas from consideration for energy
10 conversion facility sites and transmission facility
11 routes unless it is shown that under the
12 circumstances there are no reasonable
13 alternatives."

14 Q. Mr. Miller, do the Public Service
15 Commission rules provide any further direction
16 regarding exclusion and avoidance areas?

17 A. Yes. Section 49-22-05-05.1, exclusion and
18 avoidance areas criteria of the Energy Conversion
19 and Transmission Facility Siting Act Chapter 49-22,
20 provides the 500 foot -- feet for an inhabited
21 rural residence may be waived by the owner of the
22 inhabited rural residence in writing. Also,
23 exclusion and avoidance areas may be located within
24 a corridor, but at no given point shall such an
25 area or areas encompass more than 50 percent of the

1 corridor width, unless there is no reasonable
2 alternative.

3 Q. Mr. Miller, I'm going to ask you a series
4 of questions regarding the PSC transmission
5 facility corridor and route criteria exclusion
6 areas.

7 Does the proposed corridor and route
8 contain any designated or registered national
9 parks, memorial parks, historic sites and
10 landmarks, natural landmarks, monuments or
11 wilderness areas?

12 A. No.

13 Q. Any designated or registered state parks,
14 historic sites, monuments, historic markers,
15 archeological sites or nature preserves?

16 A. No.

17 Q. Any county parks and recreation areas,
18 municipal parks or parks owned or administered by
19 any other governmental subdivision?

20 A. No.

21 Q. Any areas critical to the life stages of
22 threatened or endangered animal and plant species?

23 A. No.

24 Q. Are there any areas where animal or plant
25 species that are unique or rare to this state would

1 be irreversibly damaged?

2 A. No.

3 Q. Mr. Miller, so at no point wherein the
4 corridor and route does an exclusion area
5 identified in Section 69-06-08-02-01 exist?

6 A. No. There are no exclusion areas found
7 within the route or corridor.

8 Q. Mr. Miller, at any given point within the
9 corridor and route does an avoidance area encompass
10 more than 50 percent of the corridor width?

11 A. Yes.

12 Q. And can you explain why that is?

13 A. Western's Williston substation is located
14 in the southwest quarter of Section 19, Township
15 154 North, Range 101 West. The substation has been
16 recently surrounded by the commercial and
17 industrial expansion associated with the Bakken oil
18 development. There is currently but one open
19 corridor that exists entering Western's substation,
20 and that corridor opportunity lies directly to the
21 west as shown in Exhibit -- is it 10 -- in
22 Exhibit 10.

23 As described earlier, there is
24 approximately 250 feet available that is not either
25 occupied by an existing transmission line or is

1 developed as either a commercial property or
2 residence. The entire 250-foot-wide corridor is
3 within any 500-foot-extent from the existing
4 residences and businesses in the area.

5 Q. Mr. Miller, at any given point within the
6 corridor and route, does an avoidance area as
7 identified in Section 69-06-08-02-2 exist?

8 A. Yes. There are seven businesses and five
9 inhabited rural residences within 500 feet of the
10 corridor and route.

11 (Exhibit 11 was marked for
12 identification.)

13 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
14 hand you this exhibit which the court reporter has
15 marked as Exhibit 11 and ask you to identify it.

16 A. It is a map depicting the avoidance areas
17 within the corridor and route, the seven businesses
18 and five rural residences located within 500 feet
19 of the proposed route.

20 Q. And, Mr. Miller, is this larger exhibit
21 the same as this exhibit here?

22 A. Yes, it is.

23 MS. JACOBSON: Your Honor, I'd move for
24 admission of Exhibit No. 11.

25 JUDGE HOBERG: Is this figure 4.2?

1 MS. JACOBSON: Yes, Your Honor.

2 JUDGE HOBERG: Any objections?

3 MR. GRUMAN: No, Your Honor.

4 JUDGE HOBERG: 11 is admitted.

5 Q. (MS. JACOBSON CONTINUING) Has the owner
6 of these inhabited rural residences signed a
7 waiver?

8 A. We have been unable to secure a waiver.

9 Q. Could you please tell us a little more
10 about these five residences and the area
11 surrounding them?

12 A. The owner of all five residences is
13 Patterson Services. It is a commercial business
14 providing drilling services to oil and natural gas
15 operators.

16 The Patterson property consists of
17 multiple buildings, one older farmhouse as shown as
18 the larger yellow dot in the blown-up section on
19 Exhibit 11. The farmhouse is approximately
20 290 feet from the centerline of the proposed route.
21 The four mobile homes are also shown by the four
22 smaller dots on Exhibit 11. The mobile homes are
23 located approximately 160 feet from the centerline
24 of the proposed route.

25 (Exhibit 12 was marked for

1 identification.)

2 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
3 hand you this document which the court reporter has
4 marked as Exhibit 12 and ask you to identify it.

5 A. It is a photograph I took on February 22,
6 2012, showing the land owned by Patterson Services.

7 Q. And are the four mobile homes and
8 residence shown in this photo?

9 A. Yes, they are.

10 MS. JACOBSON: Your Honor, I'd move for
11 admission the Exhibit No. 12.

12 JUDGE HOBERG: Any objection to
13 Exhibit 12?

14 MR. GRUMAN: No, Your Honor.

15 JUDGE HOBERG: Exhibit 12 is admitted.

16 Q. (MS. JACOBSON CONTINUING) Mr. Miller, can
17 you please describe what exists on the property
18 with respect to the photograph?

19 A. The area around the farmhouse residence
20 was formerly mainly agricultural, and with the
21 recent commercial growth associated with the Bakken
22 oil development, the land surrounding the original
23 farm residence was purchased by Patterson Services
24 in 2011. Patterson Services uses the property as a
25 commercial facility that maintains the farmhouse

1 and mobile homes for housing for its employees.

2 The entire area is surrounded by a chain
3 link fence. It is my understanding this area is
4 zoned commercial, but the Williams County
5 Commission and Williams County Planning and Zoning
6 allows a limited number of mobile homes or other
7 type of housing within areas zoned nonresidential
8 areas due to the housing shortage in northwestern
9 North Dakota.

10 If not for the housing shortage, it is
11 doubtful these mobile homes would be located in
12 their current location and no one would be living
13 in the old farmhouse that has been incorporated
14 into a commercial development.

15 Q. Mr. Miller, could you please describe the
16 seven businesses found within 500 feet of the
17 proposed route and the area surrounding them?

18 A. Referring to Exhibit 11, a 500-foot buffer
19 was placed over the project's corridor and route.
20 There were five residences and seven commercial
21 businesses identified within the 500-foot buffer.

22 The businesses to the south are bound by
23 U.S. Highway 2. The three businesses to the north
24 are located just off of 141st Avenue Northwest.
25 This area was formerly occupied by a single-rural

1 residence but has seen substantial commercial and
2 industrial development.

3 Q. Besides the seven businesses and five
4 residences, does the route pass within 500 feet of
5 any other farmhouse, rural residence or place of
6 business?

7 A. Yes. In the northwest one quarter of
8 Section 22, on Segment A, an RV park is under
9 development. At this time there are no RVs or
10 other residences on this land, and the only
11 development that has taken place is grading and the
12 installation of underground utilities.

13 When residences are located in the park,
14 many could likely fall within 500 feet of the
15 project. Thus, we thought it was prudent to obtain
16 a waiver from the landowner.

17 (Exhibit 13 was marked for
18 identification.)

19 Q. (MS. JACOBSON CONTINUING) Mr. Miller, I
20 hand you this document which the court reporter has
21 marked as Exhibit 13 and ask you to identify it.

22 A. It is a waiver obtained from Western
23 Company of Texas, the owners of the land who are
24 building the future RV park.

25 MS. JACOBSON: Your Honor, I move for

1 admission of Exhibit 13.

2 JUDGE HOBERG: Any objection to 13?

3 MR. GRUMAN: No, Your Honor.

4 JUDGE HOBERG: I'll admit 13 then.

5 Q. (MS. JACOBSON CONTINUING) Mr. Miller,
6 Basin Electric has requested that the PSC waive a
7 finding that under the circumstances there is no
8 reasonable alternative to this route as it concerns
9 five residences and seven businesses within
10 500 feet of the transmission facility proposed.
11 Pursuant to the regulations, the Commission, in
12 determining whether an avoidance area should be
13 designated for a facility, must consider the
14 following:

15 One, the proposed management of adverse
16 impacts;

17 Two, the orderly siting of facilities;

18 Three, system reliability and integrity;

19 Four, the effective use of resources;

20 And, five, alternative routes.

21 I am now going to ask you a series of
22 questions relating to these factors.

23 Mr. Miller, please explain why, under
24 these circumstances, there is no reasonable
25 alternative to the route proposed by Basin

1 Electric.

2 A. From a historical aspect, Western's
3 Williston substation was located in what was a
4 rural setting. With recent load growth associated
5 with the Bakken development, the need to supply
6 additional load serving capacity and provisions for
7 system reliability is required by Basin Electric.

8 Basin Electric has the responsibility as
9 the wholesale power provider to the region. Put
10 simply, there is but one corridor/route into
11 Western's substation that will facilitate a project
12 of this nature.

13 To illustrate that point, in 2010 Basin
14 Electric completed the Williston to Tioga 230 kV
15 project that interconnects a substation near Tioga
16 to the Williston substation. This interconnection
17 enters the Williston substation on the east side.
18 The commercial/industrial development that has
19 occurred since the Williston to Tioga 230 kV
20 project that was completed just two years ago
21 severely limits the available pathways into the
22 Williston substation for purposes of
23 interconnecting transmission facilities to the
24 proposed corridor/route.

25 Q. Mr. Miller, please describe how the route

1 proposed by Basin Electric manages potential
2 adverse impacts.

3 A. By locating the corridor/route immediately
4 alongside Western's 120-foot utility easement, the
5 project places the most distance possible between
6 the commercial property and residences, therefore
7 minimizing impacts to the public. Further, as
8 described in Table 2.3-1 of the application, the
9 project is anticipated to provide minimal or no
10 adverse impacts.

11 Q. Please explain how this route represents
12 the orderly siting of transmission facilities.

13 A. The route incorporates the input from the
14 members of the public and the landowners. As
15 mentioned previously, one landowner represents
16 approximately 79 percent of the lands crossed by
17 the project outside of the Williston substation.
18 That landowner stated he would only give us an
19 easement for the proposed route.

20 Q. Please explain how this route results in
21 the efficient use of resources.

22 A. The route does not impact family farm or
23 ranches and does not change or alter the current
24 land use. The project only removes 0.024 acres
25 from current land use.

1 Q. Please explain the alternatives analyzed
2 and rejected.

3 A. As discussed earlier, Western,
4 Mountrail-Williams and Basin Electric formally
5 analyzed the proposed route and alternatives A and
6 B within the NEPA context. Routes A and B were
7 rejected as having more avoidance area criteria
8 present and adverse impact to animal life and
9 unwillingness from landowners. The two routes did
10 not offer substantive environmental and/or economic
11 benefits that would warrant further investigation.

12 Q. Mr. Miller, is the route proposed by Basin
13 Electric based solely on economic considerations?

14 A. No.

15 Q. How does the preferred route -- the
16 preferred corridor and route demonstrate that
17 significant adverse effects, if any, upon
18 agriculture will be kept to an acceptable minimum?
19 Please address this issue in terms of farmsteads,
20 cropland and interference with irrigation.

21 A. The highest density of residences and
22 businesses are located in and around the west side
23 of Western's Williston substation, which is located
24 in the extreme eastern portion of the proposed
25 corridor. Rural residences and buildings have been

1 avoided to the extent practicable during the
2 detailed routing process. The corridor does cross
3 lands that have been recently rezoned from
4 agricultural to a recreational vehicle park.

5 Agriculture and livestock production
6 currently dominates the land use within the
7 proposed corridor. Overall, the proposed corridor
8 includes 56.1 acres of land, of which 87 percent is
9 classified as agricultural. Segment A is 92 and a
10 half percent grassland. Segment B is 73 percent
11 cropland and 11.9 percent grassland. Segment C
12 consists of zero percent agricultural land.

13 It is apparent that the lands near the
14 project are subjected to rapid zoning changes from
15 agricultural to commercial/industrial uses
16 supporting the regional oil activity.

17 No irrigated lands have been identified
18 within the proposed corridor.

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

23 A. Drainages within the proposed corridor are
24 largely intermittent or ephemeral. No impacts are
25 anticipated to occur to either surface or

1 groundwater flow patterns.

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

6 A. No significant adverse effect is
7 anticipated. Sensitive noise receptors within the
8 area include residents living in residences and
9 those anticipated to live in the developed areas
10 such as the RV park and work and live in the
11 commercial/industrial zoned areas. There would be
12 a short-term increase in noise during construction
13 of the transmission line.

14 Q. Will the facility have any visual impacts
15 to the adjacent areas?

16 A. Visual resources within the proposed
17 corridor and route largely consist of broad
18 expanses of cultivated fields, rangeland,
19 grasslands to the central and western portion and
20 commercial/industrial uses in the eastern area.
21 Because of the gently rolling terrain in the
22 proposed corridor, the transmission structures will
23 be visible in the general proximity. However, due
24 to the commercial nature of the current land use,
25 the visual impact will be limited.

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

3 A. No. Oil and gas development is ongoing in
4 northwest North Dakota. However, no known oil well
5 permits have been issued for areas within the
6 corridor or route.

7 The area is also served by the local rural
8 water district to meet the local potable water
9 needs. No known water well exploration is
10 occurring within the corridor or route.

11 Q. Do you anticipate any significant impacts
12 on wetlands, woodlands or wooded areas?

13 A. There are wetlands that are localized
14 areas within the proposed corridor and route. The
15 corridor and route spans approximately 0.18 acres
16 of wetlands. There are no woodlands or wooded
17 areas, including shelterbelts, within the corridor
18 or route. No impacts to wetlands are anticipated.

19 Q. Do you expect any significant adverse
20 effect on human and animal health and plant or --
21 human and animal health and safety or plant life?

22 A. No.

23 Q. Mr. Miller, earlier you testified that no
24 exclusion areas existed in the route and corridor
25 in the form of archeological resources. Were there

1 any cultural sites found in the proposed route and
2 corridor?

3 A. Yes. Two cultural sites were identified
4 during the Class III inventory. These areas will
5 be identified and flagged accordingly so they are
6 not disturbed during construction. The field
7 survey results were submitted to the North Dakota
8 State Historical Preservation Office and they
9 approved the project as proposed. Therefore, no
10 impacts to cultural resources are anticipated from
11 the project.

12 Q. Mr. Miller, will it be possible to route
13 in the preferred corridor and route so as to not
14 violate any city or county zoning ordinance?

15 A. Yes. Williams County has zoning
16 ordinances applicable to this transmission line
17 project. The Williams County Planning and Zoning
18 unanimously recommended approval for this project
19 to the Williams County Commission. At the planning
20 and zoning meeting there were no objections to the
21 project from the public. The Williams County
22 Commission is expected to approve this project at
23 their April 10, which is today, 2012 Commission
24 meeting. As part of this process, all landowners
25 within one mile of the project were notified.

1 Q. Mr. Miller, if the Public Service
2 Commission does not approve the proposed route,
3 what alternatives does Basin Electric have?

4 A. If the PSC did not approve the route
5 Mountrail-Williams would begin construction on
6 their 115 portion of the line, assuming they had
7 Western's FONSI on their EA as a PSC permit would
8 not be required for their 115 kV line.
9 Mountrail-Williams are under obligations to supply
10 the load to ONEOK's gas processing plant which
11 necessitates the construction of the 115 kV line in
12 2012.

13 Basin Electric would still need a
14 transmission line connecting the Judson substation
15 to the Williston substation. If the PSC didn't
16 approve the route, we would be forced to move
17 forward with three or four 115 kV transmission
18 lines adjacent to the Mountrail-Williams 115 line
19 in order to provide the same transmission capacity
20 of a single 230 kV transmission line.

21 Basin Electric's 115 kV line would not
22 require PSC approval and thus not run afoul of the
23 500-foot avoidance criteria. If that were the
24 case, we would likely have to condemn to obtain
25 easements for each of the three project segments as

1 landowners have indicated they are not in favor of
2 having multiple lines adjacent to one another.
3 Also, since there is limited space in this area,
4 space would probably not permit three to four 115
5 kV lines in this area.

6 Further, Basin Electric's building a 115
7 kV based Tie project as opposed to a 230 kV Tie
8 project would not be advantageous to the
9 reliability and stability of the power supply in
10 this area which is already constrained.

11 Additionally, the 115 kV based Tie project
12 would provide a larger physical footprint, increase
13 project cost and would not reflect the input of the
14 landowners in the immediate area.

15 Q. Does this conclude your direct testimony?

16 A. Yes.

17 MS. JACOBSON: No further questions, Your
18 Honor.

19 JUDGE HOBERG: Thank you, Ms. Jacobson.
20 Mr. Gruman, please.

21 MR. GRUMAN: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 **BY MR. GRUMAN:**

24 Q. I'll just start with an easy one first.
25 Of Segments A, B and C, was there an inventory done

1 of the tree and shrub within those areas?

2 A. HDR was ours and Mountrail-Williams'
3 consultant. HDR did do the field biological
4 surveys and no trees and shrubs were identified.

5 Q. Okay. If there were a situation whereby
6 there were trees and shrubs identified -- Exhibit 1
7 is the order of certificate provisions concerning
8 tree and shrub mitigation -- would your company be
9 against clearing all tree and shrubs and those
10 various protocols if there were something found
11 within the entire right-of-way?

12 A. We would not object to that protocol.

13 Q. Okay. What I'd like -- the next -- I'd
14 like you to just explain further your company's
15 efforts towards obtaining a waiver from Patterson
16 concerning the -- the avoidance area.

17 A. It is my understanding that there were
18 several contacts made with Patterson over the last
19 year or two. Patterson being a -- you know, a
20 local presence, but they are part of a larger
21 organization, they have multiple subsidiaries.
22 They're based out of -- Houston, Texas, is their
23 corporate office.

24 Several discussions were made, and as
25 Mr. Christenson testified, you know, the last

1 contacts for -- for their own reasons they believe
2 this waiver of the siting act somehow puts
3 liability on their part as far as their employees
4 by that residence. Therefore, that was their
5 objection and --

6 Q. So just so I understand you correctly,
7 their objection is entirely from the standpoint of
8 this potentially could subject us to further
9 liability and therefore it's just -- there's just
10 no chance we're ever going to sign this waiver?

11 A. I think it's -- it's just that the waiver
12 itself accepts a corporate -- the corporation
13 giving a waiver -- perhaps it's a misunderstanding
14 of what the waiver means.

15 Q. Mm-hmm.

16 A. It's not a waiver of, you know, indemnity,
17 of anything that could be negatively associated
18 with the transmission line. It's more of a waiver
19 of the siting act.

20 Q. Well, from our end I mean you understand
21 the legislator -- legislature has indicated that
22 unless there's a reason -- there can't be any
23 reasonable alternative concerning this type of
24 situation. Now, liability -- I guess as a lawyer,
25 two objective people speaking to one another, it's

1 risk, i.e. money, so has there been -- is there a
2 money standpoint to this as far as them asking for
3 more money to offset, I guess, their liability
4 concerns?

5 A. To my knowledge, there has been no
6 discussion of money.

7 Q. Okay.

8 A. It's just the waiver.

9 Q. Would you agree, then, because I -- I
10 don't want to put words -- oh, go ahead.

11 A. Let me just add they have indicated it's
12 not about money.

13 Q. Okay. One moment, please. Well, I
14 believe Mr. Marohl was going to ask you questions
15 concerning route so I don't want to conflict with
16 that. For this time I'll -- I can proceed.

17 Well, you know, I think obviously you've
18 submitted a good portion of testimony and evidence
19 concerning why B has to be where B needs to be and
20 C and et cetera, but perhaps maybe just for the
21 purposes of the record if you wouldn't mind
22 approaching or I guess if you want to just from
23 there, too, just to kind of explain from the map
24 why you can't, you know, go further south or
25 further north, looped around. Maybe just summarize

1 it for us. I think that would be -- that would be
2 great.

3 A. Certainly. I believe this is Exhibit --

4 JUDGE HOBERG: 9?

5 THE WITNESS: This map might be better.

6 JUDGE HOBERG: No, it's not 9. Which
7 exhibit is that?

8 MS. JACOBSON: It was in Gary's testimony.
9 It was 7, I think.

10 JUDGE HOBERG: 7, yeah. Okay.

11 Q. (MR. GRUMAN CONTINUING) Please proceed.

12 A. Okay. Thank you. Here is the location of
13 the -- of the, quote, farmhouse. And then as this
14 area has been developed and you see all those
15 substantial lots being --

16 JUDGE HOBERG: I can't see that. So are
17 you now pointing to the Patterson Services one?

18 THE WITNESS: Correct.

19 JUDGE HOBERG: Yeah. Okay.

20 THE WITNESS: So to cross -- cross this
21 commercial/industrial area is very tight. As we --
22 as I'm pointing to the Western Williston
23 substation, here's our -- Basin Electric's line
24 that we just built two years ago and all -- all --
25 you know, this current development.

1 This photograph actually was taken from
2 Google in the fall of 2011. I believe if you go
3 out there today, it's actually substantially
4 different as well. I mean a lot of development is
5 occurring very rapidly.

6 On the bottom of the photograph is U.S.
7 Highway 2, and that's where these businesses are
8 owned by -- as Mr. Christenson testified, they're
9 all coming up from the south. It precluded any
10 routing through that area.

11 On the south side of U.S. Highway 2 is the
12 North Dakota -- North Dakota State University Ag
13 Research Center. They -- they value their lands
14 and their -- the cropped area as well. That also
15 precluded us from going that direction.

16 Q. (MR. GRUMAN CONTINUING) Please continue.

17 A. Is there another specific area you'd like
18 to --

19 Q. Well, so I think you've pretty well
20 defined the south. Could you go into a little bit
21 further about why you couldn't do, like, a north
22 and then an east loop around to tie into Western --
23 something more like this?

24 A. Figure 4.2 is Exhibit 11. That's what
25 we're referring to now. Yes. As we -- the

1 beginning of Segment A, that's the departure point
2 where our 345 segment would head to the north and
3 eventually head west towards Williston. The point
4 of departure here is the 115 line heading to the
5 ONEOK gas processing plant.

6 There is residential areas right up
7 through here so, again, that precluded siting a
8 transmission line. Once we got down to the Judson
9 substation, perhaps -- you asked why we didn't go
10 straight east, and here's this commercial
11 development area. Again, this photograph was -- I
12 believe the date on this is 2009, but if you go out
13 there today, there's dramatic commercial
14 development along the north half of Section 24.

15 Q. Okay. Well, you know, I'll just ask this
16 straight out because obviously I need to look at it
17 from the most pessimistic standpoint due to this
18 standard of no reasonable alternative. Now, it's
19 my understanding that in Segment B, and for that
20 matter -- well, Segment B, a good portion of the
21 why you put it where it is is due to landowner --
22 the landowner. That's where he wants it; correct?

23 A. Correct.

24 Q. To get around that alternatively you would
25 have -- you would be able to proceed with

1 condemnation proceedings, correct, to alternatively
2 figure out a different route if you so needed to
3 do; would that be correct?

4 A. Condemnation has always been an option.
5 This landowner, you know, is a large landowner, so
6 he owns these three sections. He owns other lands
7 in the area.

8 Q. Mm-hmm.

9 MR. MAROHL: Just if I may, which sections
10 does he own?

11 THE WITNESS: He owns Sections 15, 23 and
12 24.

13 MR. MAROHL: So he doesn't own 14 and 13?

14 THE WITNESS: I believe he owns some land
15 in 14 as well.

16 Q. (MR. GRUMAN CONTINUING) What's the
17 landowner's name? I don't know if I've --

18 A. Mr. Abe Owens.

19 Q. Owens.

20 I guess, you know, what -- what I'm kind
21 of getting at is that our rules indicate that
22 economic considerations are not dispositive;
23 however, they can be taken into account. If you
24 could explain to me -- I'm assuming that your
25 company did an analysis whereby there's time

1 constraints as far as when we need to be building
2 this line in relation to, well, if we had to go
3 through condemnation proceedings, how that would
4 stall the process. If you could just go into that,
5 those kind of considerations.

6 A. If I could recap Mr. Christenson's
7 testimony and Mr. Haugen's testimony as well,
8 Mountrail-Williams has a contractual obligation to
9 deliver power to that Stateline project. That
10 obligation is required to be constructed and
11 operational here by the fall of 2012.

12 Mountrail-Williams was far along in their
13 easement and routing process and they'd already
14 initiated that NEPA action, as well, when Basin
15 Electric became aware of our larger 345 project.
16 So as Mr. Christenson said, that's when we joined
17 and we -- we quickly identified the need to
18 minimize the impact on land use, land resources,
19 environmental, cultural, all those siting criteria.

20 It would be best if we could co-locate.
21 And since there was a route, an agreeable
22 landowner, very minimal environmental impact
23 with -- with the proposed route, with the exception
24 of just that area to the east end, and that's where
25 we have our discussion here now on the avoidance

1 area, it's just -- we're in an unfortunate area
2 where the Western Williston substation, perhaps
3 it's about a 50-, 60-year-old facility and was
4 built in a rural area and land use has changed over
5 time and has really changed in the last three to
6 four years.

7 Q. Clearly, you're -- you're a gentleman of
8 many years of experience. I guess one question
9 that I have is have you ever in your experience ran
10 into a situation where you had to go through
11 condemnation proceedings to acquire a corridor and
12 a route?

13 A. I personally have not.

14 Q. Okay. Well, the last thing I want to --

15 JUDGE HOBERG: Has your company, though?

16 THE WITNESS: Yes, I believe we have.

17 Q. (MR. GRUMAN CONTINUING) Since I guess the
18 rule of evidence isn't too significant here, I'll
19 just ask through hearsay -- well, I don't want you
20 to speculate, but just out of curiosity, I mean, if
21 you did have to go through condemnation proceedings
22 to acquire a different route and corridor to this
23 WAPA substation there, how long would you speculate
24 something like that would take? I don't want you
25 to speculate. What's your opinion?

1 Mountrail-Williams is a small box, small substation
2 in between, and then Western -- this is a recent
3 expansion of Western's substation. Even though
4 it's recent, but then the land use, again, has been
5 dramatically changed around there.

6 Q. Sure. I guess I'm just wondering how far
7 north that goes and then we have this zoom-in of
8 Segment C, so I have really no idea what's sitting
9 there. And then are these landowners, these
10 homeowners in the northwest section of Section 14,
11 are they opposed to a transmission line?

12 A. Mountrail-Williams, as we testified, has
13 received unanimous approval of the conditional use
14 for the 115 line, and today the Williams County
15 Commission is discussing that item as well.
16 Perhaps they have approval, but the -- through that
17 process, all landowners within one mile of the 115
18 line were notified and no objections were received
19 in the planning and zoning.

20 Q. So based on that, those landowners aren't
21 necessarily opposed to the transmission lines?

22 A. I would agree.

23 JUDGE HOBERG: Can I just follow up on
24 something?

25 MR. MAROHL: Sure.

1 JUDGE HOBERG: Is it my understanding
2 that -- that Mountrail-Williams is going to build
3 their 115 all the way from Western's Williston
4 substation up to Mountrail-Williams/Stateline
5 substation regardless? So that line is going to go
6 through there regardless; right?

7 THE WITNESS: That's correct. That's
8 correct.

9 JUDGE HOBERG: Okay. Mr. Marohl.

10 Q. (MR. MAROHL CONTINUING) Has
11 Mountrail-Williams looked at that alternative of
12 going east and west along 52nd Street and then
13 north and south along 141st Street -- Avenue?

14 A. Mountrail-Williams did that original
15 routing and considerations and alternatives for the
16 development of the EA. So going across 52nd Street
17 would be very complicated with the -- as you see
18 the residences up there as well.

19 Q. Sure.

20 A. So their -- I believe it's alternative B
21 actually went six miles north before it headed
22 west.

23 Q. Do we have a map of this that doesn't have
24 this Segment C detail overlaying it?

25 A. Perhaps we can look at the application,

1 but in the testimony we brought here today, no.

2 Q. Okay. Actually, Exhibit 8 looks like --
3 well, let me ask you this: Is entering the
4 substation from the north technically feasible?

5 A. From my understanding from the engineers
6 and our right-of-way land crew, it is not. It's
7 very complicated there as well. One thing I would
8 caution in using, you know, Figure 4.1, this
9 photograph, you know, the background was based from
10 the NRECS aerial, so I believe this is at least
11 three if not four years old.

12 Q. Okay.

13 A. So the photograph that we used, and I
14 believe that's Exhibit 11, that was pulled up from
15 the fall of 2011. So what this photograph shows is
16 that there's a lot of opportunities for routing a
17 transmission line, but a drive out there and a real
18 recent photo would show just how complicated line
19 routing would be.

20 MR. MAROHL: Do you have anything further,
21 Your Honor?

22 JUDGE HOBERG: I was wondering if you do.
23 You look like you might.

24 MR. MAROHL: I feel like I should, but I
25 can't think of anything.

1 JUDGE HOBERG: Mr. Gruman, anything else
2 right now?

3 MR. GRUMAN: No, Your Honor.

4 JUDGE HOBERG: Okay. I don't know -- do
5 we need a late-filed exhibit on the Williams County
6 Commission that's meeting today?

7 MS. JACOBSON: Sure. I think we can file
8 that. The meeting this morning was at
9 eight o'clock and we expected approval, and I don't
10 think we've heard yet, but we'd be happy to file
11 that.

12 JUDGE HOBERG: I think that might be good
13 for Exhibit 14, late filed, the Williams County
14 approval.

15 MR. MAROHL: If not, I think that's
16 something that would be covered in the
17 certification as well.

18 JUDGE HOBERG: Is it?

19 MR. MAROHL: I believe so.

20 JUDGE HOBERG: Well, let's get it.

21 MR. MAROHL: Okay.

22 **EXAMINATION**

23 **BY JUDGE HOBERG:**

24 Q. Okay. Maybe you covered this already, but
25 looking at -- I don't know which one I'm looking

1 at, either 7 or 8 or both of them, are there
2 residences coming down from the north there?

3 A. Are you referring to Figure 4.1, Your
4 Honor?

5 MR. GRUMAN: It would be Exhibit 8, Your
6 Honor.

7 Q. (JUDGE HOBERG CONTINUING) Yeah, Exhibit
8 8 -- look at Exhibit 8 and Exhibit 7. What's
9 coming down from the north along that -- along
10 140 -- 141st -- 141st Street?

11 A. Most of the development along that area is
12 commercial -- industrial/commercial areas.

13 Q. Okay.

14 A. As you get about a mile and a half north
15 on this photograph, there are some farmsteads up
16 there, but the -- the large disturbance area is
17 commercial/industrial.

18 Q. Is it common, Mr. Miller, especially
19 considering this environment in the Williston area,
20 where you might build a line and somebody with
21 commercial or whatever, rural area would put RVs or
22 mobile homes as close to the line as they can
23 possibly get without getting in the right-of-way?

24 A. Our easements that we acquire only
25 restrict the land use development underneath the

1 right-of-way.

2 Q. Exactly.

3 A. What the adjoining properties do to their
4 lands we have no control.

5 Q. So there might be someone within
6 500 feet -- might be a lot of people within
7 500 feet after you develop a line?

8 A. That's correct.

9 Q. Considering -- I don't want to ask you to
10 speculate, either, but it seems like that might be
11 a real possibility with all the rapid development
12 in this area.

13 A. One would certainly assume so. I think,
14 you know, like with the -- oh, the land --
15 availability of housing in the area, so when we
16 have these commercial/industrial complexes getting
17 constructed, you have a lot of the workforce
18 traveling in RVs and the quick setups, the modular
19 homes, the mobile homes, et cetera. I think that
20 you'll find that common in Williams County.

21 Q. So that if assuming we sited this as you
22 propose with the -- with the five residences and
23 seven commercial, that could easily be 20
24 residences and however many commercials within a
25 period of time.

1 A. That is correct. Even in our discussion
2 with Patterson Services, even though they have the
3 former rural residence and the four mobile homes,
4 they've even informed us that perhaps there will be
5 additional housing on their commercial property, as
6 long as they're compliant with the local county and
7 township.

8 Q. One might be able to consider that a de
9 facto waiver if that happened, obviously. Never
10 mind. That's not a question.

11 All right. Okay. You're spanning a
12 couple wetlands; right?

13 A. That is correct.

14 Q. Is there any temporary impact to spanning
15 those?

16 A. No.

17 Q. Did -- do you have all the permits that
18 are necessary for the --

19 A. For the construction of the 115 line, the
20 major permit on a local basis is a conditional use
21 permit. As we already discussed it's forthcoming.
22 And then the federal agency, the finding of no
23 significant impact on the EA, is also expected very
24 shortly. Once -- once that is in place,
25 Mountrail-Williams would be able to start

1 construction of their 115 line, other than this
2 double-circuiting portion which is under
3 jurisdiction here today, so they will not be able
4 to start the 345 or 230 segments until we -- this
5 body, I guess, makes a determination on our state
6 siting.

7 JUDGE HOBERG: I think that's all the
8 questions I have.

9 Ms. Jacobson, any further questions of
10 Mr. Miller?

11 MS. JACOBSON: No, Your Honor.

12 JUDGE HOBERG: Mr. Gruman?

13 MR. GRUMAN: No, Your Honor.

14 MR. MAROHL: Nothing further, Your Honor.

15 JUDGE HOBERG: Thank you, Mr. Miller.

16 All right. I don't think -- I think both
17 of our public participants left, but I'll say it
18 one more time just for the record, is there anyone
19 present who wishes -- members of the public, not
20 associated with Mountrail-Williams or Basin
21 Electric, who wishes to present evidence to the
22 Commission today, information of any kind? I see
23 no one, so there will be no public participation in
24 this proceeding today.

25 Ms. Jacobson, you have no other evidence

1 to present then?

2 MS. JACOBSON: I do not.

3 JUDGE HOBERG: All right. Thank you. All
4 right. Let's discuss how we're going to close this
5 then. It's typical for the Applicant to file
6 proposed findings of facts, conclusions of law and
7 order, and you may want to file a brief along with
8 that. I'm not going to require that, but at least
9 proposed findings of fact, conclusions of law and
10 order.

11 Can you give me some idea of when you
12 might do that?

13 MS. JACOBSON: Within the next week.

14 JUDGE HOBERG: Okay. Then as I said,
15 we're likely to have a work session on this which
16 will be scheduled -- would you like notification of
17 that?

18 MS. JACOBSON: Yes, we would, please.

19 JUDGE HOBERG: Okay. I can't guarantee
20 when that's going to be, but it will probably be
21 fairly soon, shortly after you file your
22 proposed -- proposals.

23 And then we'll do that, as I said, and
24 then shortly after that I'll be issuing a
25 recommended decision to the Public Service

1 Commission and, of course, you'll get a copy of
2 that.

3 Anything else you want to bring to the
4 attention of the Commission before we close this
5 hearing? Did you want to make a closing statement?

6 MS. JACOBSON: I don't think that's
7 necessary.

8 JUDGE HOBERG: Okay. Okay. Anything else
9 to bring to our attention?

10 MS. JACOBSON: No, Your Honor.

11 JUDGE HOBERG: All right. Okay. It's
12 about 12:20 and we'll close this hearing. Thank
13 you very much.

14 (Concluded at 12:19 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Stephanie A. Smith, a Registered Professional Reporter,

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

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

Dated at Bismarck, North Dakota, this 18th day of April, 2012.

Stephanie A. Smith
Registered Professional Reporter

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