

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :
345 kV Transmission Line - Mercer, : Case No.
Dunn, McKenzie, Williams Counties : PU-11-696
Siting Application :

TRANSCRIPT OF
PUBLIC HEARING

Taken At
17 North Main Street
Tioga, North Dakota
September 5, 2013

BEFORE BONNY M. FETCH
-- ADMINISTRATIVE LAW JUDGE --

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COMMISSIONERS PRESENT:

COMMISSIONER BRIAN P. KALK, President
COMMISSIONER JULIE FEDORCHAK
COMMISSIONER RANDY CHRISTMANN

MS. CASEY J. JACOBSON
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FOR THE PUBLIC SERVICE
COMMISSION.

COMMISSION STAFF PRESENT:

MR. JERRY LEIN, Public Utility Analyst

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>O</u>	<u>R</u>
39	Late-Filed Exhibit - Wisconsin PSC Study on Underground Cables	30	30
40	Late-Filed Exhibit - Map of the Six-Mile Macro-Corridor from the Charlie Creek Substation to Antelope Valley Station	90	90
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1 (The following proceedings were had and
2 made of record herein, commencing at 10:02 a.m.,
3 Thursday, the 5th day of September, 2013:)

4 JUDGE FETCH: All right. Let the record
5 show that it is 10:02 a.m., Central daylight time,
6 on September 5, 2013.

7 And we're present at the Sportsman's Cafe
8 in Tioga, North Dakota, for a hearing scheduled in
9 the matter of applications filed on March 15, 2013,
10 by Basin Electric Power Cooperative for a waiver of
11 procedures and time schedules and a corridor
12 certificate and route permit to authorize
13 construction of approximately 197.1 miles of 345 kV
14 electric transmission line and associated
15 facilities from the existing AVS Substation near
16 Beulah, North Dakota, to a new Tande 345 kV
17 substation to be constructed near Tioga, North
18 Dakota. And this is Public Service Commission Case
19 Number PU-11-696.

20 On July 23, 2013, Basin Electric filed an
21 amendment to the application.

22 My name is Bonny M. Fetch, and I am an
23 independent administrative law judge from the
24 Office of Administrative Hearings in Bismarck,
25 North Dakota, and I am the procedural

1 administrative law judge designated to conduct this
2 hearing before the Commission.

3 I'm going to -- the hearing was originally
4 noticed to be held at City Hall in Tioga, and a
5 change was made to this location because of the
6 necessity to possibly provide additional space. So
7 I believe that a notice has been posted at City
8 Hall and there is someone directing people to this
9 location.

10 At this time, we'll state appearances for
11 the record. Casey Jacobson is on record as counsel
12 for Basin Electric. And, Ms. Jacobson, please
13 identify who will be testifying for Basin Electric.

14 MS. JACOBSON: Thank you, Your Honor.

15 This morning we will have five witnesses.
16 The same four that presented yesterday will be
17 presenting in a more abbreviated summary format,
18 and then additionally we will have Mike Murray
19 testify with the specific route testimony.

20 And at today's hearing, we will be
21 focusing on the segment from Judson to Neset;
22 although, we'd be happy to address any other
23 segments or any other issues that may come up.

24 JUDGE FETCH: Thank you, Ms. Jacobson.

25 Mitch Armstrong is counsel representing

1 the Commission. And, Mr. Armstrong, please
2 identify Commission staff present with you.

3 MR. ARMSTRONG: With me is Commission
4 staff, Jerry Lein, a public utility analyst for the
5 Commission.

6 JUDGE FETCH: All right. Thank you.

7 Members of the public who are present,
8 would you please raise your hands so I can see
9 where you are. Okay. One, two, three, four --
10 five people have their hands up, I believe.
11 Welcome.

12 I'm just going to explain a couple things
13 for you. This is an evidentiary hearing, and there
14 are several types of hearings that the Commission
15 may hold. For an application hearing such as this,
16 we are going to first proceed with the case from
17 Basin Electric. And then following their
18 completion of their case, I will open it up and ask
19 members of the public who wish to come forward and
20 give information to the Commission to do so at this
21 time. This is a public input hearing, so the
22 Commission will -- would like to hear from members
23 of the public.

24 There are no intervenors in this hearing.
25 Intervenors are considered a party and can put on a

1 case and put on witnesses and question witnesses.

2 Members of the public are not considered
3 full participants. They are not a party and as
4 such cannot call witnesses or cross-examine
5 witnesses, but the purpose for public input is for
6 you to be able to give information to the
7 Commission.

8 All right. Members of the Public Service
9 Commission present today are Brian Kalk, Commission
10 Chair, who is the portfolio holder in this matter;
11 and Commissioner Randy Christmann; and Commissioner
12 Julie Fedorchak.

13 And at this time I'm going to ask for
14 opening comments from the commissioners, beginning
15 with Commissioner Kalk.

16 COMMISSIONER KALK: Thank you, Your Honor.

17 Thank you, everyone, for coming out today.
18 The -- for those of you from the public that this
19 is your first chance getting to listen to us talk
20 and hear the company's viewpoint, yesterday we were
21 in Killdeer for 11 and a half hours of hearings, so
22 I don't anticipate it being that long today.

23 The format is very simple. The company
24 will take some time to kind of lay out the higher
25 level of the project. I don't anticipate as many

1 questions from the commissioners as we had
2 yesterday because we've heard all this testimony,
3 except for one person, yesterday, so I expect our
4 questions will be less. But we really hope to get
5 to your testimony, being the public, as quick as we
6 can. So please bear with us.

7 The -- the way it's set up in law is that
8 the Public Service Commission comes to the areas
9 most affected, and you're -- you're right in this
10 area where the last part of this power line is
11 proposed to be built. So we really wanted to hear
12 your input.

13 And the thing about the PSC is that we
14 want -- it's a formal process, but we want to keep
15 it informal where you come up, say your piece and
16 then it becomes part of the record that we can then
17 make a decision on.

18 So, like I said, we'll try to get to your
19 testimony as quick as we can, and thank you for
20 coming out today and I look forward to hearing your
21 thoughts.

22 Thank you.

23 JUDGE FETCH: Thank you, Commissioner.
24 Commissioner Christmann.

25 COMMISSIONER CHRISTMANN: Thank you, Your

1 Honor.

2 As Commissioner Kalk just talked about, we
3 probably won't have near as many questions as we
4 did yesterday, and so for the people who are
5 sitting here for the first time, it may seem
6 like -- I hope it doesn't seem like we're
7 disinterested. All the questions that we had that
8 were asked yesterday are part of a public record.
9 If you want to go back and research that, you know,
10 you're certainly welcome to.

11 Just for a little bit of background, until
12 last fall I've made my living on a ranch down by
13 Hazen and have a number of power lines, including a
14 Basin 345 line, coming through my property. And I
15 do know that for those of you who are here as
16 landowners, the best place for these power lines is
17 usually just another mile or two over on the
18 neighbor's land. You know, I don't enjoy cutting
19 hay and farming around them. And whenever they're
20 out there doing maintenance, I think those of you
21 who own cattle would agree that we never quite a
22 hundred percent trust anybody else to get the gates
23 closed right or anything like that.

24 But on the other hand, I've never had any
25 problem with them, either. And when I turn on the

1 light switch, I want the lights to come on, and in
2 order for those kinds of things to happen, we know
3 that these lines have to go someplace.

4 We as a Commission take the first word of
5 that term Public Service Commission very seriously.
6 That's why we were in Killdeer yesterday. We came
7 back here to hear much of the same thing, except
8 for your comments today, and we'll do the same
9 thing in Williston next week, because it's our job
10 to make the best possible decision on this matter,
11 and I don't think any of us feel that we can do
12 that from Bismarck.

13 We want to get out here. We want to hear
14 from the public that's impacted by this, that knows
15 the land, knows the issues, knows the obstacles,
16 and we'll make our best decisions after we've heard
17 from you. That's why we're here today.

18 So I don't want anybody to feel like they
19 should be shy or anything about talking to us just
20 because we've got a stack of books here or anything
21 like that.

22 When we've heard from Basin and then you
23 hear what the proposal really amounts to, we are
24 here because we want to hear your thoughts on this
25 plan.

1 So with that, that's all I have, Your
2 Honor.

3 JUDGE FETCH: Thank you, Commissioner.
4 Commissioner Fedorchak.

5 COMMISSIONER FEDORCHAK: Good morning,
6 everybody. I appreciate the comments from Randy
7 and Brian about thanking you for being here. I,
8 too, want to thank you for being here. This is
9 democracy at work and we really do appreciate you
10 taking time out of your schedule.

11 It will be a few hours before you probably
12 get a chance to speak, so just to have your mindset
13 situated in that regard, but we really do want to
14 hear from you and thank you for coming.

15 Also, in way of perspective, we're here, I
16 think, because of growth and because of the demands
17 that are occurring in our state.

18 Yesterday, one of the fellows that
19 testified said, "We're not in the horse and buggy
20 days," and I thought that was really telling. We
21 aren't in the horse and buggy days. Our state is
22 alive with opportunity and we're really on the
23 move.

24 And so we're here because of that and
25 that's a good thing. And so our job is to find the

1 best possible way to manage that growth, to have
2 the least possible impact -- negative impact on
3 people while also providing the important
4 infrastructure we need to support it.

5 I left North Dakota when I was just out of
6 college because there was no opportunities here and
7 I didn't see a future for myself here. And we
8 bemoaned all the young people like myself who were
9 doing the same thing. It was our greatest export,
10 our young people.

11 And today things are different. People
12 are coming here from other states because we have
13 opportunity, we have the environment that supports
14 business growth. And it's painful and there is
15 changes and it's -- it's required us all to stop
16 and think and in some regards appreciate what we
17 have in terms of solitude and peace and quiet.

18 And so now we have -- are walking the
19 balance of trying to have both, and I'm confident
20 we can do it. We'll do a better job of it because
21 of participation from the public, like all of you
22 who are here today, to say your piece.

23 We'll learn a lot today from Basin about
24 what the project status is, what has been done,
25 what remains to be done. And -- and I think that

1 with your input, we'll come out with a better
2 project in the end.

3 So many thanks to Basin and all the work
4 that your team has done. You guys and the co-ops
5 that are your members have been great neighbors and
6 important partners of growth in our state for a
7 century. And it's reassuring to know that you guys
8 are here for the long haul, you have been, and I
9 have confidence that you're going to do the right
10 thing in the end.

11 And so thank you for your partnership, and
12 we look forward to a good hearing.

13 JUDGE FETCH: Thank you, Commissioner.

14 The issues for the hearing were set out in
15 the notice of hearing and published and I am not
16 going to repeat those today, but I will go through
17 a few things about hearing procedure.

18 As I indicated, Basin Electric will
19 proceed first to present its case for granting the
20 applications. Witnesses called by Basin will be
21 subject to cross-examination by Mr. Armstrong and
22 then I will ask the commissioners for any questions
23 they may have. I may also ask any questions.

24 In an evidentiary hearing, the Commission
25 receives evidence and they must base its decision

1 on the evidence and information presented at the
2 hearing. The Commission may not base its decision
3 on any information obtained outside the hearing.

4 So, you know, the commissioners have urged
5 you not to be shy, to come and speak up, because if
6 you catch them somewhere else and want to give them
7 information, that's not something the Commission
8 can consider. So you need to take this opportunity
9 here to say what you have to say.

10 Any documentary evidence must be
11 introduced and marked as an exhibit and admitted
12 into the record at this hearing.

13 The burden of proof is on the applicant,
14 Basin Electric, to show by the greater weight of
15 the evidence that the applications should be
16 approved by the Commission.

17 Counsel, are there any preliminary
18 matters, questions, anything we need to go over
19 before we proceed?

20 MS. JACOBSON: I don't believe so, Your
21 Honor.

22 MR. ARMSTRONG: Nothing here.

23 JUDGE FETCH: All right. Thank you.

24 Just a couple more things. All witness
25 testimony at this hearing is taken under oath and

1 is subject to penalties for perjury, and by law I'm
2 required to inform witnesses as to those penalties.
3 Perjury in the state of North Dakota is a Class C
4 felony, it's punishable by a maximum fine of
5 \$5,000, a maximum five years in prison or both. So
6 what that means is when you're sworn, you have to
7 tell the truth.

8 All right. We'll proceed first then --
9 tell me who the four witnesses -- or the five
10 witnesses are for Basin so that I can administer
11 the oath to them.

12 MS. JACOBSON: The first witness is
13 Mr. Duey Marthaller, the second witness is
14 Ms. Becky Kern, the third is Matthew Stoltz, the
15 fourth is Cris Miller and the last witness is Mike
16 Murray.

17 JUDGE FETCH: All right. Would you all
18 please raise your right hands.

19 (Witnesses sworn.)

20 JUDGE FETCH: Thank you. All right. And
21 I'll do the same for members of the public when we
22 go to that process.

23 Ms. Jacobson, call your first witness,
24 please.

25 MS. JACOBSON: Thank you, Your Honor. The

1 first witness is Mr. Duey Marthaller.

2 JUDGE FETCH: All right. Proceed.

3 **DUEY MARTHALLER,**

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

6 **DIRECT EXAMINATION**

7 **BY MS. JACOBSON:**

8 Q. Mr. Marthaller, can you tell the
9 Commission where you work and what you -- what you
10 do at Basin Electric?

11 A. I'm employed by Basin Electric and I'm the
12 manager of civil engineering, and I'm the project
13 manager for the project we're meeting on today.

14 Q. And as the project manager, what are you
15 responsible for?

16 A. I'm responsible for all aspects of the
17 project, including environmental, permitting,
18 transmission line design and right-of-way and all
19 other aspects of the project.

20 Q. Can you please describe the project using
21 Exhibit 1, which was previously entered into
22 evidence?

23 A. Okay. This is the map that's on the easel
24 to my right. The project is shown as the red line
25 on this diagram, and this is -- you can see Lake

1 Sakakawea here. That kind of gives you a frame of
2 reference.

3 Okay. The project is 197 miles of 345 kV
4 transmission line, and it goes from Antelope Valley
5 Station near Beulah, North Dakota, up to the
6 substation called Naset, which is near Tioga, North
7 Dakota.

8 In addition to this 345 kV line, there is
9 a .9-mile-long 230 kV short little tie line between
10 the substations Tande and Naset right up by Tioga.

11 Part of this line is going to be double
12 circuit, meaning that there are two electrical
13 circuits on the structures. One segment is about
14 32 miles in length and it is up here in the Ray
15 area, and another portion of double-circuit line is
16 down here by Antelope Valley Station, which we're
17 going to refer to as AVS today, where we plan to
18 double-circuit with an existing 345 kV line that
19 Basin Electric currently has there. And the reason
20 for that double-circuiting there is for mine
21 planning and -- and the -- moving the existing line
22 because of coal mining.

23 Okay. The -- the existing substations
24 that will be added to as a result of this project
25 are AVS, Charlie Creek over here by Grassy Butte,

1 and Neset, the one I mentioned up by Tioga. There
2 are two new substations. One is Judson by
3 Williston and the other is Tande, adjacent to
4 Neset, about a mile away.

5 Q. What are the benefits of the
6 double-circuiting portion from Judson to Neset?

7 A. The benefit of the double-circuiting is we
8 are partnering with our member cooperative up
9 there, Mountrail-Williams Electric Co-op, and they
10 need to build a 115 line in that area. So early on
11 we got together with them and instead of taking up
12 too much -- two right-of-ways, we are going to
13 share a right-of-way and structures and put both
14 circuits on that for a distance of about 32 miles.

15 Q. Can you describe briefly what the
16 structure will be.

17 A. Okay. These will be steel
18 self-supporting, single-pole structures. There are
19 a couple places where we are going to need to use
20 H-frame structures, the long spans, and so there
21 will be two poles in those H-frame structures.

22 All angle structures will be also
23 self-supporting. There will be no guy wires.
24 In -- the double-circuiting section and the angle
25 structures in some cases require two poles at one

1 location.

2 Q. And what's the schedule for the Judson to
3 Neset portion of the project?

4 A. The Judson to Neset portion will be
5 constructed in 2017.

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

8 JUDGE FETCH: Thank you.

9 Mr. Armstrong.

10 MR. ARMSTRONG: Thank you.

11 **CROSS-EXAMINATION**

12 **BY MR. ARMSTRONG:**

13 Q. Just a couple, Mr. Marthaller. Why -- and
14 if it's a different answer for each, let me know,
15 but I note that there's two substations close to
16 the proposed Tande and Judson Substation. Why do
17 we need the new substations?

18 A. Okay. Right up there by Neset there's an
19 existing MDU substation that was built, I think, in
20 the mid-1960s, and we just recently built Neset
21 Substation adjacent to it, literally it's right
22 beside it, and we have those two tied together.

23 There's very limited access into Neset
24 Substation, and this is a 345 kV substation that we
25 are building and then transform down to 230 to tie

1 into the other two substations. And we need room,
2 we need access. There wasn't room or access there,
3 so we moved it like a mile south.

4 Q. And how about for the Judson one?

5 A. The Judson Substation is adjacent to a
6 Western Area Power Administration substation called
7 the Williston Substation, and that substation is
8 also an older substation. It is -- it is locked in
9 with development around there, and so we had to
10 move the Judson Substation a little ways away.

11 Now, at Judson we were able to buy one
12 parcel of land and partner with -- again,
13 Mountrail-Williams built a substation directly
14 adjacent on the same property as what we're
15 building our Judson Substation.

16 Q. Okay. Is there -- my other question is
17 with the double-circuited line with the local
18 cooperative, is there any concerns with reliability
19 as far as the line being circuited together?

20 A. No. The -- the line is designed to the
21 same structural design criteria as -- as the rest
22 of the line. So there's more loads, so the
23 structures are beefed up to take that additional
24 load.

25 MR. ARMSTRONG: That's all the questions I

1 have.

2 JUDGE FETCH: Thank you.

3 Mr. Lein, did you have any questions?

4 MR. LEIN: No questions, Your Honor.

5 JUDGE FETCH: Thank you.

6 I'll turn to the Commission at this time.

7 Commissioner Kalk.

8 COMMISSIONER KALK: Thank you, Your Honor.

9 I just wanted to add one point to the record. You
10 said that you were -- well, Mr. Armstrong and I
11 both went over to Tioga City Hall. We verified the
12 signage is there and also verified Basin Electric
13 has personnel over there directing people here.
14 Just want to make sure we've tightened that up.

15 JUDGE FETCH: I appreciate that. Thanks
16 for that clarification.

17 COMMISSIONER KALK: Thank you, Your Honor.

18 **EXAMINATION**

19 **BY COMMISSIONER KALK:**

20 Q. Duey, thank you for your testimony
21 yesterday and your testimony today.

22 I just had two questions that came up
23 after your testimony, and the first was one of the
24 witnesses yesterday basically removed the Gumbo
25 Creek Substation. That's a pretty significant

1 decision. When did you become aware of that and
2 how did Basin make that decision so quickly?

3 A. We were -- we were aware of that as soon
4 as we -- okay, as soon as we found out about the
5 battlefield site, okay, we had already -- we have
6 options for land to be purchased for the Gumbo
7 Creek so we know it's in that area. And so that
8 was -- you know, that was the middle of last week.
9 And we had -- our environmental people had met --
10 Cris Miller, who is going to testify today and you
11 can ask him that same question, met with SHPO, and
12 SHPO at that time verbally told us that they, you
13 know, may want to see that substation taken out of
14 that area. And so --

15 Q. Okay.

16 A. -- we -- with short notice to the hearing,
17 we agreed to do that.

18 Q. But basically it was a -- I won't use the
19 word "negotiation," but it was a discussion with
20 SHPO that they highly recommended that you follow
21 that recommendation and we'll go forward from
22 there?

23 A. That's exactly right.

24 Q. Okay. Do you have anywhere along this
25 proposed route that you're already looking at

1 replacing the substation?

2 A. Yeah. Absolutely. In fact, our
3 right-of-way agents that are with us today were out
4 there yesterday looking for sites. And now we want
5 that site to be as close as possible to our
6 proposed line that we're building here because we
7 need to tie that 345 line in there.

8 The further north we take it, the more
9 expensive it's going to be because we will have to
10 build two circuits up there, one going into the
11 substation and then one coming out. So it needs to
12 be as close as possible because it gets -- it gets
13 expensive.

14 And the line going out of that substation
15 is going to go north. That will be a single
16 circuit, so the closer we get it, the cheaper it's
17 going to be.

18 Q. Is that something that will require an
19 amendment to this application or is that something
20 that we could do without an amendment? I don't
21 know --

22 A. That's going to be -- Casey, do you want
23 to answer that?

24 It's going to be in the application that
25 we're going to make for the north Killdeer loop

1 project.

2 COMMISSIONER KALK: Okay. So several
3 projects. All right. Thank you, Duey.

4 THE WITNESS: You're welcome.

5 COMMISSIONER KALK: That's all I have,
6 Your Honor.

7 JUDGE FETCH: Thank you, Commissioner.
8 Commissioner Christmann.

9 **EXAMINATION**

10 **BY COMMISSIONER CHRISTMANN:**

11 Q. Mr. Marthaller, yesterday we talked a
12 little bit about the structures and so I was
13 satisfied with -- that one single pole can
14 withstand all this, but I want to get back to the
15 timing of this Judson to Neseet segment. In the
16 original application when was it going to be
17 constructed?

18 A. In -- in 2014 and 2015.

19 Q. And now we're talking about 2017; right?

20 A. Into 2017. That's correct.

21 Q. And so if this were approved and industry
22 continued to grow at a -- seems like always
23 faster-than-expected level and you needed power up
24 here in the Tioga area more quickly than what
25 you're expecting now, would things be in place that

1 you could speed that along and get the power
2 here --

3 A. Yes. Absolutely.

4 Q. -- before 2017?

5 A. Excuse me for interrupting you, but yes.
6 Absolutely. That -- that is our plan. We have --
7 we have a steel structure contract in place. We
8 have structures spotted, which we have -- have
9 turned in to the Commission and we are prepared to
10 do that. And Mike Murray will testify as to the
11 status of the right-of-way acquisition, and you can
12 ask that same question to Becky Kern and to Matthew
13 Stoltz regarding what they think the probability of
14 that occurring is. But, absolutely, we are ready
15 to do that.

16 Q. So pending regulatory approval, 2017 is
17 just a date when you expect to need it and then
18 that's when you would build it, but in reality you
19 will build it whenever you have everything approved
20 and that it's needed?

21 A. That's absolutely right. We did not want
22 to come to the Commission and say we were going to
23 build it in 2015 and then not do that.

24 COMMISSIONER CHRISTMANN: Okay. Thank
25 you. I have no other questions.

1 JUDGE FETCH: Thank you.

2 Commissioner Fedorchak.

3 **EXAMINATION**

4 **BY COMMISSIONER FEDORCHAK:**

5 Q. Yes, Mr. Marthaller, thank you for your
6 testimony this morning.

7 Yesterday, again, we talked quite
8 extensively about the opportunities, the costs and
9 the challenges of burying the transmission lines,
10 and you referenced a study -- just in conversation
11 you referenced -- off the record you referenced a
12 study from Wisconsin on this issue and then later
13 in the day there was additional testimony about
14 this whole issue. And I thought it would be
15 helpful for us to be able to see that study and use
16 it in consideration of this case. If you could
17 submit that as a late-filed exhibit or something
18 formal that we can actually use in this matter at
19 hand, would you be willing to provide that?

20 A. Yes. Absolutely. I talked to Jerry about
21 getting it to him. I have his e-mail and I was
22 going to send it to him.

23 COMMISSIONER FEDORCHAK: Good. But then
24 if we can just have it as part of the record, that
25 would be helpful.

1 JUDGE FETCH: And that's -- what year is
2 that? A study in Wisconsin about underground
3 cables?

4 THE WITNESS: Your Honor, I don't know the
5 date of it. The Public Service Commission of
6 Wisconsin sponsored this study to -- to put in
7 general terms the concept of placing distribution
8 and transmission lines underground, and it's a
9 comprehensive study and it goes through all of the
10 different voltage classes and how it's done,
11 current technology. It's an excellent report
12 that's, you know, written in very practical terms
13 that anyone can understand.

14 JUDGE FETCH: How about if I title it
15 Wisconsin PSC study on underground cables?

16 THE WITNESS: Perfect.

17 JUDGE FETCH: All right. And give me one
18 second to look at my witness [sic] list because I'm
19 not recalling where we left off. I think -- I
20 think this might be 38. Hold on. 39. This will
21 be late-filed Exhibit 39.

22 COMMISSIONER FEDORCHAK: Thank you. And I
23 do appreciate -- I did appreciate your information,
24 the fact that it's \$10 million per mile versus
25 \$1 million per mile in general terms to bury it and

1 some of the limitations in terms of the actual
2 construction of it using that process. So
3 appreciate that. But, again, there was a lot of
4 discussion about possibly -- a request to use it in
5 limited areas, so I think we need to fully explore
6 that option and I'd appreciate that study.

7 So thank you. Otherwise, I don't have any
8 additional questions for you this morning.

9 JUDGE FETCH: Thank you.

10 Any follow-up from any of the
11 commissioners?

12 All right, Ms. Jacobson?

13 MS. JACOBSON: No, Your Honor.

14 JUDGE FETCH: Mr. Armstrong?

15 MR. ARMSTRONG: Just one in case you're
16 the witness for it, Mr. Marthaller.

17 **FURTHER CROSS-EXAMINATION**

18 **BY MR. ARMSTRONG:**

19 Q. Exhibit 3 was the amendment to the
20 application, and on there on the maps in the
21 location of the Judson Substation there's a blank
22 spot going from the substation up to Section 10.

23 A. Oh.

24 Q. Are you the witness who could explain why
25 that is?

1 A. Yes. Yes. We had -- it's another joint
2 project with Mountrail-Williams Electric
3 Cooperative. They needed to build a 115 kV line
4 out of that Judson Substation and also we needed to
5 tie a line into the Williston Substation, and so
6 that -- that project was permitted separately
7 through the PSC and then the environmental work was
8 done jointly with Mountrail-Williams so that those
9 facilities could be constructed so that
10 Mountrail-Williams could finish their project to
11 serve load out to the Stateline Gas Plant west of
12 Williston.

13 Q. So am I correct, then, in understanding
14 that if this project is approved, it would just tie
15 into that already existing line?

16 A. That's correct. Those structures are --
17 are there.

18 Q. Okay. There would be no new construction
19 in that area as a result of this project?

20 A. That's correct.

21 MR. ARMSTRONG: Okay. That's all I have.

22 JUDGE FETCH: Thank you.

23 Any further questions?

24 MS. JACOBSON: I have --

25 JUDGE FETCH: Ms. Jacobson.

1 MS. JACOBSON: I have one additional
2 question.

3 **REDIRECT EXAMINATION**

4 **BY MS. JACOBSON:**

5 Q. Mr. Marthaller, the structure that's
6 already there for that project that we did with
7 Mountrail-Williams is the 345 conductor. Has that
8 been strung for the --

9 A. No. No. The structures are there, the
10 arms are there, and we weighted the arms down so
11 they don't vibrate and it's sitting there waiting
12 for the conductor. There's no conductors strung.

13 MS. JACOBSON: Thank you, Your Honor. No
14 further questions.

15 JUDGE FETCH: All right. Thank you.

16 Any further questions for this witness?

17 Thank you, Mr. Marthaller.

18 THE WITNESS: You're welcome.

19 JUDGE FETCH: And your next witness is
20 Becky Kern?

21 MS. JACOBSON: Yes. That's correct, Your
22 Honor.

23 JUDGE FETCH: Thank you, proceed.
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BECKY KERN,

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

DIRECT EXAMINATION

BY MS. JACOBSON:

Q. Ms. Kern, can you tell us your position at Basin Electric?

A. I am the manager of utility planning.

Q. And what does your job as manager of utility planning involve?

A. It involves the development of long-term load forecasting for Basin Electric and its members and the long-term power supply planning activities, which includes the development of Basin Electric's integrated resource plan.

The integrated resource plan is an in-depth look at Basin Electric's current operating system, future load growth and the framework for future expansion, including supply-side and demand-side resource expansion.

Q. And can you just describe briefly how you go about performing the load forecasts and when those were done?

A. The load forecasts are performed either every other year or every -- excuse me. They're

1 performed every other year or every three years
2 with annual updates and are approved by the Rural
3 Utilities Service. The current load forecast is
4 the 2013, which is an update to our 2011 load
5 forecast.

6 Q. And through those load forecasts, what are
7 the results?

8 A. The results are that in the Williston
9 Basin area of western North Dakota, eastern
10 Montana, that we're showing more than a thousand
11 megawatts of load growth between now and 2025,
12 which represents about 7 percent annual load
13 growth.

14 Q. Ms. Kern, at yesterday's testimony there
15 was a lot of discussion of the capacity of the AVS
16 line and the addition of the north Killdeer loop
17 and some other generation projects that Basin
18 Electric is working on. Is there anything else
19 that you were involved with as the manager of
20 utility planning to meet the energy needs of North
21 Dakota?

22 A. Yes. Last year we issued a request for
23 proposal for power supply. We ended up executing
24 several power purchase agreement contracts with
25 counterparties to provide power supply for about

1 the next four to five years. We have also
2 committed to six combustion turbines in western
3 North Dakota. The first of those six turbines went
4 commercial yesterday.

5 We are also undergoing a request for
6 proposal this year that was issued in June. We are
7 currently evaluating the proposals that we've
8 received and plan to evaluate them over the next
9 couple of months and determine how we're going to
10 serve the growing power needs.

11 Q. Are the proposals that you've received
12 tied to any sort of type of generation or what are
13 you looking at as far as what you need?

14 A. We've received all different types of
15 power proposals: wind generation, combustion
16 turbines, combined cycle, existing facilities, new
17 facilities, general agreements with other
18 counterparties in the region. Basically just
19 trying to look at all options and what makes sense
20 for our consumers.

21 Q. Yesterday there was some discussion about
22 Basin Electric's load factor, and can you just talk
23 briefly about what that means and how that factors
24 in your resource planning process?

25 A. Load factor is primarily a utilization

1 rate. It's a ratio that compares total energy
2 consumed over a period of time as compared to the
3 possible energy that could be consumed if peak
4 demand was occurring that entire time period.

5 We talked a little bit yesterday about a
6 high-load factor or a low-load factor. A high-load
7 factor would be power that's being consumed at a
8 relatively constant time -- constant power usage.
9 A low-load factor has the occasion of having high
10 demand. Resources that serve that generally will
11 have capacity sitting in reserve waiting for those
12 peak time periods.

13 When it comes to power supply planning, we
14 need to plan for all different types of load factor
15 operation. We have resources that will run
16 generally flat out. Base load operation, we've got
17 resources that have intermediate kind of more
18 moderate that may come on during the on-peak -- you
19 know, the 16-hour during the on-peak and then they
20 back down off-peak. We also have resources that
21 can come on during high-load demand. And so you
22 have to plan for all different types of resources
23 to serve all the needs of our system.

24 Q. Yesterday you talked briefly about some
25 efforts of capturing flared gas for the creation of

1 electricity, and can you talk about what Basin
2 Electric is doing to -- or what is Basin Electric's
3 involvement in that process?

4 A. Basin Electric has hired a consultant a
5 couple of months ago to work with industry, to
6 interview them, talk to them about what flare gas
7 they would have available for Basin Electric to
8 possibly partner with them. We are currently
9 undergoing development of some nondisclosure
10 agreements for further discussion. Don't have
11 anything really to talk about specific about any of
12 that, but the whole project is to look at what type
13 of fuel is available, the different technologies
14 that would be available to burn the flared gas,
15 looking at the economics and how do the economics
16 factor into all of this.

17 And, ultimately, if something would --
18 could develop, what is the time frame to get
19 something to move forward.

20 MS. JACOBSON: No further questions, Your
21 Honor.

22 JUDGE FETCH: Thank you.

23 Mr. Armstrong.

24 MR. ARMSTRONG: No questions.

25 JUDGE FETCH: Mr. Lein, do you have any?

1 MR. LEIN: No questions, Your Honor.

2 JUDGE FETCH: All right. Thank you.

3 We'll go to the commissioners.

4 Commissioner, Mr. Kalk.

5 COMMISSIONER KALK: Thank you, Your Honor.

6 It's going much faster today, isn't it? The --

7 just one question.

8 **EXAMINATION**

9 **BY COMMISSIONER KALK:**

10 Q. The -- well, you talked about the
11 different factors for base load, intermediate load.
12 When you plug those into your formula to meet your
13 demand, how does that work different if you plug in
14 wind, which is not base load, versus plugging in
15 coal? How do you calculate those different bodies?

16 A. We've got simulation tools that can put in
17 a profile. Sometimes we look at wind as more
18 negative load. It backs down load instead of being
19 power supply, and you have to have resources on the
20 system that can move very rapid to the change in
21 wind production.

22 You're also preparing forecasts for wind,
23 you know, a day out, two days out, as well as a
24 couple hours out, an hour out and continually
25 monitoring how the wind is changing in the region

1 and how generation -- other generation needs to
2 change as well.

3 Q. When you compare intermediate gas to wind,
4 how do those two compare? Like if you've got a gas
5 peaking plant, is that viewed the same as wind or
6 it's -- I would assume different than --

7 A. They are different.

8 Q. Because you can control the peak?

9 A. That is correct. You've got dispatchable
10 generation versus nondispatchable.

11 Q. Okay. And the last question: What's the
12 reserve, the margin you have to carry -- reserve
13 margin of generation?

14 A. Historically, we were part of the
15 Mid-Continent Area Power Pool generation
16 reserve-sharing group which required a 15 percent
17 planning reserve margin, that you had 15 percent
18 capacity above and beyond what your anticipated
19 peak load was. Different areas have different
20 requirements. That was the old MAPP stuff. MISO
21 is probably comparable to maybe 12 percent. MISO
22 is around that 12, 13 percent as well.

23 Q. So what does Basin carry? Do you carry
24 that 12 percent?

25 A. 12 to 15 percent.

1 COMMISSIONER KALK: Okay. Thank you.

2 JUDGE FETCH: Thank you, Commissioner.

3 Commissioner Christmann.

4 COMMISSIONER CHRISTMANN: I have no other
5 questions, Your Honor.

6 JUDGE FETCH: Thank you.

7 Commissioner Fedorchak.

8 **EXAMINATION**

9 **BY COMMISSIONER FEDORCHAK:**

10 Q. Becky, can you talk a bit about the load
11 factor in this area and how it impacts the timing
12 and possible later start for -- or later need for
13 this segment of the line?

14 A. The load factor in this area is because
15 it's a lot of commercial and industrial growth.
16 It's a very high load factor, very constant power
17 usage. As far as the timing of the leg going up to
18 Tioga, if that's what you're talking to --

19 Q. Mm-hmm.

20 A. -- that gets to the amount of actual load
21 growth that's occurring, and when that is
22 occurring, that there's probably adequate capacity
23 on the system to serve it. And as of the current
24 load forecast, the need is closer to that 2017
25 based on the current forecast.

1 Q. For this area.

2 And then -- but the need in the other
3 areas is higher, in the first segment?

4 A. Mm-hmm.

5 Q. Talk a little bit about that just so folks
6 understand.

7 A. As Matt kind of alluded to yesterday and
8 maybe he should comment a little bit more, it gets
9 to the load-serving capability of the transmission
10 system in the localized region and having that
11 additional backbone line in order -- in contingency
12 situations.

13 COMMISSIONER FEDORCHAK: Okay. All right.
14 Thank you. That's all my questions.

15 JUDGE FETCH: Thank you.

16 Any follow-up from the commissioners?

17 All right. Ms. Jacobson?

18 MS. JACOBSON: No, Your Honor.

19 JUDGE FETCH: Mr. Armstrong?

20 MR. ARMSTRONG: No.

21 JUDGE FETCH: Thank you.

22 Call your next witness, Ms. Jacobson.

23 MS. JACOBSON: Mr. Matthew Stoltz.

24 JUDGE FETCH: Before we proceed, I'm just
25 going to take a moment to welcome several members

1 of the public who have just joined us.

2 We're in process of the hearing today and
3 Basin is presenting its case first. When they are
4 finished with their witnesses, then I will ask for
5 members of the public to come forward to give any
6 information you have to the Commission.

7 There is a sign-up sheet somewhere.
8 Whoever has that, would you please pass that out to
9 the individuals who came in recently, and I ask
10 that you please sign that.

11 My name is Bonny Fetch. I'm the
12 administrative law judge conducting the hearing,
13 and we have all three commissioners here,
14 Commissioner Kalk, Commissioner Christmann,
15 Commissioner Fedorchak.

16 All right. We'll go back to you,
17 Ms. Jacobson.

18 MS. JACOBSON: Thank you.

19 JUDGE FETCH: And, Mr. Stoltz, please
20 remember the court reporter can, you know, only --
21 she's pretty fast, but you need to slow it down a
22 bit; okay? Thank you.

23 **MATTHEW STOLTZ,**
24 having been first duly sworn, was examined and
25 testified as follows:

DIRECT EXAMINATION

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BY MS. JACOBSON:

Q. Mr. Stoltz, can you please tell the Commission your position at Basin Electric?

A. I am the manager of transmission services.

Q. And as the manager of transmission services, what does your job entail?

A. My current responsibility is to prepare transmission studies required to support generation interconnections and request for transmission service.

Q. And can you tell us why the -- this project is needed?

A. This project is needed to support the forecasted load growth in the area between Watford City, Williston and Tioga and also the entire Bakken region as well.

Q. And how will the project enhance the reliability of the transmission system in this area?

A. Oh, without this transmission addition, we'll have to limit the load-serving capacity of the area system to today's levels and would not be able to accommodate forecasted load growth after approximately the 2015-'16 time period.

1 MS. JACOBSON: No further questions, Your
2 Honor.

3 JUDGE FETCH: Thank you.

4 Mr. Armstrong?

5 MR. ARMSTRONG: No questions.

6 JUDGE FETCH: Mr. Lein?

7 MR. LEIN: No questions.

8 JUDGE FETCH: All right. We'll go to the
9 commissioners. Commissioner Kalk?

10 COMMISSIONER KALK: No questions, Your
11 Honor.

12 JUDGE FETCH: Commissioner Christmann?

13 COMMISSIONER CHRISTMANN: No, thank you.

14 JUDGE FETCH: Commissioner Fedorchak.

15 COMMISSIONER FEDORCHAK: I'm good too.

16 Thanks.

17 JUDGE FETCH: All right. Thank you.

18 Thank you, Mr. Stoltz. Just when you had
19 the pace down just perfect.

20 THE WITNESS: That's right. There's
21 always next time.

22 JUDGE FETCH: And for those of you out
23 there who have just joined us, it may seem like
24 this is abbreviated, but we went through about
25 close to 12 hours of hearing yesterday. So much of

1 the testimony has already been given. And,
2 Commissioner Kalk, I believe you indicated, you
3 know, that some of that -- the information may even
4 be available on the Commission's website at some
5 point.

6 COMMISSIONER KALK: Eventually, sure.

7 JUDGE FETCH: Eventually.

8 So I believe you have Mr. Miller next?

9 MS. JACOBSON: Yes, Your Honor.

10 **CRIS MILLER,**

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

13 **DIRECT EXAMINATION**

14 **BY MS. JACOBSON:**

15 Q. Mr. Miller, can you tell us your position
16 at Basin Electric.

17 A. Yes. I'm a senior environmental project
18 administrator.

19 Q. And what has been your involvement with
20 the project we're discussing here today?

21 A. I'm responsible for the overall
22 preparation of the -- and coordination of the
23 environmental analysis and the preparation of the
24 permits, coordination with all federal, state,
25 county, township, local -- local entities for

1 permits and approvals required for the project.

2 Q. And can you just give us a high-level
3 overview of the NEPA work that's been done on the
4 project?

5 A. Certainly. Because there's federal nexus
6 of our project through four different agencies,
7 there is an EIS being prepared. Rural Utilities
8 Service is the lead agency. We have Western Area
9 Power and the United States Forest Service also as
10 cooperating agencies.

11 The project -- RUS prepared a draft EIS.
12 It was out for public comment last December, had a
13 public hearing in January. That comment period
14 came and went. They were preparing a final EIS,
15 but with this recent change of our project to
16 incorporate the north Killdeer line, the NEPA
17 process now is developing a supplemental draft EIS,
18 and it's anticipated that that will be available
19 for the public in -- perhaps in October for their
20 comment period.

21 Q. At your -- in your testimony yesterday,
22 you discussed the avoidance -- the PSC's avoidance
23 and exclusion areas and you testified that there
24 are six avoidance areas located within the route.
25 Are any of those six areas located within the

1 Judson to Neset portion that we're talking about
2 here?

3 A. There are the three avoidance areas for
4 500 feet within a rural residence. Three of them
5 occur in Williams County. As we also testified
6 yesterday, that the -- and I believe it's
7 Exhibit 15 -- the waivers were acquired for those
8 avoidance areas.

9 Q. And what's the status of the cultural work
10 on those reroutes?

11 A. The recent reroutes, there is one reroute
12 yet to have the cultural surveys performed. We
13 just acquired the landowner survey permissions. We
14 informed our consultant this week and that's on
15 schedule to be performed next week. That would be
16 the Metzger reroute.

17 Q. And, Cris, just for the record now, that's
18 Exhibit 9 you're referring to, the last page of
19 Exhibit 9?

20 A. Okay. Yes.

21 Q. Okay. Thank you.

22 Is there anything unique about the Judson
23 to Tande segment from an environmental, biological,
24 cultural resource or any other thing dealing with
25 the environment for this segment?

1 A. Well, certainly yesterday in our southern
2 route where we had our hearing going across through
3 the Badlands, going through the, you know, park
4 area, Killdeer Mountains, it would be considered
5 more environmentally sensitive.

6 Once we get up on this side of the
7 Missouri River, Lake Sakakawea, certainly the
8 topography, geology, the land use changes. It goes
9 to more of a cropland/farmland type of an area.

10 From a -- as far as, you know, sensitive
11 species, habitat, it's more -- again, it's
12 converted to farmland, so it's certainly a
13 different area from an environmental perspective
14 from the southern portion of our project.

15 MS. JACOBSON: No further questions, Your
16 Honor.

17 JUDGE FETCH: Thank you.

18 Mr. Armstrong.

19 MR. ARMSTRONG: Mr. Miller, I do have some
20 questions for you about the Williston area. I
21 think I'd prefer to save those till the hearing
22 next week in Williston.

23 I just want to make sure, is he going to
24 be available at the hearing next week?

25 MS. JACOBSON: Yes, he will.

CROSS-EXAMINATION

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BY MR. ARMSTRONG:

Q. Okay. The -- and I think the only question I have for you today, at least right now, is the NEPA process in coordination with the Public Service Commission process. From Basin's perspective, does it need an approved record of decision from NEPA in order to build this line, even if we do approve it?

A. Basin Electric would need to have that NEPA approval prior to -- to begin constructing if we -- to fulfill our requirements for those federal nexus. That's correct.

Q. So, for instance, as I understand it, if the Commission were to approve this line, you would still have to get further approval from NEPA in order to actually begin construction on the line?

A. Yes, we would. Just as well as we have to receive approval from the counties and all other entities requiring permitting.

MR. ARMSTRONG: That's all the questions I have.

JUDGE FETCH: Thank you.

Mr. Lein, do you have any questions?

MR. LEIN: No, Your Honor.

1 JUDGE FETCH: All right. Commissioner
2 Kalk.

3 COMMISSIONER KALK: Thank you, Your Honor.

4 **EXAMINATION**

5 **BY COMMISSIONER KALK:**

6 Q. Cris, you were our longest witness
7 yesterday, so there was no chance today you were
8 going to run through.

9 The -- were you involved in the siting of
10 the Basin line, the 230 kV, that went from
11 Williston to this same area a few years ago?

12 A. No, I wasn't.

13 Q. Okay. The -- I was just thinking if there
14 was any overlay in some of the studies, but that's
15 okay.

16 To kind of further Mr. Armstrong's
17 questions, I'm just trying to get my head around
18 how this NEPA will feed into all the individual
19 permits, because usually if we're doing a power
20 line that doesn't have a federal nexus -- and I'll
21 be looking for feedback from the Fish and Wildlife
22 Service, I'll be looking for feedback from the
23 State Historical Society. In your understanding of
24 all the different permits required, is there any
25 permits that are not required by NEPA that you're

1 anticipating problems with right now?

2 A. That are not required by NEPA?

3 Q. Right. Like a county zoning comes to
4 mind. Is that a NEPA-required permit?

5 A. We listed all the permits like we do for
6 the Public Service Commission, what permits are
7 required, so they're listed as a table. But the
8 NEPA process as -- is a public inputting, but at
9 the end of the day it's a federal agency -- the
10 federal agency, so they don't list the permits that
11 are required.

12 But right now, you know, nonfederal
13 projects, we don't anticipate not receiving our
14 permits. Right now the efforts on the county
15 level, it's kind of a timing.

16 As we testified yesterday, we received our
17 conditional use from Mercer County.

18 The Mountrail County zoning and
19 conditional use for the substation has gone through
20 the planning and zoning process. It's on the
21 agenda for the county commission next month.

22 Williams County, I believe we might be on
23 the planning and zoning next Thursday, right after
24 our Commission meeting on the 12th. It's kind of
25 tentative.

1 So all these efforts are ongoing and we'll
2 be through the process here, I'm hoping, in the
3 next month, month and a half.

4 Q. And I'm trying to envision the first
5 Commission work session we have once this is all
6 said and done. We like to get all the data
7 together and then look at it and make some
8 decisions. So there's going to be a big data lag,
9 I'm suspecting, here that -- back to
10 Mr. Armstrong's point to where we'll either just do
11 something where we just basically, say, put a big
12 contingent on it, contingent upon a finding of no
13 significant impact for NEPA is about kind of where
14 we're hung at right now. I mean do you see a
15 different alternative through the NEPA than that?

16 A. No. And in essence, you know, for a
17 facility like Basin Electric where one is RUS
18 financing, you know, at the end of the day
19 hypothetically it could be we withdraw that
20 financing and get out of RUS, the NEPA process.
21 Potentially we could. Could we get out of the U.S.
22 Forest Service and the Army Corps of Engineers
23 process? No, we couldn't. We need their
24 permission to occupy their lands and that requires
25 NEPA as well. So, in essence, we're in that

1 process regardless of what happens.

2 Q. So the biological assessment and I think
3 you told us yesterday that role is in the NEPA as
4 well?

5 A. That's correct.

6 Q. Okay. Are you -- I guess you don't know
7 this, but as this thing unfolds with NEPA, I mean,
8 the feedback back from the federal agencies in the
9 Killdeer Battlefield, is there any scenario that
10 would be a mitigation on something like that?

11 Because it's hard for me to imagine -- my
12 experience with mitigation has been flyways and
13 this is a battlefield. You can't mitigate it
14 somewhere else. There will be protective measures
15 around it or nothing.

16 A. Who's to say what the future brings? We
17 heard yesterday about people that start the
18 conversation -- and that's what NEPA is, get that
19 public input. Certainly through the 106 process,
20 we have Western Area Power is the lead for
21 contacting the tribes. That process is not
22 completed, as well, so there is that opportunity.

23 Certainly, as the State Historical
24 Preservation Office indicated, they want the
25 additional studies being performed specific to the

1 battlefield. I would say, you know, depending on
2 what those surveys actually found and determined,
3 if, you know, it came back that nothing was there
4 so there's really no other discussions, may be one
5 path. Should there be something actually found
6 and, you know, that conversation could take a
7 different path.

8 Q. Were you in the room yesterday when
9 Dr. Kimball Banks testified?

10 A. Yes, I was.

11 Q. It was interesting, his viewpoint was such
12 that landowner rights are primary and that to me
13 was -- I mean I don't disagree with what he was
14 saying, but I got the sense in his testimony that
15 all these other things that are going on, that's
16 all well and good, but it's people's land. And if
17 they don't want to do anything about it and they've
18 signed the easements, this may end up being a
19 cleaner process than some would suggest right now.
20 I'd be curious to hear your thoughts on that.

21 A. I think Kimball hit it right. Certainly
22 for any site to be designated on the National
23 Register, entered into a historical site,
24 whether federal -- federal or state or some other
25 government entity has to own that land to control

1 it. So to place future burdens on private lands
2 would be very difficult. In fact, I don't believe
3 it's legal to do so. But it would be very
4 difficult to move forward with that type of a
5 project without that landowner involvement and
6 willing participation.

7 Q. And then I asked Duey the question earlier
8 today about the decision to pull off the
9 substation. So how did you view that decision in
10 the context of what the SHPO was recommending?

11 A. Well, when we had that conversation,
12 the -- because we've already studied -- we did the
13 Class III surveys on our route and the substation,
14 no features were found, as Mr. Banks testified
15 yesterday. That brought some, I'll call it,
16 benefit to the -- to the SHPO's perspective.

17 What really got into the discussion of
18 visual impact and visual integrity, several
19 witnesses talked about that being the issue
20 whether -- for the view from the mountain. The
21 SHPO office itself, you know, they have their state
22 landmark, so that's that one-acre piece of property
23 that was actually outside of our corridor. So
24 that's what they asked us to do was to go and
25 evaluate that visual impact.

1 brought those issues here, but what I think I heard
2 and what was going through my mind when they were
3 saying it is, you know, with the NEPA process, with
4 our addition of the north Killdeer loop, that
5 removes having two action alternatives in the NEPA
6 evaluation. And that's correct. And that is why
7 RUS is developing a supplemental draft EIS, and
8 that is what's -- will be coming out -- that will
9 be coming out, like I said earlier, hopefully in
10 October, and then that will address additional
11 action alternatives.

12 Q. Does RUS develop the alternatives?

13 A. They in conjunction with the other
14 agencies and Basin Electric. At the end of the day
15 it's -- Basin Electric has a purpose and need.
16 We -- we identify what our project needs are. So,
17 you know, destinations from point A to point B.
18 And then that macro-corridor analysis identified
19 the six-mile-wide pathway of opportunities we could
20 have to get from point A to point B.

21 In that macro-corridor analysis, we talked
22 about -- you know, I talked about 46
23 1,000-foot-wide corridors that were evaluated. So
24 those are that -- going from a broad and trying to
25 narrow it down, the range of alternatives. And the

1 range of alternatives then were narrowed down to a
2 point where we came up with our preferred route in
3 the corridor.

4 So it's that iterative process of what's
5 out there, what's the avoidance, exclusion areas.
6 And certainly as you heard many from people that
7 testified is that, at the end of the day, it's that
8 landowner input of where they prefer to have the
9 route and through -- and also comply with PSC, you
10 know, siting -- siting criteria, et cetera. So
11 it's a long, laborious process.

12 Q. Okay. Well, this is going to be a drum
13 roll from people who don't like this project and
14 they'll keep using that the process was skirted and
15 that the alternatives weren't appropriately
16 studied. And I need -- and I understand NEPA's
17 probably going to be deciding this, but it's going
18 to come back to us too. And, you know, the public
19 doesn't understand the difference between PSC and
20 NEPA and nor should they have to. So I want to
21 better understand that and I don't feel like I do.

22 So I need some sort of written materials
23 that show the routes that you considered or direct
24 me -- it's got to be in here someplace.

25 A. Yeah.

1 MS. JACOBSON: If I may, Your Honor,
2 Commissioners, just ask a couple of questions just
3 to help clarify it.

4 JUDGE FETCH: Thank you.

5 MS. JACOBSON: Mr. Miller, Exhibit 13 that
6 was entered into the evidence yesterday listed the
7 two six-mile-wide corridors that Basin Electric,
8 along with the federal agencies, analyzed and is in
9 the process of analyzing through the NEPA world.
10 And, Cris, can you just talk through the routes in
11 regards to Exhibit 13?

12 THE WITNESS: Certainly. So we're on --
13 looking at the same thing here, so it's figure
14 1.2-2. As we talked about the macro-corridor
15 efforts, we need -- our project was defined that we
16 need to deliver our -- starting -- originating from
17 the Antelope Valley Station -- Substation, we had
18 to deliver power to the Charlie Creek Substation
19 and also interconnect to the Williston Substation
20 and then finally up at the Naset Substation by
21 Tioga.

22 See, we're looking at six-mile-wide
23 corridors. And because of that, some stretches
24 where you're seeing the single corridor, we
25 identified that there was ample opportunity of

1 identifying, at the end of the day, a 150-foot
2 route within that six miles.

3 Now, at the start of the project, we
4 certainly knew of the sensitive areas that we have
5 been talking about for the last day, the Killdeer
6 Mountains, Badlands, National Park, Little Missouri
7 River, and that's where the second alternative of
8 putting a -- you know, a switch yard connection
9 around Killdeer and running up on the east side of
10 the Killdeer Mountains and intersect back to a
11 location, you know, northwest of Watford City.
12 That's where those two blue corridors merge.

13 MS. JACOBSON: And, Mr. Miller, earlier
14 you talked about that landowner concerns were a
15 factor in the routing of this project. And was
16 every concern that a landowner had or every route
17 adjustment made incorporated into some document or
18 how were those changes -- is there anything that
19 reflects every change from the 300 landowners that
20 we've -- that are affected by this project?

21 THE WITNESS: I guess we -- our first
22 engagement with landowners falls back to our
23 agency -- our scoping meeting, which occurred in
24 the fall of 2011. Those scoping meetings occurred
25 at Williston and at Killdeer, and that's where

1 we -- when we start that engagement, we tell the
2 public about our project.

3 At that point in time we had the corridors
4 shown on the map, and the public and hopefully the
5 landowners, you know, started providing input of
6 concerns and localized issues.

7 MS. JACOBSON: Mr. Miller, do you have any
8 idea of a number of routes that were considered
9 separate from the NEPA process, just based on
10 landowner input?

11 THE WITNESS: That's hard to say. I know
12 in the -- in the NEPA side, we were looking at 46
13 1,000-foot-wide corridor alternatives through these
14 macro-corridors. That was in my testimony
15 yesterday. As far as the number of individual
16 routes or route alternatives, I guess Mr. Murray
17 might be the better one to ask for a specific
18 number.

19 Q. (COMMISSIONER FEDORCHAK CONTINUING) So
20 all of the various pink lines on this represent
21 different routes within those corridors that you
22 looked at --

23 A. That's correct.

24 Q. -- examined?

25 A. That's correct.

1 85 ended up being almost like it's a utility
2 corridor.

3 Q. Mm-hmm.

4 A. So there's some -- some suggest that we
5 want to go away from that because you'll see it
6 from the highway. Others are why not have all the
7 man-made impacts in a localized area so that you
8 can preserve more of that -- areas that are away
9 from areas that are already impacted.

10 Q. So now jumping off -- now I better
11 understand this. Thank you very much. This map
12 was very helpful.

13 The supplemental EIS, you were saying that
14 NEPA and you and the other agencies involved will
15 be studying another potential route. Is that a
16 different route to the Killdeer loop?

17 A. There -- you know, that work is still in
18 progress. The Rural Utilities Service is
19 developing that, and to my understanding, yes,
20 they're looking at another alternative. Now,
21 whether that's physically removed or perhaps even
22 like a double-circuit type of concept, but at the
23 end of the day we have to evaluate whether that
24 fulfills our purpose and need and provides that
25 reliability that's required for our project as

1 well.

2 Q. Okay. That was very helpful. Thank you.
3 One other question I wanted to ask yesterday but I
4 didn't want to take -- to extend things any longer,
5 and that is sort of jumping off from Commissioner
6 Kalk's questions regarding the permits. There is
7 in your original application under -- I had it here
8 several times -- the listing of the permits
9 required?

10 MR. ARMSTRONG: Tab 7.

11 COMMISSIONER FEDORCHAK: Tab 7? Oh, here
12 it is. It's under the initial identification of
13 required permits. That's logical.

14 MR. ARMSTRONG: Table 7.

15 COMMISSIONER FEDORCHAK: Table 7. Yeah,
16 7-1.

17 Q. (COMMISSIONER FEDORCHAK CONTINUING) If
18 you could grab that, Cris. And then I don't want
19 extensive explanation to each one, but if you could
20 just kind of walk through and give where
21 possible -- like this is a permit or this is just
22 consultation, we've done it, it's in process, we
23 have it. You know, just give us kind of a quick
24 little rundown.

25 A. To get me on the same page, what page

1 number are you looking at?

2 Q. It's 7-1.

3 A. Starting out with federal agencies, so we
4 have Rural Utilities Service, Western Area Power.
5 That's for the most part, you know, the -- the NEPA
6 type of process.

7 Q. And those are in process?

8 A. Those are certainly in process. Section
9 7, that is a document that Western Area Power, who
10 is the lead for Section 7 consultation, they
11 prepare a biological assessment. That is now --
12 will be submitted to U.S. Fish and Wildlife
13 Service. That has gone through -- we're actually
14 in our -- they're on their second iteration of kind
15 of an informal discussion and that is to be
16 submitted, I'd say, within weeks, certainly in the
17 month of September.

18 Tribal consultation, it was mentioned
19 yesterday that, you know, that's a -- that it needs
20 to be done. It has been done. At the very
21 beginning of our project, those -- when the
22 agencies are notified, that same notification of
23 our project is also submitted to the tribes that
24 are on both Western's and the Forest Service, Army
25 Corps of Engineers' list.

1 Dealing with the U.S. Army Corps of
2 Engineers, other than we have the occupancy of
3 their lands that they own, there's also a Section
4 10 permit that's required for crossing navigable
5 water. That -- permits have been into the Corps of
6 Engineers -- I'd say it's probably May or June of
7 this year, and so that process is underneath their
8 review and they also need to do the NEPA. So they
9 won't issue their permits until the NEPA portion is
10 done.

11 Q. Oh, okay.

12 A. So that's their final action.

13 Going on to the Fish and Wildlife Service,
14 again that's through that Section 7 consultation
15 where we have the compliance with the -- like
16 certain federal access, like the Migratory Bird
17 Treaty Act, Bald Eagle Protection Act. All those
18 type of issues are addressed in that BA.

19 Q. And the --

20 A. The biological assessment is what --

21 Q. Okay.

22 A. -- Western Area Power presents to Fish and
23 Wildlife Service, and the Fish and Wildlife Service
24 will end up turning that around and issuing a
25 biological opinion.

1 Q. And then they just -- is that just like
2 they lay out mitigation efforts you need to follow
3 or you agree to do them or there's no permit or
4 approval granted? It's just recommendations?

5 A. No. It's a concurrence letter. At the
6 end of the day, the Fish and Wildlife Service
7 provides a concurrence. So all the identified sets
8 of species were named. They were evaluated and --
9 the impacts of our projects were -- were evaluated
10 and a determination made whether we had an
11 impact -- or likely to affect or not likely to
12 affect those species.

13 Q. Okay.

14 A. Going on, the agricultural NRCS, that's
15 that farmland conversion. That depends on how our
16 final -- final route is -- is done in that
17 conversion. If it's prime farmland, there's a form
18 that gets filled out. That's kind of -- most
19 likely a -- almost like a post-construction type of
20 a --

21 Q. Mm-hmm.

22 A. The lands that are crossing for the CRP,
23 that is something that Mr. Mike Murray will be able
24 to specifically address, if there are any lands at
25 all that are currently enrolled in CRP. And there

1 is a process that the USDA has to -- to true up the
2 lands in the CRP program, to make them whole.

3 Moving on, Federal Aviation
4 Administration, there's a process to identify
5 impacts of our structures to the airports. That
6 process has been completed on a couple of sites and
7 is ongoing in others. Our structures are -- are --
8 there's a screening tool that the FAA has. And if
9 our structures are within air space of an airfield,
10 we have to require to -- what do you want to call
11 it -- fulfill and complete an obstruction analysis
12 submittal to the FAA.

13 As I testified yesterday, two airfields,
14 we're required to provide that obstruction notice.
15 One was the Killdeer Airport. That obstruction
16 analysis was complete. It comes back with no
17 hazard determination. And then the city of
18 Williston, as I testified yesterday, we'll into
19 greater detail in next Thursday's hearing.

20 The National Park Service is listed here.
21 We have the National River Inventory of the two
22 rivers, the view shed impacts with Teddy Roosevelt
23 National Park. As you heard Ms. Naylor talk, that
24 analysis is their analysis, not ours. But
25 that's -- as a federal agency going through the

1 NEPA process, they participate with that and
2 provide comments.

3 We mentioned the Lewis and Clark National
4 Historic Trail. As Valerie mentioned -- Valerie
5 Naylor mentioned yesterday, it's on the Missouri
6 River. Yes, the trail is there. So is the
7 highway, so is the existing transmission line.
8 We'll be crossing adjacent to that, within that
9 utility corridor. So, yes, we go across a trail.
10 However, we're doing it at a location that already
11 has a known impact.

12 Moving on to the EPA, so we have the Clean
13 Water Act Section 404, 402 compliance. That is if
14 we will affect wetlands. Since the wetlands are
15 not -- it's not going to be constructed in
16 wetland-type environments, we do not believe there
17 will be a 404 permit required. Even the spanning
18 of the Missouri River, it's not within the -- the
19 river body itself.

20 United States Forest Service, we've been
21 engaged with them right from the start. Our
22 special use permit is -- has been in, I would say,
23 for approximately a year. We did that rather
24 quickly to preserve our location within the Forest
25 Service boundary. There's been a couple slight

1 adjustments, so that permitting process is ongoing.
2 At the end of the day, they need to go through
3 their own NEPA, as well, and their final action is
4 to issue a special use permit.

5 Federal Highway Administration. We're not
6 crossing federal highways. We're crossing state
7 highways so, yes, that process is managed through
8 our right-of-way group. And that -- as our route
9 is being defined, so that -- you know, the forms
10 and the discussions have already started to occur.

11 So I guess it goes down to the next one,
12 the state agencies. So we've got the DOT, Parks
13 and Rec. They're listed here for consultation. So
14 Parks and Rec Department has been on our mailing
15 list, so all of our -- when our project has, you
16 know, updates or things that are sent out by the
17 agencies, all these agencies that are listed here
18 are on our communication list -- or not ours, but
19 Rural Utilities Service going through the NEPA.

20 So we have the Parks and Rec, North Dakota
21 State Lands Department. Certainly, I believe -- if
22 my memory serves me correctly, I think there's
23 16 miles of state lands that we cross. That
24 process has been going all along, and Mr. Murray
25 would be able to enlighten us a little bit more.

1 It's through his group that is dealing with the
2 State Land Department.

3 Public Service Commission. I think that's
4 why we're here today, for that.

5 SHPO. As -- I think we know what that
6 current status is.

7 North Dakota Game and Fish provides input
8 as far as, you know, species concerned, special
9 issues or mitigation measures that should be taken
10 for minimizing the impact to wildlife. The Lewis
11 and Clark Wildlife Management Area, that's just on
12 the south side of the Missouri River in McKenzie
13 County. As I testified earlier, that's part of
14 that lands that are owned by the Army Corps of
15 Engineers but managed by North Dakota Game and
16 Fish. We worked with them right from the start,
17 and it was through that consultation process that
18 identified that route across that wildlife
19 management area, which is immediately adjacent to
20 U.S. Highway 85.

21 North Dakota Department of Health. At the
22 end of the day, you know, the actual construction,
23 a contractor will be required to have a storm water
24 pollution prevention plan for the actual
25 disturbance. Once the line's in service, there's

1 no -- and the area's reseeded and restored, there's
2 no need for ongoing storm water permit.

3 The North Dakota State Water Commission.
4 The navigable waterways, there is a permit process
5 for that and nothing's going on. The determination
6 at the Little Missouri is not part of their
7 oversight. And the crossing has been submitted for
8 the Missouri River.

9 Burlington Northern Santa Fe Railroad.
10 Again, Mr. Murray will be able to provide some
11 light as far as the status of dealing with the
12 railroad. I believe there's two railroad crossings
13 of our -- of our route.

14 And then certainly the five counties that
15 we have conditional use permits and if there's
16 floodplain encroachment or the county roads. Our
17 project deals with the county engineers and the
18 bottom line for -- during construction for lease of
19 the roads, for road crossing of our utilities
20 itself, so that's a -- that process has started and
21 until, you know, a route is finalized, that will be
22 more ongoing.

23 Q. Thank you, Cris. That was helpful. A
24 good background helps me better understand all the
25 different steps in the process and also, I think,

1 helps illustrate for everyone how many different
2 agencies. I counted 25 state, local and federal
3 agencies that are involved in some consultation,
4 permitting or other input to this project. So
5 there's a lot of officials looking at it and
6 helping to direct it.

7 I would like to just clarify one last
8 thing, and that is on the county permitting.
9 Commissioner Kalk has mentioned this a couple
10 times, the counties' involvement, and I want to
11 clear it up for myself and for anybody else
12 involved too. Does the county -- do the counties
13 actually provide like approval for this project or
14 just conditional use permits that -- they aren't
15 actually blessing this project really, are they?
16 Not like we are. They're not giving -- so somebody
17 couldn't show up at the county zoning and say, We
18 don't want this project?

19 A. Certainly.

20 Q. Oh, they can?

21 A. Yes, they can.

22 Q. So it is a permit. It's like a
23 you-can-take-it-elsewhere-type thing?

24 A. That is correct. Different counties have
25 different -- they view transmission lines. Some

1 different -- two counties do not -- transmission
2 lines are ordered a permanent use in areas. Others
3 deem that it has to be a conditional use to site
4 the transmission line. So the three counties that
5 require a conditional use permitting for our
6 transmission line is McKenzie, Williams and Mercer
7 County. And then our substations themselves, and
8 there's a zoning change from if it's -- in this
9 case it's agricultural. We change that to
10 industrial. And then there's also a conditional
11 use on the substation.

12 COMMISSIONER FEDORCHAK: Okay. Good.
13 Good to know. All right. Thank you. I have no
14 more questions.

15 JUDGE FETCH: Thank you.

16 Any follow-up from commissioners? Okay.
17 Thank you.

18 Anything further, Ms. Jacobson?

19 MS. JACOBSON: No, Your Honor.

20 JUDGE FETCH: Mr. Armstrong?

21 MR. ARMSTRONG: Yes, Your Honor. I lied
22 earlier.

23 **FURTHER CROSS-EXAMINATION**

24 **BY MR. ARMSTRONG:**

25 Q. You mentioned that Mountrail has had their

1 planning and zoning meeting. What's their
2 recommendation to the Commission?

3 A. The planning and zoning was a do pass.

4 Q. And that's the industrial up at the --

5 A. That would be the change for the Tande
6 Substation.

7 Q. Okay. So agricultural to industrial?

8 A. Correct.

9 Q. And they've recommended do pass?

10 A. Yes.

11 Q. Okay. When Commissioner Fedorchak was
12 asking you about the permits and I noted that
13 National Park Service was listed in there, and you
14 heard Ms. Naylor testify yesterday. Who does the
15 company or Western in the NEPA process work with
16 from the National Park Service as far as -- well,
17 just for -- for whatever in this project?

18 A. Well, at the beginning of our project, the
19 federal agencies develop an agency contact list.
20 And so the National Park Service -- Ms. Valerie
21 Naylor is the contact for the National Park Service
22 or the North Dakota contact.

23 Q. And they're involved also in the NEPA
24 process?

25 A. That's correct.

1 Q. How does the NEPA process work as far as
2 addressing like the concerns Ms. Naylor brought up
3 yesterday during her testimony?

4 A. Well, some federal agencies as --
5 Ms. Naylor represents the National Park Service.
6 The National Park Service has defined boundaries.
7 So her comments -- this is my opinion, but the
8 federal agencies have to look at it, is it an
9 opinion or is it -- is it a part of their -- the
10 National Park Service's function and what -- you
11 know, the land that they manage is restricted and
12 the purpose of their project. So can the land
13 management needs of the National Park Service be --
14 asked to be set aside for lands that are outside
15 the park service? You know, it would be very
16 difficult to do, so --

17 Q. More specifically -- and some of the
18 discussion today reminded me of some of the
19 testimony yesterday -- was her testimony about the
20 view of the power line from 20 percent of the park
21 in those two areas. What has been done to address
22 the view shed issues from the North Unit of the
23 park?

24 A. As I testified yesterday, one of the
25 things that we were looking at is to reduce the

1 visual impact, you know, the use of the single-pole
2 structures. In our mind, by us placing our line
3 by -- near the existing roadway and, you know,
4 there's additional transmission line, that you have
5 all your, I guess, man-made influences in one area
6 so you're not impacting additional areas.

7 Now, we also have offered, whether it's
8 galvanized steel or use the -- that weathered
9 steel, to help blend in the background.

10 Ms. Naylor's -- you know, her map that -- has not
11 been submitted to Rural Utilities Service, so it
12 was nice that she provided it here yesterday, but
13 at the end of the day she needs to submit that to
14 Rural Utilities Service for their consideration.

15 Our project -- or the NEPA analysis did
16 some visual assessments and, I think, again, it's
17 not -- it's a hard judgment. It's a judgment call.
18 It's a qualitative analysis. Is that -- viewing
19 another man-made feature into that view, is that
20 detrimental or just how damaging is it to the
21 viewer? So it's something that's very personal.

22 Q. Well, and I remember commenting on it
23 yesterday, reading in the application somewhere
24 about some measures that had been taken, I believe,
25 in that area to -- to minimize the effect on the

1 view shed. Could you explain what's been done?

2 A. Sure. What we've identified is so the
3 view from -- it would be the park entrance or, you
4 know, Highway 85 as it crosses the Little Missouri,
5 you look down to the valley, so we're suggesting
6 that we put that weathered steel below the rim of
7 the Little Missouri Valley as it goes across the
8 valley. So from that viewpoint you'd be looking --
9 because it's -- you have the brown terrain behind
10 it, we believe, that might be blended in.

11 Now, certainly, if other agencies would
12 come out and say, you know, we would like to have
13 this weathered steel, you know, in some other
14 areas, we're certainly open to that. We're waiting
15 for people to provide some input to us.

16 Q. One of the issues that, I guess, the
17 Commission has to decide is will the proposed line
18 have minimal adverse impacts or effects. And some
19 of the testimony yesterday -- I think we covered
20 the battlefield issue in detail, but there was
21 public testimony after you about the Long X Divide
22 and the North Unit of the park, particularly the
23 view shed concerns.

24 Why -- from Basin's position, why will the
25 proposed project have minimal adverse effects in

1 those two particular areas?

2 A. The -- there's actually two roadless
3 areas. It's Lone Butte and the Long X Divide.
4 Those are two land management units of the U.S.
5 Forest Service who define them as roadless areas.
6 So, yes, there's no existing -- what do you call
7 it -- aboveground impacts to that. We're not on
8 those two management areas, so that was part of
9 that agency scoping and the public input, is that's
10 what we heard is to avoid those areas. That's why
11 our route -- we -- we moved our lines from that
12 area and moved off.

13 We're still within lands managed by the
14 U.S. Forest Service, so the Forest Service
15 management plan areas that we do cross, i.e.,
16 placement of a transmission infrastructure is a --
17 I guess the Forest Service -- I'll let them speak
18 for themselves, but I've been led to believe that
19 we are compatible with those management plans. The
20 Forest Service themselves, they will have -- it's
21 not only your Commission to evaluate whether it's
22 minimal impact. The Forest Service has to do the
23 same process. And by them going through their NEPA
24 analysis and that final action of issuing us a
25 special use permit, I guess they will have that

1 evaluation and make that determination as well.

2 Q. And I just want to -- I guess I'm jumping
3 around a little here, but Exhibit 13, I understand,
4 is kind of the NEPA reasonable alternative route
5 maps, and I want to make sure that I understand it
6 right because I think we -- every person probably
7 looks at a map a little differently.

8 As I understand, I mean I think as we
9 would normally look at this, you see the one big
10 corridor and then the north Killdeer loop corridor,
11 and you've referred to those as macro-corridors.
12 As I understand, generally what Basin did in
13 there -- and those are six miles wide -- is they
14 broke them down into micro-corridors of -- was it
15 six one-mile micro-corridors and then down again
16 into a thousand foot?

17 A. No. Down to a thousand foot. There were
18 several thousand-foot-wide corridors within that
19 six miles.

20 Q. So you did thousand-foot corridors all the
21 way across the macro-corridor?

22 A. That's correct. And, again, this -- this
23 map and I believe in our application it's part of
24 the tabs, I don't have it right in front of me, but
25 it's called the macro-corridor report. So this

1 Figure 1.2-2 is actually an advancement. The
2 original macro-corridor study was even more
3 alternatives than what's shown here.

4 Q. So even though -- so, for instance, like I
5 look at this map I see, oh, that's one big
6 corridor, maybe two if you exclude the north
7 Killdeer loop, but there were several other
8 micro-corridors within that?

9 A. Correct.

10 Q. And where does that stand, I mean, with
11 the upcoming supplemental EIS if, say, the
12 Commission were to say we think it should be moved
13 south of, say, the Killdeer Battlefield or
14 something like that? What happens with the NEPA
15 process? You know, how narrow is the NEPA process
16 on this 150-foot route and corridor that Basin has
17 asked the Commission to site?

18 A. The -- because the draft EIS actually
19 evaluated, you know, this wider thousand-foot
20 corridor and basically evaluated the land within
21 that six-mile-wide macro-corridor, any route change
22 within that, like I testified yesterday, we --
23 whether it's this piece of agricultural land or the
24 next piece of agricultural land, it's not really --
25 the environmental impact is going to be pretty much

1 one and the same, knowing on the context we're not
2 going to go through an exclusion area. We're not
3 going to put a structure in a wetland. We're not
4 going to put a structure into sensitive habitats
5 for different species. So having that light, it's
6 just trading one location for another. And in the
7 NEPA process, it's not all that harmful in the
8 overall time frame of the NEPA process.

9 Q. Okay. But, for instance, as far as NEPA
10 goes, if for some reason it went out of this -- the
11 recommendation was for it to go out of this
12 macro-corridor, would that trigger a whole new NEPA
13 process?

14 A. It has the potential. You know, if our
15 line was just, you know, within a reasonable
16 distance and -- it would have to be up to the
17 federal agency to make that determination.
18 Certainly it could be said the further you go from
19 our existing macro-corridor, the more likely it
20 would stop and start the process over again.

21 Again, we've studied the lands and the
22 habitat and the issues within the macro-corridor at
23 six miles in width. So once we start diverging
24 from there, is there a whole other set of issues
25 that need to be evaluated? I can't answer that

1 because I don't know what that outside corridor is.

2 Q. And then I have just a couple follow-ups.
3 You've got the exhibit book in front of you. If
4 you could turn to Exhibit 15, please. Just for
5 point of clarification, I think on your testimony
6 yesterday, the first map identifying the Orf
7 property, the key at the bottom indicates, I think,
8 that that's an unoccupied residence, but I see on
9 Exhibit 16 there's a waiver. I gather that's
10 actually been identified as an occupied residence?

11 A. No. It's still unoccupied, but we took
12 the extra step to go get that waiver regardless.

13 Q. Okay. And then --

14 A. It's currently unoccupied, but whether it
15 is tomorrow or -- but we have it from the owner.
16 That way we're --

17 Q. Okay. Then what about if you go to figure
18 5.1-4, the Mortenson property, that's more in this
19 area. I didn't see a waiver for that property.
20 And my question is, one, what has been done to
21 identify it as an unoccupied?

22 A. There's a clarification. Ms. Jacobson
23 might enlighten us a little bit more, but it's my
24 understanding that the waiver -- that it's been
25 referred to as the Mortenson. It's a -- whether

1 she's a widow or whether she had a name change, but
2 the waiver is actually in another name. So it's
3 one and the same person, just that it's a --

4 Q. So your understanding, anyway, is one of
5 those waivers we have in Exhibit 16 addresses
6 what's labeled as the Mortenson property?

7 A. Correct.

8 MR. ARMSTRONG: And -- okay. Thank you.
9 That's all the questions I have.

10 JUDGE FETCH: Thank you.

11 Commissioners? Commissioner Fedorchak.

12 COMMISSIONER FEDORCHAK: Just one
13 follow-up question.

14 **FURTHER EXAMINATION**

15 **BY COMMISSIONER FEDORCHAK:**

16 Q. So what do you say, Cris, to -- in
17 response to the folks yesterday who testified that
18 they didn't think that the -- or don't think that
19 Basin has appropriately followed the requirements
20 of NEPA to study, you know, three or two -- I
21 forget what the requirements are -- alternatives?
22 What's the company's response to that?

23 A. What I -- my response is that until the
24 supplemental draft EIS, that comment perhaps is
25 valid. But once we get the supplemental EIS, that

1 will address those issues.

2 COMMISSIONER FEDORCHAK: Okay. Thank you.

3 JUDGE FETCH: Commissioner Kalk.

4 COMMISSIONER KALK: Thank you, Your Honor.

5 **FURTHER EXAMINATION**

6 **BY COMMISSIONER KALK:**

7 Q. Cris, at the risk of going down completely
8 a new road, this isn't a Basin area, is it? Does
9 MDU service here? We regulate them, don't we?
10 Okay. Strike that, please.

11 The -- Cris, the -- back to the --
12 Mr. Armstrong's corridor discussion. How difficult
13 would it be to produce a map around the Killdeer
14 Battlefield area that showed how wide a corridor
15 you studied out? So let's just say that -- I'm not
16 making any decisions, of course, but if the
17 Commission would approve a wider corridor in
18 certain parts of this route that then gives you
19 more flexibility as you go through the NEPA
20 discussion, that then you don't have to go back
21 through and come back and open up your corridor,
22 would there be any value to that?

23 A. Yeah. I think you present a good
24 suggestion.

25 Q. It's based on an experience gained in the

1 Minnkota line, that dealing with difficult issues,
2 we open up the corridor and then let the company
3 and the agencies or the landowners, whatever it
4 might be, work out their solution. And then once
5 the line was sited, we shrunk the corridor back
6 down.

7 A. Yeah. Certainly, like we talked about in
8 length, even the concept of what is the battlefield
9 study area that was just identified last week, just
10 as a -- yesterday the State Historic Preservation
11 Office actually provided a shapefile now of their
12 core area as well. So, yes, a map can be developed
13 to reflect the battlefield in relationship to our
14 macro-corridor.

15 Q. Yeah. I think it would be -- typically
16 you've obviously studied a lot of ground. So if
17 you could pick some magic point to the west, let's
18 say the substation, and then show us what your
19 study area would be going, let's say, you know,
20 five miles, ten miles out, whatever you decide,
21 east of the battlefield of what you think could be
22 a corridor and then submit that as a late-filed
23 exhibit, that we could then consider, if we do
24 decide to open up the corridor, that it's based on
25 something.

1 A. Okay.

2 COMMISSIONER KALK: Mr. Armstrong, does
3 that sound like something we could work with from
4 your legal viewpoint before I get too carried away?

5 MR. ARMSTRONG: Yes.

6 COMMISSIONER KALK: Okay.

7 MR. ARMSTRONG: It would be, I would
8 propose, late-filed Exhibit 40, which as I
9 understand it is a map from -- and maybe it's best
10 just to take it from the Charlie Creek Substation
11 all the way to Antelope Valley Station of a --

12 COMMISSIONER KALK: Sure. That's a good
13 idea.

14 MR. ARMSTRONG: It might be -- it's a
15 matter of how wide, I guess. It sounds --

16 JUDGE FETCH: Excuse me one moment. Hold
17 on. Sorry.

18 Mr. Armstrong, would you back up, please?

19 MR. ARMSTRONG: Yes. Could I maybe
20 question the witness a little bit about what
21 information they have so that we could identify
22 that better?

23 JUDGE FETCH: Sure.

24 MR. ARMSTRONG: As far as the NEPA process
25 goes in that macro-corridor, say the six-mile

1 corridor, do you conduct a Class I search for that
2 entire corridor?

3 THE WITNESS: Yes.

4 MR. ARMSTRONG: So you would be able to at
5 least map out on there any Class I information --
6 Class I cultural resource information as far as
7 identified cultural resources?

8 THE WITNESS: That's correct.

9 JUDGE FETCH: Okay. What is it we're
10 looking for, Commissioner? A map of --

11 COMMISSIONER KALK: I'm trying to give the
12 company -- the company's done a lot of work with
13 their investigation of an area.

14 MR. ARMSTRONG: Here's what I could do.
15 Could you map out exclusion and avoidance areas
16 within that six-mile corridor?

17 THE WITNESS: Yes, we could.

18 MR. ARMSTRONG: Could you provide us a map
19 of the six-mile macro-corridor from the Charlie
20 Creek Substation to Antelope Valley Station as a
21 late-filed exhibit?

22 THE WITNESS: Yes.

23 MR. ARMSTRONG: Late-filed Exhibit 40
24 would be a map of the avoidance and exclusion areas
25 from the Charlie Creek Substation to the Antelope

1 Valley Station for the six-mile macro-corridor
2 centered on the proposed route.

3 THE WITNESS: Now, I guess my question
4 would be -- and that's the hardship of going with a
5 larger corridor. If all avoidance areas need to be
6 known and all avoidance areas are, you know, going
7 through the Class III pedestrian surveys, that's
8 where we have the difficulty.

9 MR. ARMSTRONG: The ones that you --

10 THE WITNESS: From a Class I literature
11 search, yes. A Class I literature search would be
12 available to --

13 MR. ARMSTRONG: I don't think the actual
14 cultural resource sites, so to speak, need to be
15 specifically identified as far as their location
16 because there is some confidentiality of
17 information. What I'm talking about is more if
18 there's designated parks in the area, you know,
19 those types of information. I think we're on the
20 same page.

21 THE WITNESS: Yep. And from that
22 perspective, perhaps a map was already prepared,
23 whether it's in the PSC process or the NEPA
24 process, the avoidance and exclusion areas.

25 MR. ARMSTRONG: Okay. Thank you.

1 JUDGE FETCH: All right. Commissioner,
2 does that address what you were looking for?

3 COMMISSIONER KALK: Absolutely. Thank
4 you. Thank you, Your Honor. Thank you, Cris.

5 JUDGE FETCH: Any other questions from the
6 Commission?

7 Ms. Jacobson, any further questions?

8 MS. JACOBSON: No, Your Honor.

9 JUDGE FETCH: Mr. Armstrong, any further
10 questions?

11 MR. ARMSTRONG: No, Your Honor.

12 JUDGE FETCH: Mr. Lein?

13 MR. LEIN: No, Your Honor.

14 JUDGE FETCH: All right. Thank you.
15 You're excused.

16 All right. The time is a quarter to noon,
17 and the -- Vicky from the restaurant asked when she
18 should serve lunch as it is ready.

19 COMMISSIONER KALK: I would look at the
20 company, and if there's another witness we can get
21 done in 15, 20 minutes; if not, then we probably
22 should take a break.

23 MS. JACOBSON: We would need a break,
24 Commissioner Kalk, anyway, to set up some
25 equipment, and we've probably been going for a

1 while and need a little break anyway.

2 COMMISSIONER KALK: Your Honor, could we
3 set a hard time, based on our experience yesterday,
4 that we'll start public testimony for those people
5 that are here?

6 JUDGE FETCH: Yes. And it's my
7 understanding that lunch is being provided for
8 anyone who is here, including members of the
9 public; is that correct, Ms. Jacobson?

10 MS. JACOBSON: Yes, Your Honor.

11 JUDGE FETCH: All right. We -- it is a
12 quarter to 12. What if we take 45 minutes now for
13 lunch and come back at 1:30 and --

14 COMMISSIONER KALK: 12:30.

15 JUDGE FETCH: I'm sorry. I don't know
16 what time zone I'm in. All right. We'll come back
17 at 12:30, and we will proceed with the last witness
18 for Basin.

19 But for members of the public, if -- we
20 will set a hard time, meaning we will begin public
21 testimony at 1:30 or before, if we complete the --
22 no. We'll begin at 12:30 with the last witness for
23 Basin, and then we'll take -- if it's not completed
24 in an hour, we'll break and we'll go to the public.
25 But hopefully we can get through this last witness

1 in an hour.

2 All right. We're off the record.

3 (Recessed at 11:47 a.m. to 12:31 p.m.)

4 JUDGE FETCH: Okay. For the record, it is
5 just a little after 12:30 p.m., Central time, and
6 at this time, Ms. Jacobson, you had one more
7 witness for Basin?

8 MS. JACOBSON: Yes.

9 JUDGE FETCH: All right. Please call your
10 witness.

11 MS. JACOBSON: The last witness is
12 Mr. Murray. I believe he's ready to go.

13 JUDGE FETCH: Thank you. Go ahead,
14 Ms. Jacobson.

15 **MIKE MURRAY,**
16 having been first duly sworn, was examined and
17 testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MS. JACOBSON:**

20 Q. Can you please state your name and
21 business address for the record?

22 A. My name is Mike Murray, and my business
23 address is 1717 East Interstate Avenue, Bismarck,
24 North Dakota.

25 Q. And who do you work for and what's your

1 job title there?

2 A. I work for Basin Electric Power
3 Cooperative and I am the supervisor for the
4 property and right-of-way division.

5 Q. And how long have you worked at Basin
6 Electric?

7 A. I've been at Basin Electric since 1990 and
8 in the right-of-way department or division since
9 2000 and a supervisor since 2007.

10 Q. And what has been your role with the
11 project that we're discussing here today?

12 A. My role in this project is I oversee all
13 of the landowner interaction, negotiations. I
14 have -- I have eight full-time agents that have
15 been assigned to this project from the very
16 beginning, along with some contract help
17 periodically as we've needed it. And they all
18 report to me directly, and then I interact with my
19 agents, engineering, legal counsel and
20 environmental staff on coming to an agreeable
21 solution.

22 Q. And when did you first start contacting
23 landowners about the project?

24 A. We started contacting landowners in
25 November of 2011.

1 Q. And through those contacts, what were some
2 of your discussions that you had or -- and also
3 what are the ways how you contact landowners?

4 A. Okay. We contact landowners -- we prefer
5 to contact them in person. If we're not successful
6 in doing that, we will try and contact them by
7 phone. If that is not successful, we will contact
8 them by letter.

9 We contact them for a variety of reasons.
10 Early on, it's to get survey permission, get to
11 know the landowner, let them know of our project
12 and what we're looking at and make sure they're
13 invited to the public meetings. We do review the
14 route -- proposed route, discuss any issues with
15 them, try and work out for adjustments where
16 feasible. And then once a route has been
17 determined, we will start our negotiations. Many
18 times that will take several visits, and we will
19 stay in contact with the landowner throughout that
20 process. Once the -- the line goes into
21 construction and even afterwards, we remain in
22 contact with that landowner, keep them updated of
23 any changes and satisfy any issues.

24 Q. Do you have any idea about the number of
25 contacts that typically happens or has happened on

1 this proposed project?

2 A. This project has been a little more
3 challenging in the aspect that I believe landowners
4 are suffering from landowner fatigue. There are
5 just so many pipeline companies, so much activity
6 out there. You know, folks are always knocking on
7 their doors and it's hard -- you know, they're
8 trying to protect their rights, their property
9 rights, and make the decisions that work best for
10 them.

11 I believe on this project -- we did an
12 informal survey here earlier in the year, and we
13 were averaging 19 contacts per landowner to get an
14 easement signed, and in one case it took 39
15 contacts.

16 Q. And earlier you talked about some of the
17 different ways in which you communicate with
18 landowners. How are those communications
19 documented or how do you handle those?

20 A. All of our communications, whether it be
21 by -- in person, by phone, by letter, it's all
22 documented in contact diaries. We take that
23 information back and we sit down and we visit with
24 our engineering staff, environmental, depending on
25 what the issue is. And in most cases, if the

1 landowner is willing, our engineering staff will go
2 out and spend time with them out in the field,
3 looking at their issues and seeing how we can
4 accommodate them.

5 Q. Let's talk a little bit about Basin
6 Electric's easements for the project. Are they
7 limited to a specific purpose or purposes?

8 A. Yes. Our easement only allows us the
9 right to construct, operate and maintain a
10 single-circuit 345 or in some cases a
11 double-circuit line. Only facilities related to
12 that transmission line, nothing else.

13 Q. And what type of activities are restricted
14 within Basin Electric's easements?

15 A. Our easements typically restrict anything
16 aboveground. Anything that can impact the
17 clearance for safety reasons and so we can stay
18 within our NERC and FERC compliance. So we don't
19 allow -- like grain bins, aboveground structures,
20 trees up to a certain height. What we do allow,
21 though, is they can farm and ranch underneath these
22 lines. We will allow crossings of other utilities
23 if they contact us in advance so we can evaluate
24 the position of their crossing, make sure it's not
25 going to have an impact with our structures.

1 Q. And how many landowners are crossed by
2 this project?

3 A. This project crosses 311 landowners.

4 Q. And of those 311, how many do you have
5 signed easements with?

6 A. We have signed easements with 239 of those
7 or 77 percent.

8 Q. Do you have any idea of the number of
9 landowner contacts you've made throughout the
10 process with the macro-corridor analysis and other
11 reroutes that have happened?

12 A. Of the 311 that we're currently dealing
13 with now and you throw in all the reroutes that
14 we've looked at, we're probably at 500 or more
15 landowners that we have had contact with.

16 Q. Mr. Murray, I believe Exhibit 29 was
17 entered into evidence previously and it's the route
18 maps for the project, and they're divided in the
19 testimony books with the colors. And the testimony
20 you'll be talking about today is located in the red
21 pocket labeled Tioga. And can you just walk us
22 through some of the considerations from a
23 right-of-way perspective on the Judson to Tande
24 portion that we're talking about today,
25 highlighting some of the areas that your folks

1 looked at in routing of this line?

2 A. Sure. Just as a point of reference, this
3 is Highway 2 and 85 going north out of Williston,
4 and the segment we're talking about today actually
5 starts four miles to the west and then continues
6 all the way over to the Naset and Judson
7 Substation.

8 All the red stars are residences. So
9 that's an obvious avoidance that we took into
10 consideration. And then you can see all the
11 different scars of the different oil pads
12 throughout that made it challenging -- made it very
13 challenging to route.

14 Q. Mr. Murray, what is the date from when
15 this aerial photography was obtained?

16 A. Oh, boy. I believe the date on this
17 photography was 2010.

18 Q. Okay. So it's likely possible that
19 there's more infrastructure there than what's
20 represented on the map; would that be fair to say?

21 A. Oh, there's definitely more infrastructure
22 than what's represented.

23 Q. Okay. Thank you.

24 Could you please continue with your
25 description?

1 A. Yep. As we will start from angle point
2 five, we prefer to keep our proposed route on the
3 quarter lines. That minimizes impact to
4 landowners. It puts the line on -- many times on
5 fence lines, on property division lines or a
6 separation between crop fields. And also when
7 you -- along the section lines is where you have
8 most of your residences and most of your oil
9 development. So thus the reason we're coming down
10 the quarter line.

11 You will see a slight bump in the line
12 right here. We did -- when Metcalf went out and
13 did their search, they did find a cultural site
14 right there, so we did work with the landowner. We
15 did bump that north to come across. It continues
16 on as we're heading across. This is an active
17 gravel pit, so thus the reason why we did bump up
18 to the section line for a short period here in
19 negotiations with those landowners not to impact
20 their gravel operation.

21 We reached over here at angle point eight.
22 We needed to get back down to this quarter line to
23 avoid other residential and oil activity further to
24 the east. So we do drop back down to angle point
25 nine, and then we do continue east.

1 As we're coming across, this star right
2 here, now, that is that Mortenson waiver. It's
3 also the -- oh, what was her name? Westphal. Her
4 husband had died and I don't know the whole story.
5 All she told us is that she changed her name after
6 his -- after he became deceased, but she did not
7 change it on the property. So that's -- that was
8 the confusion on that waiver.

9 So we continue along -- as we're going
10 east, it's a nice straight quarter line route. You
11 can see it's very, very clean. The oil activity
12 all lies to the north. We've got lots of pipelines
13 and infrastructure down here to the south, plus the
14 town of Epping. And we did look at possibly coming
15 along the Epping road, which did not make for an
16 ideal railroad crossing on the railroad as it's
17 coming up. Also lots of residential areas there to
18 take into consideration.

19 As we're coming across to angle point 10,
20 we jump north to angle point 11 to avoid the town
21 of Wheelock. If we'd have maintained our
22 alignment, we would have come across the town of
23 Wheelock. Again, not a very good crossing of the
24 railroad. Thus the reason we chose to take it
25 north a mile, get back onto a new quarter line,

1 knowing ultimately we had to get north up to the
2 Tioga Substation anyway.

3 So we continue across through here. There
4 were some nice property division lines. It made
5 for a nice crossing of the railroad here on this
6 piece of property. You can see there's clusters of
7 homes here. There's lots of oil activity to the
8 north, oil activity to the south, so it made a lot
9 of sense.

10 Okay. And we continue on down this
11 quarter line through this additional property down
12 here, which you can't see -- well, you can see,
13 just barely. This is all oil activity. When you
14 look at this, it became pretty obvious that there's
15 a lot of impact here, there was a lot of impact up
16 north.

17 As we come over here to angle point 12, we
18 did make an adjustment and you can see this little
19 pasture draw area here. What we did is we
20 strategically placed that angle to stay on
21 pasture -- out of the cropland, basically, as we
22 transitioned up to the next quarter line. This
23 quarter line -- we needed to transition up because
24 we were going to run into residential and oil
25 activity, so we -- at this point we did need to

1 make a bump to the north.

2 So from here we continue down the quarter
3 lines, coming across on a nice clean quarter to
4 angle point 14. At this point is where we turned
5 north. And we did have to -- this was one of our
6 route adjustments early on. Davidson here was
7 looking at some industrial/commercial-type
8 opportunities there, so we did make a route
9 adjustment from coming up the side to coming up the
10 center here of the quarter.

11 We continued north and it made for a nice
12 crossing of the highway. Come up here to Section
13 15 to start aligning ourselves with our Neset
14 Substation site. And also as a point of reference,
15 here's the Tioga airport, the city of Tioga. So we
16 are to the east of that by a couple miles.

17 This is the new Tande Substation property
18 that we had recently purchased from the landowner.
19 So the alignment makes a jog over to align with
20 that property, then continues north for -- to align
21 into our Neset Substation.

22 Q. And, Mr. Murray, Exhibit 28 was entered
23 into evidence, and it -- could you tell us what the
24 map represents?

25 A. Exhibit 28 is a map of all of the

1 easements that have been signed. It's color coded.
2 Everything in green has been signed, everything in
3 red has not. So it gives you a pretty good idea of
4 the areas where we had a little bit more resistance
5 and the areas that were very clean. I would say
6 that, you know, as we were coming across and
7 negotiating with these landowners, they've all
8 been, for the most part, very, very good to work
9 with. They don't all necessarily agree with having
10 a project of this size on their property, but
11 they've been very good to work with.

12 Q. And, Mr. Murray, on some areas of the map,
13 particularly south of Judson and north of Charlie
14 Creek a little bit, there are more contiguous
15 places that are identified in red, and can you talk
16 about those areas, why --

17 A. Yep, I would. And, yeah, that's a little
18 bit deceiving. The area south of Judson, there's a
19 large block of unsigned easement -- or it shows
20 unsigned easement. Most of that is the Corps of
21 Engineers' property, and after the NEPA process,
22 that -- we should be receiving that permit. As you
23 come further south along the park there, a lot of
24 that is national grasslands and even closer to
25 Charlie Creek National Grasslands also.

1 they can find this -- the location of -- the
2 proposed location of the line in order to avoid it
3 so you -- like if the project's approved, you don't
4 go out there and all of a sudden there's an oil
5 well in your right-of-way?

6 A. Is there a place they can find our line?

7 Q. Yeah. Well, I mean if this line is
8 approved with the 150-foot corridor, as I
9 understand it, particularly in this area, it's not
10 planned to be built until 2017. That's a long
11 time. What would be preventing, I guess, somebody
12 from going and putting an oil well right in this
13 spot where this line goes?

14 A. Right. Right. As -- the previous exhibit
15 we just looked at, Exhibit 29 -- or 28, I'm sorry,
16 that shows -- all those easements that have been
17 signed are recorded in the courthouse. It is a
18 public document. For those that have not been
19 signed, we have been in contact with those oil
20 companies -- not just oil companies, all utilities,
21 all utilities in the area that we have to cross.
22 And the landowners that we have been negotiating
23 with are also aware of this line. So I mean if
24 they came to Basin Electric, we could get this. We
25 have not provided our line -- I do not believe we

1 have provided our line to the oil companies.

2 JUDGE FETCH: Hold on one second. Could
3 somebody back there turn the lights back on? It's
4 a little hard to see documents.

5 Thank you. Thank you. I'm sorry. Go
6 ahead, Mr. Armstrong.

7 MR. ARMSTRONG: Thank you.

8 Q. (MR. ARMSTRONG CONTINUING) The waivers, I
9 assume you were involved in getting the occupied
10 residence waivers. What did you do to figure out
11 who the appropriate person was to get those
12 waivers?

13 A. What we did is once we realized we were
14 within 500 feet of those residences, we go and pull
15 the tax files on that and you go to the courthouse
16 and you actually pull the deeds. You figure out
17 who owns that property and you go and you visit
18 with them.

19 Q. Okay. And then are you comfortable with
20 that process and with the waivers that you've
21 submitted concluding that all residences within
22 500 feet have signed off --

23 A. Yes.

24 Q. -- and have a waiver for the project?

25 A. Yes.

1 Q. For the rest of -- I don't know if you're
2 going to be testifying next week in Williston or
3 not, but for the rest of the project and not what
4 you were just talking about, were there any
5 additional areas of concern or areas you had to
6 deal with, you know, differently from, say,
7 Williston to the Antelope Valley Station?

8 A. From -- from AVS -- from the Antelope
9 Valley Station to the Charlie Creek Substation, we
10 were highly successful on that segment. There was
11 not a lot of issues.

12 We do have some landowner resistance due
13 to the inundation of impact on them when you go
14 from Charlie Creek up to Williston, within that
15 segment. So basically that is trying to work
16 closely with the landowners to determine is there a
17 location that works best for you. You know, I know
18 there's a -- a lot of times there's an attempt to
19 push it off on the neighbors and we do investigate
20 that, but many times the neighbors don't want it
21 just as much as they don't want it, so --

22 MR. ARMSTRONG: That's all the questions I
23 have.

24 JUDGE FETCH: Thank you.

25 Mr. Lein, do you have any questions?

1 MR. LEIN: Just real quickly.

2 EXAMINATION

3 BY MR. LEIN:

4 Q. You -- you skirt the park -- you go away
5 from Highway 85 right by the park and off to the
6 east there. Was that an attempt to get out of the
7 park view shed or --

8 A. Just bear with me for a second here.
9 Okay. You're talking this location right here?

10 Q. Yeah.

11 A. Yep. That was to get out of the park view
12 shed and also within a corridor that was approved
13 by the Forest Service. We worked with an oil
14 company in this location, and that will be
15 addressed in Williston when we go over that
16 testimony.

17 MR. LEIN: Okay. Thank you.

18 THE WITNESS: Yeah.

19 JUDGE FETCH: We'll go to the
20 commissioners. Commissioner Kalk.

21 COMMISSIONER KALK: Thank you, Your Honor.

22 EXAMINATION

23 BY COMMISSIONER KALK:

24 Q. And thank you for your testimony today.

25 A couple scenario questions based on

1 the -- the Commission had not sited a power line of
2 this size for 25 years until the Minnkota line. We
3 picked up a lot of experience in that line, and one
4 of the things that came out in that hearing was
5 dealing with easements payments. And for the
6 audience, the PSC has nothing to do with easement
7 payments. It has nothing to do with you going
8 after the easements. At some point in time if
9 somebody doesn't sign it, that's all a legal
10 process, but I'd be curious to get your feedback on
11 what you received from the landowners on the advice
12 of a one-year payment or a five-year payment. Did
13 that become an issue in this at all?

14 A. That's a good question. Of those roughly
15 70 landowners that we have still remaining
16 unsigned, I would say half of those are pursuing --
17 or are requesting an alternate payment process.
18 And basically what they're looking at is some sort
19 of a lease payment with an escalator, something
20 that's going to continue to build every year.

21 What we -- due to North -- or state
22 statute, what we do is we take our negotiated sum
23 of money, what we agree upon for the easement, and
24 then we offer that to them in installments. And
25 they can take -- you know, a lot of them due to tax

1 reasons, they don't want that much money up front.
2 So they can take that in 2 years, they can take it
3 in 5 years, 10 years or all the way up to the
4 99-year term.

5 Q. So you did offer more than a five-year
6 period?

7 A. Yes, we did.

8 Q. So that does not violate any state laws or
9 any rules on easement payments? Because I've been
10 told in different areas that five years is the max
11 that companies can pay easements. That must be not
12 a true statement for this company, which is fine.
13 That's your --

14 A. Not from what we read and our legal
15 counsel has -- in their opinion on how that law
16 reads.

17 Q. Okay. Because that was one of the
18 sticking points with easements was the payment
19 period. If they could get a longer payment period,
20 they were happier to sign it, so that's good to
21 know. The -- maybe, Mitch, you and I will educate
22 afterwards to see if we can learn what they did
23 here legally so we could advise other people. Not
24 that we give legal advice, but --

25 Okay. How did you deal with -- you're

1 talking to the landowner, he or she is happy, they
2 sign the easement, and you get out there and
3 they've rented out their property and the person
4 renting the property has no idea there's a power
5 line coming across their rented property?

6 A. I would hope that the landowner would have
7 advised them this -- you're talking prior to
8 construction?

9 Q. Well, at --

10 A. Because --

11 Q. However it's going to play out, but this
12 is a scenario we don't want to play out. Landowner
13 signs the easement, doesn't tell the renter, you
14 show up one day -- because we've seen that happen
15 too. So how are you going to notify landowners to
16 make sure they notify if they're renting to someone
17 so you don't have that scenario?

18 A. We don't.

19 Q. It probably won't be a requirement from an
20 order, but it's certainly a planning requirement
21 that can really muck up the waters.

22 A. Right. Post-construction, it's visibly
23 there. If they're going to rent that property,
24 they know what's already on the property.

25 Preconstruction, we do rely on the landowner

1 disclosing that to the tenant. But when it comes
2 time for us to settle damages at the end of
3 construction, we do ask the landowner, since he is
4 not always farming that property, many times it's a
5 tenant, do you want that compensation to go to the
6 tenant or do you want to retain that compensation
7 based on your agreement with the tenant.

8 Q. I just throw that out there as an area of
9 caution.

10 A. Yeah.

11 Q. Once again, I don't think it will come
12 back to the PSC in our jurisdiction, but it'll --
13 certainly could create some challenges for a lot of
14 different areas.

15 The different venues, we've had the first
16 day of hearings where someone will have irrigated
17 land and that's an avoidance area, and by the third
18 day of hearings everyone is proposing to have
19 irrigated land. So any type of that discussion
20 that came through with people that said, Listen, I
21 can't have this because I'm going to have an
22 avoidance area, I'm going to build a private
23 airfield?

24 A. No. Nothing as far as irrigated land,
25 private airfields, but proposed home locations does

1 come up. And then we try to pinpoint them, do you
2 have it platted, how far into the future are you
3 looking? Because many times, on previous projects,
4 they would say, Well, this is my proposed homesite.
5 I'm going to build there someday. And we'll avoid
6 it, and then we come back ten years later and
7 nothing -- most of the time nothing has ever
8 happened.

9 Q. Sure. The -- what type of search did you
10 do on private airfields? Because we've seen the
11 other side where legitimately there's a private
12 airfield that's been missed until you get out there
13 and do the construction.

14 A. I would have to let probably Cris Miller
15 answer that. I'm not familiar. If the landowner
16 discloses it to us as the right-of-way agents in
17 the field, we definitely pass that on, but as far
18 as the air field searches, my staff -- my team does
19 not do that.

20 Q. Is that something maybe the attorney -- we
21 might have -- we need to get an answer to that
22 question. And that can be at Williston, those
23 things don't have to be today, but that's one thing
24 we'll want to verify, that Basin has done the
25 private air field search, so -- those are all filed

1 with the State Aeronautical Commission, so I don't
2 think it's that hard to get. If you haven't done
3 it, that's probably needed.

4 And then the next one we've seen, missile
5 silos. We've -- companies have missed missile
6 silos. What type of search have you done to make
7 sure there is no missile silos that are -- this is
8 the area of Minot Air Force Base.

9 A. Yep. We were in contact with the Minot
10 Air Force Base on another line that we're currently
11 constructing up there, a 115 kV line, and they will
12 notify us or let us know where those missile silo
13 sites are, and I believe it's like a 1400-foot
14 setback that you've got to stay away from those
15 sites.

16 Q. So you're confident that there is no silos
17 along this portion of the route?

18 A. I would not say I'm confident this far
19 west. Closer to -- from this portion going east,
20 yes, for our previous project. I do not want to
21 answer on this project. I don't know if --

22 COMMISSIONER KALK: Maybe that's another
23 thing for next week that we can tighten up a little
24 bit.

25 Thank you. That was all that I had.

1 JUDGE FETCH: Thank you.

2 Commissioner Christmann.

3 COMMISSIONER CHRISTMANN: Thank you, Your
4 Honor.

5 **EXAMINATION**

6 **BY COMMISSIONER CHRISTMANN:**

7 Q. Mr. Murray, yesterday I was very unhappy
8 to find out about a government-funded cultural and
9 historical study on a bunch of private land to find
10 out that they had talked to almost none of the
11 landowners about doing this. Am I safe to be
12 confident that even though you don't have everybody
13 signed up, that all these landowners along this
14 route have -- you have been in contact with them?
15 They know that you're working on this project;
16 correct?

17 A. We have been in contact with every single
18 landowner several times.

19 Q. Okay. Thank you.

20 Next thing, I don't know if this is like
21 an anomaly of the printer or what. I see several
22 of these up in this area, but the easiest one to
23 point out on the map -- I'm on this Exhibit 28 --
24 is down by Halliday, straight north of Halliday is
25 a section where the line is like half green and

1 half red. So what's that mean?

2 A. Because we're running on a quarter line,
3 so it's a property division line. So the
4 properties on the north half of our proposed -- our
5 right-of-way is 150 feet wide. The north 75 feet
6 have signed easements with us. The south 75 feet
7 we're still in negotiations with.

8 Q. Okay. And when the 77 percent signed up,
9 is that 77 percent of landowners or 77 percent of
10 the land?

11 A. It's pretty much one and the same. It's
12 77 percent of the land -- or landowners. I believe
13 we're at 79 percent of the land.

14 Q. Okay. And then if the government land
15 that -- that you talked about is basically waiting
16 on the study process to go through, both federal
17 and state, if we were to assume that the studies
18 are going to indicate a go on that and that those
19 became approved, then what percentage of the land
20 do you think would remain unsigned? So basically
21 the question is what percent of the land is in
22 private ownership and is unsigned?

23 A. Okay. We have signed 77 percent --
24 79 percent of the mileage. If we were to include
25 the Corps, the U.S. grasslands and the State School

1 lands -- State Trust lands, I believe it was
2 determined we'd be at about 84 percent.

3 COMMISSIONER CHRISTMANN: Okay. Thank
4 you. I have no other questions.

5 JUDGE FETCH: Thank you.

6 Commissioner Fedorchak.

7 COMMISSIONER FEDORCHAK: Thank you.

8 **EXAMINATION**

9 **BY COMMISSIONER FEDORCHAK:**

10 Q. So, Mike, what's your plan for the
11 remaining 14 percent, 13 percent of the -- or
12 16 percent of the private land -- landowners?

13 A. Our plan is to continue our negotiations.
14 Most of those are still talking with us and we're
15 still working on issues. We do have a small
16 handful that from -- almost from the very beginning
17 have just refused to work with us at all, have any
18 contact. So what we do is we try to route around
19 them. We go, okay, that's a dead end, we've got to
20 find a way around them. Many times they own too
21 much property to the north and to the south, so
22 you're still going to impact them. And many times
23 their neighbors are letting us know, You know what,
24 they push everything onto us, you know, it's their
25 turn to have it. It's a balance act, so you're

1 constantly going back and forth trying to find some
2 solution. Is it structure spotting, is it location
3 of the line, tower heights, you know.

4 Q. Okay. And then regarding your contracts,
5 this is more just a curiosity for me, but do you --
6 are they all different or does everyone kind of get
7 the same deal?

8 A. As far as our easements go, they're --
9 it's a standard document.

10 Q. Okay.

11 A. But there are terms in there that many
12 times they'll go visit with their attorney, with
13 their neighbors and they'll come back and say, you
14 know, I'd be more comfortable if you would reword
15 this this way. We run that by our legal staff.
16 Most of the time we can accommodate that and we go
17 back and that satisfies their need.

18 I will also let you know Basin Electric as
19 a cooperative, we have a strong belief that we
20 treat landowners fairly. So what we will do is we
21 don't want it to be a punishment for a landowner to
22 sign early. So as far as compensation goes, you
23 know this may be our compensation in 2012, but by
24 2013 if we've had to increase our compensation to
25 sign additional landowners, at the end of our

1 acquisition, we will go back and square up the ones
2 that signed early.

3 COMMISSIONER FEDORCHAK: Okay. Thank you.
4 That's all my questions.

5 JUDGE FETCH: Thank you.

6 Any follow-up from the commissioners?
7 Commissioner Kalk.

8 COMMISSIONER KALK: A follow-up to Julie's
9 question.

10 **FURTHER EXAMINATION**

11 **BY COMMISSIONER KALK:**

12 Q. That was a great point, but, once again,
13 not our jurisdiction, but I suspect that makes
14 it -- you don't ever want to get to this point, but
15 when you get into the legal proceedings, I suspect
16 the judges look very favorably when you've got a
17 good base of funding throughout the whole system
18 that -- as they make their decisions.

19 A. Can you rephrase? I'm not sure of the
20 question.

21 Q. Just that Basin is very -- making sure
22 everybody gets a hundred bucks along the line.
23 When you get into that final court decision, it's
24 probably very easy for the judge to make a decision
25 of the monetary amount because you've been so

1 consistent throughout the whole route.

2 A. That's a good point and that could be.
3 And when I say that we compensate them all
4 likely -- and it's for like property. It would be
5 like cropland to cropland gets one payment, pasture
6 to pasture.

7 Q. Sure.

8 A. And -- but that's for voluntary signings.
9 You know, if the court comes back and orders less
10 or more, that doesn't affect what our -- our
11 voluntary signings were.

12 COMMISSIONER KALK: Sure. Thank you.

13 JUDGE FETCH: Other questions,
14 Commissioners? All right. Thank you.

15 Ms. Jacobson.

16 MS. JACOBSON: Thank you.

17 **REDIRECT EXAMINATION**

18 **BY MS. JACOBSON:**

19 Q. Mr. Murray, earlier Mr. Armstrong was
20 asking you questions about how Basin Electric works
21 with oil companies and their existing leases. Are
22 there areas along the route where the land is held
23 in fee by oil companies?

24 A. There are areas along the route where
25 it's -- it's more of a block that is owned in fee,

1 but I'm not aware of those locations.

2 Q. Are you familiar with the -- Continental's
3 Atlanta site?

4 A. Yes. Yes, I am.

5 Q. Can you please describe on the map where
6 that's located and how you went about your
7 negotiations on the placement of the structures in
8 that area?

9 A. Yes. And, I'm sorry, I thought we were
10 just talking the Tioga.

11 MS. LABER: Sorry. I'm going to have to
12 get that map. It's going to take a minute.

13 Q. (MS. JACOBSON CONTINUING) Mr. Murray, can
14 you just describe for the Commission where it's at
15 while Shana gets the map?

16 A. Yeah. It's -- it's just on the west side
17 of Williston overlooking the river. And
18 Continental bought a large piece of property,
19 somewhere in the neighborhood of 20 to 40 acres,
20 and they sited a massive wellsite there with many,
21 many wells that are -- it's designed to go
22 underneath the river and extract that oil.

23 It just happened to be -- it's right in
24 here. And what it is, it's -- when we come across,
25 we had to work very, very closely with them to

1 adjust our route and our structure placing to
2 accommodate that well that popped up at a later
3 date. We were initially negotiating with the
4 landowner himself. He sold the property to
5 Continental, which had an impact on our route. And
6 as a result, we've been in communications with
7 Continental and we've made the adjustments they've
8 requested.

9 Q. Mr. Murray, are there other areas along
10 the route where there's oil development where
11 you've been in contact with the companies about the
12 placement of Basin Electric's structures and can
13 you just talk about that briefly?

14 A. Well, there's the one along -- down by the
15 Forest Service property. We did work very closely
16 with an oil company down there to specifically spot
17 our line not to have an impact on their operation,
18 which was right in this area here.

19 Q. Mr. Murray, could you please describe what
20 section that is?

21 A. Okay. That would be Section 18, Township
22 147 North, Range 98 West.

23 MS. JACOBSON: No further questions, Your
24 Honor.

25 JUDGE FETCH: Thank you.

1 Mr. Armstrong?

2 MR. ARMSTRONG: Nothing further.

3 JUDGE FETCH: Commissioners, any further
4 questions?

5 COMMISSIONER FEDORCHAK: No, Your Honor.

6 JUDGE FETCH: All right. Thank you.

7 THE WITNESS: Thanks.

8 JUDGE FETCH: For the record,
9 Ms. Jacobson, does that comprise the company's
10 case?

11 MS. JACOBSON: Yes, Your Honor.

12 JUDGE FETCH: Thank you.

13 Well, we're ahead of schedule, but at this
14 time I'm going to call on any members of the public
15 who wish to come forward and testify.

16 And before we get started, I see five
17 names on this sheet, five individuals who have
18 indicated they want to testify. If you are one of
19 those or if you didn't sign and you want to
20 testify, please raise your right hand. Well, now I
21 count only three people -- four people. Okay.

22 I hope you all heard my instructions
23 earlier that testimony is taken under oath and is
24 subject to penalties for perjury, and I instructed
25 as to those. Did anyone not hear that? Okay.

1 (Witnesses sworn.)

2 JUDGE FETCH: All right. I'm not going to
3 call on you in any order. Just come forward one at
4 a time. And this is your chance to give your
5 information to the Commission.

6 **DALE HAUGEN,**
7 having been first duly sworn, was examined and
8 testified as follows:

9 **STATEMENT**

10 **BY MR. HAUGEN:**

11 MR. HAUGEN: My name is Dale Haugen,
12 D-a-l-e, H-a-u-g-e-n. My business address is P.O.
13 Box 1346, Williston, North Dakota. I represent
14 Mountrail-Williams Electric Cooperative.

15 Your Honor, Commissioners and Counsel,
16 thank you. Again, I'm providing testimony on
17 behalf of Mountrail-Williams Electric Cooperative
18 in support of Basin Electric's building of this 345
19 transmission line.

20 Mountrail-Williams Electric's loads have
21 increased dramatically in the last three years,
22 gaining an average of 35.2 percent. And with this
23 year, 2013, keeping that same trend of over
24 40 percent growth.

25 The Bakken and Three Forks oil shale

1 formations lie within our Mountrail and Williams
2 County service area. This oil production, as you
3 know, requires electricity for the oil pumpers, for
4 the gas lines, the oil pipelines, all the secondary
5 recovery we hope to get, a lot of support
6 industries and, of course, the new apartments and
7 the homes for all the additional workers that we
8 have here in the west. This really accounts for a
9 lot of this significant growth.

10 Mountrail-Williams developed a load
11 forecast of our energy and demand for the period of
12 2011 to 2025. We did this in accordance with the
13 Rural Utilities Service, or the RUS, guidelines,
14 and this ended up being a real judgmental forecast.
15 By that I mean the trends and the future
16 projections were really reflections from the
17 experience of my board of directors and the
18 knowledge we as employees have through meetings
19 with the oil industry, companies that we serve and
20 their representatives.

21 Mountrail-Williams' load is going to grow
22 from the 2009 peak of 78 megawatts to our 2012 peak
23 of 194 megawatts to a projected peak of
24 682 megawatts in that year 2025. This is three and
25 a half times more load for the next 13 years.

1 COMMISSIONER KALK: Okay. Thank you.

2 JUDGE FETCH: Thank you.

3 Commissioner Christmann.

4 COMMISSIONER CHRISTMANN: Thank you.

5 **EXAMINATION**

6 **BY COMMISSIONER CHRISTMANN:**

7 Q. Mr. Haugen, clearly any aspirations I
8 might have had of being a court reporter are
9 futile. Could you go through those numbers again
10 on your '09 load and '12 and '25?

11 A. Okay. In '09 the co-op peaked at
12 78 megawatts. In 2012 we peaked at 194 megawatts.
13 In 2025, after much of the board's debate of what
14 are we going to look like when we pull our big boy
15 pants on, is going to be 682 megawatts, realizing
16 like an Antelope Valley Unit I is 400 megawatts.
17 So a lot of determination of who's going to pay the
18 bills when we reach 680 megawatts.

19 Q. Well, thanks a lot, Dale, for being here.
20 That really provides some perspective of what's
21 going on up here. And I presume the -- the
22 investor-owned utilities that are in the area are
23 experiencing -- well, I'm not assuming -- I know,
24 we've talked to them. They're experiencing
25 dramatic growth, too, so it takes some power to

1 keep all the lights on, doesn't it?

2 A. And proud to say we have a good working
3 relationship with them.

4 COMMISSIONER CHRISTMANN: Thank you. No
5 further questions. Thank you.

6 JUDGE FETCH: Thank you.

7 Commissioner Fedorchak.

8 **EXAMINATION**

9 **BY COMMISSIONER FEDORCHAK:**

10 Q. Thank you, Dale. Just a couple questions.
11 Can you remind me what your service territory is,
12 which counties?

13 A. Okay. Mountrail-Williams predominantly
14 serves all of Mountrail County and Williams County.
15 The two counties are located right in the heart of
16 the Bakken formation.

17 Q. Do you serve any other counties besides
18 those?

19 A. Just very few sporadic accounts outside
20 the service area.

21 Q. So if I can remember your name, I should
22 be able to remember your service territory?

23 A. That is correct.

24 Q. Okay. Can you tell me what -- what's the
25 load of a -- the average wellsite?

1 A. Average wellsite is anywhere from 35 kW to
2 45 kW, and --

3 Q. And that includes one --

4 A. -- now that would be one wellsite.

5 Q. Okay.

6 A. For instance, now, the Atlanta pad that
7 they referenced earlier will have 14 wells on that
8 particular site.

9 We've been working with Continental on
10 some other sites that could be as large as five
11 megawatts with gas lift, so substantially different
12 between a 35 kW to a 5 megawatt. The variance is
13 great.

14 Q. Are you aware of any effective on-site
15 generation projects or technology out there that's
16 actually working?

17 A. I'm aware of other generation sites, such
18 as burning flare gas on some of the well locations
19 where pipelines couldn't be reached within the city
20 boundaries of Williston. Statoil has one of the
21 sites. Some of the other sites, they have a
22 combined fuel cycle with diesel and natural gas,
23 and two of them are serving commercially back into
24 Mountrail-Williams. To answer you, are they
25 effectively working, no comment.

1 Q. What are the drawbacks?

2 A. The drawbacks for me is hard to dispatch.
3 You know, they're small generation, lock-out,
4 tag-out programs. Hard to work with. If we have
5 16, 18 hundred wells that would go to flare to
6 individual generation, in the middle of the night,
7 30 below, and we have to go to 1600 locations to
8 lock out the generator to protect the linemen that
9 are going to work on the line, it will dramatically
10 reduce call-out time and service to our existing
11 members, because you physically have to lock them
12 out so that they don't inadvertently generate back
13 into the line.

14 Q. So if they're -- you'll have to explain
15 that a little bit more in detail to me. So if
16 they'd go to an on-site generation, you have to go
17 out there and lock them out from getting back on
18 the grid?

19 A. Yes. If we have a -- the line is out of
20 service due to a lightning strike or somebody that
21 had an interesting Saturday night hit a pole and
22 knocked it over, we have to definitely go back and
23 look at our model and see which one of these
24 wellsites are generating electricity back into
25 this. The technology allows them to pull

1 themselves off of the line, but the law requires
2 that the lineman, for safe work reasons and safe
3 practice, has to clearly have a visible open. So
4 before that lineman can go up and do his five
5 points before he can work on the line, test the
6 tester, test the line, test the tester again, place
7 your personal grounds on there, they would have to
8 make sure and go to each one of these sites to open
9 the switch, put their personal padlocks on them, go
10 to the next site, do the same, go the next site.
11 Then they can go to the place where the line has
12 actually had the failure and begin to work. So you
13 have to remove the source of electricity from your
14 work area.

15 Q. Okay. And that's with current technology?

16 A. That's with current technology.

17 Q. Do you see technology expanding fast
18 enough to actually make this a realistic solution
19 long-term where these wells are not on the grid?

20 A. I don't know.

21 Q. You're not seeing that now?

22 A. No, I am not.

23 Q. Okay. So this 2025 projection assumes --
24 what figures are you using in terms of oil growth
25 there? Are you using the projections from

1 Petroleum Council or --

2 A. When we really looked at this -- again, as
3 I said, it was very judgmental. We sat down in our
4 boardroom and looked at our service area up in
5 Mountrail-Williams County. We overlaid the Bakken
6 shale maps, the Three Forks shale maps. We seen
7 what drilling we had, and we really knew from
8 visiting with oil company industries that we're in
9 the heart of it. You're going to have oil in every
10 section.

11 So we sat down and we placed oil wells in
12 every mile of line within our service area and
13 added the 45 kW. Then we added so much horsepower
14 of support load for the oil pipelines, the pumping,
15 the water disposal. And then we added it all up
16 and we put none for additional housing, anything
17 else, because we needed a fudge factor. And it
18 come to a little over one gigawatt of power.

19 And we knew that if we were going to leave
20 78 megawatts and go to our power supplier and
21 propose that we're going to need one gigawatt of
22 power, they might put me in a funny farm.

23 So what we did is we debated and the board
24 said, Let's take 80 percent of it. And then we
25 took 80 percent, and then there was another

1 reduction factor. And finally the board, of which
2 my board chairman will testify, came out with a
3 supporting resolution to agree on this number and
4 then send it on up to the power supplier.

5 Q. So this is, in your estimation, fairly
6 conservative?

7 A. Very conservative.

8 COMMISSIONER FEDORCHAK: Okay. I think
9 that's all my questions. Thank you, Mr. Haugen.

10 THE WITNESS: Thank you, Commissioner.

11 JUDGE FETCH: Thank you.

12 Commissioners, any follow-up? Chairman
13 Kalk.

14 **FURTHER EXAMINATION**

15 **BY COMMISSIONER KALK:**

16 Q. Thank you, Dale, just a couple thoughts.

17 The -- are you aware that the EPA has put
18 out guidance that really discourages more of the
19 distributed generation that we're talking about
20 that you're using in your area?

21 A. I am not aware.

22 Q. The -- I know Cass County Electric and
23 others have tried to encourage point distribution
24 like you're hoping to do in the oil fields, but
25 there's policies out there that are really

1 discouraging it because the best thing to keep the
2 clean air is to have one point of discharge. So
3 I'm just curious to hear your thoughts on having
4 one point of discharge, such as an efficient coal
5 plant, versus hundreds of small generation points.

6 A. And that is correct. I mean I'm used to
7 our service area where Hess Tioga Gas Plant plays a
8 huge role in our service and familiar with their
9 footprint and air emission standards that they've
10 had here around at Tioga, and I'd agree with it at
11 a hundred percent. It's better to do it at one
12 source than multiple sources.

13 Q. It doesn't mean at some point we don't get
14 there, but for right now the most environmentally
15 sound way is to use existing generation that is
16 compliant with all the Clean Air Act?

17 A. I would agree.

18 COMMISSIONER KALK: Thank you, sir.

19 JUDGE FETCH: Thank you.

20 Anything further? Commissioner Fedorchak.

21 COMMISSIONER FEDORCHAK: I do have one
22 other question. Sorry.

23 **FURTHER EXAMINATION**

24 **BY COMMISSIONER FEDORCHAK:**

25 Q. To understand the process more, how much

1 of a heads-up do you get from oil companies when
2 they're going to be drilling new rigs? Is there a
3 planning process here where -- that you say, sorry,
4 we're not ready for you, we can't handle it, or do
5 they just put it in and you have to deal with it?

6 A. I manage by numbers, because if you don't
7 know what's going on in your organization, how can
8 you manage it? We are averaging over 200 days from
9 the request of service to the time that we can
10 provide service. A lot of that is right-of-way
11 issues, absentee landowners, notice of intent from
12 the oil companies to provide payment for that
13 project, multiple partners. A lot of my
14 information really comes from the North Dakota oil
15 and gas website. I look on their GIS system, see
16 where they're permitted. That is -- even though we
17 have monthly meetings with oil companies and that,
18 but their -- their completion wells and things are
19 following behind, too, with service companies, but
20 North Dakota oil and gas website provides me the
21 greatest data.

22 Q. So that's what you use for planning?

23 A. That's what I use mainly for planning.

24 Q. Do they send you -- from the time they
25 send you a request -- they -- they at some point

1 request service?

2 A. Yeah. Right now we are behind 560-some
3 oil wells pending, waiting for Mountrail-Williams.
4 We are behind 3,400-plus apartment units pending
5 electricity. Those are not a hundred percent
6 completed construction. The 560 oil wells are
7 drilled, completed and waiting for service.

8 If you'd really take a look at the
9 statistics, we're behind just a little over a
10 thousand meters that would receive service tomorrow
11 if we could provide it.

12 Q. And those -- those 560 wells, are they
13 using, then, an on-site generation source?

14 A. They're using an alternative method for
15 pumping.

16 COMMISSIONER FEDORCHAK: Okay. All right.
17 Thank you. That's amazing you had time today to
18 join us.

19 THE WITNESS: It's great.

20 JUDGE FETCH: Commissioners, any further
21 follow-up?

22 Ms. Jacobson?

23 MS. JACOBSON: No, Your Honor.

24 JUDGE FETCH: Mr. Armstrong?

25 MR. ARMSTRONG: No.

1 JUDGE FETCH: All right. Thank you.

2 THE WITNESS: Thank you.

3 JUDGE FETCH: Thank you, Mr. Haugen.

4 All right. I promised the court reporter
5 we would not go as long in between breaks, but --
6 so we'll probably take a break in about 15 minutes,
7 but let's get started.

8 **ROGER SORENSON,**

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

11 **STATEMENT**

12 **BY MR. SORENSON:**

13 MR. SORENSON: My name is Roger Sorenson,
14 and my address is 5880 88th Avenue Northwest in
15 Ross. I represent Mountrail-Williams. I'm the
16 chairman of the board of directors.

17 Your Honor, commissioners and counsel,
18 thank you -- thank you. I'm providing testimony in
19 support of Basin Electric's building of the 345
20 transmission line.

21 Basin Electric Power Cooperative would not
22 be here today if it wasn't for Mountrail-Williams'
23 members' needs and requirements of electricity.
24 The load pocket has developed in western North
25 Dakota and right here. And in and around these

1 western North Dakota counties it has got us
2 struggling to serve the rapid growth.

3 Mountrail-Williams' loads have increased
4 dramatically the last few years. And when
5 Mountrail-Williams developed their load forecast of
6 600-plus megawatts in the year 2025, this
7 cooperative's board of directives sent a support
8 resolution to the Basin Electric stating, "Whereas,
9 the board of directors of Mountrail-Williams
10 Electric Cooperative has reviewed and studied its
11 conclusions; therefore, be it resolved that the
12 board of director of Mountrail-Williams Electric
13 Co-op does hereby adopt and approve the 2011
14 forecast as a reasonable forecast of the future
15 demand and energy requirements for
16 Mountrail-Williams Electric through the year 2025."

17 This was a gigantic step for
18 Mountrail-Williams, knowing that it is Basin
19 Electric's obligation to serve Mountrail-Williams
20 and the price tag that follows us here at the end
21 of the line.

22 In conclusion, yes, Mountrail-Williams
23 needs reliable transmission infrastructure in
24 northwestern North Dakota in order to achieve
25 its -- our members' and customers' needs, but

1 better yet is working together to serve the region
2 by allowing Mountrail-Williams to coexist on some
3 same right-of-way and the same electrical
4 structures on some routing.

5 This cooperative believes that the current
6 proposal is the most appropriate for
7 Mountrail-Williams' members and the use of their
8 land in this prudent manner.

9 Breaking away from this, I'd just like to
10 mention a few things, but you talked about the
11 flare gas. One of the things that
12 Mountrail-Williams is really dead strong on, and
13 we're going to do it regardless, the main thing is
14 the safety of our workers.

15 And, you know, as Dale said, there is a --
16 there is a danger out there if you're going to work
17 on the line and there's power coming in for the
18 workers. And we just -- we just can't -- I don't
19 know how he's going to handle that, but I mean
20 that's -- we're -- we want safety for our workers.

21 And also another thing is this
22 600 megawatts, that is real conservative. Real,
23 real conservative. We found that out. So it's
24 going fast and we do need the help. We do need the
25 help up here or we're all going to be in trouble.

1 Thank you.

2 JUDGE FETCH: Mr. Sorenson, spell your
3 last name, would you please, for the record.

4 THE WITNESS: S-o-r-e-n-s-o-n.

5 JUDGE FETCH: Thank you. And we'll see if
6 there are questions.

7 Ms. Jacobson?

8 MS. JACOBSON: No, Your Honor.

9 JUDGE FETCH: Mr. Armstrong?

10 MR. ARMSTRONG: No, Your Honor.

11 JUDGE FETCH: All right. Commissioners.
12 Commissioner Kalk.

13 COMMISSIONER KALK: Thank you for your
14 testimony, but no, Your Honor.

15 COMMISSIONER CHRISTMANN: No, thank you.

16 JUDGE FETCH: Okay.

17 COMMISSIONER FEDORCHAK: I don't have any
18 questions, either. Thank you.

19 JUDGE FETCH: All right. Thank you very
20 much.

21 THE WITNESS: Would you like a copy of
22 our --

23 JUDGE FETCH: Of your statement you just
24 made?

25 THE WITNESS: Yeah.

1 JUDGE FETCH: We have it in the record.

2 THE WITNESS: Okay.

3 JUDGE FETCH: Thank you very much.

4 THE WITNESS: Thank you.

5 JUDGE FETCH: All right. I think we can
6 continue here. Stephanie, if you need a break,
7 turn around and look at me.

8 **CLAIRE VIGESAA,**

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

11 **STATEMENT**

12 **BY MR. VIGESAA:**

13 MR. VIGESAA: For the record my name is
14 Claire Vigesaa, C-l-a-i-r-e V-i-g-e-s-a-a. And my
15 address is 111 Second -- business address is 111
16 Second Avenue Southwest, Sidney, Montana.

17 JUDGE FETCH: Okay. Go ahead.

18 MR. VIGESAA: Okay. Your Honor and
19 Commissioners, I'm the general manager of Upper
20 Missouri G&T Electric Cooperative, and we are an
21 intermediary transmission provider between Basin
22 Electric Power and Western Area Power
23 Administration and ten electric distribution
24 cooperatives, one of the -- excuse me, one of them
25 being Mountrail-Williams Electric Cooperative, who

1 you have just heard from.

2 Our service territory, the eastern edge is
3 a line north and south from the Canadian border to
4 the South Dakota border just west of Minot and just
5 west of Bismarck and then goes throughout western
6 North Dakota and then into Montana about the
7 same -- same distance. We have five electric
8 cooperatives in North Dakota that we serve and five
9 in Montana.

10 As a family, last year we grew 43 percent
11 in sales and our sales in 2015 will be double of
12 what they were in 2011. Today we are 21 percent of
13 Basin's sales and we'll be growing to 33 percent of
14 Basin's sales. So our family is in the middle of
15 the -- well, actually the Bakken development and
16 the drilling rigs are in the center of our service
17 territory.

18 So in light of our geographical location,
19 the additional high-voltage transmission is
20 critical for Upper Missouri and its ten member
21 systems. The 345 kV transmission project planned
22 by Basin Electric Power will provide a valuable
23 connecting link for our members and for our system.
24 Without this line, the ability to serve the region
25 is in jeopardy, as we've already heard from

1 previous testimony. Expansion of the transmission
2 necessity work will not only provide paths for
3 energy flow but provide vital voltage support.

4 The proposed line will provide voltage
5 support in need of capacity of our legacy members,
6 our farms, ranches and communities, as well as the
7 new oil and gas development.

8 So we respectfully ask for your support in
9 this very important 345 kV transmission project.

10 Thank you.

11 JUDGE FETCH: Mr. Vigesaa, did you say
12 Upper Missouri GNT?

13 THE WITNESS: G -- generation and
14 transmission.

15 JUDGE FETCH: Oh, G&T.

16 THE WITNESS: Yes.

17 JUDGE FETCH: Okay. Thank you.

18 Ms. Jacobson, do you have any questions?

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

20 JUDGE FETCH: Mr. Armstrong?

21 MR. ARMSTRONG: No, Your Honor.

22 JUDGE FETCH: Commissioner Kalk?

23 COMMISSIONER KALK: Just a couple, Your
24 Honor.

25

EXAMINATION

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BY COMMISSIONER KALK:

Q. Claire, thanks for your testimony and good to see you again.

A. Thanks.

Q. When did you leave Cass County Electric? How long ago?

A. 2010.

Q. 2010. Good for you.

Just a little knowledge base I can hopefully gain from you. The -- what's the biggest generation to the west of here? How far do you have to go?

A. Colstrip, probably.

Q. It's a long ways, though. It's --

A. It's a long ways.

Q. So there's really no other viable solution of bringing in generation to this region than from this central part of North Dakota?

A. In Basin's system, yes.

Q. Okay. The -- and then you're on the -- is your western half of your territory inside the MISO footprint or is it kind of by itself out there? Because you're on the eastern/western interconnect here somewhere; right?

1 A. Right. There's -- we aren't in an RTO.
2 Basin is looking at that, and then we will decide
3 whether we put our assets in the RTO as well.

4 Q. So your decision will be separate from
5 Basin's?

6 A. It will be in -- it would be in tandem
7 with Basin. So we'll decide as -- we're part of
8 that process, but we have qualifying assets. And
9 we'll be deciding over the next six months in
10 tandem with Basin whether or not we want to put our
11 assets in with it.

12 COMMISSIONER KALK: All right. Thank you,
13 Claire. Thanks for your testimony.

14 JUDGE FETCH: Thank you.
15 Commissioner Christmann.

16 COMMISSIONER CHRISTMANN: I don't think I
17 have any questions, Your Honor.

18 JUDGE FETCH: Thank you.
19 Commissioner Fedorchak.

20 COMMISSIONER FEDORCHAK: I don't have any
21 questions, either. Thanks, Claire.

22 THE WITNESS: Okay. Thank you.

23 JUDGE FETCH: Ms. Jacobson?

24 MS. JACOBSON: None, Your Honor.

25 JUDGE FETCH: Mr. Armstrong?

1 MR. ARMSTRONG: None.

2 JUDGE FETCH: All right. Thank you,
3 Mr. Vigesaa.

4 THE WITNESS: Thank you.

5 JUDGE FETCH: Was there one more or -- all
6 right.

7 Can you tell me about how long?

8 MR. HAUGE: This will probably take about
9 ten minutes, maybe five if I talk really fast.

10 JUDGE FETCH: All right. Why don't you
11 come forward and let's proceed.

12 MR. HAUGE: I have some handout materials,
13 which will help to speed-line the information.

14 Most of this is -- I highlighted basic
15 information.

16 JUDGE FETCH: Thank you.

17 **WAYNE HAUGE,**

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

20 **STATEMENT**

21 **BY MR. HAUGE:**

22 MR. HAUGE: My name is Wayne Hauge. My
23 last name is H-a-u-g-e. I'm a farmer south of Ray.
24 My address is 6080 113 Avenue Northwest in Ray,
25 North Dakota.

1 My presentation is a slightly different
2 tack than what everybody else has to date.
3 Basically, most of the members that have presented
4 information today appear to be more numerically
5 oriented, understandably. I mean a line costs X
6 number of dollars to prepare and put in. And I
7 understand numbers quite well. I've been a CPA
8 since 1981.

9 But what I wanted to do is to present to
10 you some of the individuals who have come before
11 me. If you pass over to the next page, I've made a
12 copy of the pictures of the person who started my
13 farm. This is on the southeast quarter of Section
14 27, 156 North, 97 West. That's my family's
15 original homestead land. That's where I basically
16 started.

17 It is my objection to have any additional
18 easements placed on this property. And with these
19 photos, it shows Knute Hauge and my grandfather,
20 Louis Hauge, and my father, Roger Hauge, all of
21 whom have obviously passed away. And I am the
22 fourth -- fourth generation farmer. Very proud of
23 that.

24 There are many times that at two o'clock
25 in the morning and I'm still out seeding that I

1 think of my ancestors, particularly Knute, who back
2 in 1902 put up a sod house and by himself lived
3 through the winter in a sod house. I figured if he
4 can do that, then I can stay up all night seeding.

5 But I have -- while I have objected to
6 Section 27 from the beginning, I have offered an
7 alternative and I have worked with various members.
8 As shows on the survey permits, if you follow the
9 next one, the survey permit which on the very
10 bottom left shows December 19, 2011, that survey
11 permit -- I actually put on expiration date of
12 12-31-2012 because that was an area that I
13 disagreed with David Hagen as being the land that I
14 wanted this transmission line to go across.

15 I basically told him that this
16 transmission line is well suited more in an energy
17 conduit, in an energy area where there's already
18 established infrastructure. There are pipelines.
19 And most of the energy infrastructure follows every
20 two miles because that's how the oil wells are
21 drilled.

22 The oil well is drilled in my area, let's
23 say 60th Street, which is known as County Road 8,
24 and then it is drilled two miles north. So it goes
25 underneath of the property. It follows that there

1 should be an energy corridor where all of the
2 infrastructure should be placed within this
3 corridor. All of the energy infrastructure should
4 be limited to this area.

5 And while I discussed that with David
6 Hagen and I did sign this on December 19, 2011, on
7 the next set where it shows my letter of March 24,
8 if you go to the third page of that survey permit
9 there was a revised survey permit that I signed on
10 March 24. So it was a short three months later and
11 in communications with David Hagen trying to
12 reroute this into other lands that are acceptable.

13 And the last page, it shows the revised
14 route where it goes along Section 31 and to the
15 east through the middle of State of North Dakota
16 Section 36.

17 So I have provided an alternate. And on
18 the second page of that, it shows from David
19 Hagen's letter, that in appreciation for helping
20 find this acceptable location for a transmission
21 line, Basin Electric requested that I be paid a
22 hundred dollars. So my time must have been worth
23 something. Not very much, but something, but I
24 appreciate that nonetheless.

25 And then in April of 2013, I had a letter

1 from -- actually I had one of the representatives
2 that stopped by and also had a letter from Kelly
3 Suko, a right-of-way specialist, that they were
4 basically -- they -- Basin Electric Power
5 Cooperative was going to go through the original
6 route anyway, at which point I then submitted
7 reasons why, on my letter which is dated April 15,
8 2013, if you maintain a high-energy transmission
9 line along 60th Street rather than a half mile
10 south of 62nd Street, it was better. There are
11 energy abilities, I think, that our country has
12 and -- and storing off-site locations for that
13 energy, like a -- in the -- and what I mean is
14 inside of the state -- state-owned land.

15 And basically I guess I -- I'm here -- and
16 then -- well, I'm getting off the train here, but
17 I'm trying to speak fast. To emphasize the
18 structure of an energy corridor, the last item that
19 I had is from an energy -- or from a lawmaker, a
20 Representative Todd Porter, who came out with an
21 approved legislative management study and an energy
22 corridor interim study.

23 So I guess I can't be the only person
24 that's thinking along the lines of maintaining an
25 energy infrastructure, a corridor to allow for the

1 energy to be transmitted from point A to point B,
2 keeping it confined within an area rather than just
3 a land grab to take any place that hasn't yet been
4 developed.

5 For me personally, this Section 27 --
6 southeast 27 is important. For me this is just my
7 family. I guess I'm quite proud to continue to
8 farm this land, that I don't want and I will not
9 sign an easement for that land. But I have
10 provided an alternative.

11 So it isn't just, no, I don't want this,
12 period, go away. It's that, yes our area does need
13 dependable, reliable energy. I acknowledge that
14 and it's been my concern and I'm totally in favor
15 of that and have been from the beginning.

16 But I also have hired Derrick Braaten of
17 the Baumstark Braaten law firm, and I told him that
18 I wanted to do this today so he is not here today.
19 But I have consulted with him, as well, and will
20 continue to fight against southeast Section 27
21 because that is my homestead quarter and I don't
22 want anything on it.

23 So in a nutshell, that's about as quick as
24 I can make it.

25 JUDGE FETCH: All right. You've provided

1 a packet of information and summarized from that.
2 I appreciate that.

3 THE WITNESS: Yes.

4 JUDGE FETCH: Is there any objection,
5 either counsel, to this being admitted into the
6 record?

7 MS. JACOBSON: No, Your Honor.

8 MR. ARMSTRONG: No.

9 JUDGE FETCH: All right. I'm going to
10 admit this as Exhibit 41.

11 And at this time, Ms. Jacobson, do you
12 have any questions for Mr. Hauge?

13 MS. JACOBSON: I do not.

14 JUDGE FETCH: Mr. Armstrong?

15 MR. ARMSTRONG: Not right now, Your Honor.

16 JUDGE FETCH: I'll go to the commissioners
17 then. Commissioner Kalk.

18 COMMISSIONER KALK: Thank you, Wayne, for
19 your testimony, but I don't have any questions.
20 Thank you.

21 THE WITNESS: Good. Thank you.

22 JUDGE FETCH: Commissioner Christmann.

23 **EXAMINATION**

24 **BY COMMISSIONER CHRISTMANN:**

25 Q. Mr. Hauge, as I look at this map --

1 A. The revised map?

2 Q. Yes.

3 A. Okay.

4 Q. It looks like, if I'm understanding which
5 is your proposal, it's the lighter-shaded gray line
6 that comes across and then drops down like an
7 eighth of a mile and then goes a little over a mile
8 and a half and then comes up?

9 A. That's correct.

10 Q. So it's still going across -- actually
11 then across the middle of one of your quarters?

12 A. I am totally a hundred percent in favor of
13 that.

14 Q. And so is that pastureland, cropland?

15 A. Cropland.

16 Q. Cropland?

17 A. Yes.

18 Q. And what is your -- what type of land is
19 your southeast quarter of 27 --

20 A. Same.

21 Q. -- and your northeast quarter of 34?

22 A. Everything I -- everything I farm is
23 cropland, sir. All the lands I have, except for
24 where I live, of course, but --

25 Q. So is it really kind of a sentimental

1 matter --

2 A. It is exactly that.

3 Q. -- with the home quarter, that's the
4 difference?

5 A. Yes. Yes.

6 Q. Okay.

7 A. That's where my family started. I guess I
8 don't want any additional easements on that parcel.
9 But I didn't want to be totally negative and state,
10 well, I don't want this at all. I -- that's why I
11 offered an alternative.

12 And for a period of time it seemed like
13 that was something that Basin Electric was willing
14 to do, to go along with the landowners and to
15 provide an alternative route. That's the reason I
16 submitted this, because it does show that this was
17 provided to me by Basin Electric. It was something
18 that was of consideration.

19 Q. Okay. And then I think this is the last
20 question I have, but from their proposal -- and I
21 don't know, I -- I guess I don't want to take the
22 time to try and correlate that with Mr. Murray's
23 map that he had that showed the unsigned pieces in
24 red, but these other landowners besides yourself
25 where you would suggest shifting it, do we know --

1 do we know that they're all okay with this shift as
2 opposed to the landowners that --

3 A. The -- the main difference is I guess --

4 (The reporter interrupted the proceedings
5 due to participants speaking simultaneously.)

6 THE WITNESS: I'm sorry. I apologize.

7 Q. (COMMISSIONER CHRISTMANN CONTINUING) I
8 was wondering how these landowners on this line
9 feel about the project compared to the ones farther
10 north that Basin has been talking to.

11 A. It was my idea, I guess, put forth a long
12 time ago, that if individuals have accepted
13 multiple pipelines in an area, they should be
14 probably as willing or more willing to accept some
15 type of development, additional development,
16 whether it's a high-energy transmission line, an
17 additional telephone tower, those types of things,
18 if it's in that same general area, because it's
19 already been developed. It's already been
20 impacted.

21 Since there's already something there,
22 they would be more willing to accept, basically,
23 the position of a high-energy transmission line if
24 it follows the general line of all this -- of all
25 the previously dug-in pipelines.

1 South of me a mile in this southwest
2 quarter of Section 35 I have four -- or five
3 pipelines within the first quarter mile.

4 So my neighbors -- I cannot answer for my
5 neighbors, but for me it's pretty easy to say,
6 well, since everything else is already there, why
7 not?

8 Q. So your theory being whoever takes a
9 little bit might as well just take a look as
10 opposed to everybody taking a little bit?

11 A. I guess I don't look at it that way in
12 terms of every bit. Meaning -- you mean dollars
13 from easement-type thing?

14 Q. No. I mean a little bit of
15 infrastructure. Instead of a -- every section of
16 land going across a township having a little bit of
17 infrastructure, put it all in one place and
18 somebody gets stuck with a lot?

19 A. Well, I guess that's what I thought the
20 last item referred to in my information where the
21 lawmakers are studying an energy corridor, because
22 it made sense -- it made logical sense that you put
23 everything within a certain corridor. It would
24 make it easier for the landowners, it would make it
25 easier for the energy companies to put everything

1 in that confined area, because it had already been
2 preapproved. That was my -- I guess my idea put
3 forth when I first started negotiating this in
4 December 2011.

5 COMMISSIONER CHRISTMANN: Okay. Thank you
6 for your homework on it. Appreciate it.

7 THE WITNESS: You're welcome.

8 COMMISSIONER CHRISTMANN: No other
9 questions.

10 THE WITNESS: Thank you.

11 JUDGE FETCH: Thank you.

12 Commissioner Fedorchak.

13 **EXAMINATION**

14 **BY COMMISSIONER FEDORCHAK:**

15 Q. Thank you, Wayne. I think Randy asked
16 most of the things I was curious about, but I do
17 have one question to you as a landowner. Do you
18 feel differently about a pipeline underground
19 versus a transmission line aboveground?

20 A. Personally, no.

21 Q. Okay.

22 A. The fact that I would have to go around a
23 high-energy transmission line, this is minor in
24 comparison with REC where you've got, you know, a
25 little line here and then they put poles, like,

1 right next to the road but far enough out where you
2 can't go around it so you're constantly shifting in
3 and out and in and out.

4 The number of lines -- number of poles, I
5 should say, for this high-energy transmission line
6 is what, five or six poles on a half mile. That's
7 pretty minor. Most of the land that I farm is
8 quite rocky, so --

9 Q. So your -- your issue is more the farming
10 around the structures, not the visibility?

11 A. Correct.

12 Q. In terms of -- do you think that's how
13 your neighbors feel too? Have you talked with
14 folks? Are they more concerned about the
15 visibility of this or the management and living
16 around them?

17 A. My neighbor to the north of this affected
18 area on Section 27, he does not want the poles out
19 in his land. That was something that had been
20 considered by my attorney and myself. And I don't
21 want to pursue that because my neighbor doesn't
22 want to go around poles. I don't want to force
23 that upon anybody, either. Because to him it's an
24 obstruction. It's like a rock pile. I mean I've
25 got a lot of rock piles. And you can't lock it in

1 a GPS unit and you've got to lift your booms up in
2 the air on a big sprayer, that kind of thing.

3 And I have other neighbors, too, that
4 totally object, I guess, to putting poles --
5 high-energy transmission line poles out in their
6 field, especially if they're farming a full mile
7 field, because no matter what -- no matter where we
8 place these high-energy transmission line poles,
9 they're going to be out in the middle of a field.
10 They're going to have to go around them anyway.
11 And I know they don't want that. And underground
12 is obviously not possible.

13 But for me I guess I have a different
14 issue and that's the main thing that I wanted to
15 present today.

16 COMMISSIONER FEDORCHAK: Okay. All right.
17 Well, I appreciate you taking the time and putting
18 together all these materials. It's helpful.

19 Thank you.

20 JUDGE FETCH: Anything more,
21 Commissioners?

22 Just to be clear, Mr. Hauge, did I
23 understand your earlier testimony correctly that
24 your main issue is that placement of the power line
25 in this Section 27, your objection is because of a

1 sentimental issue?

2 THE WITNESS: Correct. That is my
3 family's original homestead land. I do not wish to
4 have any additional easements on the property.

5 JUDGE FETCH: Thank you.

6 THE WITNESS: Other areas would be fine.

7 JUDGE FETCH: Ms. Jacobson, any follow-up?

8 MS. JACOBSON: No, I don't, Your Honor.

9 JUDGE FETCH: Mr. Armstrong?

10 MR. ARMSTRONG: No, Your Honor.

11 JUDGE FETCH: Okay. One last time, any
12 further questions?

13 Thank you, Mr. Hauge.

14 THE WITNESS: Thank you very much.

15 JUDGE FETCH: All right. Just for point
16 of clarification, is there anyone else from the
17 public who wishes to testify?

18 All right. Seeing no one, then I'll just
19 ask, Ms. Jacobson, are you intending to provide any
20 rebuttal witnesses or recall any witnesses?

21 MS. JACOBSON: If -- Your Honor, if we
22 could just take a short break so I could have an
23 opportunity to visit with the rest of the team and
24 let you know after that.

25 JUDGE FETCH: Sounds appropriate to me.

1 All right. We'll take 15 minutes.

2 (Recessed at 1:49 p.m. to 2:06 p.m.)

3 JUDGE FETCH: Okay. We are back on the
4 record. It's about five after 2 p.m., Central
5 time.

6 And, Ms. Jacobson, you indicated you have
7 a -- you're re-calling a witness?

8 MS. JACOBSON: Yes, Your Honor. That's
9 correct. Mr. Mike Murray. I believe he's ready to
10 go.

11 THE WITNESS: Yes, Your Honor.

12 JUDGE FETCH: All right. Go ahead,
13 Ms. Jacobson.

14 MS. JACOBSON: Thank you. Your Honor.

15 **MIKE MURRAY,**

16 having been previously first duly sworn, was
17 examined and testified further as follows:

18 **FURTHER REDIRECT EXAMINATION**

19 **BY MS. JACOBSON:**

20 Q. Mr. Murray, earlier in your
21 cross-examination you talked about the involvement
22 of tenants. And can you talk about that in
23 relation to the survey permission that you
24 initially acquire when you're going to get an
25 easement from a landowner?

1 talked about an alternative route that he thought
2 Basin Electric should consider?

3 A. Yes, I was.

4 Q. And did you -- you and your team evaluate
5 that route?

6 A. Yes. My team and engineering actually
7 evaluated that route, went down and took a look at
8 it in the field, did visit with Mr. Hauge in the
9 field, and then proceeded to contact landowners and
10 we had very strong resistance along that route.

11 Q. And can you use the map to depict where
12 exactly you considered and what were some of the
13 limitations with that alternative?

14 A. We actually considered two routes. We
15 looked at coming down County Road 8 here, but there
16 was so much oil development that we would have been
17 zigzagging back and forth across the road, so we
18 quickly eliminated that one. We also looked at
19 coming across this quarter line. And, yeah,
20 there's a residence here. We could have bumped up
21 and around it or maybe bumped down and around it,
22 found a way through here, but at the same time we
23 did not have landowner acceptance.

24 MS. JACOBSON: Thank you, Your Honor. No
25 further questions.

1 JUDGE FETCH: All right. Thank you.

2 Mr. Armstrong, any questions?

3 **RE-CROSS-EXAMINATION**

4 **BY MR. ARMSTRONG:**

5 Q. I don't have the map in front of me with
6 the easements, but as far as along this route, is
7 there more than Mr. Hauge who have resistance to it
8 in this area that's shown on the map here?

9 A. Yes, there is. But it's kind of at a bad
10 scale for me to read it. Okay. Here is the Abbott
11 property. He is currently working with us. It's
12 just going through a title change on the property,
13 so he has asked us just to wait. We do have the
14 Rodney Dahl property. That is not signed. Of
15 course, Wayne Hauge and Robert Hauge and Alan
16 Bergstrom, as we keep going back, and I believe the
17 Knoxes.

18 Q. I guess the point of the question being
19 you'd mentioned you talked to other landowners in
20 that proposed route further south. Was there more
21 acceptance to it in the current proposed area or --

22 A. There --

23 Q. -- as opposed to that alternate suggested
24 route?

25 A. Yeah, I'm sorry.

1 Yes. There was a lot more resistance down
2 along this portion here. We could not get -- you
3 know, we always figure that coming down a quarter
4 line, we're going to get more acceptance either
5 from the north or the south side. They just did
6 not want it at all.

7 Up here, it's -- if you look at the
8 easements signed, Exhibit 28, you will see that we
9 do have portions north, portions south. It's
10 really sporadic.

11 MR. ARMSTRONG: That's all I have.

12 JUDGE FETCH: Thank you.

13 Commissioner Kalk, do you have any
14 questions?

15 COMMISSIONER KALK: No, Your Honor.

16 JUDGE FETCH: Commissioner Christmann?

17 COMMISSIONER CHRISTMANN: No, I don't.

18 JUDGE FETCH: And Commissioner Fedorchak?

19 COMMISSIONER FEDORCHAK: No, Your Honor.

20 JUDGE FETCH: Ms. Jacobson, any further
21 questions?

22 MS. JACOBSON: I have none, Your Honor.

23 JUDGE FETCH: All right. Thank you very
24 much, Mr. Murray.

25 THE WITNESS: Thank you.

1 JUDGE FETCH: Any other witnesses,
2 Ms. Jacobson?

3 MS. JACOBSON: No, Your Honor.

4 JUDGE FETCH: Mr. Armstrong --

5 MR. ARMSTRONG: Nothing.

6 JUDGE FETCH: -- do you want to re-call
7 any witnesses?

8 MR. ARMSTRONG: No, Your Honor.

9 JUDGE FETCH: All right. We might
10 actually get more than a couple hours' sleep
11 tonight.

12 COMMISSIONER KALK: No way, Your Honor.

13 JUDGE FETCH: Our -- the Commission
14 chairman has boundless energy.

15 All right. That will conclude today's
16 proceeding, and there is one more hearing. We had
17 a hearing yesterday in Killdeer, today in Tioga.
18 There is another hearing on this matter next week,
19 Thursday, the 12th, in Williston.

20 And so this matter -- as I said, the
21 hearing today is concluded, but the -- the matter
22 is not concluded. The case is not finished.

23 So at this time I'm going to ask if
24 there's anything else today to bring to the
25 attention of the Commission before I close the

1 hearing for today?

2 MS. JACOBSON: I have nothing, Your Honor.

3 MR. ARMSTRONG: Nothing.

4 JUDGE FETCH: All right. Hearing nothing
5 further, I'm going to close this hearing noting the
6 time is 2 -- 2:12 p.m., Central time. This hearing
7 is closed.

8 Thank you all for your attendance today
9 and your attentiveness.

10 (Concluded at 2:12 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 4th day of October, 2013.

Stephanie A. Smith
Registered Professional Reporter

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