

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :  
Pioneer Generation Station - : Case No.  
Williams County : PU-12-509  
Siting Application :

TRANSCRIPT OF  
PUBLIC HEARING

Taken At  
Williston City Hall  
22 East Broadway  
Williston, North Dakota  
February 7, 2013

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

A P P E A R A N C E S

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COMMISSIONERS PRESENT:

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

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MS. CASEY J. JACOBSON  
Basin Electric Power Cooperative  
Office of General Counsel  
1717 East Interstate Avenue  
Bismarck, North Dakota 58501

FOR THE APPLICANT.

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MR. MATTHEW A. SAGSVEEN  
Office of Attorney General  
Assistant Attorney General  
500 North Ninth Street  
Bismarck, North Dakota 58501

FOR THE PUBLIC SERVICE  
COMMISSION.

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ALSO PRESENT:

MR. JERRY LEIN, Public Service  
Commission Staff

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1	Siting Application	25	25	26
2	Certification Relating to Order Provisions	25	25	26
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T A B L E O F C O N T E N T S (Cont'd)

OTHER EXHIBITS

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1           (The following proceedings were had and  
2 made of record herein, commencing at 10:27 a.m.,  
3 Thursday, the 7th day of February, 2013:)

4           JUDGE HOBERG: Okay. For the record, it's  
5 about 10:30, February 7, 2013. We're in the  
6 Williston City Hall in Williston, North Dakota, for  
7 the administrative hearing in the matter of the  
8 siting application of Basin Electric Power  
9 Cooperative, Case Number PU-12-509.

10           My name is Allen Hoberg. I'm the  
11 designated procedural hearing officer in this  
12 matter with the office of administrative hearings.  
13 And to my left are the three Public Service  
14 Commissioners, the decision-makers in this matter,  
15 Commissioner Randy Christmann; Commission Chairman  
16 Brian Kalk; and Commissioner Julie Fedorchak.

17           After I give some more introduction and  
18 some explanation about the hearing process, I will  
19 ask the commissioners for their opening comments,  
20 starting with Commissioner Kalk who has the  
21 electric generation and transmission portfolio.

22           But first we'll take appearances. We'll  
23 take appearances from Commission staff and the  
24 applicant, starting with you, Ms. Jacobson, please.

25           MS. JACOBSON: Good morning, Your Honor.

1 Good morning, Commissioners. My name is Casey  
2 Jacobson. I'll be representing Basin Electric.  
3 And assisting me today will be Darlene Steffan.

4 JUDGE HOBERG: Thank you.

5 Mr. Sagsveen, please.

6 MR. SAGSVEEN: My name is Matt Sagsveen.  
7 I'm an Assistant Attorney General representing the  
8 Public Service Commission. And to my left is Jerry  
9 Lein, Public Service Commission staff.

10 JUDGE HOBERG: Will both of you be  
11 participating asking questions today?

12 MR. SAGSVEEN: Yes. And I'd like to seek  
13 leave from Your Honors to allow -- to have Mr. Lein  
14 ask questions.

15 JUDGE HOBERG: I will grant that.

16 MR. SAGSVEEN: Thanks.

17 JUDGE HOBERG: The Commission encourages  
18 public participation in its hearings to present  
19 information besides the evidence presented by the  
20 applicant. Is there anyone present today who  
21 wishes to testify to present information to the  
22 Commission or who thinks they may wish to testify  
23 presenting information in the public interest  
24 today? If there's anyone from the public either as  
25 a protestant or as a -- as a supporter of the

1 application or neutral, would you raise your hand,  
2 please, if you believe you -- two people.

3 There's an attendance sheet that will be  
4 going around. I think it's probably in the front  
5 row right now. Please sign that and, of course,  
6 indicate your address and then indicate whether you  
7 wish to -- that you wish to testify in this matter,  
8 and I'll explain a little bit later in the  
9 proceeding as to exactly how and when that's going  
10 to happen.

11 All right. Before I talk specifically  
12 about the hearing process today, I'm going to give  
13 a little background about evidentiary hearings.  
14 This is an evidentiary hearing today on an  
15 application, of course, to the Commission for a  
16 grant of authority for siting purposes.

17 There are several different types of  
18 Public Service Commission evidentiary hearings that  
19 the Commission may hold. For an application  
20 hearing, there may be at least five types or  
21 categories of participants. And it's my  
22 understanding, Mr. Sagsveen, there's no intervenors  
23 in this matter today; is that correct?

24 MR. SAGSVEEN: That's correct.

25 JUDGE HOBERG: All right. Besides the

1 hearing officer, then, the participants in a  
2 hearing like this may be the applicant, there may  
3 be one or more intervenors, but there are no  
4 intervenors today. Of course there may be public  
5 participants, then there's the commissioners and  
6 Commission counsel and staff. Sometimes at  
7 hearings like this and in other types of hearings  
8 Commission staff may also be presenting a case, but  
9 that's not the situation today. Commission staff  
10 will not be presenting a case.

11 The applicant and any intervenors, of  
12 course, are full participants in the hearing, able  
13 to present evidence and to ask questions of  
14 witnesses. If Commission staff were presenting a  
15 case today, they would be full participants also.  
16 And an intervenor in a case before the Commission  
17 would also have full participation, able to ask  
18 questions and present evidence. Public  
19 participants, however, are not full participants.  
20 They may not present evidence or ask questions of  
21 witnesses, but they may present information in the  
22 public interest that the Commission may consider.

23 So in this hearing we have -- besides the  
24 applicant, we have the commissioners and we have  
25 Commission counsel and Commission staff that may

1 ask questions.

2           The order of questioning for this hearing  
3 will be the applicant, of course, asking questions  
4 of its witnesses, followed by Mr. Sagsveen and  
5 Mr. Lein for Commission counsel and Commission  
6 staff. Then I'll call on the commissioners,  
7 starting with Commissioner Kalk, for their  
8 questions. Following that I'll ask if there are  
9 any further questions by the applicant and the  
10 other participants until there's no further  
11 questions of the witnesses.

12           In an evidentiary hearing, the Commission  
13 must base its decision on the evidence and  
14 information presented at the hearing today. The  
15 Commission may not base its decision on information  
16 presented outside of the hearing.

17           All right. Just a brief summary of the  
18 application. On October 15, 2012, Basin Electric  
19 Power Cooperative filed an application for a  
20 certificate of site compatibility to authorize  
21 construction of two new 45 megawatt natural  
22 gas-fired simple cycle combustion turbine  
23 generators to be located adjacent to the 45  
24 megawatt turbine generator currently under  
25 construction at the Pioneer Generating Station in

1 Williams County, North Dakota, as was shown on a  
2 map attached to the application.

3 On December 21 of 2012 the Commission  
4 issued its notice of filing and notice of hearing  
5 scheduling today's hearing for Williston.

6 The issues -- and these are the only  
7 issues to be considered for determination in this  
8 matter today are: First of all, will the location,  
9 construction and operation of the proposed  
10 facilities produce minimal adverse effects on the  
11 environment and upon the welfare of the citizens of  
12 North Dakota?

13 Secondly, are the proposed facilities  
14 compatible with the environmental preservation and  
15 the efficient use of resources?

16 And, third, will the proposed facility  
17 locations minimize adverse human and environmental  
18 impact while ensuring continuing system reliability  
19 and integrity and ensuring that energy needs are  
20 met and fulfilled in an orderly and timely fashion?

21 Those are the issues for the hearing  
22 today. At this time I'll call on the commissioners  
23 for their comments. And this is an opportunity, of  
24 course, for the commissioners to give their general  
25 comments, if they wish to do so, starting with you,

1 Commissioner Kalk, please.

2 COMMISSIONER KALK: Thank you, Your Honor.  
3 Just thank everyone for coming out today. It's  
4 always -- it's always fun for the Commission to get  
5 out of the Capitol, especially when the legis --  
6 legislative session is going on so we get away from  
7 that a little bit. But it's really -- you know, us  
8 coming out here today is -- is perhaps the best  
9 thing we do.

10 When we make decisions on projects to  
11 approve or disapprove, we come to the communities  
12 most affected and have at least one hearing,  
13 sometimes two or three, depending on the length of  
14 the project. But the real reason we're here today  
15 is to get public input. So those members of the  
16 public that raised your hand, we certainly want to  
17 hear from you, because as the judge laid out, that  
18 only the information presented today is what we can  
19 consider in our decision. And it seems like every  
20 hearing the judge gives this admonition and we  
21 reinforce it, but I'll be walking out to the car  
22 and somebody will say, "What we heard was really  
23 good, but this is really important."

24 Well, if you tell me in the hallway, I  
25 can't consider it in the decision. So we really

1 need to get that information here today and then we  
2 can -- it gives us a chance to ask questions and  
3 the company to -- to say their viewpoint, but  
4 that's really why we're here today.

5           With that, a couple other thoughts. Thank  
6 the company for -- Basin for putting together a  
7 pretty good application. We were able to for the  
8 first time download it to an iPad so we'd be able  
9 to have this and all the graphics, and it really  
10 helps out, too, for the Commission to review this  
11 ahead of time and then we're really better prepared  
12 to ask the right questions.

13           And, also, this information is all  
14 available to the public and it also helps the  
15 public, I think, be ready to ask any questions they  
16 might have.

17           I know today my colleagues -- this is the  
18 first time the three of us have actually had a  
19 hearing since this last election cycle. So it's  
20 exciting to have them joining me. And I also  
21 understand they both have strong ties to Williston,  
22 so we'll probably be hearing from them about that.

23           The only thoughts that I had for the  
24 company is -- the judge pointed out a little bit,  
25 but he pointed out how this is adjacent to another

1 plant. One of the key questions I'll ask today is  
2 tell me why this is not an extension of the current  
3 plant, why this is a new plant. In reviewing the  
4 application, that was the one thing that jumped  
5 right out to me.

6 But other than that, I don't have any  
7 other questions. Just thank you all for coming. I  
8 look forward to a good hearing.

9 JUDGE HOBERG: Thank you, Commissioner  
10 Kalk.

11 Commissioner Christmann, please.

12 COMMISSIONER CHRISTMANN: Thank you, Your  
13 Honor. I think the chairman pretty well summed  
14 things up about the importance of getting out and  
15 having public hearings like this. My background of  
16 living in what we thought was energy country until  
17 the oil boom really hit, then we found out the coal  
18 activity wasn't maybe quite so heavy of an energy  
19 industry as what you have here, but it did engrain  
20 in me, I think, the importance of -- of having  
21 industry be around and -- and letting the people  
22 who live there and deal with the -- with all the  
23 activity have their say.

24 And so I'm glad that we have this kind of  
25 a process and open it up and get a chance to meet

1 with the company officials, get everything on the  
2 table in a public setting and allow for people to  
3 have their comments heard.

4 And also as you noted, the extra benefit  
5 for me of getting up to see my mother-in-law. So  
6 welcome.

7 JUDGE HOBERG: Thank you, Commissioner  
8 Christmann.

9 Commissioner Fedorchak, please.

10 COMMISSIONER FEDORCHAK: Good morning. I  
11 will echo my fellow commissioners' comments about  
12 the importance of the public opportunity to provide  
13 your feedback on this project.

14 This is our first hearing, so that's an  
15 exciting -- exciting to be in my hometown for my  
16 very first hearing. My -- I'm a native of  
17 Williston, lived here for the first four years of  
18 my life. So it's good to get back, see some  
19 family, be in Williston where it's the heartbeat of  
20 North Dakota right now. And so it's -- it's good  
21 to be here.

22 I look forward to the public's input, your  
23 comments on this project. Kudos to Basin. I was  
24 able to read the application and understood it.  
25 And -- and based on the documents I've been reading

1 for the last month, that's not always the case. So  
2 thank you for laying it out to clearly.

3 I think that's all.

4 JUDGE HOBERG: Thank you, Commissioner  
5 Fedorchak.

6 I saw a gentleman come in. Sir, I  
7 explained earlier that the public is encouraged to  
8 participate and present information in the public  
9 interest. Did you wish to testify and present  
10 information today?

11 MR. FLOYD MILLER: Yes. I marked the  
12 sheet here.

13 JUDGE HOBERG: Okay. Good. And I'll be  
14 checking that when we get to that point in the  
15 hearing for those that wish to testify.

16 MR. FLOYD MILLER: Thank you.

17 JUDGE HOBERG: Thank you. Here is the  
18 hearing procedure we'll follow today in this  
19 matter, then. As I indicated, I'll call the  
20 applicant first, and Ms. Jacobson has indicated  
21 that she has four witnesses and eight exhibits that  
22 she'll be presenting today. And again, she'll ask  
23 questions of those witnesses and then Commission  
24 counsel and Commission staff may have some  
25 questions, and then the commissioners will have an

1 opportunity to ask questions, also, and then I'll  
2 allow such further questions as may be necessary.

3 When the applicant has completed its  
4 presentation, presented all of its witnesses and  
5 all of its evidence, then I'll call on members of  
6 the public to present information. And you'll also  
7 come up to the front to this chair here and present  
8 testimony.

9 All testimony at an evidentiary hearing  
10 must be under oath and it just works better if you  
11 come up here. Sometimes we have a podium up here,  
12 but we have a nice table and a chair for you to sit  
13 down in today.

14 So -- and I'll start -- I don't know if  
15 you're supporting or opposed to the application,  
16 but I'll -- I'll ask first those who -- who may be  
17 protesting the application to testify and then  
18 those who may be supporting the application to  
19 testify.

20 If you have any documents -- I know  
21 Ms. Jacobson has documents for all the  
22 commissioners here. If you have any documents,  
23 which we call exhibits, that you wish to present,  
24 it would be helpful; it's not necessary, but it  
25 would be helpful if you have copies for all of the

1 commissioners.

2           The Commission won't be reaching a  
3 decision on this matter today. As you can see, we  
4 have a court reporter and that's Stephanie Smith,  
5 and we're also recording this by Dakota Sound, so  
6 we'll have -- we'll have the information recorded  
7 for the Commission to consider later. And they'll  
8 consider all of the testimony and all of the  
9 evidence and then they'll be issuing a decision,  
10 which will be findings of fact, conclusions of law  
11 and an order as to whether or not to grant the  
12 application or deny or take other administrative  
13 action they may deem to be appropriate.

14           The burden of proof is on the applicant  
15 today to show by the greater weight of the  
16 evidence, also known as the preponderance of the  
17 evidence, that it's entitled to the authority that  
18 they're seeking in their application today under  
19 the applicable law.

20           Any questions about the procedures today  
21 by anybody? Ms. Jacobson, any questions?

22           MS. JACOBSON: No, Your Honor.

23           JUDGE HOBERG: Any questions about the  
24 procedures today?

25           Again, when we get to that point, I'll --

1 I'll indicate who's to testify first for the public  
2 witnesses. I'll get the attendance sheet and we'll  
3 go right down the line in regard to that.

4 If there's no questions, Ms. Jacobson, I  
5 believe you want to make an opening statement,  
6 please.

7 MS. JACOBSON: Yes. Thank you.

8 Just a few brief comments before I call my  
9 first witness. Basin Electric Power Cooperative is  
10 a consumer -- is consumer owned by 133 member  
11 cooperatives who service territories composed of  
12 540,000 square miles and 9 states. Basin Electric  
13 serves 2.8 million electric consumers.

14 While the majority of our class A members  
15 saw a slight increase or a decline in the 2012 load  
16 forecasts, two of our members are seeing intense  
17 growth. District III, Central Power Electric  
18 Co-op, headquartered in Minot, North Dakota, is  
19 projected to see an increase of 266 megawatts of  
20 load or 4.3 percent each year through 2025.

21 District VIII, Upper Missouri G&T,  
22 headquartered in Sidney, Montana, is projected to  
23 see an increase of 925 megawatts of load or  
24 9.3 percent each year.

25 This load growth is the result of the oil

1 and gas development in the Bakken and the  
2 supporting infrastructure required to support this  
3 development. In order to meet this tremendous load  
4 growth, Basin Electric and our membership have  
5 spent a considerable amount of time developing a  
6 strategy to meet this rapid load growth, which  
7 includes both generation and transmission projects  
8 in North Dakota.

9 In 2011 Basin Electric's board of  
10 directors approved the Pioneer Generation Station,  
11 a 45 megawatt peaking unit. Three months later in  
12 January 2012, the board approved a similar unit  
13 called the Lonesome Creek Station near Watford City  
14 and Alexander, North Dakota. Both of these units  
15 are currently under construction.

16 After the board approved these initial  
17 units at Pioneer Generation Station and Lonesome  
18 Creek Station, the rate and magnitude of projected  
19 load growth came much quicker than expected and it  
20 was determined that additional generation would be  
21 needed.

22 So in July 2012 the board approved Phase  
23 II of the Pioneer Generation Station, which is the  
24 addition of two 45 megawatt simple cycle natural  
25 gas turbines to the existing Pioneer Generation

1 Station. This is the project that's before you  
2 today. Later this year we'll come before you with  
3 Phase II of the Lonesome Creek Station.

4 Further, Basin Electric transmission  
5 planners have determined that the generation  
6 projects aren't enough to continue the reliable  
7 power supply in the area and a 190-mile 345  
8 kilovolt project from Basin Electric's Antelope  
9 Valley Station to a substation near Tioga is also  
10 needed. That project will also be before you later  
11 on this year.

12 The first witness in today's hearing will  
13 be Mr. Myron Steckler, and he's the project manager  
14 for the Pioneer Generation Station Phase I and  
15 Phase II. He'll discuss the technology that was  
16 selected and also give you a detailed description  
17 of the project and discuss the PSC's site policy  
18 criteria.

19 The second witness is Ms. Becky Kern, who  
20 will testify in greater detail about the load  
21 growth within Basin Electric's service territory in  
22 northwestern North Dakota and eastern Montana and  
23 why the project is needed and how the project will  
24 positively impact the reliability of the electrical  
25 system in the area.

1           The third witness, Mr. Cris Miller, will  
2 testify that the proposed project site avoids both  
3 exclusion and avoidance criteria and minimizes  
4 impacts to the humans and environment. He will  
5 also testify that the location, construction and  
6 operation of the proposed project will produce  
7 minimal adverse effects upon the environment and  
8 the welfare of the citizens of North Dakota.

9           The fourth witness, Mr. Lucas Teigen, will  
10 also testify regarding the construction of the  
11 project and the safety requirements for contractors  
12 that work on the project.

13           Basin Electric respectfully requests that  
14 the Commission approve the application for site  
15 compatibility for Phase II of the Pioneer  
16 Generation Station.

17           Thank you.

18           JUDGE HOBERG: Thank you, Ms. Jacobson.  
19 And perhaps I should have said at the beginning,  
20 but that the opening statement is not evidence in  
21 this matter. The evidence will be starting with  
22 her first witness. And, Ms. Jacobson -- really,  
23 the opening statements are a chance to tell you  
24 what the case is going to show, what she intends to  
25 prove today.

1           We have these binders up here. As I  
2 understand it, this contains the -- the testimony  
3 of all the witnesses plus the exhibits?

4           MS. JACOBSON: That's correct.

5           JUDGE HOBERG: Okay. And it's different  
6 than the application?

7           MS. JACOBSON: Yes.

8           JUDGE HOBERG: Yes. All right.

9           Please call your first witness.

10          MS. JACOBSON: Yes. Your Honor, if I --  
11 before I call my first witness, if -- I would like  
12 to admit the application as well as the  
13 certification relating to order provisions into  
14 evidence, if that's all right.

15          JUDGE HOBERG: And how are those marked?

16          MS. JACOBSON: They're not marked yet.

17          JUDGE HOBERG: Okay. How would you like  
18 them marked?

19          MS. JACOBSON: Exhibit 1 and Exhibit 2,  
20 please.

21          JUDGE HOBERG: Okay.

22                 (Exhibits 1 and 2 were marked for  
23 identification.)

24          JUDGE HOBERG: And Exhibit 1 is the  
25 application and Exhibit 2 is the certification

1 relating to order provisions; correct? Any  
2 objection to that, Mr. Sagsveen, to their  
3 admission?

4 MR. SAGSVEEN: No. No objection, Your  
5 Honor.

6 JUDGE HOBERG: All right. I'll admit  
7 Exhibit 1 and Exhibit 2.

8 Please proceed, Ms. Jacobson.

9 MS. JACOBSON: Thank you, Your Honor. I'd  
10 like to call the first witness, Mr. Steckler.

11 JUDGE HOBERG: Mr. Steckler, please. As  
12 some of you know, I'm required by law to tell all  
13 witnesses at administrative hearings that the  
14 maximum penalty for perjury in this state is a  
15 Class C felony, punishable by a maximum five years  
16 imprisonment, \$5,000 fine or both. And, of course,  
17 perjury is essentially not telling the truth in a  
18 hearing such as this.

19 And I'll -- I'll only make that admonition  
20 once unless some other witnesses come in. But I'll  
21 remind you when you come up to testify.

22 (Witness sworn.)

23 JUDGE HOBERG: Thank you.

24 Ms. Jacobson, please.

25 MS. JACOBSON: Thank you.

**MYRON STECKLER,**

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

**DIRECT EXAMINATION****BY MS. JACOBSON:**

Q. Mr. Steckler, please give us your name, business address and your occupation.

A. My name is Myron Steckler. I am employed as the generation resource project manager for Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota.

Q. And what is your employment history with Basin Electric?

A. I've employed -- been employed with Basin Electric's engineering and construction department for over 20 years. Prior to working at Basin -- Basin Electric, I was employed with Great River Energy at the Coal Creek Station as a systems engineer.

Q. Please state your educational background.

A. I received a bachelor of science degree in mechanical engineering from North Dakota State University in 18 -- 1989, and I am a registered professional engineer in the state of North Dakota since 1996.

1           Q.     What have been your responsibilities in  
2 connection with the Pioneer Generation Station  
3 Phase II project?

4           A.     I am the project manager of the Pioneer  
5 Generation Station Phase I, which is currently  
6 under construction. In addition, I am manager of  
7 Phase II of the Pioneer Generation Station, which  
8 is the project before us today. Throughout today's  
9 testimony, the Pioneer Generation Station will be  
10 referred to as PGS.

11                   As project manager, I am responsible for  
12 management and coordination of all aspects of the  
13 project, including: Technology selection, siting,  
14 permitting, finance, engineering design,  
15 construction and start-up. Responsibilities also  
16 include coordinating utility interconnects such as  
17 water, natural gas and transmission.

18           Q.     What is the purpose of your testimony at  
19 this proceeding?

20           A.     The purpose of my testimony is to provide  
21 a description of Basin Electric Power Cooperative,  
22 a -- a description of the proposed project, and  
23 Basin Electric's position with respect to the PSC  
24 site compatibility policy criteria.

25           Q.     Would you please describe Basin Electric?



1 Electric thought that -- thought the site might be  
2 an option for additional generation in the future,  
3 but no plans were made for any additional units  
4 until the second quarter of 2012.

5 Solid oil prices, drilling to hold  
6 expiring leases and a very mild winter all  
7 contributed to load growth in late 2011 and early  
8 2012 that greatly exceeded what we expected, as  
9 well as the completion of Basin Electric's 2012  
10 load forecast in April of 2012.

11 Thus, Basin Electric concluded in  
12 July 2012 that additional generation at both the  
13 Pioneer Generation Station and Lonesome Creek  
14 Station near Watford City was needed.

15 The next witness, Ms. Kern, will testify  
16 in greater detail about Basin Electric's load  
17 forecasting process and Basin Electric's timeline  
18 on decisions on planned generation.

19 Q. Please describe the proposed Pioneer  
20 Generation Station Phase II project.

21 A. PGS Phase II project is the addition of  
22 two nominal 45 megawatt simple cycle natural gas  
23 combustion turbines and the associated balance of  
24 plant equipment to the existing Pioneer Generation  
25 Station, which is located approximately 15 miles

1 northwest of Williston, North Dakota.

2 The two additional turbines will be  
3 designated as PGS Unit 2 and PGS Unit 3. Like PGS  
4 Unit 1, these additional units will be General  
5 Electric, GE, aeroderivative LM6000 PC SPRINT®  
6 models. The design also includes a power  
7 control -- power control module to house the  
8 electrical switchgear, a generator step-up  
9 transformer to increase the voltage from 13.8 kV to  
10 115 kV for transmission and a 650-foot transmission  
11 extension to interconnect to the existing 115  
12 transmission line. This extension requires the  
13 installation of two transmission structures.

14 Q. Where is the proposed facility located?

15 A. This facility is located approximately  
16 15 miles northwest of Williston on the existing  
17 Pioneer Generation Station site. The site is  
18 adjacent to ONEOK's Stateline gas plant and  
19 Mountrail-Williams Electric Cooperative Stateline  
20 substation in Township 155 North, Range 103 West,  
21 Section 20, in Williams County.

22 (Exhibit 3 was marked for identification.)

23 Q. (MS. JACOBSON CONTINUING) Mr. Steckler, I  
24 show you what the court reporter has marked as  
25 Exhibit 3 and ask you to identify it, please.

1           A.     It is a drawing showing the location of  
2     PGS relative to the ONEOK gas plant.  Phase I is in  
3     the color purple and Phase II is in the color red.

4           Q.     And, Mr. Steckler, is this exhibit the  
5     same exhibit as what we see here on the tripod?

6           A.     Yes.

7           JUDGE HOBERG:  You marked that as  
8     Exhibit 3?

9           THE REPORTER:  Yes.

10          MS. JACOBSON:  Your Honor, I would move to  
11     admit Exhibit 3 into evidence and also request  
12     permission to use the blown-up version for  
13     illustrative purposes.

14          JUDGE HOBERG:  Sure.  Have you got that in  
15     your -- this one?

16          COMMISSIONER KALK:  I believe so.

17          JUDGE HOBERG:  Okay.  Any objection to  
18     Exhibit 3?

19          MR. SAGSVEEN:  Where is it?

20          JUDGE HOBERG:  It's the purple-ish one,  
21     kind of.

22          MR. SAGSVEEN:  I don't have one in mine,  
23     but --

24          COMMISSIONER FEDORCHAK:  Do you want to  
25     share?

1 MR. SAGSVEEN: I'll use Jerry's. I don't  
2 have any objection. I -- could I just note that --  
3 do we have a wireless mike so that if she gets up  
4 and --

5 DAKOTA SOUND: I just turned that one up.

6 MR. SAGSVEEN: Okay. You can get that.  
7 Okay. I have no objection.

8 JUDGE HOBERG: I'd admit Exhibit 3.  
9 Are you going to come up here?

10 MS. JACOBSON: Not right now.

11 JUDGE HOBERG: Okay. Okay.

12 (Exhibit 4 was marked for identification.)

13 Q. (MS. JACOBSON CONTINUING) Mr. Steckler, I  
14 hand you what the court reporter has marked as  
15 Exhibit 4 and can you identify it, please?

16 A. It is a photograph taken February 1, 2013,  
17 of the Pioneer Generation Station Phase I  
18 construction.

19 Q. And, Mr. Steckler, is this the same photo  
20 as what's represented on the board here?

21 A. Yes.

22 MS. JACOBSON: Your Honor, I would move to  
23 enter Exhibit 4 into evidence, please.

24 JUDGE HOBERG: All right. Do you all have  
25 that?

1 COMMISSIONER FEDORCHAK: Mm-hmm.

2 JUDGE HOBERG: Okay. The photograph  
3 marked Exhibit 4, any objection, Mr. Sagsveen?

4 MR. SAGSVEEN: No objection.

5 JUDGE HOBERG: I'll admit Exhibit 4.

6 Q. (MS. JACOBSON CONTINUING) Mr. Steckler,  
7 using Exhibits 3 and 4, can you please describe  
8 Phase I of the Pioneer Generation Station?

9 A. PGS Phase I, currently under construction,  
10 is the installation of one nominal 45 megawatt  
11 simple cycle natural gas combustion turbine, along  
12 with the balance of plant equipment and utility  
13 interconnects. Commercial operation of Phase I is  
14 scheduled for April of this year.

15 The PGS site is approximately seven acres  
16 in size and is designed as a zero discharge  
17 facility. PGS was designed to assure that all  
18 storm water runoff -- runoff of the facility is  
19 routed to the storm water runoff pond. The pond is  
20 located in the northeast corner of the site as can  
21 be seen on Exhibit 3.

22 The turbine generator and associated  
23 balance of plant equipment is located on the north  
24 side of the site. In addition to the turbine  
25 generator and associated balance of plant

1 equipment, the PGS facility includes a  
2 control/maintenance building. This is the blue  
3 building shown on the east side of the site.

4 This building includes the water treatment  
5 area for the demineralizer trailers, service and  
6 demineralized water forwarding pumps, along with  
7 the instrument air compressors. Also included in  
8 this building is a maintenance/warehouse area and  
9 an operation control area. This building can be  
10 seen on Exhibit 4, already complete.

11 PGS includes two water storage tanks, a  
12 125,000-gallon potable and a 230,000-gallon  
13 demineralized water tank. These tanks can be seen  
14 just north of the control maintenance building on  
15 Exhibit 4.

16 Other equipment included as part of Phase  
17 I was: A fuel gas conditioning skid to regulate  
18 the gas pressure and temperature located between  
19 Williston Basin's gas yard and Unit 3. This can be  
20 seen on Exhibit 3.

21 A 2,000-gallon anhydrous ammonia storage  
22 tank at the south edge of the site. Also can be  
23 seen on Exhibit 3.

24 A 150-foot communication tower adjacent to  
25 the maintenance building which is needed to provide

1 a reliable communication link for protective  
2 relaying, business communications, electrical grid  
3 operations and emergency situations. Not clear,  
4 but on Exhibit 3 it's right to the east of the  
5 building.

6 Utility interconnects including natural  
7 gas, water and electrical transmission were also  
8 part of Phase I. The 115 kV transmission  
9 interconnection is an approximate one-half-mile  
10 transmission line which runs along the north side  
11 of the site and ties into Mountrail-Williams  
12 Stateline substation located at the Stateline gas  
13 plant. This can be seen on Exhibit 3. And I'll  
14 trace the transmission line, this being the  
15 Mountrail-Williams Stateline substation.

16 The gas pipeline and metering station that  
17 supplies gas to the facility is owned by Williston  
18 Basin Energy Transmission and can be seen in the  
19 southeast area of the site as labeled on Exhibit 3.

20 Additionally, water supply to PGS is  
21 provided by a pipeline owned by Williams Rural  
22 Water District. The pipeline is parallel to County  
23 Road 5.

24 Q. Mr. Steckler, where will Phase II be  
25 relative to what's shown in Exhibit 4?

1           A.     Unit 2 and 3 are located just south of  
2 Unit 1. This can be seen on -- both in Exhibit 3  
3 in red and would be to the south of this unit over  
4 in this area.

5                     (Exhibit 5 was marked for identification.)

6           Q.     (MS. JACOBSON CONTINUING) Mr. Steckler, I  
7 hand you what the court reporter has marked as  
8 Exhibit 5 and ask you to identify it, please.

9           A.     It is a general arrangement of the Pioneer  
10 Generation Station site, including Phase II, which  
11 is shown in red.

12          Q.     And, Mr. Steckler, is Exhibit 5 the same  
13 document as what we see here on the tripod?

14          A.     Yes.

15          Q.     Thank you.

16                     MS. JACOBSON: Your Honor, I would move to  
17 admit Exhibit 5 into evidence, please.

18                     JUDGE HOBERG: Any objection to Exhibit 5?

19                     MR. SAGSVEEN: No, Your Honor.

20                     JUDGE HOBERG: All right. I'll admit  
21 Exhibit 5.

22          Q.     (MS. JACOBSON CONTINUING) Mr. Steckler,  
23 please describe the design of the proposed project  
24 Basin Electric intends to construct using  
25 Exhibit 5.

1           A.     As mentioned -- as mentioned earlier, the  
2 additional units will be General Electric, GE,  
3 aeroderivative LM6000 PC SPRINT® models. The  
4 combustion turbine and the generator can be seen  
5 here in the center of the exhibit.

6           Aeroderivative gas turbines are the same  
7 general design as the turbines used on modern  
8 airplanes. Special metals are used to allow the  
9 machines to run at higher pressures and  
10 temperatures. This translates into turbines that  
11 are more efficient and can be cycled on and off  
12 more often to accommodate peak generation needs.

13           The LM6000 PC SPRINT® turbine output  
14 rating is a nominal 45 megawatts with an  
15 approximate heat rate of 9600 Btu's per kilowatt  
16 hour. These units utilize combustor water  
17 injection along with a selective catalytic  
18 reduction, SCR, system for NO<sub>x</sub> control. The SCR  
19 utilizes anhydrous ammonia as a reagent.

20           Also included will be catalytic oxidation  
21 reduction to minimize carbon monoxide, CO,  
22 emissions. Following the SCR, each unit's flue gas  
23 will be released to the atmosphere through  
24 individual 80-foot-tall stacks. COR, SCR and  
25 stacks are located just to the right of the

1 turbine.

2 In addition, the design includes:

3 A power control module to house the  
4 electrical switch gear. This can be seen just to  
5 the north of each unit.

6 A generator step-up transformer to  
7 increase the voltage from 13.8 kV to 115 kV for  
8 transmission.

9 A 650-foot transmission extension to  
10 interconnect to the -- to the existing 115 kV  
11 transmission line. This extension requires the  
12 installation of two transmission structures as  
13 represented by the circles to the west of the  
14 take-off structures.

15 Q. Why was this location chosen for Phase II?

16 A. In addition to the need for additional  
17 electric -- electrical generation and to meet  
18 reliability and system stability requirements in  
19 the area due to the rapid growth, the existing  
20 Pioneer Station site was selected because of the  
21 infrastructure already in place to accommodate  
22 additional units.

23 Q. Mr. Steckler, how did the infrastructure  
24 in place for Phase I assist Basin Electric in the  
25 siting of Phase II?

1           A.     It is common practice when developing a  
2 site and building a project to size equipment and  
3 interconnects such as the electrical transmission,  
4 gas pipeline and water pipeline to accommodate for  
5 potential future expansion when the incremental  
6 cost is reasonable. This was the case with PGS  
7 Phase I.

8           Q.     What is the schedule of this project?

9           A.     The schedule referenced in the site  
10 compatibility application listed a July 2013 start  
11 of construction and a commercial operation date of  
12 July 2014.

13                   I need to make a correction to that. The  
14 schedule -- I think that should be July 2012 and  
15 July 2013.

16                   JUDGE HOBERG: You mean at the beginning  
17 under 18 it should be July 2012?

18                   THE WITNESS: No. Do I -- did I get this  
19 wrong here?

20                   JUDGE HOBERG: Well, it's your testimony.

21                   THE WITNESS: The schedule referenced in  
22 the site compatibility application, I'd have to  
23 reference to it, but I believe it was to start  
24 construction in July of 2012.

25                   JUDGE HOBERG: You mean the application

1 listed --

2 MS. JACOBSON: This is Phase II.

3 THE WITNESS: Oh, this is Phase II.

4 Apologize for that.

5 JUDGE HOBERG: Never mind?

6 THE WITNESS: I'm thinking Phase I here.

7 JUDGE HOBERG: Okay. So it's as written?

8 THE WITNESS: As written here.

9 JUDGE HOBERG: Okay.

10 THE WITNESS: The schedule referenced in  
11 the site compatibility application listed a  
12 July 2013 start of construction with a commercial  
13 operation date of July 2014.

14 Since the time the application was  
15 submitted, load growth studies indicate a much  
16 greater need for additional generation in the near  
17 term. With all the necessary permits and approvals  
18 in place, Basin Electric is working to advance the  
19 project's start of construction by two months to  
20 May of 2013.

21 Q. (MS. JACOBSON CONTINUING) What is the  
22 cost of the project?

23 A. The estimated cost of the project is 102  
24 million.

25 Q. What standards has Basin Electric adopted

1 in designing this project?

2 A. All design, construction and operation  
3 shall comply with applicable codes and standards  
4 including, but not necessarily limited to, the  
5 following:

6 State and local codes, laws, ordinances,  
7 rules and regulations.

8 American Society of Mechanical Engineers,  
9 ASME.

10 American Society of Testing and Materials,  
11 ASTM.

12 American National Standards Institute,  
13 ANSI.

14 Institute of Electrical and Electronic  
15 Engineers, IEEE.

16 The Instrumentation, Systems and  
17 Automation Society, ISA.

18 National Fire Protection Association,  
19 NFPA.

20 National Electric Code, NEC.

21 Occupational Safety and Health Act of  
22 1970, OSHA.

23 And the Uniform Building Code, UBC.

24 Q. How much water will the project consume  
25 and where does the supply come from?

1           A.     Water requirements will range from  
2     25 gallons per minute per unit in the winter to  
3     approximately 50 gallons per minute per unit in the  
4     summer when in operation.   Potable water is  
5     supplied to PGS from the Williams Rural Water  
6     District distribution system and placed into the  
7     existing 125,000-gallon service water storage tank.  
8     The potable water is further treated through the  
9     utilization of a portable demineralizer trailer and  
10    placed into the 220,000-gallon demineralizer water  
11    storage tank.

12                 The demineralizer trailer is provided by  
13    an outside contractor.   When required, the  
14    demineralizer trailer is regenerated off site.   All  
15    process water will be either evaporated on site or,  
16    if required, hauled off site to a licensed waste  
17    facility.   The rural water interconnection along  
18    with the water treatment system and online --  
19    on-site water storage completed in Phase I can  
20    accommodate the additional units without  
21    modification.

22           Q.     Will the water consumption rate for the  
23    Pioneer Generation Station impact other consumers  
24    of Williams Rural Water District?

25           A.     No.   In fact, Basin Electric's payment for

1 water supply allowed Williams Rural Water District  
2 to extend their distribution system to the site  
3 area. This extension provided opportunities for  
4 rural residents in this area to receive rural water  
5 service.

6 Q. What is the natural gas fuel supply for  
7 the project?

8 A. Natural gas is transported to PGS by an  
9 eight-inch pipeline owned and operated by the WBI  
10 Energy Transmission. WBI Energy Transmission  
11 installed approximately 1,800 -- 1,800 feet of  
12 eight-inch line from the gas plant lateral to the  
13 PGS site. This pipeline extension is able to  
14 accommodate Phase II without modifications.

15 Basin Electric will be working with a gas  
16 broker to purchase the natural gas needed for this  
17 project.

18 Q. Is any new transmission needed for this  
19 project?

20 A. Yes. As stated earlier, a 650-foot 115 kV  
21 transmission extension is required to interconnect  
22 PGS Phase II to the existing 115 kV transmission  
23 line that is connected to the electrical grid at  
24 Mountrail-Williams Electric Cooperative's Stateline  
25 substation. This extension requires installation

1 of two transmission structures.

2 Q. Are you aware of any actual or potential  
3 hazards to humans, animal life or the environment  
4 posed by the project?

5 A. No.

6 Q. Are there any state, federal, county laws  
7 or rules that require Basin Electric to have an  
8 emergency response plan for this project?

9 A. No. However, Basin Electric has developed  
10 an emergency response plan for all our facilities,  
11 including the Pioneer Generation Station.

12 (Exhibit 6 was marked for identification.)

13 Q. (MS. JACOBSON CONTINUING) Mr. Steckler,  
14 I'm handing you what the court reporter has marked  
15 as Exhibit 6 and ask you to identify it, please.

16 A. It is Basin Electric's response plan for  
17 the Pioneer Generation Station Units 1 through 3.

18 JUDGE HOBERG: It's the purple one in the  
19 booklet.

20 MS. JACOBSON: Your Honor, I'd move to  
21 admit Exhibit 6 into evidence, please.

22 JUDGE HOBERG: Any objection to Exhibit 6?

23 MR. SAGSVEEN: No objection, Your Honor.

24 JUDGE HOBERG: I'll admit Exhibit 6.

25 Q. (MS. JACOBSON CONTINUING) Mr. Steckler,

1 can you describe what the emergency response plan  
2 entails?

3 A. The plan is to address the protection of  
4 life, health, safety, environmental and property  
5 during an emergency. The plan entails each  
6 emergency responder group along with contact  
7 information. It also identifies the response  
8 procedure based on the event.

9 Q. What efforts has Basin Electric taken to  
10 make emergency responders aware of this project?

11 A. On an annual basis, Basin Electric invites  
12 emergency responders, including first responders  
13 and local fire departments, to the project site for  
14 a tour and to discuss how the facility operates and  
15 procedures should they respond to an emergency at  
16 the project. Basin Electric plans to conduct this  
17 first meeting by April 2013.

18 Further, as part of the initial  
19 construction of the facility, attempts were made to  
20 inform local first responders about PGS.

21 Q. I would now like to ask you a series of  
22 questions relating to the North Dakota Public  
23 Service Commission's site policy criteria.

24 What is Basin Electric's policy with  
25 respect to maximizing potential benefits through

1 location, process and design of its facilities?

2 A. Basin Electric performs studies to  
3 identify facilities that are needed to ensure a  
4 reliable transmission and generation system. The  
5 location and output of these facilities is  
6 determined by planning experts to maximize the  
7 benefits of these projects. Ms. Becky Kern will  
8 discuss this further in her testimony.

9 Q. What is Basin Electric's policy concerning  
10 the training and utilization of available labor in  
11 North Dakota for the general and specialized skills  
12 required?

13 A. Basin Electric has a long-standing policy  
14 of recruiting and training workers from North  
15 Dakota. We have developed a partnership with  
16 Bismarck State College to provide the coursework  
17 for our apprenticeship programs in both our  
18 transmission system maintenance division and power  
19 plant maintenance areas.

20 We also work with the University of North  
21 Dakota, North Dakota State University, University  
22 of Mary, Bismarck State College and North Dakota  
23 State College of Science to fulfill -- to fill  
24 internships and full-time vocation/technical and  
25 professional positions.

1           In addition, we recently established a  
2           Grow Your Own Program through Bismarck State  
3           College in which students who are enrolled in the  
4           power plant technician associate degree program may  
5           apply and be selected for opportunities to work in  
6           our power plants as interns.

7           Basin Electric hires up to five students  
8           in each of our power plants. As full-time  
9           positions -- as full-time positions become  
10          available, the students who have completed these  
11          internships may apply. If selected, Basin Electric  
12          will reimburse 50 percent of the cost of tuition  
13          and books, 15 percent upon hire, 15 percent after  
14          completing one year of employment and 20 percent  
15          after completing two years of employment.

16          Basin Electric staff members also sit on  
17          advisory boards for various programs at the  
18          state -- Bismarck State College.

19          It is also Basin Electric's practice to  
20          hire qualified North Dakota workers. Basin  
21          Electric includes qualified North Dakota company on  
22          its -- companies on its bidders' lists for  
23          materials and construction work. The actual labor  
24          force used on our construction projects is hired by  
25          the contractors.

1           The construction personnel are highly  
2 trained in this very specialized area of  
3 construction. However, certain portions of the  
4 construction sequence do not require specialized  
5 training. We anticipate that for these tasks the  
6 contractor will likely employ local people.

7           Q. Will the project make use of a primary  
8 energy source or raw material located within the  
9 state?

10          A. Yes. Natural gas utilized by this project  
11 comes from WBI Energy Transmission Pipeline  
12 Lateral. This pipeline transports processed oil  
13 field-associated natural gas to the Northern Border  
14 Pipeline to be transported to out-of-state markets.  
15 While we're not certain where the natural gas comes  
16 from once in the pipeline, odds are a high  
17 percentage of the gas does come from North Dakota.

18          Q. Will the project require any relocation of  
19 residents?

20          A. No.

21          Q. What efforts has Basin Electric made to  
22 economize the costs of construction and operation  
23 of this project?

24          A. Basin Electric has an obligation to its  
25 member cooperatives to construct facilities at the

1 least cost while maintaining reliability and  
2 safety. By selecting the existing PGS site for  
3 this project, the cost of the necessary  
4 infrastructure and interconnections was avoided,  
5 minimizing the project cost.

6 Basin Electric has also selected many of  
7 the same manufacturers as the Phase I project to  
8 minimize spare parts, inventory and maintenance  
9 costs.

10 In addition, when possible, all materials  
11 and services will be competitively bid by qualified  
12 suppliers and Basin Electric will combine purchases  
13 with other projects to take advantage of volume  
14 pricing.

15 Basin Electric will share operations and  
16 maintenance personnel from other Basin Electric  
17 projects in the area, including the Lonesome Creek  
18 Station located south of Williston and the  
19 Culbertson Generation Station in Montana,  
20 minimizing operational costs.

21 Q. How many full-time positions will be  
22 created by this project?

23 A. Two full-time operation technicians will  
24 be assigned to operate PGS.

25 Q. Has Basin Electric involved local

1 government entities and citizens in the planning  
2 process?

3 A. Basin Electric initiates and maintains  
4 close contact with all pertinent federal, state and  
5 local agencies prior to construction of a facility.  
6 For this project, we have met with county  
7 commissioners, zoning boards and city  
8 organizations. Mr. Miller will elaborate on this  
9 further.

10 Q. Would you please tell the Commission what  
11 type of commitment Basin Electric has to North  
12 Dakota consumers regarding their electric power  
13 supply?

14 A. Basin Electric is contractually committed  
15 to meet all of the additional power requirements  
16 above their allocation from Western Area Power  
17 Administration for the 14 North Dakota rural  
18 electric cooperatives that are our -- that are our  
19 members.

20 Q. Will a portion of the energy produced by  
21 this project be used in this state?

22 A. Yes.

23 Q. What is Basin Electric's policy regarding  
24 labor relations?

25 A. Basin Electric management has always

1 maintained an equitable, fair and harmonious  
2 relationship with labor. Basin Electric uses both  
3 union and nonunion contractors.

4 Q. What is Basin Electric's policy and what  
5 efforts has the cooperative made in the  
6 coordination of facilities?

7 A. Basin Electric works closely with the  
8 Western Area Power Administration, Montana-Dakota  
9 Utilities and our member system -- systems to share  
10 facilities and avoid duplication. For the past  
11 three years, Basin Electric has been meeting with  
12 MDU, Western and our members on a monthly basis to  
13 discuss western North Dakota transmission and  
14 generation issues.

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

17 A. Basin Electric's policy is that  
18 environmental impacts should be monitored and steps  
19 taken to mitigate and alleviate those impacts which  
20 have adverse effects. Once a power plant is  
21 commercial, a continuing program of maintenance  
22 begins. Basin Electric will monitor and correct  
23 any problems for the life of these facilities.

24 Q. Mr. Steckler, based on your knowledge of  
25 the project, do you believe the location,

1 construction and operation of the proposed project  
2 will produce minimal adverse effects on the  
3 environment and upon the welfare of the citizens of  
4 North Dakota?

5 A. Yes.

6 Q. Is the proposed project compatible with  
7 the environmental preservation and the efficient  
8 use of resources?

9 A. Yes.

10 Q. Will the proposed project minimize adverse  
11 human and environmental impacts while ensuring  
12 continuing system reliability and integrity and  
13 ensuring that energy needs are met and fulfilled in  
14 an orderly and timely fashion?

15 A. Yes.

16 Q. Does this complete your direct testimony?

17 A. Yes.

18 MS. JACOBSON: Your Honor, I have no  
19 further questions for this witness.

20 JUDGE HOBERG: Thank you, Ms. Jacobson.

21 I note for -- that two gentlemen came in  
22 during the testimony being given and I see that you  
23 signed the attendance sheet. As I explained  
24 earlier, the Commission does encourage public  
25 testimony either for or against the application.

1 Do either of you gentlemen wish to present  
2 information to the Commission today?

3 UNIDENTIFIED SPEAKER: Yes, please.

4 JUDGE HOBERG: Okay. And I'll get to that  
5 later. I explained earlier on that all of the  
6 public testimony will be after the applicant has  
7 completed its evidence. So at that time I'll call  
8 on you to testify. Thank you.

9 Mr. Sagsveen, please, do you have any  
10 questions?

11 MR. SAGSVEEN: I do, Your Honor.

12 **CROSS-EXAMINATION**

13 **BY MR. SAGSVEEN:**

14 Q. Mr. Steckler, I just have some real basic  
15 questions kind of about what we started out talking  
16 about with respect to the PGS I, and I just want to  
17 get an understanding of the site that -- that we're  
18 going to be -- that's part of the permit. And so  
19 the site application -- this site application is  
20 for PGS II; correct?

21 A. Yes.

22 Q. And you intend -- Basin Electric intends  
23 for the -- for the siting to include all of PGS,  
24 though; is that correct?

25 A. I guess I'd have to refer that to Cris,

1 but I believe that's a true statement is we're just  
2 going for Unit 2 and 3.

3 Q. But you're not -- but the entire site  
4 where PGS I and PGS II are located is going to be  
5 with -- that's PGS?

6 A. That is PGS, yes.

7 Q. Okay. And so there are not two separate  
8 facilities here, are there?

9 A. No.

10 Q. Okay. And so you mentioned that PGS I is  
11 slated to be commercially operational in April?

12 A. We're -- April is the goal.

13 Q. The goal. And what's the status of  
14 construction for PGS I, Phase I?

15 A. Phase -- for Phase I, the intent is  
16 commercial operation at the end of April.

17 Q. Could you -- do you have an idea what the  
18 status of the construction is at this point?

19 A. As -- as can be seen on the diagram, it is  
20 far along. A lot of the electrical work needs to  
21 be done yet. We believe in that -- end of April  
22 is -- is about the time we'll be commercial.

23 Q. And just so I understand with respect to  
24 electrical work and the sizing, can you -- is the  
25 sizing of the electrical and the interconnects, is

1 that all built to accommodate Phase I and II at the  
2 same time?

3 A. The -- in the -- you know, Basin Electric,  
4 when they develop sites, we typically -- in the  
5 interconnects we, you know, look into the future to  
6 make sure those sites are sized for additional  
7 units.

8 You know, for an example, our Culbertson  
9 station in Montana is set up for two units. We  
10 never did build the second unit. Our Groton  
11 Station, same thing; Deer Creek Station. We  
12 typically design the -- or develop the sites in  
13 anticipation of future growth. Sometimes we  
14 follow up with the second unit, sometimes we do  
15 not.

16 Q. When did construction start for the PGS I?  
17 I know it was -- you testified it was approved in  
18 November 2011.

19 A. I believe we started right at -- right in  
20 the April time frame or -- let me think about this  
21 here a little bit in here. I'm going to try and  
22 get the units all straight. I believe in June is  
23 when we started moving dirt.

24 Q. Okay.

25 JUDGE HOBERG: June of 2011?

1 THE WITNESS: June of 2012.

2 JUDGE HOBERG: '12. I'm sorry.

3 MR. SAGSVEEN: I don't have any additional  
4 questions, Your Honor.

5 JUDGE HOBERG: Thank you, Mr. Sagsveen.

6 Mr. Lein, did you have any questions?

7 MR. LEIN: Yes, Your Honor, I have one.

8 **EXAMINATION**

9 **BY MR. LEIN:**

10 Q. On -- on page eight and nine of your  
11 testimony you talked about codes and you mentioned  
12 the Institute of Electrical and Electronic  
13 Engineers. Is that the National Electric Safety  
14 Code that you're referring to there that you will  
15 comply with?

16 JUDGE HOBERG: Bottom of page eight.

17 THE WITNESS: Bottom of page eight. Okay.  
18 Could you repeat the question, please?

19 Q. (MR. LEIN CONTINUING) Are we referring to  
20 the National Electric Safety Code that the project  
21 will apply to that or conform to that?

22 A. That will conform to that.

23 MR. LEIN: Okay. No further questions.  
24 Thank you.

25 JUDGE HOBERG: Thank you, Mr. Lein.

1 Commissioner Kalk, please.

2 COMMISSIONER KALK: Thank you, Your Honor.

3 **EXAMINATION**

4 **BY COMMISSIONER KALK:**

5 Q. Thank you, Myron, for your testimony.

6 The -- first off, I'd -- the -- I was in  
7 the Commission when we went up and we actually were  
8 involved in the siting of the Stateline gas plant,  
9 and so when the Commission was doing that project,  
10 I think we -- we envisioned these kind of projects  
11 following through. So I think it's a great chance  
12 to use this resource of the gas where we've been  
13 flaring off all these gases that goes to the  
14 Stateline plant. We can figure other uses, whether  
15 it's fertilizer, electricity. But I -- so in  
16 general I think it's a really great idea, but I do  
17 have some questions kind of following through if  
18 you could kind of walk me through the process.

19 Obviously, the Commission, we don't  
20 regulate Basin Electric and nor do we want to as  
21 far as like an MDU or an Otter Tail or Xcel, but  
22 tell me the -- what inside of Basin that you'd have  
23 looked at that ruled out wind or ruled out coal or  
24 something else. How do you -- how do you go  
25 through that planning process?



1     this unit to separate the generator from the  
2     turbine. Once it's running, we can tie the  
3     generator to the unit -- to the grid and drop off  
4     the combustion turbine. That also provides voltage  
5     support. And the 45 megawatt in the -- you know,  
6     relative to a capacitor bank was the right size for  
7     that project, so --

8           Q.     So it's more efficient to build two  
9     45 megawatts than one 90 megawatt?

10          A.     Yes. And as we went into Phase II, we had  
11     this one 45 megawatt unit there. Again, for -- to  
12     minimize costs, you have the same units -- three of  
13     the same units. You have shared parts -- spare  
14     parts for the three units, and also if you need --  
15     if you only need 20 megawatts -- or if you only  
16     need 40 megawatts, it's better to have a 40  
17     megawatt machine where you can run at full load.  
18     That's where it's most efficient.

19                 So if we had to put in a hundred megawatt  
20     machine and it only needed 40 megawatts, we could  
21     operate there, but it would be very much less  
22     efficient at that point. So it just made sense to  
23     have additional smaller units.

24          Q.     Yeah. I think it's -- this -- and you've  
25     already brought it out, it gets confusing between

1 the one that's already there and the two we're  
2 building.

3 A. Yeah.

4 Q. But that question I was just trying to  
5 figure out the 45, which kind of led into my next  
6 question, which you answered. So when you picked  
7 the size of the first one which the Commission had  
8 no jurisdiction on, it was not to be under the  
9 siting threshold of 50 megawatts. It was based  
10 on -- you're telling me, on what you needed at that  
11 time?

12 A. Yes. It fit very well with the intent  
13 of -- we call it -- it's called a synchronous  
14 condensing clutch to --

15 Q. Okay.

16 A. -- works for voltage support.

17 Q. I would just throw this out for the -- the  
18 general group out there, that one of the things  
19 that the Commission is seeing in the energy  
20 generation industry is that wind farms, for  
21 example, the -- the rule used to be 100 megawatts  
22 and all the companies dropped them to 99 megawatts  
23 and it got down -- and finally the wind companies  
24 were popping up wind farms all over, getting, I  
25 call it cute. And the legislature just changed the

1 law to now anything bigger than a half megawatt  
2 gets sited by the Commission.

3 So in going forward, I think that's just  
4 something that -- you know, the better we can to  
5 plan what we're going to need and build it up-front  
6 I think is the best thing to do so we don't find  
7 ourselves out there siting two megawatt gas plants,  
8 because I, personally, as a commissioner don't  
9 think that's what we need to get to, but it's tying  
10 into what is the real need.

11 And there's where -- I guess my next  
12 question goes to is the Commission had a brief the  
13 other day from KLJ, which is involved in your work,  
14 about 2,000 megawatts short of power in western  
15 North Dakota over some period of time. So why is  
16 this only 90 megawatts? Why isn't it -- I don't  
17 know, what's 90 times four, something like that,  
18 360 megawatts? Why don't we just say  
19 360 megawatts? Now, from everything I've seen out  
20 there, you're going to need the -- the energy?

21 A. Yeah. Again, I think Ms. Kern will --  
22 will fill in there very well later. You know,  
23 again, Basin is trying to accommodate the growth,  
24 and I think Casey talked about a 345 line and  
25 that's coming in the 2017, 2018 timeline. But

1 incrementally we're trying to fill that gap between  
2 now and when that 345 line comes on, and these  
3 small units is -- phased approach on these gas  
4 turbines fits that.

5           Going -- going forward, we are looking at  
6 larger units and the need -- you know, as we need  
7 larger units or need more power, we are looking at  
8 other opportunities such as both transmission  
9 and/or larger generation units.

10           Q.    Okay.  And also just -- just a thought  
11 there for the future planning that -- one of the  
12 questions I think the Commission will talk about in  
13 the work session is since these are so closely  
14 located, do we need to have data that says noise  
15 for all three sites?  Do we need to have data for  
16 all -- you know, everything in that way?  So it  
17 becomes a challenge as -- as these things get  
18 cumulative effects in a certain area.  It's one  
19 thing if they're spread apart.  So I think that's  
20 one thing that as we go forward that companies need  
21 to be aware of and this Commission as well.

22           The interconnects, you talked about that.  
23 Is there a limiting factor on interconnections  
24 right now?  I think someone asked that question  
25 about where you can only -- you know, right now,

1 unless you change the interconnection setup, you  
2 become limited by -- you can only have  
3 135 megawatts going in. You answered that a little  
4 bit, but I'm trying to get a better picture of  
5 what's --

6 A. Yeah. You know, again, your transmission  
7 infrastructure is going to drive how much power you  
8 can put in that area. I believe the -- again, the  
9 ONEOK in this -- and the big load that it is and  
10 the transmission placed in this area -- or these  
11 three units would most likely be the limit of what  
12 we could put on that transmission line --

13 Q. Okay. Thank you.

14 A. -- at this time.

15 Q. Could you explain for the record, and  
16 maybe for me a little bit, too, what's the biggest  
17 difference when we talk about simple cycle or  
18 combined cycle turbines? What would be the biggest  
19 difference of those when you talk to the person on  
20 the street?

21 A. Yeah. A simple cycle is just that. It's  
22 a combustion of the gas and the power you get from  
23 a turbine from that. On a combined -- the exhaust  
24 gas, combustion gas from a simple cycle is probably  
25 around that thousand degrees and that is emitted to

1 the atmosphere through the stack.

2 With a combined cycle there is a heat  
3 recovery system that takes that heat from the  
4 exhaust and heats up water and creates a steam  
5 cycle and has an additional generator from that  
6 steam cycle. So, you know, you're taking that heat  
7 out of the exhaust and turning that into electrical  
8 generation.

9 Q. So how do you determine which one is  
10 better suited for each project?

11 A. The simple cycle versus combined cycle is  
12 driven on how much you plan on running that unit.  
13 If you're looking for more of an intermediate or  
14 base-load unit, you would always go combined cycle  
15 because of the increased efficiency. It warrants  
16 the capital costs -- additional capital costs of a  
17 unit. If you're looking for kind of a reliability,  
18 peaking-type generation, that will push you into a  
19 simple cycle. Lower capital costs. It's a little  
20 bit higher in energy cost, but you don't -- you do  
21 not anticipate to run it that much so that becomes  
22 a smaller factor.

23 So in this case looking, you know,  
24 probably in the 20 percent capacity factor, simple  
25 cycle was the most economical choice.

1 Q. Okay. Thank you. The -- I think the FAA  
2 limit on height is 200 feet. You talked about a  
3 tower 150 feet. Is that right? Do you know what  
4 is the FAA limit, what you have to have approval  
5 on?

6 A. I could not answer that. However, our  
7 communications department at Basin, they are going  
8 through that licensing process and are -- you know,  
9 are getting the appropriate license for that tower.

10 Q. Okay. Thank you. Just a couple more.  
11 The -- you said zero discharge facility, and I  
12 think you were talking more about water; is that  
13 correct?

14 A. Yes.

15 Q. Because there must be some -- you just  
16 talked about atmospheric discharge. So does there  
17 have to be a health department permit on this  
18 issue?

19 A. As far as the runoff?

20 Q. No. The air emissions on this. Is that  
21 maybe for a later witness?

22 A. Yeah. The -- we do have a health  
23 department application in for a permit to construct  
24 through the health department on emissions.

25 Q. So is that health department going to be a

1 one permit for the 45 megawatt that's currently  
2 being constructed and then another permit for these  
3 two, which will be 90 megawatts, or does that  
4 become one permit?

5 A. The initial permit that we will have is  
6 for the first unit. Our application for the second  
7 units will engulf all three units at that point in  
8 time.

9 Q. So the health department considers this  
10 one project?

11 A. Well, I guess initially it was one --

12 Q. One permit.

13 A. -- one -- it will eventually be one  
14 permit. Yes.

15 Q. Okay. In the emergency response plans, I  
16 appreciate -- actually, I appreciate Basin. It's  
17 obvious that -- in your testimony that you listened  
18 to some of our other hearings before you knew what  
19 questions we were going to ask. So that's very  
20 helpful for us because one of the things that --  
21 you talked about it may not be required in law, but  
22 I always view that when you look at the siting  
23 criteria, it's pretty much anything we want to put  
24 in there because it says adverse effects to humans  
25 and emergency response plan to me is that.



1 you wouldn't be constrained by land if you wanted  
2 to add more of these 45 --

3 A. Yes.

4 Q. -- megawatt facilities?

5 A. Yes. Again, Basin's typical -- in  
6 developing a site, we, you know, think about the  
7 future and do not want to put ourselves in a  
8 corner. We have bought 120 acres here, and the  
9 thought is if we would ever add a small combined  
10 cycle here, that we would have enough space. The  
11 transmission is limited. It would be a -- a  
12 different transmission interconnection required.  
13 However, the -- the gas line to the site, Williston  
14 Basin took it upon themselves to put in a larger  
15 pipe, again with that same thought, it's for future  
16 development.

17 JUDGE HOBERG: So the additional acreage  
18 is south of the project?

19 THE WITNESS: It's -- actually, it's --  
20 it's this 40 and the 40 to the south and then  
21 there's a long -- long 40 along the side here.

22 JUDGE HOBERG: Okay.

23 Q. (COMMISSIONER CHRISTMANN CONTINUING) And  
24 for perspective, this cleared-out area, is that  
25 15 acres or what would you -- do you know the

1 acreage of it?

2 A. Yeah. It's probably in that ten-acre-type  
3 area. The -- the site proper is that seven acres  
4 that I talked about in here. The rest of this  
5 property will all be put back into cropland or  
6 seeded into grass.

7 Q. You mentioned two employees. Is that per  
8 unit or is that for all three?

9 A. For all three at this time. And our  
10 operations manager, you know, that's his intent and  
11 we'll adjust accordingly if requiring more.

12 Q. So this operates at times without anyone  
13 there?

14 A. Yes. Good point. The design of these  
15 facilities are designed for remote operation.  
16 This -- this site, these three units, can be  
17 operated either from our headquarters in Bismarck  
18 and the other place is at Culbertson, Montana. Our  
19 operator there can take over and operate these  
20 units.

21 Q. And you would need the same two employees  
22 for the -- for the facility that's almost ready to  
23 go in as you would if -- if you added the two new  
24 ones as well?

25 A. We are hiring one for -- to start with for

1 Unit 1. As we roll into Phase II, an additional  
2 person will be hired for the site.

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

5 JUDGE HOBERG: Thank you, Commissioner  
6 Christmann.

7 Commissioner Fedorchak, please.

8 COMMISSIONER FEDORCHAK: Sure. My  
9 colleagues have addressed most of my questions, but  
10 I do have just a couple.

11 **EXAMINATION**

12 **BY COMMISSIONER FEDORCHAK:**

13 Q. One, will Becky be talking more detail  
14 what happened between the maybe six-month time  
15 frame between approval of the board, approval of  
16 Phase I and your pursuit of Phase II?

17 A. Yes.

18 Q. Okay. Excellent.

19 And I'm not sure if you're the correct  
20 person or if a further witness is the correct  
21 person for this, but is this -- is the technology  
22 used at this plant the best available technology  
23 for gas-powered generation in terms of efficiency  
24 and emissions? Is it the best available technology  
25 out there right now?

1           A.    Yes.  We consider this with BACT, best  
2 available control technology.  We have the COR on  
3 there and we have the SCR for emissions control.

4           Q.    Okay.  So in the scheme of emissions, can  
5 you kind of characterize how clean this plant is in  
6 terms of electric generation?

7           A.    Again, first of all, gas generation is  
8 typically a clean fuel source.  But over and above  
9 that, the COR -- the CO, we have a 90 percent  
10 reduction catalyst on there, COR, so we reduce that  
11 by 90 percent.  The SCR reduces your NO<sub>x</sub>.  Again,  
12 that is a 90 percent removal control technology.  
13 So the emissions would be very minimal.

14          Q.    And this is a peaking plant; correct?

15          A.    A peaking reliability.  It's there for --  
16 you know, if transmission line goes down, we have  
17 generation in the area to -- for reliability  
18 reasons.

19          Q.    And this is not necessarily relevant to  
20 this case, but for my education, is it possible to  
21 use gas for base load power generation?

22          A.    Yes.

23          Q.    What would be different?

24          A.    Commissioner Kalk got, you know, into that  
25 with the combined cycle.

1 Q. Okay.

2 A. If we were to put in a unit more for  
3 intermediate or base load, to run more, typically  
4 you would go with a combined cycle, which is more  
5 efficient.

6 Q. Okay. And then my last area is in terms  
7 of the wastewater. You stated that all the water  
8 will be either evaporated on site or, if required,  
9 hauled off site to a licensed waste water facility.  
10 How much water are we looking at needing to be  
11 hauled away from this on a regular basis?

12 A. We're expecting that to be negligible --

13 Q. Okay.

14 A. -- at this time. The process doesn't have  
15 wastewater. We have a -- one tank there that maybe  
16 I think -- I'm thinking back at the Culbertson  
17 operation -- might see a tanker to come in there  
18 and haul it off once every six months. And, again,  
19 it's really dependent on how much you're going to  
20 operate that unit, but it's very minimal.

21 Q. Okay. And then also you mentioned that a  
22 portion of this energy will be used in the state.  
23 Any sense of how much will be used in North Dakota  
24 of the energy from this facility?

25 A. I would suspect that where it's located,

1 all of it will be used in the area.

2 COMMISSIONER FEDORCHAK: Excellent. Okay.

3 That's all my questions.

4 JUDGE HOBERG: Thank you, Commissioner.

5 COMMISSIONER KALK: Your Honor, I forgot  
6 one.

7 JUDGE HOBERG: Commissioner Kalk, please.

8 COMMISSIONER KALK: Thank you.

9 **FURTHER EXAMINATION**

10 **BY COMMISSIONER KALK:**

11 Q. Myron, I forgot one question I was going  
12 to ask you. The -- the first plant that was built  
13 up there, the first 45 megawatt, in comparison to  
14 that one and the process for doing this one, I  
15 suspect there wasn't much different as far as  
16 meeting all the codes and those things. Could you  
17 just give me a sense of what was really different  
18 about that plant being built and these two plants  
19 you've requested, other than this process of the  
20 hearing?

21 A. Well, no difference. I mentioned that we  
22 put a synchronous clutch on the first one because  
23 that was really to support the voltage problems in  
24 the area. We are not adding clutches to these --

25 Q. But as far as talking with the -- you

1 know, all the appropriate codes and regulations,  
2 you followed those just like everything else?

3 A. Yes. That was one of the benefits of  
4 sticking with the same unit. You -- there's,  
5 again, cost savings to not have to redesign.

6 COMMISSIONER KALK: Thank you.

7 JUDGE HOBERG: Thank you, Commissioner.

8 Mr. Sagsveen, please.

9 **RE-CROSS-EXAMINATION**

10 **BY MR. SAGSVEEN:**

11 Q. I just have one more question about noise  
12 level issues. Would -- can you answer some of  
13 those questions?

14 A. What I can answer, we did do a noise  
15 study. We had Burns and McDonnell do a noise study  
16 for us, and Cris will elaborate on that a little  
17 bit further -- Mr. Miller.

18 MR. SAGSVEEN: Okay. Perfect.

19 JUDGE HOBERG: Any further questions,  
20 Commissioners? Thank you.

21 Ms. Jacobson, any further questions?

22 MS. JACOBSON: No, Your Honor.

23 JUDGE HOBERG: No further questions of  
24 this witness, then, Mr. Steckler.

25 THE WITNESS: Thank you, Commissioners.

1 JUDGE HOBERG: Thank you, Mr. Steckler.

2 All right. We're going to take a  
3 five-minute recess at this time. Keep it five  
4 minutes, move it along.

5 COMMISSIONER KALK: A Williston five  
6 minutes.

7 JUDGE HOBERG: A Williston five minutes.  
8 We'll stand in recess for five minutes.

9 (Recessed at 11:46 a.m. to 11:53 a.m.)

10 JUDGE HOBERG: All right. We're back on  
11 the record.

12 Ms. Jacobson, please call your next  
13 witness.

14 MS. JACOBSON: I call Ms. Becky Kern to  
15 the stand, please.

16 JUDGE HOBERG: Ms. Kern, I believe you  
17 heard the admonition I gave in regard to perjury;  
18 correct?

19 THE WITNESS: Yes.

20 (Witness sworn.)

21 JUDGE HOBERG: Thank you.

22 Ms. Jacobson, please.

23 **BECKY KERN,**

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

**DIRECT EXAMINATION**

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**BY MS. JACOBSON:**

Q. Would you please state your name, business address and your occupation?

A. My name is Becky Kern. My business address is 1717 East Interstate Avenue, Bismarck, North Dakota. I am the manager of utility planning for Basin Electric Power Cooperative. I've worked for Basin Electric for ten years.

My work involves the development of the 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.

Q. Would you please state your educational background?

A. I received a bachelor of science degree in electrical engineering from the North Dakota State University in 2002.

Q. What have been your responsibilities in connection with the Pioneer Generation Station Phase II project?

A. I was responsible for identifying the need for additional generation. Through our load-forecasting process and subsequent evaluation

1 of our ability to meet our member load obligation  
2 through the development of an integrated resource  
3 plan, we were able to identify that Basin Electric  
4 needed additional natural gas generation in western  
5 North Dakota to help meet the growing load  
6 obligations of our membership.

7 Q. How do you conduct these load forecasts?

8 A. The load forecasts are performed every --  
9 either every other year or every three years with  
10 annual updates and are prepared in accordance to  
11 the Rural Utilities Services general criteria. The  
12 load forecast represents a joint effort by the  
13 distribution cooperatives, the G&T cooperatives and  
14 Basin Electric.

15 In order to assure all segments of the  
16 cooperative's structure are involved, a load  
17 forecast technical committee was established. This  
18 committee consists of representatives from the  
19 distribution cooperatives, the G&T cooperatives and  
20 Basin Electric.

21 The load forecast is prepared on a  
22 distribution cooperative basis. The criteria  
23 defines a load forecast as a thorough study of a  
24 cooperative's electric loads and the factors that  
25 affect those loads in order to determine as

1 accurately and as practical the cooperative's  
2 future requirements for energy and capacity.

3           The basis for econometric modeling is to  
4 identify factors in the economy that have  
5 historically affected electrical consumption. This  
6 is accomplished by using regression analysis  
7 software that establishes a mathematical  
8 relationship between the economic factors and power  
9 usage.

10           The mathematical relationship, which is in  
11 the form of an algebraic equation, represents the  
12 econometric model. Different models are developed  
13 for each member, depending on the type of load they  
14 serve. Examples of these models include  
15 residential, oil-related, coal-related, ethanol and  
16 biodiesel-related forecasts. There are certain  
17 instances that a mathematical equation cannot be  
18 developed to predict the future, and in these cases  
19 judgmental forecasts are created with the help of  
20 the distribution cooperatives serving the loads  
21 because of their local knowledge and expertise.

22           These results of the load forecasts are  
23 then translated into a model that represents the  
24 Basin Electric system on a delivery-point basis.  
25 This allows the planning of infrastructure

1 improvements to be made where needed. The load  
2 forecast is then monitored on a monthly basis to  
3 ensure that the forecast is performing as expected.

4 Also, due to the detailed information  
5 available from the large commercial sector,  
6 individual projects can be monitored to ensure that  
7 they are proceeding as planned. If the load  
8 deviates significantly from the forecast,  
9 modifications can be made for future load  
10 forecasts.

11 Q. Earlier you mentioned one of your duties  
12 is to prepare Basin Electric's integrated resource  
13 plan. Could you please describe that document?

14 A. The integrated resource plan is a review  
15 of Basin Electric's forecasted member load  
16 obligations, current operating system and provides  
17 for the framework for future expansion, including  
18 both supply-side and demand-side resource  
19 expansion. Basin Electric reviews resources that  
20 are available in meeting the forecasted obligations  
21 and utilizes both a capacity expansion model and a  
22 production cost model to determine what mix of  
23 resources can most effectively meet our member  
24 obligations.

25 These resources, as I have stated, can be

1 both supply side and demand side. The supply-side  
2 resources are not limited to Basin Electric's  
3 self-build options. We issued a power supply  
4 request for proposal in the spring of 2012 and  
5 sought power supply alternatives that could be  
6 evaluated within our integrated resource plan.  
7 This plan will typically identify a five-year  
8 action plan to put into place in order to meet the  
9 forecasted load growth of our member systems with a  
10 general sense of what additional power supply may  
11 be needed beyond five years. The 2013 integrated  
12 resource plan is expected to be completed this  
13 spring.

14 (Exhibit 7 was marked for identification.)

15 Q. (MS. JACOBSON CONTINUING) Ms. Kern, I'm  
16 handing you a document which the court reporter has  
17 marked Exhibit 7 and ask you to identify it.

18 A. It's a graph showing the load growth in  
19 the Williston Basin as was developed in 2012.

20 JUDGE HOBERG: It's in the green section.

21 MS. JACOBSON: Your Honor, I'd move to  
22 admit Exhibit 7 into evidence, please.

23 JUDGE HOBERG: Any objection to Exhibit 7,  
24 Mr. Sagsveen?

25 MR. SAGSVEEN: No, Your Honor.

1 JUDGE HOBERG: I'll admit Exhibit 7.

2 Q. (MS. JACOBSON CONTINUING) Can you please  
3 explain what Exhibit 7 represents?

4 A. This is the magnitude of load growth in  
5 the Williston Basin area that came out of Basin  
6 Electric's 2012 load forecast update. The 2012  
7 load forecast update, which was an annual update to  
8 the 2011 load forecast, was approved by the  
9 members' board of directors, as well as Basin  
10 Electric's board of directors, in the spring of  
11 2012.

12 This forecast showed that Basin Electric's  
13 entire membership was anticipated to grow about  
14 1,500 megawatts from 2012 through '25 with more  
15 than 1,000 megawatts of anticipated load growth  
16 related to oil development within the Williston  
17 Basin area of North Dakota and Montana.

18 This exhibit, as well as the load forecast  
19 process and results, are discussed in greater  
20 detail in Section 1.4 of the application.

21 Q. Was an independent load forecast performed  
22 for the Williston Basin oil and gas loads?

23 A. Upon completion of the 2012 load forecast,  
24 Basin Electric partnered with the North Dakota  
25 Transmission Authority, Montana-Dakota Utilities

1 and the oil and gas industry through the North  
2 Dakota Petroleum Council and commissioned Kadrmas,  
3 Lee & Jackson, a North Dakota consulting firm, to  
4 complete an oil-and-gas-related electrical load  
5 growth forecast for the Williston Basin area of  
6 North Dakota and Montana. This forecast was  
7 completed in October 2012.

8 The study contained expected electrical  
9 demand relating to 43 counties within the Williston  
10 Basin and specifically 22 key oil-producing  
11 counties in the -- in the western and north central  
12 regions of North Dakota. The study performed by  
13 KLJ validated the oil-related load growth that  
14 Basin Electric forecasted in its own load forecast.

15 (Exhibit 8 was marked for identification.)

16 Q. (MS. JACOBSON CONTINUING) I'm handing you  
17 a document the court reporter has marked as  
18 Exhibit 8 and ask you to identify it.

19 A. This is the KLJ study that Basin Electric  
20 was a partner in to further define the load growth  
21 in the Williston Basin area of North Dakota and  
22 Montana.

23 MS. JACOBSON: Your Honor, I would move to  
24 admit Exhibit 8 into evidence, please.

25 JUDGE HOBERG: Exhibit 8 is the -- the big

1 one in the blue cover, KLJ Load Growth Power  
2 Forecast 2012.

3 Any objection to that, Mr. Sagsveen?

4 MR. SAGSVEEN: I don't know that there's  
5 any foundation for her to testify regarding this,  
6 except -- but I think I won't object on those  
7 grounds.

8 JUDGE HOBERG: Okay. I'll admit  
9 Exhibit 8.

10 Q. (MS. JACOBSON CONTINUING) Why and when  
11 was Phase II of the Pioneer Generation Station  
12 chosen?

13 A. Basin Electric is forecasted to be short  
14 of generation capacity starting in 2014. This was  
15 shown on page 1-28 of our application. In July of  
16 2012 the Basin Electric board of directors made the  
17 decision that the need would best be supplied by  
18 developing additional simple cycle combustion  
19 turbine technology at the Pioneer Generation  
20 Station.

21 Further, the project fits our timeline for  
22 when additional generation was needed. In doing  
23 so, Basin Electric will receive the generation  
24 capacity it requires to reliably serve its -- our  
25 load obligations.

1           By installing similar combustion turbines  
2           at the existing Pioneer Generation site, Basin  
3           Electric will benefit from eliminating the  
4           additional costs associated with developing a new  
5           site, such as land acquisition, pipeline and  
6           transmission costs, staffing, spare parts, et  
7           cetera.

8           Pioneer Generation Station is located  
9           within the heart of the Williston Basin and will  
10          provide additional reliability benefits during  
11          transmission outages, systemwide generation  
12          shortfalls and provide for the contingency if the  
13          load in the Williston Basin region grows faster  
14          than is currently forecasted. The operation of a  
15          45 megawatt combustion turbine provides the added  
16          benefit of operating in a more efficient operating  
17          zone than a larger combustion turbine. A larger 80  
18          to 100 megawatt combustion turbine has an increased  
19          likelihood of being operated at half load and thus  
20          a less efficient operating level.

21          Q.     Was Phase II approved by Basin Electric's  
22          board of directors at the same time as Phase I?

23          A.     No.   Phase I was approved in  
24          November 2011. At that time we knew additional  
25          generation would be needed, but after the winter

1 loads in late 2011 and early 2012 and upon  
2 completion of the 2012 load forecast update in  
3 April 2012, we realized we needed more generation  
4 much sooner than originally anticipated and, thus,  
5 the board of directors approved Phase II in July of  
6 2012.

7 Q. Does Basin Electric have any similar units  
8 in its generation fleet?

9 A. As stated earlier, Basin Electric has two  
10 GE LM6000 combustion turbines under construction,  
11 one unit at the Pioneer Generation Station near  
12 Williston and the other at the Lonesome Creek  
13 Station near Watford City.

14 Basin Electric also has three other larger  
15 combustion turbines with one unit located near  
16 Culbertson, Montana, and two units located near  
17 Groton, South Dakota. These units are nominally  
18 rated at 95 megawatts each.

19 Q. How will this resource be used in Basin  
20 Electric's fleet of generation resources?

21 A. These units will be incorporated into  
22 Basin Electric's generation portfolio. With the  
23 addition of the Phase II unit, Basin Electric will  
24 have almost 900 megawatts of natural gas-fired  
25 generation. This will represent about 16 to

1 17 percent of Basin Electric's overall generation  
2 capacity portfolio.

3 Q. As part of your duties as manager of  
4 utility planning, are you familiar with the  
5 dispatching of generation?

6 A. In general, yes. However, I am  
7 responsible for long-term power supply planning,  
8 which is beyond the next 12 to 18 months.  
9 Short-term power supply planning activities for the  
10 next 12 months are performed by Basin Electric's  
11 marketing and trading department.

12 Q. What will be the process for dispatching  
13 of this unit and the time frame on that dispatch?

14 A. These units will be dispatched to serve  
15 Basin Electric's member load obligations to provide  
16 local generation support to the Bakken area. These  
17 units may be prescheduled or dispatched to operate  
18 in real time.

19 The units -- excuse me, the plant will be  
20 notified that the units are needed to operate and  
21 provide a time for when those -- they need to be at  
22 a specified generation level. These units are  
23 capable of being online and generating electricity  
24 within about 10 to 15 minutes.

25 Q. Ms. Kern, how does this project affect the

1 reliability of the electrical system in this area  
2 of northwestern North Dakota and eastern Montana?

3 A. The Bakken area electrical system lacks  
4 enough nearby generation support in the event of  
5 transmission outages or contingencies. Aside from  
6 the Culbertson generation station, the power to  
7 serve the area has to be imported. Locating  
8 additional generation in the area will provide  
9 support to the local system, especially in the  
10 event of outages on the transmission lines that  
11 connect the area to externally located generation.

12 Q. Does the proposed location, construction  
13 and operation of Phase II of the Pioneer Generation  
14 Station ensure continued system reliability and  
15 integrity?

16 A. The project is located near large  
17 electrical load centers and thus is ideally suited  
18 to support the reliability of the area transmission  
19 system. It provides a one-for-one improvement in  
20 the load serving capacity of the regional  
21 electrical transmission system.

22 To clarify, with each one megawatt of  
23 this -- of generation out of this facility, you can  
24 serve an additional one megawatt of load. Thus  
25 with this project in service, the transmission

1 system will gain approximately 90 megawatts of  
2 additional load serving capacity.

3 Q. Does the proposed project ensure that the  
4 energy needs of the area will be fulfilled in an  
5 orderly and timely fashion?

6 A. Yes.

7 Q. Will the project benefit the area through  
8 which Basin Electric is proposing to construct?

9 A. Yes. The project will provide a direct  
10 benefit for service into the area allowing reliable  
11 service to area consumers.

12 Q. Are there any plans for expansion of this  
13 project?

14 A. There are no plans for expansion of this  
15 particular project.

16 Q. Does this conclude your direct testimony?

17 A. Yes.

18 MS. JACOBSON: Your Honor, I have no  
19 further questions for this witness.

20 JUDGE HOBERG: Thank you, Ms. Jacobson.

21 Mr. Sagsveen, please.

22 MR. SAGSVEEN: Thank you, Your Honor. I  
23 think I'll work backwards.

24

25

**CROSS-EXAMINATION**

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**BY MR. SAGSVEEN:**

Q. In question 17, the question was, "Does the proposed location, construction and operation of Phase II of the Pioneer Generation Station ensure continued system reliability and integrity?" And there's a long answer there. You didn't necessarily say yes or no, but can it be safe to say that your answer is yes to that question?

A. Yes.

Q. Okay. And on page six of your testimony, you indicated that in April 2012 we realized we needed more generation much sooner. Can you describe the difference between Basin Electric, the company, realizing -- coming to this realization and then the board -- the difference between that and the board decision and then the letter of intent?

A. Basin Electric was in the process in late 2011 and early 2012 in developing our load forecasts, and those load forecasts are done for every distribution cooperative that Basin Electric supplies power to. That load forecast was completed in April and that's when the information was brought to staff and to our board level to

1 approve that forecast, and that's what showed all  
2 the load growth in western North Dakota and growing  
3 faster than we had originally anticipated from the  
4 load forecast that was developed in 2011, and  
5 that's what was presented in 2012. And we did some  
6 analyses over the next number of months and  
7 determined in July that we needed additional  
8 generation.

9 Q. So when you approved -- okay. Maybe I  
10 just don't understand, and I'm not -- I'm really  
11 not trying to box you in on anything here. When  
12 you approved the forecast, does that -- are you  
13 then obligated as a company to take additional  
14 steps to try to fulfill the --

15 A. Our wholesale power contracts --

16 Q. -- meeting the demands?

17 A. -- with our members require us to provide  
18 for that power supply that they need, and so we are  
19 obligated to go and develop those, either develop  
20 them internally or buy power to do that.

21 Q. Okay. And I -- I forgot if it was you  
22 that -- I don't -- I didn't see any discussion  
23 about sound in your testimony. That's with a  
24 different witness; right?

25 A. Yes.

1 MR. SAGSVEEN: Okay. I don't have any  
2 additional questions.

3 JUDGE HOBERG: Thank you, Mr. Sagsveen.  
4 Mr. Lein, please.

5 MR. LEIN: I'd just clarify something Matt  
6 was asking you.

7 **EXAMINATION**

8 **BY MR. LEIN:**

9 Q. So in April you discovered your load  
10 forecasts were higher than you thought, and then  
11 after that point you decided how to fulfill them by  
12 considering your options and deciding on the  
13 Pioneer Station --

14 A. That is correct.

15 Q. -- during the time until July?

16 A. Yes. That is correct.

17 MR. LEIN: Thanks. No further questions.

18 JUDGE HOBERG: Okay. Thank you, Mr. Lein.

19 Wait -- just wait till the question is  
20 over before you respond, please. Thank you.

21 Commissioner Kalk, please.

22 COMMISSIONER KALK: Thank you, Your Honor.  
23 Becky, I empathize because I always talk too fast  
24 and ask too quick. The court reporter hasn't asked  
25 me to slow down yet today.

1 THE REPORTER: She's been wanting to, but  
2 has refrained from doing so.

3 (Laughter.)

4 COMMISSIONER KALK: I will do my best.

5 EXAMINATION

6 BY COMMISSIONER KALK:

7 Q. Thank you, Becky, for your testimony.

8 Just a question about the -- and Jerry and  
9 Matt talked about it a little bit, too, but when  
10 you realize you need more power, how do you  
11 integrate, if at all, like what a Southwest Power  
12 Pool can give you or what a MISO can give you? Is  
13 that anywhere at all in your equation as of right  
14 now?

15 A. We are continuing to evaluate  
16 participation in a regional transmission  
17 organization of MISO or Southwest Power Pool. That  
18 analysis is ongoing. We did, also, issue a power  
19 supply request for proposal that I had mentioned  
20 earlier, and that was --

21 Q. So just to clarify -- and I'm doing what  
22 the Honor told me not to do. So you can't -- as of  
23 right now, you couldn't go to MISO and ask to buy  
24 power. You couldn't go to Southwest Power Pool and  
25 buy power; is that correct?

1           A.     We -- you could enter in -- well, you  
2 could buy power real time day ahead off those  
3 markets.

4           Q.     Okay.

5           A.     You have to have the transmission in place  
6 to get that power into the area.

7           Q.     So that really was not an option for Basin  
8 given the transmission constraints to western North  
9 Dakota?

10          A.     Yes.   That is correct.

11          Q.     Okay.   That's what I was -- okay.  
12 Perfect.   Not that we're trying to walk you in  
13 certain directions, but --

14          A.     Nope.

15          Q.     -- that's the other thought and I wanted  
16 to follow through on it.

17                 The -- how much reserve do you need to  
18 have in the power system?   I've heard different  
19 numbers.   Do you have to have a certain amount of  
20 spinning reserve, they call it, that you have to  
21 have available at any given time?

22          A.     The balancing areas require it to have a  
23 certain amount of reserves, be it spinning reserves  
24 or quick-start reserves to meet the reserve -- the  
25 operating reserve requirement.

1           Q.     So what does this project call itself?  Is  
2     it quick-start reserve?

3           A.     In order to be quick start, you have to be  
4     online within ten minutes.  I don't -- Basin  
5     Electric's participation in the reserve group is  
6     through Western Area Power Administration as the  
7     balancing area.

8           Q.     Okay.

9           A.     And we do have facilities that are capable  
10    of meeting the quick start and being online within  
11    ten minutes.  We also have facilities that can  
12    participate -- they can ramp up to serve for the  
13    spinning reserves, but it is the balancing area  
14    that is obligated to have those reserve  
15    requirements.

16          Q.     Okay.  Thank you.  And just two more  
17    questions.

18                   Can -- could Basin or anyone cost  
19    effectively convert a simple cycle plant to a  
20    combined cycle or is it completely a rebuild?  Is  
21    that something you can engineer differently if you  
22    decide at a later date?

23          A.     I believe these particular units, the  
24    LM6000, could be done.  They could be partnered  
25    together to combine to build a combined cycle.

1 Myron Steckler would be able to comment on that a  
2 bit further.

3 Q. Okay. Thank you. And then the last  
4 question is the -- your number -- question 20, "Are  
5 there any plans for expansion of the project?"  
6 Your answer, "There are no plans for expansion of  
7 this particular project."

8 The -- we've talked a little bit about the  
9 first 45 megawatts not being jurisdictional, but in  
10 your opinion if Basin was to put another 45  
11 megawatt plant adjacent to these three, do you  
12 think that would -- should come in front of the  
13 Commission on that 45 megawatt project or do you  
14 think that would be a -- since it is only  
15 45 megawatts, that you could just build it on your  
16 own?

17 JUDGE HOBERG: If -- if you have a  
18 response.

19 THE WITNESS: I don't have a response for  
20 that.

21 COMMISSIONER KALK: That's a question  
22 someone might respond to before we're done today.  
23 So thank you for your testimony.

24 JUDGE HOBERG: Thank you, Commissioner  
25 Kalk.

1 Commissioner Christmann, please.

2 **EXAMINATION**

3 **BY COMMISSIONER CHRISTMANN:**

4 Q. On a very similar note to that, just so  
5 I'm clear, you said there's not plans to expand  
6 this, but did I understand earlier there are plans  
7 to expand the Lonesome Creek unit down in Watford  
8 City?

9 A. That is correct. Basin Electric has  
10 committed to building two additional 45 megawatt  
11 combustion turbines at Lonesome Creek, and I  
12 believe that application and everything will be in  
13 front of you later this year.

14 Q. And are there other plans for -- for  
15 something else --

16 A. As of right now --

17 Q. -- somewhere in the near area, the Bakken?

18 A. As of right now, Basin Electric has not  
19 committed to any additional generation. Our  
20 integrated resource plan will be completed later  
21 this year, in the next couple of months, and from  
22 there we will determine what additional resources  
23 we will commit to and take whatever actions we need  
24 to at that time, but we don't have anything else in  
25 place right now.



1 you got your load forecast in 2011 and then the  
2 2012 one was dramatically different, can you walk  
3 us through what were the factors that changed in  
4 that time frame that caused increase in -- in  
5 demand? And had you just not looked that far ahead  
6 and we should be good to go now that we've done  
7 this projection out to 2025? How do we know we  
8 aren't going to see that again in another year  
9 where it jumps that much?

10 A. When our 2011 load forecast was completed,  
11 it was a 15-year analysis. We had looked out  
12 15 years. It was based on data collected in 2010,  
13 and a lot of the oil leases and everything else  
14 going on in western North Dakota had not ramped up  
15 as much yet. And we -- we had a sense it was  
16 growing, but not to the extent that it was. And we  
17 caught that with the one-year update, and that's  
18 where we continue to look at this all the time to  
19 see what's going on.

20 COMMISSIONER FEDORCHAK: No further  
21 questions.

22 JUDGE HOBERG: Thank you, Commissioner  
23 Fedorchak.

24 Any further questions by commissioners?

25 Ms. Jacobson, how are you going to handle

1 that question of Mr. Kalk -- or Commissioner Kalk  
2 about the jurisdictional --

3 MS. JACOBSON: We can address that in the  
4 next witness, after lunch.

5 JUDGE HOBERG: Okay.

6 COMMISSIONER KALK: After lunch, is that a  
7 hint?

8 MS. JACOBSON: Not necessarily, but it's  
9 about that time.

10 JUDGE HOBERG: Any further questions of  
11 Ms. Kern?

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

13 JUDGE HOBERG: No further questions.

14 Thank you, Ms. Kern.

15 THE WITNESS: Yep.

16 JUDGE HOBERG: Ms. Jacobson, your next  
17 witness, please.

18 MS. JACOBSON: Could I just have a short  
19 five-minute recess to discuss that particular  
20 question with the witness? I'd appreciate that.

21 JUDGE HOBERG: Sure.

22 MS. JACOBSON: Okay. Thank you.

23 JUDGE HOBERG: Let's take a recess,  
24 please.

25 (Recessed at 12:19 p.m. to 12:23 p.m.)

1 JUDGE HOBERG: All right. We're back on  
2 the record.

3 And Ms. Jacobson.

4 MS. JACOBSON: Yes. The next witness will  
5 be Mr. Cris Miller. I believe he's taken his  
6 position.

7 JUDGE HOBERG: All right. And you're  
8 going to address the question through him?

9 MS. JACOBSON: Yes, I will.

10 JUDGE HOBERG: Okay. Thank you.

11 Mr. Miller, you've heard the admonition I  
12 gave in regard to perjury; correct?

13 THE WITNESS: Yes.

14 (Witness sworn.)

15 JUDGE HOBERG: Thank you.

16 Ms. Jacobson, please.

17 **CRIS MILLER,**

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

20 **DIRECT EXAMINATION**

21 **BY MS. JACOBSON:**

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

24 A. My name is Cris Miller. My business  
25 address is 1717 East Interstate Avenue, Bismarck,

1 North Dakota.

2 I am employed by Basin Electric Power  
3 Cooperative as a senior environmental project  
4 administrator. I am responsible for the  
5 preparation of environmental studies and permit  
6 applications for various transmission and  
7 generation projects Basin Electric is currently  
8 planning.

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

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

15 Q. Mr. Miller, what have been your  
16 responsibilities in connection with the Pioneer  
17 Generation Station Phase II project?

18 A. I am responsible for the overall  
19 coordination of the environmental analysis of this  
20 project. This involves working with an  
21 interdisciplinary consultant team, contacting and  
22 meeting with public officials, coordinating  
23 activities with other Basin Electric departments  
24 and reviewing and coordinating the various reports  
25 that have been submitted to the North Dakota Public

1 Service Commission and the other interested  
2 agencies.

3 Q. What is the purpose of your testimony in  
4 this proceeding?

5 A. I will describe the practices used to  
6 demonstrate that with respect to environmental  
7 considerations, the proposed site is in accordance  
8 with the North Dakota Energy Conversion Facility  
9 Siting Act and the North Dakota PSC rules.

10 Q. Mr. Miller, would you please give the  
11 Commission a general description of the land use of  
12 the proposed site?

13 A. PGS, which includes three generating units  
14 and associated infrastructure, is surrounded by a  
15 security fence and is approximately seven acres in  
16 size. The entire 120-acre parcel that Basin  
17 Electric purchased is zoned industrial. The land  
18 use around the site area is predominantly  
19 agricultural.

20 The ONEOK Stateline gas processing plant  
21 is located adjacent to PGS in Township 155 North,  
22 Range 103 West, Section 21. These two facilities  
23 are separated by Williams County Road 5, which runs  
24 north and south between these two facilities.

25 There are also scattered oil and gas pads

1 surrounding PGS.

2 Q. Can you describe why Phase I of the  
3 Pioneer Generation Station did not go through North  
4 Dakota PSC Chapter 49-22 Energy Conversion Facility  
5 Siting Act?

6 A. Chapter 49-22 of the Energy Conversion  
7 Siting Act requires project proponents to obtain a  
8 permit if the generation size exceeds 50 megawatts.  
9 Furthermore, the Act requires siting of  
10 transmission facilities in excess of 115 kV and for  
11 gas transmission lines in excess of one mile in  
12 length. PGS Phase I was not required to undergo  
13 state siting because the project fell below these  
14 permitting thresholds.

15 Q. Was there a federal nexus for the project  
16 that required compliance with the National  
17 Environmental Policy Act?

18 A. No.

19 Q. So will there be an environmental impact  
20 statement prepared for this project?

21 A. No. However, most, if not all, of the  
22 resource areas that would have been studied under  
23 the environmental impact statement process were  
24 evaluated in the preparation of this application,  
25 including impacts to plants, animals and the

1 environment, cultural resources and air quality.

2 Q. In addition to the siting permit from the  
3 PSC, what other permits are necessary for Basin  
4 Electric -- Basin Electric to obtain for this  
5 project? Please give the status of these permits.

6 A. The proposed project will be required to  
7 obtain an air pollution control prevention of  
8 significant deterioration permit to construct from  
9 the North Dakota Department of Health. The permit  
10 application was submitted to the department in  
11 November of 2012 and is currently under review.

12 The permit to construct is expected to be  
13 issued early in the second quarter of 2013.  
14 Further, all required permits have been obtained  
15 from Williams County.

16 Q. Please describe what an exclusion criteria  
17 means.

18 A. The North Dakota Public Service Commission  
19 Rules at North Dakota Administrative Code Chapter  
20 69-06-01, states, "Exclusion criteria means  
21 criteria that remove areas from consideration for  
22 energy conversion facility sites and transmission  
23 facility routes."

24 Q. Please describe what an avoidance criteria  
25 means.

1           A.     The North Dakota Public Service Commission  
2 Rules at North Dakota Administrative Code Chapter  
3 69-06-01, states, "Avoidance criteria means  
4 criteria that remove areas from consideration for  
5 energy conversion facility sites and transmission  
6 facility routes unless it is shown that under the  
7 circumstances there are no reasonable  
8 alternatives."

9           Q.     Does the plant site contain any exclusion  
10 areas?

11          A.     No.

12          Q.     Does the plant site contain any avoidance  
13 areas?

14          A.     No.

15          Q.     Mr. Miller, did Basin Electric incorporate  
16 public input in the site selection process of the  
17 Pioneer Generation Station Phase II project?

18          A.     Yes. Basin Electric notified federal and  
19 state agencies through a project mailing. Agency  
20 responses were received from the U.S. Fish and  
21 Wildlife Service, North Dakota Department of  
22 Health, the National Resource Conservation Service,  
23 Department of Defense and the U.S. Army Corps of  
24 Engineers.

25          Q.     Mr. Miller, did any of these agencies

1 express concerns that the project had not already  
2 addressed?

3 A. All the agency responses are listed in  
4 Appendix B of the application. All responses were  
5 addressed by the project.

6 Q. Mr. Miller, I am going to ask you a series  
7 of questions regarding the PSC site selection  
8 criteria. How does the proposed site demonstrate  
9 that significant adverse effects, if any, upon  
10 agriculture will be kept to an acceptable minimum?  
11 Please address this issue in terms of farmsteads,  
12 cropland and interference with irrigation.

13 A. There are no farmsteads on the project  
14 site. Basin Electric purchased approximately 120  
15 acres of land that was cropland. The PGS project  
16 occupies approximately 7 acres.

17 There is no irrigation within the 120-acre  
18 parcel.

19 Farmsteads are scattered throughout the  
20 proposed project area. The highest density of  
21 residences and businesses are located in and around  
22 the city of Williston, which is located southeast  
23 of the project.

24 Agricultural and livestock production  
25 dominate the land use in the project's vicinity.

1 PGS is currently a developed industrial facility.  
2 The PGS site incorporates approximately 7 acres of  
3 land, of which 100 percent was originally  
4 classified as cropland. The remaining 113 acres of  
5 the property owned by Basin Electric will remain in  
6 agricultural use.

7 Q. Mr. Miller, is there any anticipated  
8 impact on the surface drainage patterns or  
9 groundwater flow patterns on the plant site?

10 A. Precipitation that falls within the plant  
11 site will be directed to the storm water retention  
12 pond. These waters will be released when they meet  
13 the criteria of the plant storm water management  
14 plan. The precipitation that falls outside of the  
15 plant site will follow the natural flow patterns  
16 that currently exist. No impacts are anticipated  
17 to occur to either surface or groundwater flow  
18 patterns.

19 Q. Do you anticipate any significant adverse  
20 effect on noise-sensitive land uses resulting from  
21 the location, construction and maintenance of the  
22 proposed project?

23 A. No significant adverse effect is  
24 anticipated. Sensitive noise receptors within the  
25 area include rural residents living in scattered

1 locations on farmsteads, a local rural church and  
2 former farmsteads that are currently used for farm  
3 storage. ONEOK Stateline gas processing facility  
4 is located to the east on adjacent property.

5 There will be a short-term increase in  
6 noise during construction of the project. The  
7 nearest residences are located greater than one  
8 mile from the project. A rural church is located  
9 approximately three-fourths of a mile north of the  
10 project.

11 Q. Were any studies done to assess the noise  
12 level that can be expected from the operation of  
13 the project?

14 A. An operational noise assessment study was  
15 performed by Basin Electric's consultant, Burns and  
16 McDonnell, which was included as an Appendix A in  
17 the application. The maximum noise level modeled  
18 due to the operation of PGS with all three units  
19 operating was determined to be an  $L_{dn}$  of  
20 50 decibels, which is lower than the EPA guideline  
21 of 55 decibels at the nearest farm storage area.  
22 The highest residence noise level modeled was an  $L_{dn}$   
23 of 51 -- or excuse me, 41.6 decibels. The modeled  
24 results can be found in Tables 5.1 and Figures 5-1  
25 through 5-4 for the various modeling scenarios of

1 the noise assessment study.

2 Q. Will the project have any visual impacts  
3 to the adjacent area?

4 A. Visual resources surrounding the project  
5 consist of broad expanses of cultivated fields,  
6 rangeland and grasslands. The landscape has been  
7 altered due to previous development. Oil and gas  
8 exploration and production infrastructure, a large  
9 gas processing facility, roads and utility lines  
10 are all present in the area.

11 Because of the gently rolling terrain in  
12 the immediate vicinity, the project will be visible  
13 in the general area. However, the overall  
14 character of the landscape will not be  
15 significantly changed.

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

18 A. No. While there is significant oil and  
19 gas activity in the area, it would not conflict  
20 with the proposed project.

21 Q. Are there any impacts on wetlands,  
22 woodlands or wooded areas?

23 A. There are no wetlands, woodlands and  
24 wooded areas on the project site.

25 Q. Does the construction, operation and

1 maintenance of the project require Basin Electric  
2 to remove any trees or shrubs?

3 A. No.

4 Q. Will there be any impacts on radio and  
5 television reception or other communication or  
6 electronically controlled devices by the operation,  
7 construction and maintenance of the proposed  
8 project?

9 A. No.

10 Q. Do you expect any significant adverse  
11 effect on human and animal health and safety or  
12 plant life?

13 A. No.

14 Q. Mr. Miller, will it be possible to locate  
15 the site as to not violate any local or county  
16 zoning ordinances?

17 A. Yes. Basin Electric secured zoning  
18 approvals for the PGS and associated facilities  
19 from the Williams County Commission and Hebron  
20 Township in 2012.

21 Q. Does the proposed project encroach on any  
22 designated or registered state wild, scenic or  
23 recreational rivers, game refuges, game management  
24 areas, forests, forest management lands or  
25 grasslands?

1           A.    No.

2           Q.    Does the proposed project encroach on any  
3 areas of historical, archeological or  
4 paleontological significance not designated as  
5 exclusion or avoidance areas?

6           A.    The project is within an area that a  
7 previous Class III cultural resource survey was  
8 performed. No prehistoric or historic sites were  
9 identified during the Class III surveys.

10                    It is unlikely paleontological resources  
11 would be affected by the project since there is  
12 little or no bedrock exposed on the plant site. No  
13 paleontological resources have been identified  
14 within the project boundaries.

15           Q.    Are there any geologically unstable areas  
16 within the project site?

17           A.    No.

18           Q.    Mr. Miller, were you present earlier for  
19 the previous witness when Commissioner Kalk was  
20 asking her questions on whether or not an  
21 additional unit at this facility would require a  
22 site compatibility permit from the PSC?

23           A.    Yes, I was.

24           Q.    And what are your thoughts on that issue?

25           A.    If my recollection serves me right, the

1 definition of a project for construction  
2 specifically states existing site and an addition  
3 to and -- and then if the project is less than  
4 50 megawatts, you wouldn't be underneath the siting  
5 authority. However, I'm not a legal advisor and we  
6 will -- we will certainly take things as advised.

7 JUDGE HOBERG: So your answer is that no,  
8 the Commission would not have the jurisdiction over  
9 that?

10 THE WITNESS: That's my understanding of  
11 the reading of the rule.

12 JUDGE HOBERG: Ms. Jacobson, please.

13 Q. (MS. JACOBSON CONTINUING) Does that  
14 conclude your testimony?

15 A. Yes.

16 MS. JACOBSON: No further questions of  
17 this witness.

18 JUDGE HOBERG: Thank you, Ms. Jacobson.

19 Mr. Sagsveen, please.

20 MR. SAGSVEEN: Thank you, Your Honor.

21 **CROSS-EXAMINATION**

22 **BY MR. SAGSVEEN:**

23 Q. You referenced the Burns and McDonnell  
24 report, and I believe it's -- it's Appendix -- it's  
25 in Appendix A.

1           A.    Appendix A of the application.  That's  
2 correct.

3           Q.    Of the application.

4                    Could you -- I just have a couple of --  
5 some general questions.  If you could turn to that,  
6 it looks like Figure 5-1 and Figures 5-2 and 5-3,  
7 are those -- the yellow bases points on these  
8 figures, are those decibel -- estimated decibel  
9 readings?

10          A.    Yes, it is.

11          Q.    Okay.  And I didn't see it in this  
12 analysis regarding cumulative sound analysis.  It  
13 says, "Additionally" -- on 6.0, which is the  
14 conclusion of the Burns and McDonnell report, it  
15 says, "Additionally, the adjacent natural gas  
16 processing facility contains noise-producing  
17 equipment, but the facility has no operational  
18 noise limits."

19                   Was there -- did Burns and McDonnell do an  
20 analysis of cumulative noise effects?

21          A.    No, they did not.  What -- what had  
22 happened, at the time we did this assessment ONEOK  
23 Stateline gas processing plant was not operational.  
24 It just went operational last -- late last fall.  
25 So what the Burns and McDonnell did, their approach

1 was to take what was normal background for a rural  
2 area.

3 The ONEOK gas processing facility, all  
4 expectations would have sounding meeting processes  
5 going on. One thing about sound -- and I'm not a  
6 sound expert, but knowing that sound is not  
7 additive, if it's, you know, 25 dBAs at one  
8 location and another source at 25, they don't add  
9 to 50. It might cancel each other out. It all  
10 depends on their frequency and the -- and the point  
11 of generation.

12 So the -- I guess the Figure 5-4 that we  
13 do show and what we were able to model and have an  
14 understanding of that, shows all three units, PGS  
15 1, 2 and 3, operational. So that would be Figure  
16 5-4.

17 Q. So I -- I'm not a sound scientist or have  
18 any background in sound science. Could you --  
19 if -- if they're not necessarily additive, can you  
20 describe the difference in the contours on why the  
21 contours are further out on a three-unit -- like if  
22 you compare Figure 5-3 to Figure 5-2, how -- why  
23 the contours go further out on a three-unit than  
24 they do on a one-unit?

25 A. Certainly -- I guess if you go back to one

1 unit, so we just look at the first -- but we have  
2 to also -- if you look at 5-2 and 5-3, I'd like to  
3 point out there are two different sound-measuring  
4 units being indicated here. Like Figure 5-3 is an  
5  $L_{eq}$ , so that's a time-weighted average weight. And  
6 the  $L_{dn}$  is a day-night. It's a -- they take a  
7 ten-decibel penalty for nighttime. So if you're  
8 looking at graphs, you have to make sure that  
9 you're following the same --

10 Q. So just let me interrupt then. So we  
11 should really be comparing 5-1 and 5-3, which is --

12 A. That's correct.

13 Q. -- 5-1 is  $L_{eq}$  and 5-3 is  $L_{eq}$ . It's just one  
14 of the three.

15 A. That's correct.

16 Q. So I guess I have the same question on 5-1  
17 and 5-3.

18 A. Okay. Let's take the really -- the  
19 church, which is -- which is the point straight  
20 north of the plant site. So on Figure 5-1 the  
21 modeled noise from one unit generating was  
22 39.5 decibels on an  $L_{eq}$  rating. If you go to the  
23 three units -- so if one produces the 39 decibels  
24 so you added two more units, is it a tripler? No,  
25 it's not. If you refer to 5.3, it increased just

1 short of -- just over two -- two decibels. That's  
2 why those are -- they're not sound. It's a  
3 logarithmic process.

4 Q. So what -- do you have any record or is  
5 there any information in this -- in the application  
6 you provided regarding the sound that might be  
7 produced from the neighboring gas plant?

8 A. No, there's not. I did some research on  
9 gas from Burns and McDonnell, and that's their last  
10 statement in the conclusion section. They have  
11 familiarity with some gas processing facilities,  
12 and -- and as their statement states here, they do  
13 not anticipate the addition of PGS to -- and the  
14 adjacent gas processing facility to be above, you  
15 know, the EPA guideline, 55 decibels. That's  
16 their, I guess, professional judgment.

17 The other thing I've also looked at is  
18 a -- I do not believe ONEOK has a sound permit  
19 limit from -- from the Public Service Commission or  
20 for Williams County, so it was difficult to go out  
21 and find and evaluate what type of sound is  
22 emitting from ONEOK.

23 Q. But -- okay. So just so I'm clear, there  
24 isn't a separate cumulative effects analysis in the  
25 sound report?



1 Q. -- just so we have the boundaries of what  
2 was surveyed exactly and with a legal description?

3 A. Sure. The Class I report was generated  
4 and was filed with the State Historical  
5 Preservation Office. That report can be provided  
6 to the Commission. The concurrence letter from the  
7 SHPO was a part of the application as well.

8 MR. LEIN: So can we make that an exhibit?

9 COMMISSIONER KALK: We'll need to get  
10 that.

11 JUDGE HOBERG: Do you want that a  
12 late-filed here?

13 MR. LEIN: I don't think we need to late  
14 file it even. I think it's here.

15 MS. JACOBSON: I have it here.

16 JUDGE HOBERG: Oh, you have it. Oh, okay.  
17 Okay.

18 MS. JACOBSON: Would I be allowed to  
19 establish foundation and ask the witness at this  
20 time regarding that?

21 JUDGE HOBERG: Yeah. Yeah. Let's do that  
22 right now.

23 MS. JACOBSON: Okay.

24 (Exhibit 9 was marked for identification.)

25 MS. JACOBSON: Mr. Miller, I'm handing you

1 what the court reporter has marked as Exhibit 9 and  
2 ask you to identify it, please.

3 THE WITNESS: Yes. It is the map that was  
4 a part of the Class III cultural resource report  
5 performed by Metcalf Archeological Consultants.

6 MS. JACOBSON: And, Mr. Miller, what is on  
7 the second page of this document?

8 THE WITNESS: Second page is the  
9 description of a -- the legal description of the  
10 Pioneer Generating Station for the full 120 acres.

11 MS. JACOBSON: So, Mr. Miller, the area  
12 defined in purple as -- labeled as the project area  
13 is the same as what's represented in the legal  
14 description on the second page?

15 THE WITNESS: Yes, it is.

16 MS. JACOBSON: Your Honor, I would move to  
17 admit Exhibit 9 into evidence, please.

18 JUDGE HOBERG: Thank you.

19 Mr. Sagsveen, any objection?

20 MR. SAGSVEEN: No objections.

21 JUDGE HOBERG: I'll admit Exhibit 9.

22 Mr. Lein, do you have further questions?

23 MR. LEIN: I had one other one.

24 Q. (MR. LEIN CONTINUING) You were mentioning  
25 that there was an air quality permit that you were

1 expecting this spring. Is that something you would  
2 start construction without or --

3 A. No. You -- you would not start Phase II  
4 without that air permit to construct.

5 Q. Okay. So we're waiting on that?

6 A. That is correct.

7 MR. LEIN: Okay. Thanks. No further  
8 questions.

9 JUDGE HOBERG: Thank you, Mr. Lein.  
10 Commissioner Kalk, please.

11 COMMISSIONER KALK: Thank you, Your Honor.  
12 Thank you, Cris, for your testimony.

13 **EXAMINATION**

14 **BY COMMISSIONER KALK:**

15 Q. The -- to follow up what Jerry was talking  
16 about, so is there a SHPO concurrence letter  
17 somewhere in --

18 A. Yes, there is.

19 Q. So we would need to get that before I  
20 would --

21 A. Yeah. The SHPO letter should be --

22 Q. It's included already.

23 A. -- part of the application. Yes, it is.

24 Q. Okay. Fair enough. Thank you, Cris.

25 The -- could you educate me a little bit

1 on the -- I know enough about NEPA to be dangerous,  
2 but the way I understood NEPA was that if there's a  
3 federal nexus -- and most of the projects, if  
4 not -- I thought all the projects Basin did had to  
5 do that, where some of the power lines -- because  
6 of the -- you know, the RUS funds. So how does  
7 this not to have NEPA on it?

8 A. For the most part, with Basin Electric's  
9 projects there's two potential triggers. One is if  
10 you connect to -- direct connection to Western's  
11 infrastructure --

12 Q. Okay.

13 A. -- and in this example here we're  
14 connecting to Mountrail-Williams Electric  
15 Cooperative, their Stateline substation immediately  
16 across the road.

17 Q. Okay.

18 A. So it's our own member system. The second  
19 trigger that can go through NEPA is if we apply for  
20 RUS financing for the project.

21 Q. So this is all Basin financing?

22 A. That's correct.

23 COMMISSIONER KALK: Okay. All right.

24 That answers that question. Thank you.

25 The cumulative effects, we've talked about

1 that. Basically just the last one was just the  
2 discussion about the -- what Basin may or may not  
3 do in the future with the additional 45 megawatts.  
4 And I think this is just my dialogue for what it's  
5 worth. The law is pretty clear that we don't  
6 regulate less than 50 megawatts of this type of  
7 generation, but also the law was very clear for  
8 wind towers, too, and then the wind farms started  
9 popping up all these wind farms around and before  
10 long the legislature lowered it down to one and a  
11 half megawatts. So I think the Commission adds  
12 value to these, and given all the work that you've  
13 done, it would -- I don't know that it would be  
14 that much additional work to come in front of the  
15 Commission, but the -- it's just one of those  
16 things to think about going forward, I guess.

17 And Cris and I are both from Bottineau, so  
18 I have to put that for the record.

19 Thank you, Cris.

20 JUDGE HOBERG: Thank you, Commissioner  
21 Kalk.

22 Commissioner Christmann, please.

23 COMMISSIONER CHRISTMANN: Thank you, Your  
24 Honor.

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**EXAMINATION**

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**BY COMMISSIONER CHRISTMANN:**

Q. We've kind of talked about the impact on neighbors with noise, which I'm really struggling to get my hands around --

A. Okay.

Q. -- how much of an impact a certain decibel level is, but I don't think we're going to solve that immediately here, either. But let's talk a little about the road situation for the neighbors. Is this County 5 -- does that just continue to go north and serve agricultural people or is there some destination at the north end of Number 5 or what's out there?

A. I'm unfamiliar. I've taken Highway 5 up to the plant site so I can't answer from the -- but I believe if it's a county road, there is a destination. So I'll call it a farm-to-market road is what I'm kind of used to referring to it.

But County Road 5, I've been there. I know there are schools closer to -- or point of origination down by U.S. Highway 2. There are farmsteads. The ONEOK gas processing plant is right there as well. The times that I've driven it there was plenty of oil field type of vehicles,

1 traffic on there as well. So I think most roads in  
2 Williams County are pretty well used.

3 Q. It's a gravel road?

4 A. No, it is not. It's a paved road.

5 Q. It's a paved road?

6 A. Yes, it is.

7 Q. Okay. How many -- do you have any idea  
8 how many people work at the ONEOK site?

9 A. No, I do not.

10 Q. And Ms. Kern talked about the two  
11 employees; that this is powered up and shut down  
12 remotely. What do the two employees do? Is it  
13 strictly maintenance or what I'm getting at,  
14 really, in the long run is if there's bad weather  
15 and this is out there and yet the power is needed,  
16 how do you get the people out to do what's  
17 necessary? So I'm trying to figure out, A, the  
18 quality of the -- the road service and, B, the  
19 importance of actually getting someone on site at  
20 various times in a timely manner.

21 A. Sounds good. I can speak to -- you know,  
22 the road is approximately five miles north of  
23 Highway 2. Highway 2 is your four-lane U.S.  
24 highway. And then Williams County Road 5 is a  
25 paved farm-to-market road, pretty well surfaced.



1 Code for the Public Service Commission siting of an  
2 energy conversion facility. For the most part,  
3 it's the entire background.

4 Some other differences, if you had a  
5 federal nexus, you would engage in the 106  
6 consultation process and also with the Section 7  
7 with U.S. Fish and Wildlife Service. However, we  
8 still went through that process. We had our  
9 concurrence letter from the U.S. Fish and Wildlife  
10 Service response, so that's why there's some  
11 differences, but we went that extra to accommodate  
12 the federal agencies.

13 Q. Okay. Great. And then the nearest -- it  
14 looks like the nearest landowners -- or homeowners,  
15 residents, are about three-quarters of a mile. Are  
16 you aware of any concerns from those -- the folks  
17 nearest to you? Have you heard from them? Has the  
18 company been working with them in any way?

19 A. We've not heard from the -- the nearest  
20 facility, I guess, is that church to the north.  
21 The ones to the east that -- that's -- that a half  
22 mile, I call it a farm storage. I mean there  
23 probably was a former farmstead there. There's no  
24 one -- there doesn't appear to be someone occupying  
25 it. That was last summer. I guess with all that's

1       happening up here in Williams County, could there  
2       be someone living there in a quick term? I can't  
3       speak to that, but I view it as like a farm  
4       storage. So the nearest occupied residence, to our  
5       knowledge, is about a mile and a half from the  
6       project.

7                JUDGE HOBERG: A mile and a half? I  
8       thought the testimony earlier was a mile.

9                THE WITNESS: A mile. Excuse me.

10               JUDGE HOBERG: Okay. So it's the farm  
11       storage a half mile, the church three-quarters of a  
12       mile and the residence a mile, approximately?

13               THE WITNESS: Correct.

14               JUDGE HOBERG: Commissioner Fedorchak,  
15       please.

16               Q. (COMMISSIONER FEDORCHAK CONTINUING) And  
17       you haven't heard from the person who's nearest,  
18       any complaints?

19               A. No.

20               COMMISSIONER FEDORCHAK: Okay. That's all  
21       for me. Thanks.

22               JUDGE HOBERG: Thank you, Commissioner.

23               COMMISSIONER KALK: I have a follow-up.

24               JUDGE HOBERG: Commissioner Kalk, please.  
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**FURTHER EXAMINATION**

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**BY COMMISSIONER KALK:**

Q. Cris, just more dialogue, I guess, again about the -- the EPA guideline for noise. One of the things that I think the three of us are going to hopefully get together and talk about is, you know, it's an EPA guideline. It's not a hard-and-fast rule. So based on your knowledge and experience, I mean is that guideline appropriate? Should it be 60, should it be 50? I've always struggled with where that number came from and we find ourselves wrapped around the axle sometimes about that.

A. Yeah, they are guidelines. Housing and Urban Development also has a guideline. Interestingly enough, that's 65 decibels.

Q. That's federal level or --

A. Yeah. It's the federal Housing and Urban Development.

Q. And what is that again?

A. 65.

Q. Okay.

A. Yeah. One thing, I guess, just to kind of highlight, and it's in Appendix A again, what is -- you know, if we're talking about something around

1 50 megawatts -- or 50 decibels, excuse me, what is  
2 that noise? And I believe in one of our up-front  
3 tables, Table 4-1 on page 4-2 of Appendix A --  
4 excuse me. Wrong table. Table 3-1 kind of has a  
5 relationship of noise levels and where the -- where  
6 they have some effect on persons.

7 JUDGE HOBERG: We're looking for 2-1? Is  
8 that the one?

9 THE WITNESS: 3-1. Table 3-1 on page 3-2  
10 in the Appendix.

11 Q. (COMMISSIONER KALK CONTINUING) I saw  
12 that.

13 A. So something that's less than 55 decibels,  
14 so if you're outside where people spend limited  
15 time amounts such as a school yard and playgrounds,  
16 you have really no effect.

17 Q. So would you have any concerns if the --  
18 the noise threshold was not a -- in the order or if  
19 that number was higher than 55 in the final order  
20 potentially?

21 A. I guess where I would -- if it's the 55 at  
22 nearest residence from our modeling, from what  
23 Basin Electric's project provides, I guess I would  
24 be comfortable with that.

25 Q. But if the Commission authorized, say, not

1 to exceed 65 decibels, would Basin want to have the  
2 55 level or the 50 level?

3 A. Certainly the higher, but what I was going  
4 to get at is we have no control over what ONEOK  
5 processing facility does and I do not know -- have  
6 a background of where they're at.

7 Q. Well, and that's the -- I was there for  
8 that siting of the ONEOK and I can't remember if we  
9 did or didn't have a noise threshold, but the  
10 challenge that this Commission is -- for me, I  
11 speak for myself. What I'm getting into is that we  
12 can even have the layering of these projects and  
13 it's hard to predict until they're finally built  
14 what it looks like and we may be hamstringing  
15 ourselves with some of these noise levels, not even  
16 thinking far enough down the road, when at the end  
17 of the day we're trying to make sure and preserve  
18 the public health and higher levels may do that.

19 A. Mm-hmm.

20 COMMISSIONER KALK: So -- okay. Well,  
21 that was all that I had. Thank you.

22 JUDGE HOBERG: Thank you, Commissioner.

23 Any further questions, Commissioners? No?  
24 Thank you.

25 Ms. Jacobson, anything further?

1 MS. JACOBSON: Nothing, Your Honor.

2 JUDGE HOBERG: All right. Thank you,  
3 Mr. Miller. Been thinking about how we might want  
4 to proceed further, and this is just a suggestion.  
5 Maybe we should take a luncheon recess here and  
6 then give a definite time as to when we'll start  
7 the public, understanding that their next witness  
8 will probably be a short one.

9 MS. JACOBSON: Yes.

10 JUDGE HOBERG: So that if we break for  
11 lunch now and in 20 minutes take your next witness  
12 and then not start the public testimony until about  
13 20 to 2. Does that sound --

14 COMMISSIONER KALK: So the public can then  
15 go take the full lunch and don't have to be back.

16 JUDGE HOBERG: Right. Well, not quite a  
17 full, but they'd get longer than we get that way.  
18 And that way if the public wants to come back for  
19 their witness or take a little bit longer lunch, we  
20 would start the public testimony at 20 minutes to  
21 2. I know we have quite a few witnesses that want  
22 to testify. Does that sound feasible?

23 COMMISSIONER KALK: That's fine with me.

24 JUDGE HOBERG: Okay. Let me say it one  
25 more time, then. We'll take a luncheon recess

1 right now, and then in 20 minutes we'll take the  
2 last witness from Basin and then in 20 minutes  
3 after that, approximately 20 to 2, we'll start  
4 public testimony, not before that time.

5 All right. We'll stand in recess, then.

6 (Recessed at 12:58 p.m. to 1:28 p.m.)

7 JUDGE HOBERG: I think everybody here  
8 signed the attendance sheet. It looks like it.  
9 Yeah. Okay. And, again, we'll be taking public  
10 testimony as soon as the applicant is done. They  
11 have one more witness. So it shouldn't be too much  
12 longer.

13 All right. Ms. Jacobson, please call your  
14 next witness.

15 MS. JACOBSON: The next and last witness  
16 will be Mr. Lucas Teigen. If you could please come  
17 to the stand.

18 JUDGE HOBERG: It's pronounced Teigen  
19 or --

20 THE WITNESS: Teigen.

21 JUDGE HOBERG: Mr. Teigen, you heard the  
22 admonition I gave in regard to perjury earlier?

23 THE WITNESS: Yes.

24 (Witness sworn.)

25 JUDGE HOBERG: Thank you.

1 Ms. Jacobson, please.

2 **LUCAS TEIGEN,**

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

5 **DIRECT EXAMINATION**

6 **BY MS. JACOBSON:**

7 Q. Please give us your name, business address  
8 and your occupation.

9 A. My name is Lucas Teigen. I'm employed by  
10 Basin Electric Power Cooperative, and my business  
11 address is 1717 East Interstate Avenue, Bismarck,  
12 North Dakota. I am the manager of construction.

13 Q. Would you please review your employment  
14 history?

15 A. I began at Basin Electric Power  
16 Cooperative in 2008 as a construction coordinator.  
17 In March of 2012 I was named the manager of  
18 construction. Prior to joining Basin Electric in  
19 2008, I was employed by a construction management  
20 firm and an industrial construction contractor.

21 Q. Please state your educational background.

22 A. I received a bachelor of science degree in  
23 industrial technology from Black Hills State  
24 University in 2006.

25 Q. What is your responsibility in connection

1 with the Pioneer Generation Station Phase II  
2 project?

3 A. My -- my responsibility will be to provide  
4 supervision of the construction coordinators  
5 assigned to this project. The construction  
6 coordinators coordinate owner and contractor  
7 interests, administer project QA/QC requirements  
8 and provide a focal point of communication between  
9 the project personnel and the contractors' field  
10 supervisors.

11 Q. What is the purpose of your testimony at  
12 this proceeding?

13 A. The purpose of my testimony is to discuss  
14 how the proposed project will be constructed.

15 Q. And would you please describe the required  
16 procedures for construction of the project?

17 A. The construction of the project will be  
18 done in a sequential manner. The first activities  
19 to take place will be the earthwork and excavations  
20 for foundations and underground utilities.

21 Once the excavations are open, the  
22 contractor will then begin pouring equipment  
23 foundations. Soon after the equipment foundations  
24 have been poured, the contractor will install the  
25 115 kV transmission structures and begin to place

1 equipment such as the generator step-up transformer  
2 and the combustion turbine and generator.

3           Once the major equipment has been  
4 installed on its foundation, the contractor will  
5 then focus on equipment assembly and the  
6 installation of aboveground pipe, electrical,  
7 instrumentation and controls.

8           As the project reaches mechanical  
9 completion, the equipment will go through a testing  
10 and commissioning phase. During the commissioning  
11 phase, the contractor and Basin Electric will begin  
12 the start-up of equipment. Once all the equipment  
13 has successfully completed the commissioning and  
14 start-up phase, the station will be ready to  
15 generate power.

16           During the construction phase -- during  
17 construction, Basin Electric will maintain a  
18 deficiency list for items that need corrective  
19 action. Upon completion of the project, Basin  
20 Electric will verify that all deficiencies have  
21 been corrected and release the contractor from  
22 further responsibility.

23           Q.    Would you describe the workforce needed  
24 for the construction of the Phase II project?

25           A.    The scope and time frame for the project

1 indicate a need of approximately 80 to 100 workers.  
2 The actual manpower needs may vary depending on  
3 time constraints, contractor procedures and  
4 seasonal conditions.

5 Q. What housing provisions are required for  
6 this type of workforce?

7 A. It is expected that a large percentage of  
8 the workforce will obtain housing in hotels,  
9 apartments or crew camps in and around the  
10 Williston area. A few workers may bring travel  
11 trailers and place them in trailer or RV parks in  
12 towns in the area. Some workers will be local  
13 hires who live in the general vicinity and will  
14 commute from their current residence.

15 Q. What efforts has Basin Electric undertaken  
16 or will undertake to ensure the workforce  
17 constructing the facility are safe?

18 A. Basin Electric has a safety program for  
19 all contractors that work for the cooperative. The  
20 program states requirements for contractors and the  
21 contractors' employees. One of the requirements  
22 for contractors is an Occupational Safety and  
23 Health Administration recordable incident rate of  
24 3.0 or less. Incident rates are a metric used to  
25 compare companies' safety performance. The

1 comparison is a safety benchmark to gauge  
2 performances with other companies in the same  
3 business group and make an apples-to-apples  
4 comparison. A rate of 3.0 is the industry average  
5 national incident rate for construction.

6 Additionally, some of the requirements for  
7 the contractors' employees include a negative drug  
8 test within the last 12 months and an OSHA 10-hour  
9 class within the last 36 months.

10 All potential contractors will be  
11 evaluated against the safety program and only  
12 contractors that meet the requirements will be  
13 allowed to bid the project.

14 Q. How will construction equipment and  
15 material deliveries be made to the project?

16 A. It is estimated that the equipment and  
17 material deliveries will require approximately  
18 230 loads -- 230 truckloads. The contractor will  
19 use federal, state and county highways and other  
20 township roads throughout the project area.

21 The traffic volume in and around Williston  
22 has increased significantly and traffic impacts  
23 caused by the project will be negligible.

24 Q. Are you familiar with the construction of  
25 Phase I of the Pioneer Generation Station?

1 A. Yes.

2 Q. Has Basin Electric received any complaints  
3 from Williams County or local residents regarding  
4 the noise, traffic or damages to roads from the  
5 construction of Phase I?

6 A. Not to my knowledge.

7 Q. Does this complete your direct testimony?

8 A. Yes.

9 MS. JACOBSON: No further questions, Your  
10 Honor.

11 JUDGE HOBERG: Thank you, Ms. Jacobson.  
12 Mr. Sagsveen, please.

13 MR. SAGSVEEN: I don't have any questions,  
14 Your Honor.

15 JUDGE HOBERG: Thank you.  
16 Mr. Lein, please.

17 MR. LEIN: Just -- just one.

18 **EXAMINATION**

19 **BY MR. LEIN:**

20 Q. Are you segregating the topsoil off of  
21 this site or is there a problem with that -- with  
22 the requirement to do that?

23 A. No. The topsoil will be in its own  
24 stockpile on top of existing stock --

25 MR. LEIN: Thanks. No further --

1 THE WITNESS: -- existing topsoil.

2 MR. LEIN: Okay. No further questions.

3 JUDGE HOBERG: Thank you, Mr. Lein.

4 Commissioner Kalk, please.

5 COMMISSIONER KALK: Thank you, Your Honor.

6 **EXAMINATION**

7 **BY COMMISSIONER KALK:**

8 Q. Thank you, Lucas, for your testimony.  
9 Just a couple questions. 230 trucks, what's -- is  
10 it -- is it a 40-foot trailer or how do you --  
11 what's a truck that you're talking about?

12 A. Typically, you're going to see probably,  
13 you know, a regular semi van with equipment or a  
14 flatbed, you know, probably 40 feet. There will be  
15 instances when we get heavier equipment where  
16 you'll have longer trailers, heavy-haul trailers,  
17 for example, when the generator and turbine are  
18 delivered, generator step-up transformer that will  
19 require different trailers, but --

20 Q. Fair enough. And then just -- and I know  
21 this has come out somewhere. I just can't  
22 remember. When are you proposing starting  
23 construction?

24 A. May of this year, May of 2013.

25 Q. And then if you start, let's just say for

1 discussion's sake, May 1, how long, provided  
2 everything goes according to schedule, until  
3 construction is complete?

4 A. Right now, if we have equipment delivery,  
5 which I think is scheduled for August time frame,  
6 if that schedule is maintained, we're hoping to be  
7 complete in the December, January time frame.

8 Q. So that's a pretty long construction,  
9 quite honestly; right? I guess I was thinking it  
10 would be quicker from when you get the approval  
11 till when you start construction. I'm trying to  
12 gauge how quickly you would need to know on this.  
13 I'm sure the -- the sooner the better.

14 A. Yes.

15 Q. Would it -- as you get closer into that  
16 time frame out in the end, December, January, I  
17 guess almost a year from now, weather becomes the  
18 biggest issue no doubt later in the year or is it  
19 just assembly time?

20 A. Weather is always a factor, you know,  
21 especially in this part of the country.

22 COMMISSIONER KALK: Okay. That's good  
23 enough. Thank you, Lucas.

24 JUDGE HOBERG: Thank you, Commissioner  
25 Kalk.

1 Commissioner Christmann, please.

2 **EXAMINATION**

3 **BY COMMISSIONER CHRISTMANN:**

4 Q. On the existing facility that's being  
5 built, have you had any delays or anything like  
6 that because contractors were unable to get  
7 workforce together or anything like that?

8 A. Workforce -- as I'm sure a lot of people  
9 know, workforce in this area is -- is a struggle,  
10 can be a struggle. I don't know that we've  
11 experienced any delays per se, but I know the  
12 contractor, you know, has had issues getting  
13 qualified workers.

14 Q. And the question that was asked of you  
15 earlier about where they're going to stay and you  
16 named off, you know, kind of just about every  
17 possibility of where someone could stay, do you ask  
18 that kind of question of the contractors that you  
19 hire to make sure that we don't bring people in  
20 here with a false sense of -- of what they're --  
21 where their employees can be?

22 A. That -- that was actually part of the  
23 prequalification process we're going through with  
24 the contractors, is a question to ask them what  
25 their plan is for housing, you know, if they were

1 to get the job.

2 COMMISSIONER CHRISTMANN: Okay. Thank  
3 you. I have nothing further.

4 JUDGE HOBERG: Thank you, Commissioner  
5 Christmann.

6 Commissioner Fedorchak, please.

7 COMMISSIONER FEDORCHAK: Hi. Just one  
8 question.

9 **EXAMINATION**

10 **BY COMMISSIONER FEDORCHAK:**

11 Q. Do you -- are you able to get contractors  
12 from in state to build a project like this or is  
13 this an out-of-state expertise typically?

14 A. No. Actually, right now on Pioneer Phase  
15 I is an in-state contractor.

16 Q. Okay. And you just run bids and pick the  
17 best?

18 A. Yes.

19 COMMISSIONER FEDORCHAK: All right.  
20 That's all for me.

21 JUDGE HOBERG: Thank you, Commissioner.  
22 Any further questions, Commissioners? No?

23 Ms. Jacobson, any further questions?

24 MS. JACOBSON: No, Your Honor.

25 JUDGE HOBERG: Thank you, Mr. Teigen.

1 Do you have any other evidence to present?

2 MS. JACOBSON: We do not.

3 JUDGE HOBERG: Okay. So you're resting.

4 MS. JACOBSON: Yes.

5 JUDGE HOBERG: Thank you.

6 All right. We're at that point where I  
7 said we would take public testimony. I may have  
8 said we'd take the -- anyone who would be  
9 protesting and then the supporters, but I think  
10 perhaps we should take those who may testify in  
11 support and then those who might be in opposition  
12 to the application.

13 We have a list here. I think some of the  
14 people may have left that said -- I have eight  
15 people. Maybe could I -- could you raise your  
16 hands, please, again, if you plan on testifying?  
17 So we have three people. Maybe some of them are  
18 coming back. I have eight people indicated on  
19 here -- although some of them may have been you.  
20 Okay. Okay. Some may have been people that were  
21 testifying for the company. Okay.

22 So let's start, then, with the -- okay.

23 Dale Haugen.

24 (Exhibit 10 was marked for  
25 identification.)

1           JUDGE HOBERG: I know, Mr. Haugen, you  
2 were here when I gave the admonition earlier, but I  
3 don't -- I think some of the people came in after  
4 that, so just to be safe I'm going to repeat it  
5 again. And that is I'm required by law to tell all  
6 witnesses at administrative hearings that the  
7 maximum penalty for perjury in this state is a  
8 Class C felony, punishable by a maximum 5 years  
9 imprisonment, \$5,000 fine or both. And, of course,  
10 perjury is essentially not telling the truth in a  
11 hearing such as this.

12           (Witness sworn.)

13           JUDGE HOBERG: Thank you. And would  
14 you -- I have it here, but if you would state your  
15 name and spell it for the record, please.

16           THE WITNESS: Okay. My name is Dale  
17 Haugen, H-a-u-g-e-n. I am general manager of  
18 Mountrail-Williams Electric Cooperative. My  
19 business address is P.O. Box 1346, Williston, North  
20 Dakota.

21           JUDGE HOBERG: Thank you. And what would  
22 you like to tell us today?

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

**STATEMENT**

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**BY MR. HAUGEN:**

I'm here on behalf of my employer, Mountrail-Williams, in support of this project. I guess you look at me as this is where the rubber meets the road. I am what they called an LSE, the load serving entity, for this region; also known as a DP, the distribution provider; and I'm also the TO, or the transmission owner for this facility.

I passed out to share with the Commission some Mountrail-Williams' Fast Facts that were prepared as of yesterday. You've heard a lot of testimony about load forecast and the distribution cooperatives provide those forecasts to Basin Electric. And I just want to share with you when we did our 2010 forecast, the fourth line from the top it says kilowatt-hours purchased.

JUDGE HOBERG: Can I interrupt just for a second, since we have it -- the exhibit, before you start testifying about it?

MR. HAUGEN: Yes, sir.

JUDGE HOBERG: You're going to offer this as evidence, of course. Mr. Sagsveen, do you have any objection to Exhibit 10? We've marked it as Exhibit 10.

1 MR. SAGSVEEN: No, Your Honor.

2 JUDGE HOBERG: All right. I'll admit  
3 Exhibit 10.

4 Please proceed.

5 MR. HAUGEN: Thank you, Your Honor.

6 Again, referring to 2010, we were  
7 purchasing 555 gigawatt hours yearly from Basin  
8 Electric, and you can see where we turned -- we  
9 ended our 2012 with a number that's just been  
10 phenomenal for our region, and that is one terawatt  
11 hours were purchased from Basin Electric. So you  
12 can see that the growth has just been phenomenal.

13 I think everybody knows what's happening  
14 in this Bakken region with the extreme, extreme  
15 change, the pace of change and everything else for  
16 this region.

17 As we continue to receive requests, my  
18 board of directors are constantly asking me how are  
19 we doing from a bulk transmission period. I always  
20 tell them I rely on my power supplier, Basin  
21 Electric, to take care of everything from the head  
22 up because we have so many requests as the  
23 distribution provider and what's currently going on  
24 in our community and region.

25 At this time we're presently behind over

1 1,000 connects. And if you look back at that  
2 amount of load and everything that's required in  
3 this region, you really do have to keep your eye on  
4 the ball in this region and how fast that impact is  
5 coming.

6 So with that, I am prepared to take any  
7 good common-sense, grassroots questions from the  
8 Commission.

9 JUDGE HOBERG: Thank you, Mr. Haugen.

10 Ms. Jacobson, did you have any questions?

11 MS. JACOBSON: I do not, Your Honor.

12 JUDGE HOBERG: All right. Thank you.

13 Mr. Sagsveen, please.

14 MR. SAGSVEEN: Thank you. Since lawyers  
15 don't have any common-sense, grassroots questions,  
16 I'll pass.

17 JUDGE HOBERG: Thank you.

18 Mr. Lein, please.

19 MR. LEIN: I have no questions. Thank  
20 you.

21 JUDGE HOBERG: Thank you.

22 Commissioner Kalk, please.

23 COMMISSIONER KALK: I had questions,  
24 but now I'm --

25

**EXAMINATION**

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**BY COMMISSIONER KALK:**

Q. Hey, Dale, thank you for your testimony. Just a quick question, not relating to this case so much, but how is the Call Before You Dig working up there? I know there have been a lot of challenges with customers out there digging and not doing -- how -- how much has your system been impacted by those?

A. We now employ six full-time cable locators, Call Before You Dig. It is not unusual to have over 200 requests per day in the height of the construction season. And as you know, we employ through contract services over 254 linemen at the peak of our construction season. So just our own locates and facilities, along with everything else in the region, it's a huge, huge impact. And almost to the point, I would say, we are spending close to three-quarters of a million dollars in expenditures to support that. And we are strong supporters of Call Before You Dig.

Q. Do you have many cases where people aren't calling before they dig and they're hitting your lines?

A. Yes, sir.

1           Q.     Are you reporting those to the appropriate  
2 authorities when appropriate?

3           A.     Our in-house legal counsel does use the  
4 website and -- and reports those.

5                   COMMISSIONER KALK:   Okay.   Because one of  
6 the things that's going on in the legislature right  
7 now is the Commission offered a bill to raise the  
8 fine for Call Before You Dig from 5,000 to 25,000.  
9 That's come out of the House with a do pass and  
10 so -- out of the House committee.   I don't know  
11 it's gone to the full House yet, but -- so the goal  
12 is not to fine people, but the goal is to get  
13 compliance so that you're not having line hits.

14                   And just encourage anybody else in the  
15 room that you work with the people, but if it gets  
16 to be a point where you've had enough, then you  
17 file it with the Commission, then we do what we do.

18                   So thank you, Dale.

19                   MR. HAUGEN:   And another comment on that,  
20 if I could, Mr. Commissioner.   What we find is so  
21 many contractors requesting locations for square  
22 miles, and it just takes a lot of time and resource  
23 where they've not identified the unique  
24 construction area.   And also preferred contractors  
25 for certain pipeline companies that just want to be

1 the contractor of choice in case there is a  
2 pipeline damage or something, so they continually  
3 call in updates even though there's no intended  
4 construction. Needs a lot of resources.

5 COMMISSIONER KALK: Thank you, Dale.

6 JUDGE HOBERG: Thank you, Commissioner  
7 Kalk.

8 Commissioner Christmann, please.

9 **EXAMINATION**

10 **BY COMMISSIONER CHRISTMANN:**

11 Q. Your Honor, looking at the exhibit, just  
12 the last couple years and without doing the math,  
13 it looks like probably pretty close to a 50 percent  
14 increase per year in new services. Do you -- I  
15 find myself often wondering at what point do we  
16 plateau. Do you think that maybe the 2012 numbers  
17 here are a plateau or are you thinking that it's  
18 continuing to grow and maybe going to be 3,500 this  
19 year or what's your anticipation?

20 A. I believe we're just scratching the  
21 surface on this. You have been provided the KLJ  
22 study. We have also met with different operators  
23 now this last week from Oklahoma City. They have  
24 presented a test plot of two townships of which  
25 they are going to put 44 well pad -- or rigs on one

1 pad, and they want to go 22 in one direction and 22  
2 the other direction and they want to do some  
3 experimental.

4 They have told me they'd like to try the  
5 Bakken, the Three Forks bench one, bench two, bench  
6 three, bench four and another shale. So looking at  
7 that, with 44 wells per site and 100 horsepower per  
8 well, that's 4,400 horsepower, otherwise five  
9 megawatts of power. And if they do that for six  
10 miles across, that's 30 megawatts. That almost  
11 takes a substation for every fourth mile.

12 So from everything I see and visiting with  
13 the different 54 operators, we are just scratching  
14 the surface of this play in western North Dakota.

15 Q. Okay. And this may violate the standards  
16 of the questions that you asked for, but in 2009  
17 how did you get 13 months? I've just got to ask.

18 A. It was actually a change in the accounting  
19 standards. We used to always read our meters on --  
20 it always took 30 days for us to bill and get the  
21 revenue. With smart grid technology and automatic  
22 meter reading and everything else, we can -- we  
23 read our meters every night at midnight so we  
24 can -- we brought it current.

25 COMMISSIONER CHRISTMANN: I see. Thank

1 you. No further questions.

2 JUDGE HOBERG: Thank you, Commissioner  
3 Christmann.

4 Commissioner Fedorchak, please.

5 COMMISSIONER FEDORCHAK: As you're talking  
6 about the growth, I see Becky over there slouching  
7 further and further down in her seat. I don't have  
8 any questions. I just have one common-sense,  
9 grassroots observation, and that is that all our  
10 questions earlier about the change in the load  
11 forecast really come to light here when you look at  
12 2010 versus 2012.

13 So thank you.

14 JUDGE HOBERG: Thank you, Commissioner.

15 MR. HAUGEN: Thank you, Commissioner.

16 JUDGE HOBERG: Any further questions of  
17 Mr. Haugen, then?

18 Thank you, Mr. Haugen.

19 MR. HAUGEN: Thank you.

20 JUDGE HOBERG: All right. Anyone else to  
21 testify in support of the -- and your name, sir?

22 MR. VIGESAA: Claire Vigesaa.

23 JUDGE HOBERG: Please. Mr. Vigesaa, you  
24 heard the admonition I gave in regard to perjury;  
25 correct?

1 MR. VIGESAA: I did.

2 (Witness sworn.)

3 JUDGE HOBERG: Thank you.

4 Will you state and spell your name for the  
5 record, please.

6 MR. VIGESAA: Even if I'm a good North  
7 Dakotan, huh? Claire, C-l-a-i-r-e, Vigesaa,  
8 V-i-g-e-s-a-a.

9 JUDGE HOBERG: And are you associated with  
10 any --

11 MR. VIGESAA: And I am the general manager  
12 of Upper Missouri G&T Electric Cooperative  
13 headquartered in Sidney, Montana.

14 JUDGE HOBERG: Okay. Thank you.

15 What would you like to tell us, please.

16 **CLAIRE VIGESAA,**

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

19 **STATEMENT**

20 **BY MR. VIGESAA:**

21 Well, I'm here in support of the Pioneer  
22 Generation Station Phase II project planned by  
23 Basin Electric Power Cooperative.

24 Upper Missouri G&T -- we're the  
25 intermediary between Basin Electric and the

1 distribution cooperatives, and Upper Missouri  
2 provides transmission services to ten electric  
3 cooperatives, five of them in North Dakota and five  
4 in Montana. And Dale is one of them and the  
5 gentleman that will speak later from Sheridan  
6 Electric is another one of those ten cooperatives.

7 All ten of Upper Missouri's electric  
8 cooperatives are experiencing growth from this --  
9 electric load growth due to oil and gas  
10 exploration, discovery and development. So our  
11 service territory pretty much fits the Bakken.

12 And our -- our cooperative has grown from  
13 \$11 million in revenue in 2003 to 176 million in  
14 2012. So we've had just phenomenal growth. In  
15 fact, our sales growth in 2012 over 2011 -- we just  
16 closed the books -- was 43 percent increase in  
17 sales due to our ten cooperatives' growth.

18 So this unprecedented growth is putting  
19 immense pressure on the region's electric and  
20 generation -- electric generation and transmission  
21 system which is reaching capacity limitations. The  
22 Pioneer Generation Station is a vital  
23 infrastructure improvement, which is required in  
24 order for Basin Electric, Upper Missouri and its  
25 ten member cooperatives to keep pace with the

1 development and to assure safety, comfort, security  
2 and economic stability in the region.

3 As such, we encourage expeditious action  
4 and attention to this important generation project.  
5 Project delays would only lead to severe generation  
6 and transmission limitations ultimately affecting  
7 the security, safety and comfort of ranchers,  
8 farmers and residents in the region.

9 So Upper Missouri strongly supports this  
10 project.

11 JUDGE HOBERG: Thank you, Mr. Vigesaa.

12 Mr. Sagsveen, any questions, please?

13 MR. SAGSVEEN: No questions, Your Honor.

14 JUDGE HOBERG: No questions.

15 Mr. Lein.

16 MR. LEIN: No questions, Your Honor.

17 JUDGE HOBERG: Thank you. Commissioner  
18 Kalk, please.

19 COMMISSIONER KALK: Thank you, Your Honor.

20 **EXAMINATION**

21 **BY COMMISSIONER KALK:**

22 Q. Thank you, Claire. This is a good chance,  
23 I think, to ask some questions about things that  
24 maybe don't matter to this, but we can learn about  
25 what you do over there. The -- if Your Honor will

1       indulge me.

2                   JUDGE HOBERG:   I will.

3           Q.     (COMMISSIONER KALK CONTINUING)   Do you  
4 belong to a MISO or SPP type of power grid over --

5           A.     We are a member of Basin Electric, so we  
6 are -- we are part of the study process.  I serve  
7 on a management advisory committee that -- that  
8 Becky referred to that we're studying the options  
9 of SPP or MISO.

10          Q.     So would I equate you to a like Central  
11 Power?

12          A.     Right.  Exactly.

13          Q.     Okay.  I was a little unclear.

14          A.     So we will -- that will be part of our  
15 process.  Once we get through it at the Basin  
16 level, then Upper Missouri will have to decide  
17 whether we want to put our assets in the -- in that  
18 RTO as well.

19          Q.     But you're -- when I -- I know what  
20 Central Power does pretty well.  You do the  
21 equivalent functions just in a different area or is  
22 it more --

23          A.     Yes.  Yes.

24          Q.     Okay.  Do you find yourself in front of  
25 the Montana Commission very often?

1           A.     I haven't been yet.  As you know, I was in  
2     Fargo.  I was at Cass County Electric for ten years  
3     and I just landed in Montana about eight months  
4     ago, so I have not come before the Commission  
5     there.

6                    COMMISSIONER KALK:  Okay.  I was just  
7     going to ask you some questions about the -- I knew  
8     you looked familiar, but I couldn't place you but  
9     now I just did.  Okay.  That was all that I had.  
10    Thank you.

11                   MR. VIGESAA:  And we have -- we don't have  
12    as many assets in Montana as we do in North Dakota,  
13    as far as our substations, switch yards and so  
14    forth.

15                   COMMISSIONER KALK:  Thank you.

16                   JUDGE HOBERG:  Thank you, Commissioner  
17    Kalk.

18                   Commissioner Christmann, please.

19                   COMMISSIONER CHRISTMANN:  I have none,  
20    Your Honor.

21                   JUDGE HOBERG:  Thank you.

22                   Commissioner Fedorchak.

23                   COMMISSIONER FEDORCHAK:  Your Honor, I  
24    have no questions.

25                   JUDGE HOBERG:  No questions.

1 Any further questions of this witness?

2 Thank you, Mr. Vigesaa.

3 MR. VIGESAA: Yeah. Thank you.

4 JUDGE HOBERG: Anyone else who wishes to  
5 testify in support? Yes, please.

6 MR. TOMMERUP: Riley Tommerup.

7 JUDGE HOBERG: Riley --

8 MR. TOMMERUP: Tommerup, T-o-m-m-e-r-u-p.

9 JUDGE HOBERG: Why don't you spell it for  
10 us, please.

11 MR. TOMMERUP: Okay. My name is Riley  
12 Tommerup, R-i-l-e-y T-o-m-m-e-r-u-p, and I'm  
13 representing Sheridan Electric in Medicine Lake,  
14 Montana.

15 JUDGE HOBERG: I need to swear you in  
16 before you testify, though.

17 MR. TOMMERUP: Okay.

18 (Witness sworn.)

19 JUDGE HOBERG: Thank you.

20 Please continue.

21 **RILEY TOMMERUP,**  
22 having been first duly sworn, was examined and  
23 testified as follows:  
24  
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**STATEMENT**

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**BY MR. TOMMERUP:**

Okay. Sheridan Electric is here to support the Pioneer Generating Station project. We serve about 4,000 meters in northeastern Montana and northwestern North Dakota. We're seeing tremendous growth in residential and agricultural accounts as well as commercial and oil-related accounts.

With this being said, our need for additional power extends beyond the oil-related growth. Last year only a third of the services that we built to were oil related. The rest were residential, agricultural, a small bit of commercial.

The power from the additional Pioneer Generation Station facilities will help our -- allow our membership to grow over the coming years. It also protects the integrity of our entire system if the power supply is interrupted further on down the line.

Currently, we are at the end of the line in our service territory and part of our membership could face outages if supply issues arise.

So, again, we support this project.

1 JUDGE HOBERG: Thank you, Mr. Tommerup.  
2 Any questions, Mr. Sagsveen?  
3 MR. SAGSVEEN: No questions, Your Honor.  
4 JUDGE HOBERG: Mr. Lein?  
5 MR. LEIN: No questions.  
6 JUDGE HOBERG: Commissioner Kalk.  
7 COMMISSIONER KALK: No. Thank you.  
8 JUDGE HOBERG: Commissioner Christmann.  
9 COMMISSIONER CHRISTMANN: No questions.  
10 JUDGE HOBERG: Commissioner Fedorchak.  
11 COMMISSIONER FEDORCHAK: No questions.  
12 JUDGE HOBERG: Thank you very much.  
13 Anyone else wishing to testify in support?  
14 MR. FLOYD MILLER: Floyd Miller.  
15 JUDGE HOBERG: Floyd Miller. Please,  
16 Mr. Miller.  
17 And, of course, that's M-i-l-l-e-r?  
18 MR. FLOYD MILLER: Yep.  
19 JUDGE HOBERG: You heard the admonition I  
20 gave in regard to perjury?  
21 MR. FLOYD MILLER: (Nods head.)  
22 JUDGE HOBERG: Thank you. And are you  
23 associated with any entity, company or --  
24 MR. FLOYD MILLER: I am Farmer Floyd  
25 Miller that lives a mile and a half away.



1 have it -- but when he talked about horizontal  
2 drilling, when they frack them -- after that's  
3 drilled, if this room was two miles long and they  
4 drilled a well down the middle, they could only  
5 frack out oil 300 feet on each side of that pipe.  
6 How many more wells are going to have to be drilled  
7 on each one of these to get that? And how many  
8 more motors are they going to need?

9 So when Dale said they just touched the  
10 surface of it, I agree with him. I think that's  
11 right. So then there's going to be a lot more  
12 people here too.

13 So I just had two little concerns that may  
14 have already been addressed on here. Number one  
15 is -- do you mind if I just get up and just show on  
16 the map quick like?

17 JUDGE HOBERG: We've got a little --

18 MR. FLOYD MILLER: Or do you have a little  
19 spotter?

20 JUDGE HOBERG: Let's --

21 MR. FLOYD MILLER: Here, she's got one.

22 JUDGE HOBERG: That would work. That's  
23 good.

24 MR. FLOYD MILLER: If I knew how to use  
25 it. There.

1           I own this land right here. I'm right  
2 next to it. So the one and only concern I had was  
3 with the pond. And I'm not sure how -- when this  
4 was built or whatever, how it's going to drain, if  
5 some of it's on this side is still going to drain  
6 across. I know there's culverts there because I  
7 hay these ditches.

8           And whether they went through the water  
9 board here -- I know they went through the County  
10 Commission, but whether it was through the water  
11 board or whatever to make sure that -- and I'm not  
12 saying it's wrong, you know, just whether it was,  
13 so that I don't have all of this coming down here  
14 and somehow get across to mine, whether it will or  
15 not. That's just something to check into.

16           Number two, when you're talking about  
17 noises, I'm glad to hear what they project it's  
18 going to be because the way -- traffic is getting  
19 so bad around here now, people are going to want to  
20 live closer than -- to where they work. And  
21 there's -- I'm going to say and I'm not going to  
22 say I'm lying -- I'm going to say there was going  
23 to be 25 to 37 people maybe here full-time in this  
24 plant, but I could be one. Don't quote me on that.

25           JUDGE HOBERG: You're talking about the

1 ONEOK plant?

2 MR. FLOYD MILLER: The ONEOK.

3 JUDGE HOBERG: Yeah.

4 MR. FLOYD MILLER: So if somebody wants to  
5 buy some land for to live, now how much noise does  
6 that make? And I'm not saying it's going to make  
7 too much noise, just, you know, whatever. So I  
8 don't -- I don't mean to interfere with your  
9 progress or anything.

10 And then the third thing is Township Day,  
11 in North Dakota in the Century Code, is always the  
12 third Tuesday in March, and I would like to invite  
13 Basin Electric to come to it as a neighbor or  
14 whatever and just give our township an input on how  
15 things are going and everything because we want to  
16 be a neighbor too.

17 But I would answer questions if I could,  
18 but that's my concerns is just the water, and it  
19 may have been taken care of and you guys have  
20 talked about the noise too. So that's -- you know,  
21 someone can live there, if they wanted to -- not  
22 saying they had to -- and it wouldn't be a problem.  
23 I don't know if you'd want to live right next to a  
24 gas plant too. Now, nothing against Basin  
25 Electric. I have a feeling that's going to be

1 quieter.

2 JUDGE HOBERG: Thank you, Mr. Miller. And  
3 we do want to hear your concerns, so we appreciate  
4 that.

5 Any questions of Mr. Miller?  
6 Mr. Sagsveen, please.

7 MR. SAGSVEEN: I think I have a grassroots  
8 question.

9 **EXAMINATION**

10 **BY MR. SAGSVEEN:**

11 Q. Does the water from the ONEOK Stateline  
12 gas plant drain to the north into that drainageway  
13 that goes through your property or does it drain in  
14 a different direction?

15 A. I have a feeling it's -- if it was done  
16 right, some of this is going to have to go down  
17 here, but I'm working on a thing with them where I  
18 think more of it is coming over that shouldn't.  
19 They do have a pond over here -- they have -- but I  
20 don't know. It's being checked into right now.

21 Q. So is the gradient of the land such that  
22 where the -- the PGS is located, the Pioneer  
23 Generation Station, that that water flows across --  
24 is there a culvert?

25 A. I can't guarantee where the culvert is.

1 There might be one up here somewhere and I don't  
2 even know if there is one here. So that's where  
3 the water -- the Williams County Water Board would  
4 have known or whatever, and that's why I'm saying  
5 was it checked into so that it's right.

6 MR. SAGSVEEN: Okay.

7 JUDGE HOBERG: And just for the record,  
8 Mr. Miller is referring to Exhibit 3 that we've  
9 been considering.

10 MR. FLOYD MILLER: Okay.

11 JUDGE HOBERG: Thank you, Mr. Sagsveen.  
12 Mr. Lein, any questions?

13 MR. LEIN: No. I would wonder, though,  
14 if -- if the -- if the company will have an answer  
15 or a thought on the -- on the water drainage or any  
16 explanation for the witness of some kind.

17 MR. FLOYD MILLER: And they may have  
18 concerned that before. I can't remember, but  
19 that's --

20 MS. JACOBSON: Sure. As soon as the  
21 additional witnesses are done, we can re-call one  
22 of our witnesses and he can address that if you're  
23 interested.

24 JUDGE HOBERG: Okay. Thank you,  
25 Ms. Jacobson.

1 Commissioner Kalk, please.

2 COMMISSIONER KALK: Thank you, Your Honor.

3 **EXAMINATION**

4 **BY COMMISSIONER KALK:**

5 Q. Thank you, Mr. Miller, for coming by here  
6 today. The -- I said in my earlier comments that  
7 you're why we're here. We want to hear from you  
8 directly, the guy who's got to live next to this  
9 thing for the rest of your life and probably your  
10 kids' and grandkids' life and, you know, it's --  
11 that's -- we really want to hear your input because  
12 you're the one that's going to live next to this  
13 thing.

14 On the ONEOK gas plant, that also was  
15 sited in front of this Commission. So if you ever  
16 get to a point where you're not comfortable with  
17 what's going on, our siting orders are in effect  
18 forever. So if the company said they would or  
19 wouldn't do something and now they're not doing it,  
20 please let us know and then we'll go back and look  
21 at the order because that's part of the process.

22 A. Who do I contact? Someone in your office?

23 Q. Just contact me or any one of my  
24 colleagues here and --

25 A. Okay.

1           Q.    -- we'll put it in the right place,  
2 because the orders are issued out saying the  
3 company agrees to do A, B, C, D, E, and if down the  
4 road they're not doing A, B, C, D, E, we want to  
5 hear about it, whether it's one month or ten years  
6 later.

7           A.    I remember -- I was at that meeting and I  
8 remember the gentleman -- whether it was you there,  
9 you know, said we give permits out and we can take  
10 them away.

11          Q.    Absolutely.

12          A.    That's why I attend more of these.  So,  
13 yeah, if I do have a concern, I will get ahold of  
14 you.  Yes.  Thank you.  That's good to know.

15          Q.    Well, we want to hear from you.

16                   And I wanted to get your thoughts about  
17 the noise -- the noise levels, because you maybe  
18 heard me talk to one of the other witnesses about  
19 trying to figure out what that right level is,  
20 because there's no real set-in-law standard on what  
21 noise should be.  We've got some OSHA standards  
22 that gets real loud, but how far to the north of  
23 the ONEOK plant and this potential new plant do you  
24 live again?

25          A.    Let's see if I can figure out how far --

1 well, this is a half a mile and I'm another mile  
2 over here, is right about where I would be if this  
3 map kept going.

4 JUDGE HOBERG: So are you the one that  
5 they were probably referring to, a mile and mile  
6 and a half?

7 MR. FLOYD MILLER: Yeah. There's another  
8 gentleman along the Grenora road that's about the  
9 same distance. You'd have to ask a crow who flies  
10 it which one is closer, but --

11 Q. (COMMISSIONER KALK CONTINUING) So roughly  
12 a mile and a half to the east?

13 A. I'm to the east. I'm to the east. The  
14 church that he was talking about is right up here  
15 and another gentleman is down here that you drive  
16 by.

17 Q. So have you noticed any appreciable -- or  
18 I'm not sure if that's the right word -- any -- any  
19 noise increases based on the ONEOK plant?

20 A. Yes. Would you like to hear what it is?

21 Q. I would. Yeah.

22 A. The house was built in 1946 that I live  
23 in, the farmhouse, and it's probably only got one  
24 inch of insulation in the walls with siding, and my  
25 wife sleeps with a noise maker, one of them

1 (indicating) all the time. And every now and then,  
2 and maybe it's just their thing that they use, you  
3 know, to start a procedure or whatever, but  
4 sometimes in the middle of the night they'll turn  
5 the flare way up. And listening to that noise  
6 maker, it will still sound like there's a blizzard  
7 outside.

8 The first time I heard it I got up in the  
9 middle of the night and I thought, I didn't know it  
10 was supposed to be a storm. And I looked out my  
11 window to look at the trees and they weren't  
12 moving, so yeah. But now that could just be part  
13 of the start-up procedure too. It isn't that way  
14 all the time or whatever, so -- but that was  
15 something I was concerned about and maybe they're  
16 done with it now. Maybe -- I haven't heard it for  
17 a long time.

18 Q. Okay.

19 A. But that was --

20 Q. So do you have any concerns that this  
21 additional processing plant would increase the  
22 noise level?

23 A. I don't think so. Because I think if they  
24 say it's going to be quiet, you know, or whatever,  
25 it's -- I would just ask them, whoever is



1           A.     Well, I usually go to the -- and County 5  
2     is also referred to as the Grenora road, and I  
3     would answer a question that you asked somebody  
4     else.  Somebody said where does that go to.  It  
5     goes -- I think the -- the turn up over here, the  
6     road -- 57th Street is approximately 25 miles from  
7     Grenora.  So residents from there use this road.  
8     And it is in good shape now, but it can go bad from  
9     heavy trucks.

10                   And now you're going to hear that Williams  
11     County is going to set load limits on -- and they  
12     always have.  This is always a six-ton-per-axle  
13     road in the spring when road limits are on.  And  
14     now they're going to try to do that to even our  
15     county roads and our township roads.  They did it  
16     last year and it worked, so -- but I usually for  
17     smoothness and whatever use this road, because  
18     otherwise I've got to go on like three or four  
19     miles of gravel to get to the other one.

20                   JUDGE HOBERG:  County Road 5 you use?

21                   MR. FLOYD MILLER:  Yeah.  I usually use  
22     County Road 5.  Yeah.

23           Q.     (COMMISSIONER CHRISTMANN CONTINUING)  And  
24     I'm trying to learn about and appreciate the impact  
25     of noise.  At a little over a mile from the ONEOK

1 plant, you hear that. Is there any tree shelter or  
2 anything that is around your farm that is between  
3 there or is it kind of a direct line? I've always  
4 kind of wondered what impact a tree buffer might  
5 have.

6 A. I do have a good shelterbelt there, too,  
7 that's pretty thick, but it will somehow just get  
8 up over them. Maybe my house is sitting a little  
9 higher, too, but -- yeah. And for any purposes, I  
10 invite anybody at any time to come up to see or  
11 whatever. And I served as a -- I went to the  
12 legislature and they came up -- not the  
13 legislature -- they had one of the meetings this --  
14 a year ago, and when they came up, one of those oil  
15 impact ones or whatever that were up here in June  
16 or whatever, I invited them to come, but I wasn't  
17 invited to go along with them. I don't know why,  
18 but it was my idea, but -- so -- but, yeah, I  
19 invite anybody at any time to come and you can see  
20 what my farm is and how things sit. And I'm a  
21 member of the church so I'm a bell ringer at it, so  
22 any Sunday you're welcome to come.

23 COMMISSIONER CHRISTMANN: I have no other  
24 questions and I want to thank you for coming. It's  
25 very helpful to us.

1                   JUDGE HOBERG: Thank you, Commissioner  
2 Christmann.

3                   Commissioner Fedorchak, please.

4                   COMMISSIONER FEDORCHAK: Your Honor,  
5 Mr. Miller, I too want to express my thanks.  
6 You've committed a better portion of an entire day  
7 to be here, and it's very reassuring as a  
8 commissioner looking at this project to hear from  
9 somebody who's living right there. So it would be  
10 much more difficult to wade through this stuff  
11 without your presence. So thank you for being  
12 here.

13                   I don't have any real questions for you,  
14 but you brought up the issue of the water and the  
15 drainage, and Commissioner Christmann brought up  
16 the issue of trees. And when I was reading the  
17 application, I had some questions about the -- the  
18 issue of trees and the long-term attractiveness of  
19 the land adjacent to a project such as this.

20                   And so I don't know if it's appropriate to  
21 throw this out there now since you're going to be  
22 bringing up a rep to talk about the water issue,  
23 but I've wondered is it appropriate for the  
24 companies to look at the time early on in the  
25 process planting some trees to provide a buffer to

1 the general public around? I know you don't know  
2 how big this site is going to get, but you don't  
3 own the land to the north. So just looking at the  
4 long-term attractiveness of the region that you're  
5 in and trying to mitigate any effects that a future  
6 homeowner near this land would have and -- it would  
7 be nice to get those trees growing sooner versus  
8 later.

9 We have somebody out east in a response to  
10 noise -- a company that is now going in and  
11 planting trees because they think maybe out of  
12 sight out of mind, and it just comes up as  
13 something that we ought to maybe consider as a  
14 regular process -- part of this process. So I  
15 throw that out for your comment.

16 MS. JACOBSON: Great. Thanks. Appreciate  
17 that.

18 JUDGE HOBERG: Thank you, Commissioner.

19 MR. FLOYD MILLER: Could I comment  
20 something to her?

21 JUDGE HOBERG: Yes. I just want -- yeah,  
22 why don't you comment on that first, and then I  
23 have a clarification question for you.

24 MR. FLOYD MILLER: Okay. In reference to  
25 yours, when I was at the meeting for the gas plant

1 and I had asked that the gas plant would have a --  
2 maybe called a buffer zone or whatever it was of  
3 200 feet, and I asked that for sure on my side and  
4 on the other side and I think they may have done on  
5 the other side.

6 Now, you couldn't probably put trees on  
7 there unless they were some smaller bushes, because  
8 you've got to remember we're out where the wind  
9 blows and the snow likes to catch everything. So  
10 you have a good idea there. Yes.

11 I don't know -- well, you'll see what  
12 we'll see, it's pretty close, but I don't want to  
13 hinder them to be a half a mile back, either, for  
14 snow removal purposes. But, yeah, I guess it's up  
15 to them and you guys what -- if there should be  
16 some grass there or something or whatever and --  
17 you know, just an idea. You have a good comment or  
18 whatever. And, again, I'm speaking in favor of  
19 Basin Electric. Let me make it clear.

20 JUDGE HOBERG: Thank you, Mr. Miller.

21 I just wanted to clarify. You testified  
22 about Grenora is to the north and --

23 MR. FLOYD MILLER: Yes.

24 JUDGE HOBERG: So that's a pretty heavily  
25 used road with people living in Grenora --

1 MR. FLOYD MILLER: Yes.

2 JUDGE HOBERG: -- and further -- further  
3 north that use that road to get to Williston and et  
4 cetera?

5 MR. FLOYD MILLER: Yes. And usually when  
6 I -- at the summertime and fall and that, I will --  
7 when I'm in church, I can do two things at once. I  
8 can walk and chew gum at the same time and I can  
9 listen to the minister and count trucks on the road  
10 at the same time. And there -- I think just about  
11 every Sunday on an average in the summertime there  
12 will be ten trucks go by in an hour. So that is a  
13 heavily used road because it's a paved one. Not to  
14 hinder them in any way, but yeah, it is.

15 JUDGE HOBERG: Thank you, Mr. Miller.

16 Any further questions of Mr. Miller?

17 Thank you very much, Mr. Miller.

18 MR. FLOYD MILLER: Thank you.

19 COMMISSIONER FEDORCHAK: Mr. Miller, when  
20 I'm listening to my minister, I'm counting sins.

21 MR. FLOYD MILLER: I don't have any, I  
22 don't think. Oops, I'm under oath.

23 (Laughter.)

24 JUDGE HOBERG: I think we got everybody.  
25 Anyone else that we should -- member of the public

1 that wishes to present testimony to the Commission?

2 Seeing no one, I will ask, then,  
3 Ms. Jacobson, do you have any further evidence to  
4 present? I guess we have that one question you  
5 want to deal with. But other than that, do you  
6 have any --

7 MS. JACOBSON: Other than that, no.

8 JUDGE HOBERG: Okay. Who would you like  
9 to call to address that?

10 MS. JACOBSON: Mr. Cris Miller.

11 JUDGE HOBERG: Okay. Mr. Miller, I just  
12 need to remind you you're still under oath.  
13 Ms. Jacobson, please.

14 **CRIS MILLER,**  
15 having been previously duly sworn, was examined and  
16 testified further as follows:

17 **REDIRECT EXAMINATION**

18 **BY MS. JACOBSON:**

19 Q. Mr. Miller, you were here earlier when the  
20 other Mr. Miller testified regarding issues with  
21 drainage. Were you present for that testimony?

22 A. Yes, I was.

23 Q. And what is your response to some of the  
24 issues that he has brought up?

25 A. His issues of, you know, water flowing off

1 of a -- I'll call them industrial sites to areas of  
2 farmland certainly is inappropriate. I would like  
3 to have the Commission refer to Figure 6 of -- it  
4 would be our -- very last page of our application,  
5 right before Appendix A. And it's a USGS map, topo  
6 map that identifies the water resources on our  
7 plant site.

8 And one thing about our facility, we're  
9 not generating water. As Mr. Steckler testified,  
10 we do not process water and discharge that. So the  
11 only water that's discharged from our plant site is  
12 rainfall. So the -- at the end of the day, if the  
13 rain falls in our area, it's going to flow to the  
14 same location where it always has flown -- flowed  
15 to.

16 Our plant site itself is kind of like on a  
17 split divide. It's kind of like on a hilltop.  
18 There's a drainage to the west called the Little  
19 Muddy Creek and then there's -- to the east I guess  
20 it's Painted Woods Creek watershed. And as Mr. --  
21 as Farmer Miller testified, there is that drainage  
22 that starts on his section of land, so that would  
23 be the northwest quarter of Section 21. And then  
24 also from the map there's another drainage that's  
25 in the southeast quarter of the southwest quarter

1 of Section 21. So the water flows where it does.

2 I'm not aware of a culvert going across  
3 Highway 5, but there certainly could be, but we --  
4 I know there's a culvert from -- oh, when we met  
5 with the Williams County Highway Department to get  
6 our access road permit, we have a culvert in place,  
7 so we do not stop flow that normally would flow up  
8 and down the north and south of Williams County  
9 County Road 5. I don't know if that provides any  
10 more insight on --

11 Q. Will the construction, operation and  
12 maintenance of the facility have any negative  
13 impact on Mr. Miller's land?

14 A. It shouldn't -- it should not being that  
15 we do not generate any water, so if the water  
16 normally flowed across that land, it will still  
17 continue to flow across the land. We're not  
18 diverting any water.

19 Q. And if it would for some reason cause any  
20 issue, what would be Basin Electric's response to  
21 that?

22 A. As in all cases, if we do impact citizens  
23 or private lands or impact, we'd make remedy to  
24 correct that.

25 MS. JACOBSON: Okay. Thank you,

1 Mr. Miller. I don't have any additional questions  
2 for you.

3 JUDGE HOBERG: Thank you, Ms. Jacobson.

4 Mr. Sagsveen?

5 MR. SAGSVEEN: I don't have any questions,  
6 Your Honor.

7 JUDGE HOBERG: Thank you.

8 Mr. Lein.

9 **FURTHER EXAMINATION**

10 **BY MR. LEIN:**

11 Q. I'm just trying to understand this. Is  
12 there drainage valves coming out of that pond?

13 A. Yes. Right at the bottom of the pond,  
14 yes, there is. It's a retention pond that's  
15 designed to hold the 10-year, 24-hour rainfall  
16 event.

17 Q. Okay. And so when you open that valve,  
18 where does the water flow?

19 A. It would flow to the natural contour.  
20 Now, there's -- if the rainfall is just normal  
21 rain, it would -- it would not be retained to any  
22 great length, so one rainfall event, you just have  
23 it discharge.

24 Q. And a lot of times that pond's an  
25 evaporating pond, so you may not have to drain it,

1 it would evaporate out?

2 A. That is correct.

3 Q. And as you start using it, then you're  
4 saying that it would be monitored or -- for where  
5 the flows are going and, if necessary, you'd do  
6 some culverting or something to --

7 A. As Mr. Miller testified with the water  
8 resource board, that would be the local oversight  
9 of any type of drainage-type discussion.

10 MR. LEIN: Okay. Thank you. That's all  
11 the questions.

12 JUDGE HOBERG: Thank you, Mr. Lein.

13 Commissioner Kalk, please.

14 COMMISSIONER KALK: Thank you, Your Honor.

15 **FURTHER EXAMINATION**

16 **BY COMMISSIONER KALK:**

17 Q. Thank you, Cris, for your comments. Jerry  
18 brought up just a couple of thoughts. So do you  
19 have to have a discharge permit for this, like a  
20 storm water discharge permit for this site?

21 A. We have a -- during construction we have a  
22 storm water -- construction storm water discharge  
23 permit. Once it's in operation, if there's no  
24 processed water being flowed, then you do not.

25 Q. So once it's -- the plant's in operation

1 and the holding pond is together, when you decide  
2 if it fills up, a big rain event, to discharge it  
3 out, you don't have to have a permit for that?

4 A. If that valve is closed, then there would  
5 be a storm water permit, yes, to meet the -- you  
6 know, the normal parameters for suspended solids.  
7 We do not have -- oh, what do you call it -- the  
8 oil storage outside, but in case there was oil --  
9 oil sheen, that would be another parameter to be  
10 monitored.

11 Q. Maybe I misunderstood earlier. So it's a  
12 zero discharge system for water. So anything that  
13 would be in this pond would just be runoff  
14 collected from the site; correct?

15 A. From the, yeah, precipitation. When they  
16 use the term no discharge, there's no  
17 plant-processed water.

18 COMMISSIONER KALK: Okay. That makes  
19 sense. All right. Thank you.

20 JUDGE HOBERG: Thank you, Commissioner  
21 Kalk.

22 Commissioner Christmann, please.

23 **FURTHER EXAMINATION**

24 **BY COMMISSIONER CHRISTMANN:**

25 Q. The only question I have is when the --

1 when there is a hard rain or a big snowmelt and so  
2 the pond holds a bunch of water, what determines  
3 when it's settled enough and is ready to be let go?  
4 Do you have a test that you do with your people  
5 that work there on site?

6 A. Yes.

7 Q. Or does someone have to come and look at  
8 it and release it or how do you do that?

9 A. There's a sampling procedure and then  
10 there's a lab analysis and then you have your  
11 discharge and there's a monitoring report.

12 COMMISSIONER CHRISTMANN: Nothing further.

13 JUDGE HOBERG: Thank you, Commissioner.

14 Commissioner Fedorchak, please.

15 COMMISSIONER FEDORCHAK: I have no  
16 questions.

17 JUDGE HOBERG: No question? Thank you.

18 Any further questions of Mr. Miller?

19 MR. LEIN: I have one.

20 JUDGE HOBERG: Mr. Lein.

21 **FURTHER EXAMINATION**

22 **BY MR. LEIN:**

23 Q. Yeah. What was -- is there an inlet  
24 fogging -- cooling system on the turbines and is  
25 there water from that that runs into the acetylene

1 pond?

2 A. As Mr. Steckler referred to as the NO<sub>x</sub>  
3 controls on the turbine, so that is a water -- my  
4 understanding is it is a water injection, but there  
5 is no excess water. So the water that's put into  
6 the combustion zone for NO<sub>x</sub> control, that goes up  
7 the stack in the form of water vapor.

8 Q. Okay. So you've got the 25 -- 25 gallons  
9 per minute in the winter and 50 gallons per minute  
10 in the summer coming into the thing. Would some of  
11 that go into the pond?

12 A. In normal operation, no, it would not.

13 MR. LEIN: Okay. Thank you.

14 JUDGE HOBERG: Thank you, Mr. Lein.

15 Any further questions of Mr. Miller?

16 Thank you, Mr. Miller. Anything else to  
17 present, Ms. Jacobson?

18 MS. JACOBSON: No, Your Honor.

19 JUDGE HOBERG: Thank you.

20 Any further evidence or information that  
21 anyone has to present to the Commission before we  
22 close the evidentiary portion of this hearing?  
23 Nothing else to present to the Commission?

24 All right. As you know, generally the  
25 applicants file with the Commission proposed

1 findings of fact and conclusions of law and a  
2 proposed final order, and sometimes they make  
3 closing statements or file briefs too.

4 But as I understand it, Ms. Jacobson,  
5 you're not going to be making a closing statement  
6 or filing a brief, unless the Commission requests  
7 it, of course, but you will be filing proposed  
8 findings and conclusions and a proposed order?

9 MS. JACOBSON: Yes, we will.

10 JUDGE HOBERG: Can you give us a time  
11 frame for that, please?

12 MS. JACOBSON: Within the next two weeks.

13 JUDGE HOBERG: Okay. Sometime within the  
14 next two weeks. The sooner the better for you.

15 MS. JACOBSON: Definitely.

16 JUDGE HOBERG: Okay. All right. If  
17 there's nothing else to present to the Commission,  
18 I will take their closing comments, starting with  
19 you, Commissioner Kalk, please.

20 COMMISSIONER KALK: Thank you, Your Honor,  
21 and thank everyone for the testimony today and the  
22 good work getting here. Just wanted to highlight  
23 the fact that for Mr. Floyd Miller, you know, your  
24 questions -- you said a couple points and it really  
25 spawned a lot of other questions out of the

1 Commission, so I really appreciate you coming up  
2 here and giving your viewpoints.

3 This is exactly what we do. We come out  
4 and get the input from the public, go through the  
5 case very detailed. And now what will happen is  
6 next Wednesday the Commission has a regularly  
7 scheduled meeting, so what we'll do is we'll  
8 schedule this for a work session and that will  
9 be -- the work session will be the first time that  
10 the three of us can talk about this case. We don't  
11 talk about it. We'll come here today, we go back,  
12 take the information for the work sessions and we  
13 all get together and say we like, we don't like.  
14 But I would anticipate that as soon as the company  
15 gets their things filed, we'll have our work  
16 session. I would anticipate a decision in this --  
17 I would say less than 30 days. So as soon as you  
18 get us the information, I would think we'll be able  
19 to act on it.

20 So thank you all for your work.

21 JUDGE HOBERG: Thank you, Commissioner.

22 Commissioner Christmann, please.

23 COMMISSIONER CHRISTMANN: Just to kind of  
24 say that this is the first of my meetings out on  
25 the road like this and I, too, appreciate everybody

1 coming. This is really what I was seeking to do  
2 and seeking this opportunity is to get out,  
3 hopefully keep good things happening, prevent bad  
4 things from happening, and the only way to do that  
5 is to get out of the Capitol building and come out  
6 and see -- come out and learn these things  
7 firsthand.

8 And so thank everybody for participating  
9 in this process.

10 JUDGE HOBERG: Thank you, Commissioner.  
11 Commissioner Fedorchak, please.

12 COMMISSIONER FEDORCHAK: Batting cleanup,  
13 I have nothing else to add. These fine gentlemen  
14 have said it all. So thank you all.

15 JUDGE HOBERG: Thank you.

16 COMMISSIONER KALK: I would just offer  
17 that I sat in Commissioner Fedorchak's chair for  
18 three years behind Clark and Cramer, and sometimes  
19 all the questions are gone.

20 JUDGE HOBERG: All right. If there's  
21 nothing else to bring to the attention of the  
22 Commission, we'll close this hearing, noting the  
23 correct time to be approximately 2:25. This  
24 hearing is closed.

25 (Concluded at 2:23 p.m., the same day.)

1 CERTIFICATE OF COURT REPORTER  
23 I, Stephanie A. Smith, a Registered  
4 Professional Reporter,5 DO HEREBY CERTIFY that I recorded in  
6 shorthand the foregoing proceedings had and made of  
7 record at the time and place hereinbefore  
8 indicated.9 I DO HEREBY FURTHER CERTIFY that the  
10 foregoing typewritten pages contain an accurate  
11 transcript of my shorthand notes then and there  
12 taken.13 Dated at Bismarck, North Dakota, this 18th  
14 day of February, 2013.  
1516  
17 18 -----  
Stephanie A. Smith  
19 Registered Professional Reporter  
20  
21  
22  
23  
24  
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<b>\$</b>	<b>133</b> [2] - 21:10, 29:5 <b>134</b> [1] - 4:21 <b>1346</b> [1] - 145:19 <b>135</b> [1] - 64:3 <b>139</b> [1] - 4:22 <b>14</b> [2] - 3:5, 51:17 <b>140</b> [1] - 4:23 <b>142</b> [1] - 4:24 <b>143</b> [1] - 4:25 <b>144</b> [2] - 3:7, 7:5 <b>146</b> [2] - 5:14, 7:5 <b>147</b> [1] - 7:5 <b>149</b> [1] - 5:15 <b>15</b> [8] - 12:18, 30:25, 31:16, 48:13, 69:25, 87:24, 99:12 <b>15-year</b> [1] - 99:11 <b>150</b> [1] - 66:3 <b>150-foot</b> [1] - 35:24 <b>151</b> [1] - 5:16 <b>154</b> [1] - 5:19 <b>155</b> [2] - 31:20, 103:21 <b>156</b> [1] - 5:20 <b>16</b> [2] - 3:6, 86:25 <b>160</b> [1] - 5:23 <b>162</b> [1] - 6:4 <b>166</b> [1] - 6:5 <b>168</b> [1] - 6:6 <b>17</b> [3] - 3:6, 87:1, 90:3 <b>1717</b> [5] - 2:8, 27:10, 77:6, 101:25, 134:11 <b>172</b> [1] - 6:7 <b>176</b> [1] - 155:13 <b>179</b> [1] - 5:4 <b>18</b> [3] - 27:23, 40:17, 87:8 <b>182</b> [1] - 5:5 <b>183</b> [1] - 5:6 <b>184</b> [1] - 5:8 <b>185</b> [1] - 5:9 <b>186</b> [1] - 3:8 <b>187</b> [1] - 3:8 <b>188</b> [1] - 3:9 <b>189</b> [1] - 3:10 <b>18th</b> [1] - 190:13 <b>190</b> [1] - 3:13 <b>190-mile</b> [1] - 23:7 <b>1946</b> [1] - 170:22 <b>1970</b> [1] - 42:22 <b>1982</b> [1] - 102:13 <b>1989</b> [1] - 27:23 <b>1991</b> [1] - 102:14 <b>1996</b> [1] - 27:25 <b>1:28</b> [1] - 133:6	133:3, 172:19 <b>2,000</b> [1] - 62:14 <b>2,000-gallon</b> [1] - 35:21 <b>2-1</b> [1] - 130:7 <b>2.8</b> [2] - 21:13, 29:6 <b>20</b> [12] - 27:16, 31:21, 48:14, 60:15, 65:24, 96:4, 132:11, 132:13, 132:20, 133:1, 133:2, 133:3 <b>200</b> [3] - 66:2, 149:12, 177:3 <b>2002</b> [1] - 77:19 <b>2003</b> [1] - 155:13 <b>2006</b> [1] - 134:24 <b>2008</b> [2] - 134:16, 134:19 <b>2009</b> [1] - 152:16 <b>2010</b> [4] - 99:12, 146:16, 147:6, 153:12 <b>2011</b> [13] - 22:9, 29:21, 30:7, 56:18, 56:25, 82:8, 85:24, 86:1, 90:20, 91:4, 99:1, 99:10, 155:15 <b>2012</b> [40] - 12:18, 13:3, 21:15, 22:12, 22:22, 30:4, 30:8, 30:9, 30:10, 30:12, 40:14, 40:17, 40:24, 57:1, 81:4, 81:19, 82:6, 82:11, 82:14, 82:23, 83:7, 84:2, 84:16, 86:1, 86:2, 86:3, 86:6, 90:12, 90:20, 91:5, 99:2, 105:11, 111:20, 134:17, 147:9, 151:16, 153:12, 155:14, 155:15 <b>2013</b> [13] - 1:18, 8:3, 8:5, 33:16, 40:10, 40:15, 41:12, 41:20, 46:17, 81:11, 105:13, 140:24, 190:14 <b>2014</b> [3] - 40:12, 41:13, 84:14 <b>2017</b> [1] - 62:25 <b>2018</b> [1] - 62:25 <b>2019</b> [1] - 98:14 <b>2025</b> [2] - 21:20, 99:7 <b>21</b> [5] - 3:7, 13:3, 103:22, 180:23, 181:1 <b>22</b> [4] - 1:17, 83:10, 152:1 <b>220,000-gallon</b> [1] - 43:10 <b>230</b> [3] - 138:18, 140:9 <b>230,000-gallon</b> [1] - 35:12 <b>24-hour</b> [1] - 182:15 <b>25</b> [11] - 6:11, 6:13, 43:2, 115:7, 115:8, 164:23, 173:6, 186:8 <b>25,000</b> [1] - 150:8 <b>254</b> [1] - 149:14 <b>26</b> [2] - 6:11, 6:13 <b>266</b> [1] - 21:19 <b>27</b> [1] - 3:18 <b>2:23</b> [1] - 189:25 <b>2:25</b> [1] - 189:23	<b>3</b>
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