

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative :  
Lonesome Creek Station -- McKenzie : Case No.  
County : PU-12-790  
Siting Application :

TRANSCRIPT OF  
PUBLIC HEARING

Taken At  
113 Ninth Avenue Southeast  
Watford City, North Dakota  
January 28, 2014

BEFORE JANET DEMARAIS SEAWORTH  
-- ADMINISTRATIVE LAW JUDGE --

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COMMISSIONERS PRESENT:

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

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FOR BASIN ELECTRIC  
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FOR THE PUBLIC SERVICE  
COMMISSION.

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1           (The following proceedings were had and  
2 made of record herein, commencing at 10:02 a.m.,  
3 Tuesday, the 28th day of January, 2014:)

4           JUDGE SEAWORTH: Thank you, everybody, for  
5 coming this morning. We're ready to go on the  
6 record, and it's just about -- oh, it's a little  
7 after 10 a.m. on January 28, 2014. This is the  
8 time and place scheduled at Teddy's Residential  
9 Suites in Watford City, North Dakota, for the  
10 administrative hearing In the Matter of the  
11 Application for Certificate of Site Compatibility  
12 for the Lonesome Creek Station Phase II Project --  
13 that's Case Number PU-12-790 -- to authorize  
14 construction of two new natural gas-fired  
15 simple-cycle combustion turbine generators to be  
16 located adjacent to the turbine generator currently  
17 under construction at the Lonesome Creek Generating  
18 Station in McKenzie County, North Dakota.

19           In November 2013 the Office of  
20 Administrative Hearings received a request from the  
21 Public Service Commission to provide an  
22 administrative law judge to preside in this matter.  
23 My name is Janet Seaworth, and I am the  
24 administrative law judge that's been designated by  
25 the Office of Administrative Hearings to preside

1 today.

2 I'd like to start with some appearances.  
3 The parties, would you please state your appearance  
4 for the record, beginning with the applicant and  
5 then followed by the Commission's attorney.

6 MS. JACOBSON: Thank you, Your Honor. I'm  
7 Casey Jacobson. And next to me is Darlene Steffan,  
8 and she'll be assisting me with the hearing today.

9 JUDGE SEAWORTH: Thank you.

10 MR. SCHMIDT: I'm Brian Schmidt, and next  
11 to me is Jerry Lein, staff engineer from the PSC.

12 JUDGE SEAWORTH: Thank you. I understand  
13 that there are no intervenors in this matter; is  
14 that correct, Mr. Schmidt?

15 MR. SCHMIDT: That is correct, Your Honor.

16 JUDGE SEAWORTH: Is there anyone else who  
17 is a proponent of the application or who protests  
18 the application who wishes to participate by  
19 presenting testimony today? If there is, please  
20 raise your hand. Thank you.

21 I'll be passing around a sign-up sheet  
22 that people can sign, and please list your name,  
23 address and who you represent, if you're not  
24 representing yourself. And if you wish to testify,  
25 please indicate that on the sign-up sheet.

1           The PSC encourages public testimony, as  
2 many of you know, and at this hearing this is your  
3 opportunity to present information that the  
4 Commission may consider with regard to this  
5 application. Public testimony will be taken later  
6 in the proceeding, and I'll explain that when we  
7 talk about the hearing procedures.

8           I'd also like to introduce the members of  
9 the Public Service Commission. To my left is  
10 Commissioner Randy Christmann; and the chairman,  
11 Commissioner Brian Kalk; and Commissioner Julie  
12 Fedorchak. After a brief summary of the  
13 application, I'll call on the commissioners for  
14 their opening comments, starting with Chairman  
15 Kalk.

16           I'd like to start with a summary of the  
17 application. On October 16, 2013, Basin Electric  
18 Power Cooperative filed an application for a  
19 certificate of site compatibility to authorize  
20 construction of two new 45 MW natural gas-fired  
21 simple-cycle combustion turbine generators to be  
22 located adjacent to the 45 MW turbine generator  
23 currently under construction at the Lonesome Creek  
24 Generating Station in McKenzie County, North  
25 Dakota.

1           The issues to be considered today are  
2 three: Will the location, construction and  
3 operation of the proposed facilities produce  
4 minimal adverse effects on the environment and upon  
5 the welfare of the citizens of North Dakota?

6           Issue two, are the proposed facilities  
7 compatible with the environmental preservation and  
8 the efficient use of resources?

9           Issue three, will the proposed facility  
10 locations minimize adverse human and environmental  
11 impact while ensuring continuing system reliability  
12 and integrity and ensuring that energy needs are  
13 met and fulfilled in an orderly and timely fashion?

14           Having identified the issues, I would ask  
15 the commissioners for any opening comments that  
16 they have.

17           Commissioner Kalk.

18           COMMISSIONER KALK: Thank you, Your Honor.

19           And thank you, everyone, for coming out  
20 here today. Really appreciate the work Basin did  
21 to getting all the paperwork taken care of. And I  
22 see we have the head of McKenzie Electric here  
23 today, too, so I suspect I know what you might be  
24 saying about this project since I think you need a  
25 lot of the power from this.

1           Just a couple quick thoughts. The judge  
2 set it up very well, but the Commission comes out  
3 here to get the input from the community most  
4 affected. So, you know, there's no members of the  
5 public that I see here right now other than the  
6 company and related stakeholders, but if someone  
7 does come in, we just -- we could all just remind  
8 them that they're welcome to say their piece.

9           The only thing, Casey, that I would  
10 have -- just a couple thoughts that I'll throw out  
11 there is one of the first hearings we had up here I  
12 asked the question about local zoning and there was  
13 no local zoning, so now there have been a bunch of  
14 local zoning rules come into play. Just make sure  
15 you, you know, comply with all of those. Any  
16 coordination you've had with the county emergency  
17 responders about this, we've had that discussion  
18 before, so I suspect you've talked about that.

19           A little bit different twist, though. I  
20 would like to hear some more -- and it's not  
21 directly related to this case, but how you're going  
22 to tie into the grid with this, if the  
23 interconnections are fine for what you already  
24 have. Just more of a curiosity than anything as it  
25 ties into some of the grid challenges we're facing

1 up here in the northwest.

2 And then if you need any special air  
3 quality permits that you didn't get with the  
4 initial plan.

5 So other than that, I look forward to a  
6 good hearing, and thank you all for coming.

7 JUDGE SEAWORTH: Commissioner Fedorchak.

8 COMMISSIONER FEDORCHAK: Good morning.  
9 I'll speak, but I think the protocol would call for  
10 Randy as the day goes on to speak first because I'm  
11 the low woman on the totem pole.

12 JUDGE SEAWORTH: Thank you.

13 COMMISSIONER FEDORCHAK: This is a great  
14 application for an important project, 90 megawatts  
15 of very critically needed new generation in this  
16 part of the state. So I look forward to going  
17 through the process today.

18 And Judge Seaworth outlined the key points  
19 for the day, to analyze whether this has minimal  
20 adverse effects on the environment, provides for  
21 efficient use of resources and maintains system  
22 integrity and reliability.

23 And I'm very proud to be part of these  
24 hearings and this PSC process because it really  
25 does lay out a very good way for orderly

1 development of our resources and to meet the needs  
2 of this really rapidly growing region in the state  
3 and country.

4 And so I look forward to the hearing  
5 today, and thank you very much for the work that's  
6 been done so far.

7 JUDGE SEAWORTH: Commissioner Christmann.

8 COMMISSIONER CHRISTMANN: Thanks, Your  
9 Honor.

10 I think basically I'm confident that Basin  
11 will do a thorough job of laying everything out.  
12 And the chairman mentioned all the things that I  
13 could have thought of that -- that would be  
14 outstanding questions initially in my mind.

15 So I guess the one thing that I would want  
16 to say yet is even though the room is not full of  
17 people with -- from whom we might expect comments  
18 and not have any idea what they're going to say, I  
19 do hope that if anybody does come in, that even  
20 though they weren't here to hear this, that we can  
21 go out of our way to make sure that they feel  
22 welcome and know that they have the opportunity to  
23 weigh in on what we're doing here.

24 JUDGE SEAWORTH: Thank you, Commissioner.

25 The hearing procedures that we'll use

1 today are as follows. First, the applicant, Basin,  
2 will be given an opportunity to present its case  
3 for granting its application, and each witness  
4 called by the applicant will be subject to  
5 questioning by Commission counsel.

6 And I understand, Mr. Schmidt, that you  
7 would also prefer that Mr. Lein ask questions as  
8 well; is that correct?

9 MR. SCHMIDT: Yes, Your Honor.

10 JUDGE SEAWORTH: Ms. Jacobson, is -- do  
11 you have any objection to that?

12 MS. JACOBSON: No, Your Honor.

13 JUDGE SEAWORTH: All right. Thereafter,  
14 then, the commissioners may ask questions of the  
15 witness, and then following Commission questions,  
16 the administrative law judge will -- myself will  
17 entertain further questions until no questions are  
18 necessary for the witness.

19 Upon completion of the applicant's  
20 presentation of their case, then public testimony  
21 will be taken. And I'll call on those that wish to  
22 provide information to the Commission either for or  
23 against the application. Each witness testifying  
24 as a public witness may be asked questions by the  
25 applicant's attorney as well as the PSC counsel and

1 commissioners, and public testimony will be taken  
2 under oath. So I'll have anybody offering public  
3 testimony to come forward and sit in the witness  
4 chair and I will administer the oath to them.

5 According to North Dakota Century Code  
6 Section 28-32-06, an administrative agency must  
7 state specifically prior to or at the hearing  
8 whether it is applying the North Dakota Rules of  
9 Evidence to the hearing or whether they are waived.  
10 In this case, Mr. Schmidt, it's my understanding  
11 that the Commission does not waive the application  
12 of the Rules of Evidence at the hearing; is that  
13 correct?

14 MR. SCHMIDT: That is correct, Your Honor.

15 JUDGE SEAWORTH: No decision will be  
16 reached in this matter today. The proceedings are  
17 being transcribed by a court reporter and are also  
18 being tape-recorded. The evidence will be reviewed  
19 later by the commissioners.

20 Thereafter the commissioners will issue  
21 findings of fact and conclusions of law and an  
22 order as to whether the application should be  
23 issued, granted, denied or perhaps ordering other  
24 appropriate administrative action.

25 Any party not agreeing with the final

1 decision of the Public Service Commission may have  
2 appeal rights under North Dakota Century Code  
3 Section 28-32, which is known as the Administrative  
4 Agencies Practices Act.

5 The burden of proof is on the applicant to  
6 show by a preponderance of the evidence that it is  
7 entitled to a grant of the application that it is  
8 making.

9 Are there any questions about the  
10 procedures that we are to follow?

11 MS. JACOBSON: No, Your Honor.

12 JUDGE SEAWORTH: Thank you.

13 MR. SCHMIDT: No, Your Honor.

14 JUDGE SEAWORTH: All right. The next  
15 thing I'd like to do is talk about the exhibits. I  
16 understand the applicant has some exhibits to  
17 offer; is that correct, Ms. Jacobson?

18 MS. JACOBSON: Yes, Your Honor.  
19 Commission staff and I have agreed to the exhibits.  
20 I have them over here. There are seven of them and  
21 they're all marked already.

22 JUDGE SEAWORTH: So it's your intent to  
23 offer Basin Exhibits 1 through 7 at this time?

24 MS. JACOBSON: Yes, Your Honor.

25 JUDGE SEAWORTH: And, Mr. Schmidt, any

1 objections?

2 MR. SCHMIDT: I have no objections. I do  
3 question where you -- do you plan on entering the  
4 testimony in as an exhibit to the written  
5 testimony?

6 MS. JACOBSON: No, Your Honor. No. Since  
7 we'll read it all, I don't think that's necessary.

8 JUDGE SEAWORTH: They're included in the  
9 binder, but they aren't specifically marked as  
10 exhibits; is that correct?

11 MS. JACOBSON: That's correct.

12 JUDGE SEAWORTH: All right.

13 Anything further for documentary evidence,  
14 Ms. Jacobson?

15 MS. JACOBSON: No, Your Honor.

16 JUDGE SEAWORTH: Okay. Mr. Schmidt?

17 MR. SCHMIDT: No, Your Honor.

18 JUDGE SEAWORTH: With that, the Commission  
19 would certainly entertain any opening statements.  
20 Does the applicant wish to do that?

21 MS. JACOBSON: Yes, I do.

22 JUDGE SEAWORTH: Please go ahead.

23 MS. JACOBSON: Thank you.

24 Good morning, Commissioners, Your Honor.

25 I have a few brief remarks before which I will call

1 my first witness. Basin Electric Power Cooperative  
2 is consumer-owned by 133 member cooperatives whose  
3 service territories compose 540,000 square miles  
4 and nine states. Basin Electric serves 2.8 million  
5 consumers.

6 While a majority of our members saw a  
7 slight increase or decline in recent load  
8 forecasts, several members are seeing intense load  
9 growth as a result of the oil and gas development  
10 in the Bakken and the infrastructure required to  
11 support that development.

12 Basin Electric and our membership have  
13 spent a considerable amount of time developing a  
14 strategy to meet this load growth, which includes  
15 both new generation and transmission projects in  
16 western North Dakota.

17 In November 2011, our Basin Electric board  
18 of directors approved the Pioneer Generation  
19 Station Phase I. Three months later, in  
20 February 2012, the board of directors approved the  
21 Lonesome Creek Generation Station Unit 1, a 45  
22 megawatt peaking unit. After the board approved  
23 the initial units, at the Pioneer Generation  
24 Station and the Lonesome Creek Station, the rate  
25 and magnitude of load growth came much quicker than

1 we anticipated and it was determined that  
2 additional generation was needed.

3 And, thus, in two thousand -- July of  
4 2012, the board approved the Phase II of the  
5 Pioneer Generation Station, which you have  
6 previously sited, and Phase II of the Lonesome  
7 Creek Station, the addition of two 45 megawatt  
8 simple-cycle natural gas turbines. These are the  
9 projects before you today.

10 The first witness I will call will be  
11 Mr. Steckler. He's the project manager for the  
12 Lonesome Creek Station. He will discuss the  
13 technology that was selected, give a detailed  
14 description of the project and discuss the PSC's  
15 site policy criteria.

16 The second witness is Ms. Becky Kern, who  
17 will testify in greater detail about the load  
18 growth within Basin Electric's service territory in  
19 northwestern North Dakota and eastern Montana and  
20 why the Lonesome Creek Station Phase II project is  
21 needed and how the project will positive --  
22 positively impact the reliability of the electrical  
23 system in northwestern North Dakota.

24 The third and final witness will be  
25 Mr. Miller. He will testify that the proposed site

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

8 Basin Electric respectively requests that  
9 the Commission approve the application for site  
10 compatibility for Phase II of the Lonesome Creek  
11 Station.

12 Thank you.

13 JUDGE SEAWORTH: Thank you.

14 Mr. Schmidt, any opening statement?

15 MR. SCHMIDT: No, Your Honor.

16 JUDGE SEAWORTH: Thank you.

17 Ms. Jacobson, you may call your first  
18 witness.

19 MS. JACOBSON: Mr. Steckler.

20 JUDGE SEAWORTH: Mr. Steckler, before we  
21 begin your testimony, I need to advise you on the  
22 penalties for perjury in North Dakota. The maximum  
23 penalty for perjury is a Class C felony, punishable  
24 by a maximum \$5,000 fine, a maximum five years  
25 imprisonment or both.

1 (Witness sworn.)

2 JUDGE SEAWORTH: Thank you. Ms. Jacobson.

3 **MYRON STECKLER,**

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

6 **DIRECT EXAMINATION**

7 **BY MS. JACOBSON:**

8 Q. Would you please give us your name,  
9 business address and your occupation.

10 A. My name is Myron Steckler. I am employed  
11 as the project management and construction director  
12 for Basin Electric Power Cooperative, 1717 East  
13 Interstate Avenue, Bismarck, North Dakota.

14 Q. Please state your educational background.

15 A. I received a bachelor of science degree in  
16 mechanical engineering from North Dakota State  
17 University in 1989, and I have been a registered  
18 professional engineer in the state of North Dakota  
19 since 1996.

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

22 A. I have been employed with Basin Electric's  
23 engineering and construction department for over  
24 20 years. Prior to working at Basin Electric, I  
25 was employed with Great River Energy at the Coal

1 Creek Station as a systems engineer.

2 Q. And what have been your responsibilities  
3 in connection with the Lonesome Creek Station Phase  
4 II project?

5 A. I was the project manager of the Lonesome  
6 Creek Station Phase I, which began commercial  
7 operation on December 1 of 2013. In addition, I am  
8 manager of Phase II of the Lonesome Creek Station,  
9 which is the project before us today. Throughout  
10 today's testimony, the Lonesome Creek Station will  
11 be referred to as LCS.

12 As project manager, I am responsible for  
13 management and coordination of all the aspects of  
14 the project, including technology selection,  
15 siting, permitting, finance, engineering design,  
16 construction, startup and coordinating utility  
17 interconnects such as water, natural gas and  
18 transmission.

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

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

1 Q. Would you please describe Basin Electric.

2 A. Basin Electric is a regional wholesale  
3 electric generation and transmission cooperative  
4 organized under the laws of the state of North  
5 Dakota and headquartered in Bismarck, North Dakota.  
6 Basin Electric provides power to 133 member  
7 cooperatives serving more than 2.8 million  
8 consumers in nine states, including North Dakota.

9 Basin Electric has two Class A members  
10 that serve what we refer to as the Williston Basin  
11 where the oil and gas development is occurring.  
12 The cooperatives are Central Power Electric  
13 Cooperative headquartered in Minot, North Dakota,  
14 and Upper Missouri G&T headquartered in Sidney,  
15 Montana.

16 Q. You testified that part of your  
17 responsibilities included being manager of Phase I  
18 of the Lonesome Creek Station. Can you please  
19 explain why Phase I did not require a certificate  
20 of site compatibility from the Public Service  
21 Commission?

22 A. Initially, Lonesome Creek Station was  
23 approved by Basin Electric's board of directors in  
24 February of 2012 and only included a single 45  
25 megawatt unit. The 45 megawatt unit fell below the

1 50 megawatt threshold for projects which require  
2 site permits from the PSC.

3 At the time Unit 1 was approved, Basin  
4 Electric thought the site might be an option for  
5 additional generation in the future, but no plans  
6 were made for any additional units until July of  
7 2012.

8 Solid oil prices, drilling to hold  
9 expiring leases and a very mild winter all  
10 contributed to load growth in late 2011 and early  
11 2012 that greatly exceeded what we expected, as  
12 well as the completion of Basin Electric's 2012  
13 load forecast in April of 2012.

14 Thus, Basin Electric concluded in July of  
15 2012 that additional generation units at both  
16 Pioneer Generation Station and Lonesome Creek  
17 Station were needed.

18 The next witness, Ms. Kern, will testify  
19 in greater detail about Basin Electric's load  
20 forecasting process and Basin Electric's timeline  
21 on decisions on generation projects.

22 Q. Please describe the proposed Lonesome  
23 Creek Station Phase II project.

24 A. Lonesome Creek Phase II project is the  
25 addition of two nominal 45 megawatt simple-cycle

1 natural gas combustion turbines and associated  
2 balance of plant equipment to the existing Lonesome  
3 Creek Station. The two additional turbines will be  
4 designated as Lonesome Creek Station Unit 1 and LCS  
5 Unit 3. Like LCS Unit 1, these additional units  
6 will be General Electric aero derivative LM6000-PF  
7 SPRINT models.

8 The design also includes a power control  
9 module to house the electrical switch gear, a  
10 generation step-up transformer to increase the  
11 voltage from 13.8 kV to 115 kV for transmission and  
12 a 650-foot transmission extension to interconnect  
13 into the existing 115 kV transmission line. This  
14 extension requires the installation of two  
15 transmission structures.

16 Q. Where is the proposed facility located?

17 A. This facility is located approximately 14  
18 miles west of Watford City on the existing Lonesome  
19 Creek Station site. The site is located in  
20 Township 150, Range 101, Section 23 in McKenzie  
21 County and is electrically tied to McKenzie  
22 Electric Cooperative's Hay Butte Substation located  
23 approximately two miles southwest of the site.

24 Q. Mr. Steckler, are you familiar with the  
25 seven exhibits that were entered into evidence

1 earlier?

2 A. Yes.

3 Q. And, Mr. Steckler, is this exhibit that's  
4 blown up here the same exhibit as Exhibit 3 that  
5 was entered?

6 A. Yes.

7 Q. Okay. Using this exhibit, can you please  
8 describe the Phase I of the Lonesome Creek Station.

9 A. Lonesome Creek Station Phase I, which went  
10 commercial in December of 2013, was the  
11 installation of one nominal 45 megawatt  
12 simple-cycle natural gas combustion turbine, along  
13 with the balance of plant equipment and utility  
14 interconnects.

15 The Lonesome Creek Station site is  
16 approximately seven acres in size, which is  
17 surrounded by the fence here. Lonesome Creek  
18 Station was designated to assure that all storm  
19 water runoff of the facility is routed to the storm  
20 water runoff pond. The pond is located in the  
21 northwest corner of the site.

22 The turbine generator and associated  
23 balance of plant equipment is located on the west  
24 side of the site. As you can see, right -- right  
25 here. That's the turbine generator.

1           In addition to the turbine generator and  
2 associated balance of plant equipment, the Lonesome  
3 Creek Station facility includes a  
4 control/maintenance building. This is the blue  
5 building shown on the north side of the site. The  
6 building includes the water treatment area for the  
7 demineralizer trailers, service and demineralized  
8 water forwarding pumps, along with the instrument  
9 air compressors. Also included in this building is  
10 a maintenance/warehouse area and an operations  
11 control area.

12           Lonesome Creek Station includes two water  
13 storage tanks, a 125,000-gallon potable and a  
14 230,000-gallon demineralized water tank. These  
15 tanks can be seen just west of the  
16 control/maintenance building on Exhibit 3. That's  
17 just off the end of the building here.

18           Other equipment included as part of the  
19 Phase I was: A fuel gas conditioning skid to  
20 regulate the gas pressure and temperature located  
21 east of the building; a 2,000-gallon anhydrous  
22 ammonia storage tank at the east edge of the site;  
23 a 290-foot communications tower adjacent to the  
24 maintenance building, which is needed to provide a  
25 reliable communication link for protective

1 relaying, business communications, electrical grid  
2 operations and emergency situations.

3 Utility interconnects including natural  
4 gas, water and electrical transmission were also  
5 part of Phase I. The 115 kV transmission  
6 interconnection is at -- is approximately two miles  
7 of transmission line, which runs south and then  
8 west from the site and ties into McKenzie  
9 Electric's Hay Butte Substation.

10 Natural gas is supplied to the site via  
11 interconnect to the Northern Border Pipeline that  
12 runs across the northeast corner of Basin  
13 Electric's property. A fenced metering station is  
14 also located at this interconnection.

15 Additionally, water supply to Lonesome  
16 Creek Station is provided by a short pipeline and  
17 interconnection to McKenzie Rural Water District's  
18 main supply line that runs along Highway 85.

19 Q. Mr. Steckler, earlier I asked you if you  
20 were familiar with the seven exhibits that we  
21 entered previously and you testified yes. Is this  
22 exhibit shown to my right Exhibit 4?

23 A. Yes.

24 Q. Thank you.

25 And can you use this exhibit to describe

1 where Phase II of the project will be located?

2 A. The -- 2 and 3 are located just east of  
3 Unit 1. Exhibit 4 is an aerial photograph taken  
4 December 20 of 2013 of the Pioneer Generation  
5 Station. Since Phase II of PGS is nearly -- is  
6 near completion and has an almost identical design  
7 and layout of the Lonesome Creek site, I'll use  
8 this exhibit to explain the Lonesome Creek Station  
9 Phase II project.

10 Q. And please describe the design of the  
11 proposed project Basin Electric intends to  
12 construct using Exhibit 4.

13 A. As mentioned earlier, the additional units  
14 will be General Electric, GE, aero derivative  
15 LM6000-PF SPRINT models. The combustion turbine  
16 and the generator can be seen here in the center of  
17 Exhibit 4, and that is 2 and then 3.

18 Aero derivative gas turbines are the same  
19 general design as the turbines used in modern  
20 airplanes. Special metals are used to allow the  
21 machines to run at higher pressures and  
22 temperatures. This translates into turbines that  
23 are more efficient and can be cycled on and off  
24 more often to accommodate variable generation  
25 needs.

1           The LM6000-PF SPRINT turbine output rating  
2           is a nominal 45 megawatts with an approximate heat  
3           rate of 9400 Btu's per kilowatt hour. These units  
4           utilize dry, low NO<sub>x</sub> burner technology, along with a  
5           selective catalytic reduction, SCR, system or NO<sub>x</sub>  
6           control. The SCR utilizes anhydrous ammonia as a  
7           reagent. Also included will be a catalytic  
8           oxidation reduction to minimize carbon monoxide  
9           emissions.

10           Following the SCR, each unit's flue gases  
11           will be released to the atmosphere through the  
12           individual 80-foot-tall stacks. The COR, SCR and  
13           stack are located just to the right of the turbine.  
14           And I guess you can see here, you start with the  
15           JSU transformer, the generator, and then the  
16           turbine is located approximately here and then the  
17           COR, which is -- reduces carbon and the SCR is  
18           located in this area.

19           In addition to the design -- in addition,  
20           the design includes: A power-control module to  
21           house the electrical switch gear;

22           A generator step-up transformer to  
23           increase the voltage from 13.8 to 115 kV  
24           transmission line;

25           A 650-foot transmission extension to

1 interconnect to the existing 115 kV transmission  
2 line. This extension requires the installation of  
3 two transmission structures, and they're located  
4 just -- just off -- off the edge of this picture  
5 here. There will be two structures.

6 And an additional 10,000-pound anhydrous  
7 ammonia storage tank. And you can see here there's  
8 one and then two.

9 Q. Why was the location for Phase II chosen?

10 A. In addition to the need for additional  
11 electrical generation and to meet reliability and  
12 system stability requirements in the area due to  
13 the rapid growth, the existing Lonesome Creek  
14 Station site was selected because of the  
15 infrastructure already in place to accommodate  
16 additional units.

17 Q. And how did the infrastructure in place  
18 assist Basin Electric in the siting of the proposed  
19 project?

20 A. It is common practice when developing a  
21 site and building a project to size equipment and  
22 interconnects, such as the electrical transmission,  
23 gas pipeline and water pipeline, to accommodate for  
24 potential future expansion when the incremental  
25 cost is reasonable. This was the case with

1 Lonesome Creek Station Phase I.

2 Q. What is the schedule for the project?

3 A. We hope to begin construction no later  
4 than May 1, 2014, with commercial operation on or  
5 before December 15 of 2014.

6 Q. What is the estimated cost?

7 A. The estimated cost of the project is 102  
8 million.

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

11 A. These units will only require water in the  
12 summertime. Usage is dependent on ambient  
13 conditions and range up to 25 gallons per minute  
14 per unit. Potable water is supplied to Lonesome  
15 Creek Station from the McKenzie County Water  
16 Resource District distribution system and will be  
17 placed into the existing 125,000-gallon service  
18 water storage tank. The potable water is further  
19 treated through the utilization of a potable  
20 demineralizer trailer and placed into the  
21 220,000-gallon demineralizer water storage tank.  
22 The demineralizer trailer is provided by an outside  
23 contractor.

24 When required, the demineralizer trailer  
25 is regenerated off site. All processed water will

1 be either evaporated on site or, if required,  
2 hauled off site to a licensed waste facility. The  
3 rural water interconnection, along with the water  
4 treatment system and on-site water storage  
5 completed in Phase I can accommodate the additional  
6 units without modifications.

7 Q. Will the water consumption rate for the  
8 proposed project impact other customers of the  
9 McKenzie County Water Resources District?

10 A. No. In fact, Basin Electric's need and  
11 payment for the water supply assisted in the  
12 expansion of the rural water system from Williston  
13 to Watford City.

14 Q. What is the natural gas fuel supply for  
15 the proposed project?

16 A. Natural gas is supplied to Lonesome Creek  
17 Station from the 42-inch Northern Border Pipeline  
18 that runs across the northeast corner of Basin  
19 Electric's property. This pipeline interconnection  
20 is able to accommodate Phase II without  
21 modifications. Basin Electric will be working with  
22 a gas broker to purchase the natural gas needed for  
23 this project.

24 Q. Is any new electrical transmission needed  
25 for the project?

1           A.     Yes.  As stated earlier, a 650-foot 115 kV  
2 transmission extension is required to interconnect  
3 Lonesome Creek Station Phase II to the existing 115  
4 kV transmission line that is connected to the  
5 electrical grid at McKenzie Electric Cooperative's  
6 Hay Butte Substation.  This extension requires the  
7 installation of two transmission structures.

8           Q.     Are you aware of any actual or potential  
9 hazards to humans, animal life or the environment  
10 posed by the project?

11          A.     No.

12          Q.     Has Basin Electric developed an emergency  
13 response plan for the project?

14          A.     Yes.  It is included as Exhibit 6.

15          Q.     And can you please describe what Exhibit 6  
16 entails.

17          A.     The plan is to address the protection of  
18 life, health, safety, environmental and property  
19 during an emergency.  The plan entails each  
20 emergency responder group along with contact  
21 information.  It also identifies the response  
22 procedure based on the event.

23          Q.     What efforts has Basin Electric taken to  
24 make emergency responders aware of the proposed  
25 project?

1           A.     On an annual basin -- on an annual basis,  
2 Basin Electric invites emergency responders,  
3 including first responders and local fire  
4 departments, to the project site for a tour and to  
5 discuss how the facility operates and procedures  
6 should they respond to an emergency at the project.  
7 Also as part of the initial construction of Phase  
8 I, a meeting was held to inform local first  
9 responders about the Lonesome Creek Station.

10           Q.     Would you please describe the sequence of  
11 construction for the project?

12           A.     The first activities to take place will be  
13 earthwork and excavation for foundations and  
14 underground utilities. Once the excavations are  
15 open, the contractor will then begin pouring  
16 equipment foundations and install underground  
17 utilities. Soon after the equipment foundations  
18 have been poured, the contractor will install the  
19 115 kV transmission structures and begin to place  
20 equipment such as the generator step-up transformer  
21 and the combustion turbine and generator.

22                     Once the major equipment has been  
23 installed on its foundation, the contractor will  
24 then focus on the equipment assembly and the  
25 installation of aboveground pipe, electrical,

1 instrumentation and controls.

2 As the project reaches mechanical  
3 completion, the equipment will go through a testing  
4 and commissioning phase. During the commissioning  
5 phase, the contractor, equipment suppliers and  
6 Basin Electric will begin the startup of equipment.

7 Once all the equipment has successfully  
8 completed the commissioning and startup phase, the  
9 station will be ready to generate power.

10 During construction, Basin Electric will  
11 maintain a deficiency list for items that need  
12 corrective action. Upon completion of the project,  
13 Basin Electric will verify that all deficiencies  
14 have been corrected and release the contractor from  
15 further responsibility.

16 Q. Would you please describe the workforce  
17 needed for the construction of the Phase II  
18 project.

19 A. The scope and the time frame of the  
20 project indicate a need of approximately 80 to 120  
21 workers. The actual manpower needs may vary  
22 depending on time constraints, contractor  
23 procedures and seasonal conditions.

24 Q. What housing provisions are required for  
25 this type of workforce?

1           A.     It is expected that a large percentage of  
2 the workforce will obtain housing in hotels,  
3 apartments or crew camps in and around the Watford  
4 City area. A few workers may bring travel trailers  
5 and place them in trailer or RV parks in towns in  
6 the area. Some workers will be local hires who  
7 live in the general vicinity and will commute from  
8 their current residence.

9           Q.     What efforts has Basin Electric undertaken  
10 or will undertake to ensure the workforce  
11 constructing the proposed project remains safe?

12           A.     Basin Electric has a safety program for  
13 all contractors that work for the cooperative. The  
14 program states requirements for contractors and the  
15 contractors' employees. One of the main  
16 requirements for the contractors is an Occupational  
17 Safety & Health Administration recordable incident  
18 rate of 3.0 or less. Incidence rates are a metric  
19 used to compare a company's safety performance.  
20 This comparison is a safety benchmark to gauge  
21 performance with other companies in the same  
22 business group and make an apples-to-apples  
23 comparison.

24                     Additionally, some of the requirements for  
25 the contractors' employees include a negative drug

1 test within the last 12 months and an OSHA ten-hour  
2 class within the last 36 months. All potential  
3 contractors will be evaluated against the safety  
4 program and only contractors that meet the  
5 requirements will be allowed to bid on the project.

6 Q. How will construction equipment and  
7 material deliveries be made to the proposed  
8 project?

9 A. It is estimated that the equipment and  
10 material deliveries will require approximately  
11 230 truckloads. The contractor will use federal,  
12 state and county highways and other township roads  
13 throughout the project area. The traffic volume in  
14 and around Watford City has increased  
15 significantly, and traffic impacts caused by the  
16 project will be negligible.

17 Q. I would now like to ask you a series of  
18 questions relating to the North Dakota Public  
19 Service Commission's site policy criteria. What is  
20 Basin Electric's policy with respect to maximizing  
21 potential benefits through location, process and  
22 design of its facilities?

23 A. Basin Electric performs studies to  
24 identify facilities that are needed to ensure a  
25 reliable transmission and generation system. The

1 location and output of these facilities is  
2 determined by planning experts to maximize the  
3 benefits of these projects. Ms. Becky Kern will  
4 discuss this further in her testimony.

5 Q. What is Basin Electric's policy concerning  
6 the training and utilization of available labor in  
7 North Dakota for the general and specialized skills  
8 required?

9 A. Basin Electric has a long-standing policy  
10 of recruiting and training workers from North  
11 Dakota. We have developed a partnership with  
12 Bismarck State College to provide the coursework  
13 for our apprenticeship programs in both our  
14 transmission system maintenance division and power  
15 plant maintenance areas. We also work with the  
16 North Dakota colleges and technical schools to fill  
17 internships and full-time vocation, technical and  
18 professional positions.

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

1 will likely employ local people.

2 Q. Will the project make use of a primary  
3 energy source or raw material located within the  
4 state?

5 A. Yes. Natural gas utilized by this project  
6 comes from Northern Border Pipeline. In addition  
7 to transporting natural gas from Canada, this  
8 pipeline also transports processed  
9 oilfield-associated natural gas to out-of-state  
10 markets. While we're not certain where the natural  
11 gas comes from once in the pipeline, odds are a  
12 percentage of the gas does come from North Dakota.

13 Q. Will the project require any relocation of  
14 residents?

15 A. No.

16 Q. What effort has Basin Electric made to  
17 economize the costs of construction and operation  
18 of the project?

19 A. Basin Electric has an obligation to its  
20 member cooperatives to construct facilities at the  
21 least cost while maintaining reliability and  
22 safety. By selecting the existing Lonesome Creek  
23 Station site for this project, the cost of the  
24 necessary infrastructure and interconnections was  
25 avoided, minimizing the project cost.

1           Basin Electric also -- has also selected  
2 many of the same manufacturers as the Phase I  
3 project to minimize spare parts, inventory and  
4 maintenance cost. In addition, when possible, all  
5 materials and services will be competitively bid by  
6 qualified suppliers and Basin Electric will combine  
7 purchases with other projects to take advantage of  
8 volume pricing.

9           Further, Basin Electric will share  
10 operations and maintenance personnel from other  
11 Basin Electric projects in the area, including the  
12 Pioneer Generation Station located northwest of  
13 Williston and the Culbertson Generation Station in  
14 Montana -- Montana, minimizing operational costs.

15           Q.    How many full-time positions will be  
16 created by the project?

17           A.    Two full-time operation technicians will  
18 be assigned to operate Lonesome Creek Station.  
19 However, the units are designed for remote  
20 operation either from Basin Electric headquartered  
21 in Bismarck or from the Culbertson station.

22           Q.    Would you please tell the Commission what  
23 type of commitment Basin Electric has to North  
24 Dakota consumers regarding their electric power  
25 supply?

1           A.     Basin Electric is contractually committed  
2 to meet all of the additional power requirements  
3 above their allocation from Western Area Power  
4 Administration for the 14 North Dakota rural  
5 electric cooperatives that are our members.

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

8           A.     Yes.

9           Q.     What is Basin Electric's policy regarding  
10 labor relations?

11          A.     Basin Electric management has always  
12 maintained an equitable, fair and harmonious  
13 relationship with labor. Basin Electric uses both  
14 union and nonunion contractors.

15          Q.     What is Basin Electric's policy and what  
16 efforts has the cooperative made in the  
17 coordination of generation and transmission  
18 facilities?

19          A.     Basin Electric works closely with Western  
20 Area Power Administration, Montana-Dakota Utilities  
21 and our member systems to share facilities and  
22 avoid duplication. For the past four years, Basin  
23 Electric has been meeting with MDU, Western and our  
24 members on a monthly basis to discuss western North  
25 Dakota transmission and generation issues.

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

3           A.     Basin Electric's policy is that  
4 environmental impacts should be monitored and steps  
5 taken to mitigate and alleviate those impacts which  
6 have adverse effects.  Once a power plant is  
7 commercial, a continuing program of maintenance  
8 begins.  Basin Electric will monitor and correct  
9 any problems for the life of these facilities.

10          Q.     Mr. Steckler, based on your knowledge of  
11 the proposed project, do you believe the location,  
12 construction and operation produce minimal adverse  
13 effects on the environment and upon the welfare of  
14 citizens of North Dakota?

15          A.     Yes.

16          Q.     Is the project compatible with the  
17 environmental preservation and the efficient use of  
18 resources?

19          A.     Yes.

20          Q.     Will the proposed project minimize adverse  
21 human and environmental impacts while ensuring  
22 continuing system reliability and integrity and  
23 ensuring that the energy needs are met and  
24 fulfilled in an orderly and timely fashion?

25          A.     Yes.

1 Q. Are you familiar with the construction of  
2 Phase I of Lonesome Creek Station?

3 A. Yes.

4 Q. Has Basin Electric received any complaints  
5 from McKenzie County or local residents regarding  
6 the noise, traffic, damages to roads from the  
7 construction or operation of Phase 1?

8 A. No, not to my knowledge.

9 Q. Does this conclude your testimony?

10 A. Yes.

11 MS. JACOBSON: No further questions, Your  
12 Honor.

13 JUDGE SEAWORTH: Thank you.

14 Mr. Schmidt.

15 MR. SCHMIDT: Thank you, Your Honor. I  
16 have a couple questions for you.

17 **CROSS-EXAMINATION**

18 **BY MR. SCHMIDT:**

19 Q. If one of the other people testifying is  
20 going to be more qualified to answer them, please  
21 feel free to table it for them and I'll just make a  
22 note of that.

23 On page 1-1 of the application you discuss  
24 how the LCS Phase 1 generator has a clutch but the  
25 LCS Phases 2 and 3 generators do not have a clutch

1 and it seems to be a point of emphasis. Could you  
2 briefly explain the significance of having or not  
3 having a clutch on these generators and what the  
4 effect is?

5 A. Yeah. In Phase I, the need for a clutch  
6 for voltage to support an area, you put a clutch in  
7 between the turbine and the generator and that  
8 clutch allows -- after the turbine has fired up and  
9 come up to synchronous speed, the generator sinks  
10 onto the grid. At that point you can drop the  
11 turbine off and the generator acts as a motor and  
12 provides the much-needed voltage for the system.

13 Q. Okay. Thank you.

14 You stated that the project is supposed to  
15 be -- is scheduled to begin on May 1 of 2014. Have  
16 labor forces been gathered already for the  
17 construction of the proposed project? Are things  
18 in place for that?

19 A. No. We are planning to go out for bid at  
20 the -- by the -- actually, by the end of this week  
21 a bid package will be out on the street.

22 Q. Okay. You stated that you plan on using  
23 contractors and I'm sure there will be  
24 subcontractors involved in this as well. Will they  
25 be held to the same standard as a regular Basin

1 employee would be with regard to the environmental  
2 and mitigation efforts and safety regulations?

3 A. Yes.

4 Q. And how do you go about ensuring that will  
5 happen?

6 A. We will have on-site construction -- Basin  
7 construction personnel to observe and to assure  
8 that they do follow.

9 Q. You also discussed the gas supply issue to  
10 the -- to the project. Has that been taken care of  
11 yet? Is there a plan in place to have gas --  
12 natural gas provided to the project?

13 A. The -- our trading group will purchase  
14 that gas, once commercial, from a gas trader. And  
15 like I said in my testimony, the -- the gas --  
16 natural gas connection to Northern Border that is  
17 in place for Phase I will accommodate Phase II.

18 Q. Okay. I'd like to turn your attention to  
19 some of the permits that we're dealing with. I  
20 believe they're found in exhibit -- I think it's  
21 Exhibit 6. Yeah, the emergency response plan found  
22 in Exhibit 6.

23 In the application this was described as  
24 being developed. Is this the finalized copy in the  
25 exhibits of the emergency response plan?

1           A.    I'd have to look at that.  Is that for --

2           Q.    It's Exhibit 6 within the exhibit binder  
3 that you should have.

4           A.    Pardon?  Exhibit 6 in here?

5           Q.    Yep.

6           A.    Okay.  What question was that?  Oh, back  
7 here.  Okay.  I should have looked at this.  Yes,  
8 this is in place.

9           Q.    Could you just briefly kind of describe  
10 what risk is specifically discussed within that  
11 plan, what this plan is, I guess, created to  
12 counteract.

13          A.    Yeah.  I'm going to refer maybe some of  
14 these questions to Cris.  He can answer them  
15 better.  But, again, we have natural gas on site  
16 and we have anhydrous ammonia, which is, you know,  
17 a gas that can be a hazard if not dealt with  
18 properly.

19          Q.    Okay.  I'd also like to ask you a question  
20 with regard to the McKenzie County building permit.  
21 On six point -- on page 6.2 of the application it  
22 states that the application for additional  
23 construction is being developed.  Has any progress  
24 been made on the building permit with McKenzie  
25 County?



1 Chairman Kalk, do you have any questions?

2 COMMISSIONER KALK: Thank you, Your Honor.

3 Just a couple, as always.

4 **EXAMINATION**

5 **BY COMMISSIONER KALK:**

6 Q. Thank you, Myron, for your testimony. I  
7 think a lot of my questions will go to Cris and  
8 I'll just prep him up again.

9 Storm water runoff, how you adequately or  
10 didn't adequately size that runoff basin or hit  
11 some challenges with traditional rainfall in this  
12 area that you build stuff for -- it's been a lot  
13 wetter -- so I'll probably have some questions  
14 about that.

15 I'm very curious about the whole anhydrous  
16 ammonia as it relates to NO<sub>x</sub> control. The -- we had  
17 a presentation from the health department just last  
18 week that NO<sub>x</sub> has been on the decline for years in  
19 North Dakota but is now taking a slight uptick, so  
20 talk about that a little bit.

21 And then for you, Myron, if I could, you  
22 said you invite the emergency responders. So does  
23 that mean they come or you just send out a letter  
24 and nobody shows up?

25 A. Actually, I can't speak to, you know,

1       which ones came, but they did have a pretty good  
2       showing of local folks to the site when they had  
3       the meeting.

4           Q.     Because I guess what I'm trying to look  
5       for is just -- I think it's Jerry Samuelson is the  
6       head of emergency management for the county. So  
7       how do you make positive liaison with him so he  
8       knows this is going on? That's nothing that I  
9       think we can require, but I think just going  
10      forward something that you -- at least send them a  
11      letter of some kind that says this is going on,  
12      because I know that -- I know Jerry and there's so  
13      much going on in McKenzie County. He gets ten of  
14      these a day and these kind of projects, I think,  
15      take priority because they're big and they're  
16      very -- their risk is somewhat high. So I would  
17      just throw that out going forward, that if nothing  
18      else, you document that you've made specific  
19      contact with that one individual.

20           A.     Okay.

21           Q.     And then I think you explained it very  
22      well, but I want to put just a little finer point.  
23      So you're saying that natural gas from North Dakota  
24      is being collected and put in the Northern Border  
25      Pipeline upstream from where you're pulling it out

1 at, so you do think this will help reduce flaring  
2 in North Dakota?

3 A. Well --

4 Q. That's what I thought I heard you say in a  
5 roundabout way.

6 A. Yeah. I guess you can say yes. Like I  
7 said, the natural gas that comes -- that is cleaned  
8 up and injected into Northern Border Pipeline by  
9 the ONEOK and the gas processing plants that goes  
10 into Northern Border Pipeline which is transported  
11 past our tap site to the markets. So it is -- you  
12 know, obviously we're using some of that gas.

13 Q. Okay. Thank you.

14 And then the last question, I haven't  
15 asked this question before, but it's come up in  
16 different venues about decommissioning of wind  
17 farms. Tell me about your decommissioning plans  
18 for this site at some point in time. How does that  
19 work? Could be 50 years, but what is your  
20 decommissioning plan?

21 A. The plan would be to put it back to its  
22 existing -- you know, as far as farmland. We'd  
23 remove all the equipment and remove the concrete to  
24 below the surface of the ground and put it back  
25 into agricultural use.

1 Q. Does Basin have some type of plan for that  
2 where you set aside X amount of dollars or you've  
3 taken pictures of the area so you know what to  
4 remediate it back to?

5 A. I guess I can't answer that specifically  
6 as to this project what we have set aside, but that  
7 is typically the case.

8 COMMISSIONER KALK: Okay. Is that  
9 something -- maybe, Cris, if you have some thoughts  
10 on that, because it's -- it's becoming a big issue  
11 of decommissioning wind farms in the state, and  
12 Basin is a bigger company than a lot of the ones  
13 we're dealing with on the wind farms, but I'd just  
14 be curious how you tie this into your long-term  
15 plans.

16 So thank you.

17 JUDGE SEAWORTH: Commissioner Christmann.

18 COMMISSIONER CHRISTMANN: Thank you, Your  
19 Honor.

20 **EXAMINATION**

21 **BY COMMISSIONER CHRISTMANN:**

22 Q. You mentioned early on in your testimony  
23 that when Unit 1 was approved by the board of  
24 directors, that there was the thought that  
25 additional generation might be necessary. Is there

1 the thought that additional generation might be  
2 added to this site later on and besides what we're  
3 talking about today?

4 A. When we develop a project, like I had  
5 testified, that we typically look ahead and make  
6 the right investments to, you know, not back us  
7 into a corner and have the capability of expanding.  
8 This site we bought as 160 acres and it can  
9 accommodate future generation.

10 One of the thoughts when we bought the  
11 site is, you know, a potential combined cycle at  
12 this point, but there is no plans at this point for  
13 a combined cycle.

14 Q. In the original photo that showed the  
15 fenced-in area, I thought you said the acreage  
16 that's in there, but I can't find it in here, so  
17 maybe -- maybe I'm wrong about that, but do you  
18 know what the acreage is in there?

19 A. It's approximately eight acres fenced.

20 Q. Okay. And if, say, just another one of  
21 these 45 megawatt units was going to be added,  
22 would there be room -- I see the yellow blocked  
23 out. It looks like II would pretty much fill it,  
24 but will there be space here for additional?

25 A. No. The site is -- you know, if we were

1 to build more small units here, we would have to  
2 move away from this site on to somewhere else on  
3 that 160 acres. The gas pipeline, the water  
4 system, all that infrastructure is -- including the  
5 transmission is limited to what we have on site  
6 right now, 135 megawatts. So we would have to make  
7 interconnecting accommodations for additional  
8 generation and a different site area. That eight  
9 acres could not accommodate further units.

10 Q. Okay. But you own the whole quarter, the  
11 160 acres?

12 A. Yes.

13 Q. And so you just lease that back to the  
14 farmer or something or it's farmed or what do you  
15 do with the other 100-some acres?

16 A. Yes. Our right-of-way agents rent the  
17 cropland back to the local farmers and ranchers to  
18 be used.

19 Q. Okay. So originally you felt because the  
20 siting requirement is at 50 megawatts and the  
21 original unit is 45, that that did not need siting.  
22 This brings you over the 50. If -- if this is  
23 approved, would it be your opinion, then, that  
24 additional units would just fall into this  
25 footprint and not need siting or that since

1 additional units would be outside of this  
2 eight-acre piece, that those would need siting if  
3 they were 50 or more?

4 A. I would expect future expansion plans  
5 would require us to come back to the PSC for  
6 approval.

7 Q. Okay. The gas that you're getting -- oh,  
8 and I -- I don't know if you hit on this or not  
9 because I was thinking about my question, but you  
10 might have answered it already. But the  
11 interconnection you have with Northern Border is  
12 adequate to add Unit 2 here. Would it be adequate  
13 to add more or would a new connection with Northern  
14 Border be necessary to take more gas than what  
15 Units 1 and 2 together will take?

16 A. When we designed that interconnection,  
17 we -- you know, again, like I had talked in my  
18 testimony, we felt it made sense for the cost to go  
19 ahead and make that interconnection larger to  
20 accommodate future potential generation. That is  
21 sized to accommodate at this time a combined cycle  
22 at this facility.

23 Q. Okay. And what's the quality of the gas  
24 that you get from Northern Border? Is that like  
25 the gas that flows into my house and is ready to go

1 into the furnace or do you have to do some  
2 processing here before you can make power out of  
3 it?

4 A. It is the same gas that comes into your  
5 house. It is pipeline-quality methane gas, roughly  
6 a thousand Btu per cubic foot. No additional  
7 processing is required, other than the pressure  
8 regulation and adding some temperature to that gas  
9 to be burned in the turbines.

10 Q. Okay. And this is the last one and I  
11 guess I just totally have missed this, but what's  
12 the connection to anhydrous? Why is the anhydrous  
13 tank there and --

14 A. The SCR process of selective catalytic  
15 reduction requires an ammonia reagent to react with  
16 the  $\text{NO}_x$  and then a catalyst to remove it from the  
17 flue gas, and we use the anhydrous ammonia as that  
18 reagent. You can also use like a liquid ammonia.  
19 But through the availability of anhydrous in the  
20 area, we selected anhydrous ammonia.

21 Q. So it's to clean the flue gas?

22 A. It's used to remove 90 percent of the  $\text{NO}_x$   
23 that's in the flue gas. We -- first of all, you  
24 have -- on the turbine itself you have what they  
25 call low  $\text{NO}_x$  burners which, through regulating the

1 air and the gas, they reduce the NO<sub>x</sub> down to 25 ppm  
2 NO<sub>x</sub>, and then that flue gas then flows through the  
3 SCR where ammonia is added to react to the  
4 remainder NO<sub>x</sub> and reduce that 25 ppm down  
5 initially -- or roughly 90 percent.

6 Q. And you said it's a 2,000-gallon tank?

7 A. Yes.

8 Q. So how long does that last you in normal  
9 operations? And I'm thinking if Unit 2 is  
10 approved, you know, and -- and all three units are  
11 running.

12 A. I guess I can't specifically answer that.  
13 Again, it depends upon how much you're running.  
14 You know, I'm thinking that it's in around that  
15 week to two-week amount, but, again, it depends  
16 upon how much you're going to scrub that NO<sub>x</sub> down.

17 Q. Okay.

18 A. And I can -- I can get that answer to you  
19 if you -- if you'd like. I don't have it with me  
20 right now.

21 Q. Well, if it's in that range, I -- I was  
22 curious if it lasts for a year or hours or a day.

23 A. Oh, no.

24 COMMISSIONER CHRISTMANN: But if it's in a  
25 week or two, that's fine. Close enough. And I

1 have no other questions.

2 Thank you.

3 JUDGE SEAWORTH: Thank you.

4 Commissioner Fedorchak.

5 COMMISSIONER FEDORCHAK: Good morning.

6 Thank you, Myron.

7 **EXAMINATION**

8 **BY COMMISSIONER FEDORCHAK:**

9 Q. I want to follow up a little bit on the  
10 combined cycle that you touched on. I'm curious  
11 how you decide between the smaller generators  
12 versus like one bigger one. Why -- why the 45, 45,  
13 45 versus just putting in 90 or -- just from a  
14 technical standpoint I'm curious about that.

15 A. You know, I can refer to Becky a little  
16 bit on that, but it started out with a simple-cycle  
17 generating unit. Its nature is simple cycle.  
18 It's, you know, four peaking applications, which in  
19 this case we needed peaking resources that probably  
20 doesn't have a lot of running capacity but is  
21 conducive to a lot of starts and stops and  
22 regulating up and down quite quickly. That's why a  
23 simple-cycle gas turbine is used here.

24 Combined cycle has more capital costs.

25 It's a little more efficient, so when you start

1 looking at capacity factors of, you know,  
2 60 percent on up, you're going to -- that is -- the  
3 combined cycle is the technology you would use  
4 because of higher-capacity factor.

5 Q. Can these be converted to combined cycle?  
6 Can you use the existing ones and then just add on  
7 or do you have to keep them and then just build the  
8 combined cycle like adjacent to it?

9 A. Yeah. These units were not set up to  
10 accommodate expansion or adding the HRSG, or the  
11 heat recovery system, for a combined cycle. It can  
12 be done, but it would not be financially feasible  
13 to add it to these units.

14 Q. So you'd be looking at constructing a  
15 whole combined cycle at this location? There's  
16 enough space there?

17 A. Yes. It would be a complete new project.

18 Q. And maybe this gets to Becky's area of  
19 expertise, but is that -- when do you anticipate --  
20 I mean we know there's this shortage of generation  
21 going down a few years. When do you anticipate  
22 needing that kind of base load generation versus  
23 these peaking?

24 A. I'll refer that question to Becky.

25 Q. Okay. Would she also be the one to talk

1 about how often these units are being used -- the  
2 ones up in Williston, how often are they actually  
3 being relied on now and how much do you anticipate  
4 needing these?

5 A. These units are permitted to run 8760.  
6 The actual capacity factor they're running right  
7 now, this winter they have -- the ones that are  
8 commercially available have run significantly.  
9 Exact percent, how much they've run, I could not  
10 tell you. I can get that answer for you if you  
11 need it.

12 Q. Okay. I'm just mostly curious. What's  
13 8760, though?

14 A. 8,760 hours year around.

15 COMMISSIONER KALK: I was just dividing  
16 that by 24 to see what that came up to.

17 Q. (COMMISSIONER FEDORCHAK CONTINUING) So  
18 that's year around?

19 A. Year around.

20 Q. Okay. All right. Let's see here. Do you  
21 have a -- do you have a redundant supply of gas to  
22 feed this? So if something happened to that line  
23 as happened out east, you know, this last weekend,  
24 do you have another source or we just wouldn't be  
25 able to use it if something happened to that line?



1 A. Yes.

2 Q. Okay. And then they are -- they require  
3 some kind of a permit or something, if I remember  
4 right; is that correct?

5 A. Yes. It will require a hazardous plant.  
6 I believe Cris is going to speak to that.

7 MR. LEIN: Okay. That's all. Thank you.

8 JUDGE SEAWORTH: Thank you.

9 Any further questions from the Commission?  
10 Chairman Kalk?

11 COMMISSIONER KALK: No, ma'am.

12 JUDGE SEAWORTH: Commissioner Christmann?

13 COMMISSIONER CHRISTMANN: No, I do not.

14 COMMISSIONER FEDORCHAK: No.

15 JUDGE SEAWORTH: All right. Any redirect?

16 MS. JACOBSON: No, Your Honor.

17 JUDGE SEAWORTH: Can we dismiss the  
18 witness?

19 MS. JACOBSON: Yes.

20 JUDGE SEAWORTH: All right. Very good.

21 Thank you for your testimony.

22 THE WITNESS: Thank you.

23 JUDGE SEAWORTH: And we'd like to take a  
24 five-minute break.

25 (Recessed at 11:09 a.m. and reconvened at

1 11:17 a.m.)

2 JUDGE SEAWORTH: Let's go back on the  
3 record.

4 Ms. Jacobson, you may call your next  
5 witness.

6 MS. JACOBSON: The next witness is Becky  
7 Kern, and I believe she's ready to go.

8 JUDGE SEAWORTH: Ms. Kern, were you in the  
9 room when I gave the admonition about the penalties  
10 for perjury in North Dakota?

11 MS. KERN: Yes.

12 JUDGE SEAWORTH: All right.

13 (Witness sworn.)

14 JUDGE SEAWORTH: Thank you.

15 Ms. Jacobson.

16 MS. JACOBSON: Thank you, Your Honor.

17 **BECKY KERN,**

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

20 **DIRECT EXAMINATION**

21 **BY MS. JACOBSON:**

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

24 A. My name is Becky Kern. My business  
25 address is 1717 East Interstate Avenue, Bismarck,

1 North Dakota. I am the manager of utility planning  
2 for Basin Electric Power Cooperative. I have  
3 worked for Basin Electric for 11 years. My work  
4 involves the development of the long-term load  
5 forecasting for Basin Electric and its members and  
6 the long-term power supply planning activities,  
7 which includes the development of Basin Electric's  
8 integrated resource plan.

9 Q. Would you please state your educational  
10 background.

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

14 Q. What have been your responsibilities in  
15 connection with the Lonesome Creek Generation  
16 Station Phase II project?

17 A. I was responsible for identifying the need  
18 for the project. Through our load forecasting  
19 process and subsequent evaluation of our ability to  
20 meet our member load obligations through the  
21 development of an integrated resource plan, we were  
22 able to identify that Basin Electric needed  
23 additional natural gas generation in western North  
24 Dakota to help meet the growing load obligations of  
25 our membership.

1           Q.     And how do you conduct these load  
2 forecasts?

3           A.     The load forecasts are performed every  
4 other year or every three years with annual updates  
5 and are prepared in accordance with the Rural  
6 Utilities Service's general criteria. The load  
7 forecast represents a joint effort by the  
8 distribution cooperatives, the generation and  
9 transmission cooperatives and Basin Electric.

10                   In order to assure all segments of the  
11 cooperative's structure are involved, a load  
12 forecast technical committee was established. This  
13 committee consists of representatives from the  
14 distribution cooperatives, the G&T cooperatives and  
15 Basin Electric.

16                   The load forecast is prepared on a  
17 distribution cooperative basis. The criteria  
18 defines a load forecast as a thorough study of a  
19 cooperative's electric loads and the factors that  
20 affect these loads in order to determine as  
21 accurately and as practical the cooperative's  
22 future requirements for energy and capacity.

23                   The basis for econometric modeling is to  
24 identify factors in the economy that have  
25 historically affected electrical consumption. This

1 is accomplished by using regression analysis  
2 software that establishes a mathematical  
3 relationship between the economic factors and power  
4 usage. The mathematical relationship, which is a  
5 form of algebraic equations, represents the  
6 econometric model.

7 Different models are developed for each  
8 member, depending on the type of load they serve.  
9 Examples of these models include residential,  
10 oil-related, coal-related, ethanol and  
11 biodiesel-related forecasts. There are certain  
12 instances that a mathematical equation cannot be  
13 developed to predict the future, and in these cases  
14 judgmental forecasts are created with the help of  
15 the distribution cooperatives serving the loads  
16 because of their local knowledge and expertise.

17 These results of the load forecasts are  
18 then translated into a model that represents the  
19 Basin Electric system on a delivery point basis.  
20 This allows the planning of infrastructure  
21 improvements to be made where needed.

22 Q. Are the load forecasts monitored?

23 A. Yes. The load forecasts are monitored on  
24 a monthly basis to ensure that the forecasts are  
25 performing as expected. Also, due to the detailed

1 information available from the large commercial  
2 sector, individual projects may be monitored to  
3 ensure that they are proceeding as planned. If the  
4 load deviates significantly from the forecast,  
5 modifications can be made for future load  
6 forecasts.

7 Q. Earlier you mentioned one of your duties  
8 is to prepare Basin Electric's integrated resource  
9 plan. Could you please describe that document.

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

21 These resources, as I have stated, can  
22 both be supply-side and demand side. The supply  
23 side resources are not limited to Basin Electric's  
24 self-build operations. We issued a power supply  
25 request for proposal in the spring of 2012 and

1 sought power supply alternatives that could be  
2 evaluated within our integrated resource plan.  
3 This plan will typically identify a five-year  
4 action plan to put into place in order to meet the  
5 forecasted load growth of our member systems with a  
6 general sense of what additional power supply may  
7 be needed beyond five years.

8 Q. What were the results of the load forecast  
9 for the Williston Basin area?

10 A. The 2012 load forecast update, which was  
11 an annual update to the 2011 load forecast, was  
12 approved by the members' board of directors, as  
13 well as Basin Electric's board of directors in the  
14 spring of 2012. The forecast showed  
15 1,000 megawatts of anticipated load growth through  
16 2025 related to oil development within the  
17 Williston Basin area of North Dakota and Montana.

18 The 2013 load forecast update confirms the  
19 need for the Lonesome Creek Station Phase II.  
20 However, the justification for Lonesome Creek  
21 Station Phase II was based on the 2012 load  
22 forecast and integrated resource plan, which is  
23 described in detail in the application.

24 Q. Why and when was the Phase II of the  
25 Lonesome Creek Generation Station chosen?

1           A.     Basin Electric identified the need for  
2 additional generation during the development of the  
3 2013 integrated resource plan which utilized the  
4 2012 load forecast. At that time Basin Electric  
5 was forecasted to be short generation capacity  
6 starting in 2014.

7                     In July 2012, the Basin Electric board of  
8 directors made the decision that the need would be  
9 best supplied by developing additional simple-cycle  
10 combustion turbine technology at both the Pioneer  
11 Generation Station and the Lonesome Creek Station.  
12 Further, the project fits our timeline for when  
13 additional generation was needed. In doing so,  
14 Basin Electric will receive the generation capacity  
15 it requires to reliably serve its load-serving  
16 obligations.

17                     By installing similar combustion turbines  
18 at the existing Lonesome Creek Station site, Basin  
19 Electric will benefit from eliminating the  
20 additional costs associated with developing a new  
21 site, such as land acquisition, pipeline and  
22 transmission costs, staffing, spare parts, et  
23 cetera.

24                     Lonesome Creek Station is located within  
25 the heart of the Williston Basin and will provide

1 additional reliability benefits during transmission  
2 outages, systemwide generation shortfalls and  
3 provide for the contingency if the load in the  
4 Williston Basin region grows faster than is  
5 currently forecasted. Further, it provides local  
6 support in transmission outages prior to the  
7 operation of the Antelope Valley Station to Neset  
8 345 kV transmission project.

9 The operation of a 45 megawatt combustion  
10 turbine provides the added benefit of operating in  
11 a more efficient operating zone than a larger  
12 combustion turbine. A larger 80 to 100 megawatt  
13 combustion turbine has an increased likelihood of  
14 being operated at half load and thus a less  
15 efficient operating level.

16 Q. Was Phase II approved by Basin Electric  
17 board of directors at the same time as Phase I?

18 A. No. Phase I was approved in  
19 February 2012. At that time we knew additional  
20 generation would be needed, but after the winter  
21 loads in late 2011 and early 2012 and upon  
22 completion of the 2012 load forecast update in  
23 April 2012, we realized we needed more generation  
24 much sooner than originally anticipated and, thus,  
25 the board of directors approved Phase II in July

1 of 2012.

2 Q. Does Basin Electric have any similar units  
3 in its generation fleet?

4 A. Basin Electric has two GE LM6000  
5 combustion turbines in commercial operation. One  
6 unit at the Pioneer Generation Station near  
7 Williston went commercial September 4, 2013, and  
8 Unit 1 at the Lonesome Creek Station near Watford  
9 City went commercial on December 1, 2013.

10 Basin Electric also has two GE LM6000  
11 combustion turbines under construction at the  
12 Pioneer Generation Station near Williston that are  
13 expected to be in commercial operation very soon.

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. As part of your duties as manager of  
20 utility planning, are you familiar with the  
21 dispatching of generation?

22 A. In general, yes. However, I am  
23 responsible for long-term power supply planning,  
24 which is beyond the next 12 to 18 months.  
25 Short-term power supply planning activities for the

1 next 12 months are performed by Basin Electric's  
2 marketing and trading department.

3 Q. What will be the process for dispatching  
4 these units and the time frame on that dispatch?

5 A. These units will be dispatched to serve  
6 Basin Electric's member load obligations or to  
7 provide local generation support to the Bakken  
8 area. These units may be prescheduled or  
9 dispatched to operate in real time.

10 The Lonesome Creek Station will be  
11 notified that the units are needed to operate and  
12 provide a time for when they need to be at a  
13 specified generation level. These units are  
14 capable of being online and generating electricity  
15 within about 10 to 15 minutes.

16 Q. Ms. Kern, how does the project affect the  
17 reliability of the electrical system in this area  
18 of northwestern North Dakota and eastern Montana?

19 A. The Bakken area electrical system lacks  
20 enough local generation to support the event of  
21 transmission outages or contingencies. Aside from  
22 the Culbertson Generation Station, the three units  
23 at the Pioneer Generation Station and the first  
24 unit at Lonesome Creek Station, the power to serve  
25 the area has to be imported.

1           Locating additional generation in the area  
2 will provide support to the local system,  
3 especially in the event of outages on the  
4 transmission lines that connect the area to  
5 externally located generation.

6           Q.    Does the proposed location, construction  
7 and operation of Phase II of the Lonesome Creek  
8 Generation Station ensure continued system  
9 reliability and integrity?

10          A.    Yes.  The project is located near large  
11 electrical load centers and thus is ideally suited  
12 to support the reliability of the area transmission  
13 system.  It provides a one-for-one improvement in  
14 the load-serving capacity of the regional  
15 electrical transmission system.

16                To clarify, with each 1 megawatt of this  
17 facility, you can serve 1 megawatt of load.  Thus,  
18 with this project in service, the transmission  
19 system will gain approximately 90 megawatts of  
20 additional load-serving capacity.  While the  
21 project does ensure continued system reliability  
22 and integrity, it does not defer the need for the  
23 Antelope Valley Station to Naset project I  
24 mentioned earlier.

25          Q.    Does the proposed project ensure that the

1 energy needs of the area will be fulfilled in an  
2 orderly and timely fashion?

3 A. Yes.

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

6 A. Yes. The project will provide a direct  
7 benefit for service into the area, allowing  
8 reliable electric service to area consumers.

9 Q. Are there any plans for expansion of this  
10 project?

11 A. No, not at this time.

12 Q. Does this conclude your direct testimony?

13 A. Yes.

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

16 JUDGE SEAWORTH: Thank you.

17 Mr. Schmidt.

18 MR. SCHMIDT: Thank you. I have just a  
19 couple questions for you.

20 **CROSS-EXAMINATION**

21 **BY MR. SCHMIDT:**

22 Q. You explained there were certain  
23 circumstances where mathematical equations cannot  
24 be developed to predict the future. Can you just  
25 explain what those circumstances may be?

1           A.     As an example, if a new natural gas  
2 pipeline is going to be built in the area, that  
3 can't be predicted by history. And so discussions  
4 with local producers, the local co-ops, we will add  
5 that information in.

6           Q.     Are those circumstances present here when  
7 you did your forecasting?

8           A.     There are certain cases that that does  
9 happen and so we have a lot of discussion with the  
10 local co-ops and industry.

11          Q.     And how did you go about coming up with  
12 the forecast? What kind of methodology did you use  
13 if there was no mathematical formula?

14          A.     By discussing with the local industry.  
15 They typically will have a plan for the next number  
16 of years on what they plan to build, when they plan  
17 to have things operational, and so we will add that  
18 in based on the information that we gathered from  
19 those discussions.

20          Q.     Okay. Page five of your testimony you  
21 mention that Basin Electric will benefit from  
22 eliminating additional costs associated with  
23 developing the new site. Can you give an estimate  
24 of the savings -- the cost savings based on that?

25          A.     I cannot, but I'm sure that's something

1 that somebody from Basin's staff could do if that  
2 was requested.

3 Q. Okay. On page six you talk about how  
4 you're responsible for the long-term power supply,  
5 which is beyond the next 12 to 18 months. In the  
6 application this -- it seems pretty obvious that  
7 this project will expand beyond just western North  
8 Dakota and eastern Montana; is that correct? That  
9 this will affect markets outside of North Dakota  
10 and Montana?

11 A. The load growth --

12 Q. Yes.

13 A. -- could? Yes, it could.

14 Q. Is this -- I guess, in your opinion, would  
15 this project mainly be targeted to help with just  
16 North Dakota or would it be targeted to help with  
17 the entire region that Basin services?

18 A. It does both. It helps in the reliability  
19 of the transmission system in order to reliably  
20 supply power to the local customers in this area,  
21 you know, and it provides an additional resource  
22 for Basin Electric to meet our consumer  
23 obligations.

24 MR. SCHMIDT: Thank you. No further  
25 questions.

1 JUDGE SEAWORTH: Mr. Lein.

2 MR. LEIN: No questions, Your Honor.

3 JUDGE SEAWORTH: Thank you.

4 Chairman Kalk.

5 COMMISSIONER KALK: Thank you, Your Honor.

6 **EXAMINATION**

7 **BY COMMISSIONER KALK:**

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

9 Just to refresh my memory again, where did  
10 you go to school at?

11 A. North Dakota State University.

12 Q. Just double-checking on that fact.

13 The -- tell me how the -- Basin joining  
14 the Southwest Power Pool is going to affect your  
15 planning. It's been all over the news that you  
16 guys are joining and it's good, I think --

17 A. Yep.

18 Q. -- but I'm just trying to understand that.

19 A. I guess as far as generation planning, we  
20 will continue to do our generation planning the way  
21 we've always done it. We will have access to a  
22 larger market being connected to the Southwest  
23 Power Pool. It gives us opportunities that we  
24 probably were limited more so on previously as not  
25 being a part of that. As far as transmission

1 planning, we will do joint transmission planning  
2 with the Southwest Power Pool.

3 Q. The way I understand it, until the  
4 decision is made on the AVS line, it doesn't  
5 matter, there's not transmission to move the power  
6 you'd need up in the northwest anyway; is that  
7 correct?

8 A. That is correct.

9 Q. Is the reserve margin different if you  
10 belong to a Southwest Power Pool than if you're on  
11 your own?

12 A. It's probably very comparable. There --  
13 you know, I guess there's not a specific NERC  
14 standard that says you have a specified level for  
15 planning reserves. The balancing areas have an  
16 operating reserve obligation that they have to  
17 meet, and today we participate in the SPP operating  
18 reserves. So I don't see that changing other than  
19 instead of being an external entity, we will be an  
20 internal entity, but we still continue to plan for  
21 that probably 12 to 15 percent planning reserves  
22 that we've historically planned for being outside  
23 of SPP.

24 Q. And I understand the concept of balancing  
25 areas, but is North Dakota one balancing area or is

1 it broken even smaller down than that?

2 A. It's actually larger.

3 Q. Okay.

4 A. The balancing area operator is the Western  
5 Area Power Administration and their balancing area  
6 starts in Montana, goes through North Dakota, all  
7 of South Dakota and it hits into Nebraska, Iowa and  
8 Minnesota just a little bit.

9 COMMISSIONER KALK: Okay. Thank you.  
10 That's all that I had.

11 JUDGE SEAWORTH: Thank you.  
12 Commissioner Christmann.

13 **EXAMINATION**

14 **BY COMMISSIONER CHRISTMANN:**

15 Q. In the application you had a couple of pie  
16 charts with the 2012 load forecast, and -- well, it  
17 was the 2012 forecast and one was for 2025 and one  
18 was for 2010.

19 A. Okay.

20 Q. And the big four areas in the forecast for  
21 2025 were residential, small commercial, large  
22 commercial and oil. So how come oil isn't  
23 commercial?

24 A. We've broken --

25 Q. Isn't --

1           A.     Excuse me. We've broken it out separately  
2 just because it is such a large piece of our growth  
3 right now. Just to see it on how much that is  
4 actually forecasted to expand.

5           Q.     And so where is the line? You know, as  
6 all these auxiliary-type businesses that have  
7 sprung up in this part of the state to service the  
8 oil industry, are those considered oil or large and  
9 small commercial?

10          A.     I'd have to verify with our forecasters  
11 exactly. I know it's kind of a fine line. I mean  
12 if it's residential growth, you know, people moving  
13 to the area, that's probably in the residential  
14 area. I know -- I think that's probably primarily  
15 just the actual oil infrastructure, pipeline, gas  
16 plants, that type of stuff.

17          Q.     Okay. And then for some time I've been  
18 saying that both our corporate partners and our  
19 cooperative partners in the energy industry are  
20 getting more and more skittish in looking toward,  
21 you know, the next quarterly report or the next  
22 annual meeting instead of long-term and investing  
23 in peaking plants and intermediate-type plants and  
24 no base load. Do you think I'm overly concerned  
25 about that or do you agree with that?

1           A.     I guess you're probably just seeing one  
2 piece of the picture.  These peaking plants are  
3 what we've committed to build right now that  
4 provides us some capacity.  Basin also has gone and  
5 contracted power based on that request for proposal  
6 that we issued over a year ago.  We did enter into  
7 some five-year contracts to see how the load growth  
8 actually materializes over the next number of years  
9 to delay some of that base load additional  
10 generation, because there is surplus base load  
11 power out on the market today that is probably  
12 cheaper than buying -- or building new resources.

13           Q.     And -- but are we confident that it will  
14 be cheaper long-term?

15           A.     That is something that we do weigh in our  
16 analysis, you know, do you build a resource now at  
17 a -- cheaper than say five years from now or, you  
18 know, do you delay that and go out with some power  
19 purchases?  That is weighed in our analysis as  
20 well.

21           Q.     So approving these kinds of projects, is  
22 it fair to equate it with kind of putting money  
23 into a car that's giving you a little bit of  
24 trouble and so then later on when you think of  
25 replacing the car, well, now you've put some money



1           Can you talk about how often the units are  
2 being used and operated now? Myron thought that  
3 that would be a good question for you.

4           A.    Yep. I'm not on our marketing and real  
5 time operations group, but I do know that they have  
6 been operating quite a bit this winter, and it's  
7 primarily just because, you know, they were built  
8 to meet and serve the area until a transmission  
9 line can get built where we can bring additional  
10 power into that area. We were planning on running  
11 them a lot during this time period.

12           This area peaks -- I mean it's got a  
13 higher winter load than it does summer, and so it's  
14 kind of part of the plan that we have in place  
15 until we can get the transmission facilities into  
16 place.

17           Q.    And I realize you don't have exact  
18 figures, but is a lot 50 percent, 80 percent? Just  
19 a rough estimate.

20           A.    I don't -- you know, I do -- you know, we  
21 have also been running the Unit 1's at both Pioneer  
22 and Lonesome Creek Station in the synchronous  
23 condenser mode, which has the clutch engaged. You  
24 know, so you're seeing a lot more operation.  
25 You're not producing any generation when you do

1 that, but you're providing voltage support. So if  
2 you factor that in, I mean you're probably running  
3 those units around the clock. Sometimes maybe  
4 they're off for a couple days in a row when it gets  
5 mild weather and stuff like that, but during  
6 extreme cold situations I'd say anywhere from  
7 50 percent a day to 24 hours a day.

8 Q. Okay. Okay. Can you -- you mentioned in  
9 your testimony that you factor in some demand-side  
10 tools. Can you talk about what sort of demand-side  
11 tools you guys are using or exploring and is that  
12 really a viable option for addressing these load  
13 growths or is it not the type of industry that you  
14 can kind of take off at certain times and bring  
15 back on? I just hadn't really heard much  
16 discussion about the demand side of the equation  
17 out here and what's being done and what could be  
18 explored further.

19 A. Mm-hmm. You know, a lot of the demand  
20 side, our member cooperatives have load management  
21 programs. A lot of times it may be residential,  
22 water heater programs and different things. You  
23 know, we do factor in our members planning to  
24 expand those programs that they have. Does  
25 Basin -- you know, we had a rate schedule a number

1 of years ago where we, you know, provided incentive  
2 during peak conditions to turn off load if it made  
3 economic sense to them. We had a little bit of  
4 participation, not a lot.

5 One thing that has been looked at a little  
6 bit is maybe some on-site generation. There's been  
7 some, not a lot. You know, in western North Dakota  
8 I don't think there's a whole lot there. I think  
9 because there's so much oil development, getting  
10 the reliable supply from the local utility is  
11 probably where they would prefer to go.

12 Q. Mm-hmm. So do you think that it's being  
13 maximized, the demand-side potential for savings  
14 and for reducing the need for projects like this  
15 and base load generation and transmission, the  
16 whole gamut?

17 A. I don't know if it's exactly being  
18 maximized. You know, I mean to the extent a local  
19 end-use consumer is looking at it a little bit and  
20 does it make economic sense for them to do  
21 something, they may do something, they may not. I  
22 don't know for sure there.

23 The other thing is, you know, with  
24 conservation and energy efficiency, there's been,  
25 you know, more on probably the residential side

1 than the commercial and industrial side.

2 Q. So when I'm talking to folks who think  
3 that we shouldn't be investing in these projects  
4 because they don't like it and they'd like to see,  
5 you know, greater emphasis on this sort of thing,  
6 what are the limitations, I guess? From your  
7 standpoint in your shoes, what are the limitations  
8 that demand-side tools have in this environment?

9 A. I guess it would depend on the type of  
10 demand side. You know, I guess if you're looking  
11 at on-site generation or something like that that's  
12 behind the consumer's meter, you know, do they have  
13 the fuel supply, is it economically feasible for  
14 them to do that? Sorry. I'm just thinking right  
15 now. I think economics probably plays a large part  
16 into it. That would probably be the biggest thing.

17 Q. Okay. Let's see here. You talked a  
18 little bit about the availability of excess base  
19 load generation in the market. This just came to  
20 mind. I'm curious if you guys have talked with  
21 Great River Energy on potentially having them fire  
22 up their Spiritwood Station for your use and is  
23 that feasible? Can you get that -- could you get  
24 that power out here?

25 A. Well, Great River Energy is part of MISO

1 and they're within the Midcontinent Independent  
2 System Operator, and that serves that -- or feeds  
3 that. You know, there's a seam between our area,  
4 the integrated system, and now moving to the  
5 Southwest Power Pool. They're interconnected by  
6 transmission, but there are constraints between the  
7 two systems.

8           Again, it's going to be the transmission  
9 system's, though, ability that's limiting getting  
10 power into that region. So if it's coming from one  
11 of our facilities from the Southwest Power Pool or  
12 coming from MISO, it's still limited by the  
13 transmission system to get to that area.

14           Q.    So it's technically feasible but  
15 complicated, expensive? What's the bottom line on  
16 that?

17           A.    I guess it -- I mean it's the transmission  
18 system, and so, I guess, to us it makes more  
19 economic sense for us to have our own resource  
20 there and it's cheaper than buying it from Great  
21 River Energy and having to wheel across the MISO  
22 system and then across our system.

23           Q.    Okay. And then you mentioned the 2013  
24 load forecast, but you just briefly -- can you give  
25 us an update on what that says -- what that said?

1           A.     It actually had more load growth than the  
2     2012.  I don't have the exact numbers, you know,  
3     but I do know it confirmed the need for this, and  
4     which was one of the biggest things, you know, when  
5     we were going through this was do we still think we  
6     need the Lonesome Creek Phase II project.  And that  
7     is true, we do still need that.

8           Q.     Did it confirm the 2012 load forecast or  
9     show that the 2012 load forecast is too  
10    conservative and it's growing faster?

11          A.     It is growing faster and more in this area  
12    than we had previously assumed.

13          Q.     Okay.  And when will that be publicly  
14    distributed, the 2013?

15          A.     Well, our 2013 load forecast went to our  
16    board in 2013.  There are some high-level  
17    information -- I think I had talked briefly a  
18    little bit about it during the Antelope  
19    Valley-Neset project again as well.  I don't have  
20    anything with me today, you know, but typically our  
21    load forecasts themselves are not made public.  
22    Some of the summary information is, you know, just  
23    the general magnitude of how much load growth.

24          Q.     It seems like you referenced the '12 a lot  
25    and have in a number of these hearings, so I'm

1 curious as to when they're going to see that  
2 updated so we have, you know, the next generation  
3 of forecasts in these tables and pie charts and  
4 stuff.

5 A. I guess the -- these units were justified  
6 under the 2012 load forecast and that was when all  
7 of the need for those projects -- we've continued  
8 developing, you know, our 2013 load forecast and  
9 all of our general power supply planning based on  
10 the newest information, but when this project was  
11 justified and the need for it, it was all based on  
12 the 2012.

13 COMMISSIONER FEDORCHAK: Okay. All right.  
14 I think that's it, Becky. Thank you.

15 JUDGE SEAWORTH: Any redirect,  
16 Ms. Jacobson?

17 MS. JACOBSON: No, Your Honor.

18 JUDGE SEAWORTH: Mr. Schmidt?

19 MR. SCHMIDT: No, Your Honor.

20 JUDGE SEAWORTH: Mr. Lein?

21 MR. LEIN: No, Your Honor.

22 JUDGE SEAWORTH: Thank you.

23 Any further questions from the  
24 commissioners?

25 COMMISSIONER KALK: Your Honor, if I

1       could.

2                   JUDGE SEAWORTH:   Yes.

3                   COMMISSIONER KALK:   I guess more of a  
4       comment to anybody.   The -- Jerry Lein set up a  
5       meeting with the Commission and the Southwest Power  
6       Pool on February 6, 1 to 3 p.m.   I don't know if  
7       we've invited Basin, but it would sure be good if  
8       we could have you there and your transmission  
9       planner, because we're struggling with trying to  
10      figure out what's our role going to be in that.  
11      Because since we site your transmission, we might  
12      have a seat at that table.   But you definitely will  
13      have a seat at that table, trying to figure out the  
14      issues that I think both Randy and Julie were  
15      talking about with joint planning for generation,  
16      what's the new role going to look like.

17                  So, Jerry, have we invited them yet?   We  
18      should make sure that anybody else that comes to  
19      that meeting, too, it would be helpful.

20                  MR. LEIN:   I'll do that.

21                  COMMISSIONER KALK:   So thank you.

22                  THE WITNESS:   Yep.   Thank you.

23                  JUDGE SEAWORTH:   Thank you very much.

24                  Thank you for your testimony.

25                  Ms. Jacobson, I think we're about ten

1 minutes till lunch. What would you suggest?  
2 Should we go ahead and call your witness or should  
3 we --

4 MS. JACOBSON: The next witness is  
5 probably a little longer, probably about the same  
6 as Myron, so it might be an appropriate time to  
7 take lunch, if you so choose.

8 JUDGE SEAWORTH: Chairman Kalk, does that  
9 sound right?

10 MR. PEARSON: It will be pretty soon.  
11 I'll go get it.

12 COMMISSIONER KALK: That would be fine,  
13 unless Julie or Randy have any preference.

14 JUDGE SEAWORTH: All right. Then how long  
15 do you think we should take for lunch? Half hour,  
16 12:30 or so?

17 MS. JACOBSON: Yeah. Half hour works.

18 JUDGE SEAWORTH: Half hour works. All  
19 right. Then we'll reconvene about 12:30.

20 All right. Thank you.

21 (Recessed at 11:49 a.m. and reconvened at  
22 12:29 p.m.)

23 JUDGE SEAWORTH: Let's go back on the  
24 record. And, Ms. Jacobson, you may call your next  
25 witness.

1 MS. JACOBSON: Mr. Cris Miller.

2 JUDGE SEAWORTH: Mr. Miller, were you in  
3 the room when I advised the witnesses about the  
4 penalties for perjury in North Dakota?

5 MR. MILLER: Yes, I was.

6 JUDGE SEAWORTH: Thank you.

7 (Witness sworn.)

8 JUDGE SEAWORTH: Thank you.

9 Ms. Jacobson.

10 **CRIS MILLER,**

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

13 **DIRECT EXAMINATION**

14 **BY MS. JACOBSON:**

15 Q. Please state your name, address and  
16 occupation.

17 A. My name is Cris Miller. My business  
18 address is 1717 East Interstate Avenue, Bismarck,  
19 North Dakota. I am employed by Basin Electric  
20 Power Cooperative as a senior environmental project  
21 administrator. I am responsible for the  
22 preparation of environmental studies and permit  
23 applications for transmission and generation  
24 projects Basin Electric is currently planning.

25 Q. Would you please state your educational

1 background and professional experience.

2 A. I earned a bachelor of science degree from  
3 the North Dakota State University, Fargo, North  
4 Dakota, in 1982 with a major in civil engineering.  
5 I have been employed with Basin Electric since  
6 1991.

7 Q. Mr. Miller, what have been your  
8 responsibilities in connection with the Lonesome  
9 Creek Station Phase II project?

10 A. I'm responsible for the overall  
11 coordination of the environmental analysis of this  
12 project. This involves working with an  
13 interdisciplinary consultant team, contacting and  
14 meeting with public officials, coordinating  
15 activities with other Basin Electric departments  
16 and reviewing and coordinating the various reports  
17 that have been submitted to the North Dakota Public  
18 Service Commission and other interested agencies.

19 Q. What is the purpose of your testimony in  
20 this proceeding?

21 A. I will describe the practices used to  
22 demonstrate that with respect to environmental  
23 considerations, the proposed site is in accordance  
24 with the North Dakota Energy Conversion Facility  
25 Siting Act and the North Dakota Public Service

1 Commission siting rules.

2 Q. And, Mr. Miller, are you familiar with the  
3 seven exhibits that were entered into evidence  
4 previously?

5 A. Yes.

6 Q. And, Mr. Miller, is this map that's shown  
7 to my right just a larger version of Exhibit 5 that  
8 was admitted?

9 A. That's correct.

10 Q. Thank you.

11 Using this exhibit, could you please give  
12 the description -- the Commission a general  
13 description of the proposed project?

14 A. The Lonesome Creek Station, which I will  
15 refer to as LCS in my testimony, includes the three  
16 generating units and associated infrastructure that  
17 is surrounded by a security fence and is  
18 approximately seven acres in size.

19 As shown on Figure 2 of Appendix C of the  
20 application, Basin Electric has identified the  
21 northern 48.4-acre parcel as the lands being  
22 proposed for the consideration here today for  
23 siting under the Energy Conversion and Transmission  
24 Facility Siting Act.

25 The entire 160-acre parcel that Basin

1 Electric purchased is zoned industrial. The land  
2 use around the site area is predominantly  
3 agricultural and commercial. There are also  
4 scattered oil and gas pads and commercial  
5 enterprises surrounding LCS.

6 As you can see on Exhibit 5, there are  
7 commercial areas, there's an asphalt batch plant,  
8 there's workforce housing, there's a truck stop and  
9 there's a very large sand and gravel pile that's  
10 being stored here. I would assume that's the  
11 upcoming Highway 85 construction, four-lane project  
12 this summer.

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

16 A. There were no federal nexuses for the LCS  
17 Phase I project, but Basin Electric has requested a  
18 loan through the Department of Agriculture's Rural  
19 Utilities Service, which I will refer to as RUS,  
20 for Phase II. RUS required that an environmental  
21 assessment, referred to as an EA, be performed.  
22 The EA evaluated resource areas as to the potential  
23 impacts to the environment for such things as  
24 plants, animals, also human impacts regarding  
25 existing infrastructure, socioeconomic and the

1 cultural resources and air quality.

2 Q. What is the status of the EA for the  
3 project?

4 A. A finding of no significant impact,  
5 commonly referred to as a FONSI, from RUS is  
6 expected to be issued in February of 2014.

7 Q. Will the project have any impacts to  
8 threatened or endangered species?

9 A. There will be no effect to any federally  
10 listed species and candidate species. However, out  
11 of an abundance of caution, if whooping cranes are  
12 observed within one mile of the project, Basin  
13 Electric will stop construction until migrating  
14 whooping cranes leave the area.

15 Additionally, within the first year of  
16 construction, Basin Electric will conduct a golden  
17 eagle nest survey in areas that are within one mile  
18 radius of the project between March 1 and May 15.  
19 If nests -- if nests are present, further  
20 consultation will be conducted with the U.S. Fish  
21 and Wildlife Service.

22 Q. In addition to the site compatibility  
23 permit from the PSC, what other permits are  
24 necessary for Basin Electric to obtain for the  
25 project? Please give the status of these permits.

1           A.     The proposed project was required to  
2     obtain an air pollution control/prevention of  
3     significant deterioration permit to construct from  
4     the North Dakota Department of Health. That permit  
5     was issued in September of 2013. Further, McKenzie  
6     County requires a conditional use permit, which was  
7     approved by the McKenzie County Commission on  
8     January 22, 2014.

9           Additionally, the project will be required  
10    to acquire a national discharge -- pollutant  
11    discharge elimination system permit. That  
12    application is currently under review by the North  
13    Dakota Department of Health.

14          Q.     The North Dakota Public Service Commission  
15    rules at North Dakota Administrative Code Chapter  
16    69-06-01 discusses avoidance and exclusion areas.  
17    Does the plant site contain either?

18          A.     No.

19          Q.     Mr. Miller, did Basin Electric incorporate  
20    public input in the site selection process of the  
21    proposed project?

22          A.     Yes. Basin Electric notified federal and  
23    state agencies through a project mailing.  
24    Responses were received from the U.S. Fish and  
25    Wildlife Service, North Dakota Department of

1 Health, National Resource Conservation Service, the  
2 Department of Defense, and the U.S. Army Corps of  
3 Engineers, the United States Forest Service, North  
4 Dakota Forest Service, North Dakota Game and Fish  
5 Department, North Dakota State Water Commission and  
6 the North Dakota State Historical Society.

7 Q. Mr. Miller, did any of these agencies  
8 express concerns that the project had not already  
9 addressed?

10 A. All the agency responses are listed in  
11 Appendix B of the application. All responses were  
12 addressed by the project.

13 Q. Mr. Miller, I am now going to ask you a  
14 series of questions regarding the PSC's site  
15 selection criteria. How does the proposed site  
16 demonstrate that significant adverse effects, if  
17 any, upon agriculture will be kept to an acceptable  
18 minimum? Please address this issue in terms of  
19 farmsteads, cropland and interference with  
20 irrigation.

21 A. There are no farmsteads on the 48.4-acre  
22 project site nor within the approximately 160-acre  
23 parcel of cropland that Basin Electric purchased.  
24 The LCS project occupies approximately seven acres.

25 There is no irrigation within the

1 48.4-acre parcel.

2 Farmsteads are scattered throughout the  
3 proposed project area. As you can see from  
4 Exhibit 5, the area to the northwest of the project  
5 holds multiple commercial, industrial and  
6 oil-related support facilities, including a man  
7 camp facility.

8 Agriculture and oil development-related  
9 infrastructure dominate the land use in the  
10 project's vicinity. LCS is currently a developed  
11 industrial facility. The LCS site within the  
12 fenced boundary incorporates approximately seven  
13 acres of land. The remaining 48.4 [sic] acres of  
14 the project area, as well as the remainder  
15 119 acres of property owned by Basin Electric, will  
16 remain in predominantly agricultural use.

17 Q. Mr. Miller, is there any anticipated  
18 impact on the surface drainage patterns or  
19 groundwater flow patterns on the plant site?

20 A. Precipitation that falls within the plant  
21 site will be directed to the storm water retention  
22 pond. These waters will be released when they meet  
23 the criteria of the plant's discharge permit. The  
24 precipitation that falls outside of the plant site  
25 will follow the natural flow patterns that

1 currently exist. No impacts are anticipated to  
2 occur to either surface or groundwater flow  
3 patterns.

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

8 A. No significant adverse effect is  
9 anticipated. Sensitive noise receptors within the  
10 area include farmsteads and commercial businesses  
11 located along U.S. 85 and on lands located to the  
12 northwest of the project. There would be a  
13 short-term increase in noise during construction of  
14 the project. The nearest residences are located  
15 approximately three-quarters of a mile from the  
16 project.

17 Q. Were any studies done to assess the noise  
18 levels that can be expected from the operation of  
19 the project?

20 A. An operational noise assessment study was  
21 performed by Basin Electric's consultant, Burns &  
22 McDonnell, which was included as Appendix A of the  
23 application. The maximum noise level modeled due  
24 to the operation of the LCS with all three units  
25 operating was determined to be an  $L_{dn}$  of

1 47.1 decibels. The high residence noise level  
2 modeled was an  $L_{dn}$  of 41.6 decibels. Both of these  
3 maximums are below the HUD guideline of  
4 65 decibels.

5 Q. Will the project have any visual impacts  
6 to the adjacent areas?

7 A. Visual resources surrounding the project  
8 consist of broad expanses of cultivated fields,  
9 rangeland and grasslands. The landscape has been  
10 altered due to recent commercial and industrial  
11 development, including oil and gas exploration and  
12 production infrastructure.

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

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

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

23 Q. Are there any impacts on wetlands,  
24 woodlands or wooded areas?

25 A. There are no wetlands, woodlands or wooded

1 areas on the project site.

2 Q. Does the construction, operation and  
3 maintenance of the proposed project require Basin  
4 Electric to remove any trees or shrubs?

5 A. No.

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

11 A. No.

12 Q. Do you expect any significant adverse  
13 effect on human and animal health and plant or --  
14 and plant life?

15 A. No significant adverse effects are  
16 anticipated for the project. However, I would like  
17 to point out that anhydrous ammonia is used as a  
18 reagent for the control of oxides of nitrogen for  
19 the project. Anhydrous ammonia would be stored in  
20 two 10,000-pound capacity storage tanks in order to  
21 provide appropriate safeguards. The storage tanks  
22 are limited to 8,500 pounds of actual storage. The  
23 actual volume stored in each tank is equivalent to  
24 1,700 gallons of liquid.

25 To understand and minimize the risk to

1 human, animal and plant health and safety, a risk  
2 management plan specific to anhydrous ammonia was  
3 developed. To aid in the perspective of the  
4 quantity of 10,000 pounds of anhydrous ammonia, I  
5 would like to point out that the anhydrous ammonia  
6 tanks that are utilized in typical farming  
7 operations have trailers with 1,000 to 1,450-gallon  
8 tanks installed.

9 The federal Department of Transportation  
10 has a specific limit of 3,000 gallons per  
11 individual trailer that can be utilized on a public  
12 roadway. The North Dakota Department of  
13 Agriculture regulates anhydrous ammonia facilities,  
14 and the department's threshold for regulation for  
15 bulk storage tanks of anhydrous ammonia are tanks  
16 in excess of 6,000 gallons. Therefore, LCS is not  
17 a regulated bulk storage facility.

18 Q. Mr. Miller, will it be possible to locate  
19 the site so as to not violate any local or county  
20 zoning ordinance?

21 A. Yes. Basin Electric secured zoning  
22 approvals for LCS and associated facilities from  
23 the Alexander Township in 2012. At that time,  
24 McKenzie County did not have planning and zoning  
25 regulations in place.

1           A conditional use permit was submitted to  
2 McKenzie County for the LCS Phase II project. The  
3 McKenzie County Planning and Zoning Board approved  
4 the conditional use permit on January 13, 2014,  
5 with the approval from the McKenzie County  
6 Commission on January 22, 2014.

7           Q. Does the proposed project encroach on any  
8 designated or registered state wild, scenic or  
9 recreational river, game refuge, game management  
10 areas, forest, forest management land or  
11 grasslands?

12           A. No.

13           Q. Does the proposed project encroach on any  
14 areas of historical, archaeological or  
15 paleontological significance not designated as an  
16 exclusion or avoidance area?

17           A. The project is within an area that a  
18 previous Class III cultural resource survey was  
19 performed. No prehistoric or historic sites were  
20 identified during the Class III surveys. It's  
21 unlikely paleontological resources would be  
22 affected by the project since there is little or no  
23 bedrock exposed on the plant site. No  
24 paleontological resources have been identified  
25 within the project boundaries.

1 Q. Are there any geologically unstable areas  
2 within the project site?

3 A. No.

4 Q. Does this conclude your direct testimony?

5 A. Yes.

6 MS. JACOBSON: No further questions.

7 JUDGE SEAWORTH: Thank you.

8 Mr. Schmidt.

9 MR. SCHMIDT: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 **BY MR. SCHMIDT:**

12 Q. Mr. Miller, I have just a few questions  
13 for you.

14 I want to start by directing your  
15 attention to the -- this would be page 6-2 of the  
16 application.

17 A. Yes.

18 Q. Okay. On page 6-2 it states that there's  
19 an application for additional construction being  
20 developed to submit to the McKenzie County -- to  
21 McKenzie County. You also just talked about the  
22 conditional use permit. Are those one and the  
23 same?

24 A. Yes, they are.

25 Q. And that's been approved?

1           A.     That's correct.

2           Q.     Okay.   Staying in that chart, it would be  
3     on page 6-1.   It states that the risk management  
4     program application is pending with the EPA.   Has  
5     any progress been made on that?

6           A.     Yes.   The risk management plan is in its  
7     final -- final preparations.   Staff from our  
8     operations group are developing -- heading that.  
9     This risk management program will be then, I guess,  
10    communicated and coordinated with the local county  
11    emergency management group.

12          Q.     Okay.   I'd kind of direct our attention to  
13    the agricultural production part of this.   You  
14    claimed that there's going to be no adverse effects  
15    with regard to agricultural production, but on page  
16    4-4 it talks about how there's 22 acres to the east  
17    of the plant that's available as a laydown area.  
18    Can you just describe what a laydown area is?

19          A.     Yes.   During construction when the actual  
20    equipment is brought in to be built, so it's a  
21    timing issue with the construction contractor.   So  
22    a laydown area is an area where all the pipes, you  
23    know, the turbines, the -- I'll call it the  
24    stockpile of equipment, so then as the contractor  
25    goes through the construction methods, what he

1 needs to go and grab he'll be able to grab from  
2 that site and bring it onto the -- where it's  
3 actually going to be installed. So it provides us  
4 more room.

5 Q. Is the 22 acres that's available as the  
6 laydown area, is that owned by Basin?

7 A. Yes, it is.

8 Q. Does Basin lease out that land for  
9 agricultural purposes in the summer?

10 A. We will. Right now because of this  
11 construction activity that will occur in 2014 and  
12 hopefully be completed, as Mr. Steckler testified,  
13 in 2014, but perhaps it won't be totally reclaimed  
14 until next spring of '15. So the right-of-way  
15 group will lease that back to the local farming  
16 operation. But certainly that lease won't occur  
17 until -- we have to reclaim it and get all our  
18 equipment off of that.

19 Q. Okay. I'd turn your attention to  
20 Exhibit 5, which is the large picture over there.  
21 I believe it's also in the binder. Can you just  
22 kind of explain what that workforce housing is,  
23 what it's used for.

24 A. With the oil development up in McKenzie  
25 County, this facility, as with a lot of facilities

1 around the area -- so they provided temporary  
2 housing for the workforce that's supporting the oil  
3 area. So I believe this is called Bakken Base Camp  
4 by name. A private entity came in here and set up  
5 housing and they contract lease.

6 Q. So the workforce housing is not owned by  
7 Basin?

8 A. That is -- that's correct.

9 Q. Okay. Is that housing depicted in the map  
10 on page A-130 of the application? It's the one  
11 that has -- it has the decibel levels on it.

12 A. Okay. So you're in the sound --

13 Q. Yeah. A-130.

14 A. Okay. I have a map that's similar to  
15 that. The map that we have and we used for our  
16 application was what was commercially available to  
17 us. So the -- you know, the very recent activity  
18 up here that's reflected in this aerial photograph,  
19 it's not reflected in our application map. But if  
20 you look at our -- the receptors that we have  
21 identified, so we had the commercial one through  
22 four, those are all of the areas that are within  
23 this commercial-zoned area.

24 This map -- this aerial map, that's why  
25 it's December 20, you know, so just -- just over a

1 month ago, and so it reflects the current status of  
2 that land area.

3 Q. So the workforce housing is depicted by --  
4 it would be commercial four, three, two and one --

5 A. Yeah.

6 Q. -- on the map on page A-130?

7 A. Sure. What I'll -- I'll walk through it.  
8 So here is the plant site, so that's another  
9 boundary of our plant. So go across the section  
10 line. So commercial number four would be on the  
11 southern boundary of that quarter section. You can  
12 see the workforce housing is here. Having gone out  
13 there, I know they have sewer stubs and electrical  
14 stubs out there, so we believe that this -- if  
15 there is still demand, that this area might have  
16 additional homes or trailer houses or whatever you  
17 want to call that, but all the way down to this  
18 point. So I arbitrarily took a point that was  
19 closest to our project that had the highest noise  
20 impact.

21 And the other commercial would be the  
22 north end up here, that would be commercial three.  
23 Commercial two would be this building here. And  
24 commercial one would be located over here by the  
25 fuel serving station, truck stop.

1           Q.     With regard to these workforce housing  
2 sites that are in here near the station, will Basin  
3 be taking any mitigation efforts to try to reduce  
4 the noise? Because if you look on the map, it  
5 seems to be fairly -- fairly high up on the chart,  
6 the noise they'd be experiencing in those areas.

7           A.     Well, maybe that's a point of discussion.  
8 In our table that I've -- in our application, so  
9 Table 4-5, it's on page 4-18. So it's in the  
10 environmental analysis section.

11          Q.     Okay.

12          A.     Okay. So the  $L_{dn}$  -- so Figure 4-01 is the  
13 contours of the noise, but the table reflects the  
14 actual value. The highest residential sound  
15 pressure is 41.6 decibels. The highest commercial  
16 is just under -- or just over 47, so 47.1 decibels.  
17 So that's with all three units operating. One of  
18 the -- since there is not a noise standard per se,  
19 but what we've shown and we have discussed in this  
20 application and prior ones is a Housing and Urban  
21 Development, they have an  $L_{dn}$  standard of  
22 65 decibels. So these levels here are considerably  
23 less than what HUD would be considered to be a  
24 noise criteria that would cause, you know, some  
25 issue.

1           Another way of looking at this, too, is if  
2 you back up to page 4-16, so Table 4-4, so here is  
3 kind of typical sound pressure levels of what can  
4 we equate them to. A sound decibel level of around  
5 30 is what you would see in a quiet residential  
6 neighborhood. Going to 40 would be outside, you  
7 know, like a light breeze going through a farm  
8 field or, if you're indoors, it would be soft  
9 stereo music. If you get up to 50, it's still  
10 considered quiet, like a private office would be in  
11 the 50-decibel range. And once you start getting  
12 above that, you start getting -- whether you have  
13 highway traffic or general office noise, et cetera,  
14 all the way up to 80 would be what is referred to  
15 as moderately loud, so a diesel truck going  
16 40 miles an hour in 50 feet. So that's how you put  
17 it in reference.

18           And our noise analyses all indicate our  
19 highest impact on commercial property is 47. So  
20 it's -- it's something that is relative and what we  
21 believe is -- I'll call it compatible.

22           The other thing that's of note, you know,  
23 if you're outside having activities, but once you  
24 go indoors, those walls will provide, to my  
25 understanding, a good 10 to 15 decibels reduction.

1 So outside noise is what our -- our measurements  
2 reflect, and if you're inside, you actually get a  
3 reduction from that as well.

4 MR. SCHMIDT: Thank you.

5 No further questions, Your Honor.

6 JUDGE SEAWORTH: Mr. Lein.

7 **EXAMINATION**

8 **BY MR. LEIN:**

9 Q. Which one was the man camp? Commercial  
10 what, one?

11 A. Well, I think the commercial three and  
12 four, so that would be the south 40. So we're  
13 looking at, you know, right here, that would be  
14 three. Commercial four would be way down on the  
15 south end of the property, so basically straight  
16 east of our plant site. So I'd say commercial four  
17 being the modeled point.

18 Q. Okay. So commercial four is about where  
19 the man camp was going to go?

20 A. Well, the man camp, it's all through this  
21 area. We do know that it's zoned and it has the  
22 infrastructure to have additional housing, but --  
23 so the existing housing as we know it of December,  
24 that's basically in between three and four.

25 Q. Okay. And that man camp thing is supposed

1 to be a temporary structure; right?

2 A. I think I'll let the McKenzie County  
3 Planning and Zoning tell you that, but certainly  
4 it's got its use now. And interestingly enough, if  
5 you look here, it is a man camp. It's all zoned  
6 commercial/industrial, but what do we have inside  
7 of this? We have existing oil production going on  
8 here. Here's another oil well. We have an asphalt  
9 batch plant, so -- you know, this isn't operating  
10 now, but this whole area is going to be fairly well  
11 utilized. And this infrastructure was here when we  
12 went through the county planning and zoning, so  
13 everybody is aware of what our activities are and  
14 what exists out there as well.

15 Q. Okay. I asked before about what the  
16 boundaries of this site plant would be. Did you  
17 have a -- out of these maps and so forth, do you  
18 have one that you can identify as showing this is  
19 the permit area we're applying for?

20 A. Certainly. I'd like to refer you to our  
21 Appendix C of our application and Figure 2, which  
22 is the site layout. Did you find it?

23 Q. Okay.

24 A. Okay. Basically, you know, the property  
25 we own is that whole quarter section. We are

1 looking to permit as an energy conversion facility  
2 in our application that northern 800 feet of that  
3 property. So it spans across the whole quarter  
4 section, 800 feet north to south. Inside that  
5 48.48 acres is the 7-acre fenced-in area that's  
6 reflected in our exhibits that we've shown here  
7 today. And then the area to that east of that  
8 would be our potential laydown area. So we're  
9 looking at that entire greater rectangle box as the  
10 energy conversion facility.

11 Q. And so there are areas around there, the  
12 laydown area, the access roads and stuff like that,  
13 that make it necessary to permit a bigger area than  
14 just what we see in those eight acres?

15 A. Yeah. And you'll have your other  
16 infrastructure. Our transmission line that comes  
17 up from Hay Butte Substation, as it enters our  
18 properties, that's within this boundary as well.  
19 So you have the access road and you have what's  
20 inside the fence, which would be the actual  
21 operating facility. During construction, you know,  
22 what's not shown here, there is a parking area  
23 outside of that fence. That's to the west. During  
24 the plant life, that parking area will still be  
25 used for parking for contractors or maintenance

1 activities. So we think it would be prudent and  
2 sufficient to help our facility -- to support our  
3 facility to permit the entire 48.48 acres.

4 Q. I was looking for an environmental  
5 assessment document in here. Is there -- do we  
6 have such a thing in the record?

7 A. The EA is being -- is being prepared. It  
8 was sent out for comment. If it hasn't been to the  
9 docket, we could get that to your docket, but we're  
10 still looking for Rural Utilities Service issuing  
11 their FONSI here in February, but --

12 Q. Okay. And I think it would be good if we  
13 had the EA in the record as well.

14 A. Okay.

15 Q. So can we do that as a late filed or --

16 A. Yes.

17 MS. JACOBSON: I have no objection to  
18 that. We can certainly file that as --

19 JUDGE SEAWORTH: Mr. Schmidt?

20 MR. SCHMIDT: No objection to that.

21 JUDGE SEAWORTH: All right. Any other  
22 questions, Mr. Lein?

23 MR. LEIN: Let me just look for a second  
24 and make sure I've got them.

25 MS. JACOBSON: Your Honor, so that will be

1 No. 8; is that correct then?

2 JUDGE SEAWORTH: Yes. That will be marked  
3 No. 8, and the record will be left open for the  
4 submission of that late-filed exhibit.

5 Q. (MR. LEIN CONTINUING) I think Fish and  
6 Wildlife Service asked for an eagle survey. Did  
7 you do that?

8 A. They asked for an eagle survey, but at the  
9 start of construction. So there's actually some  
10 dates, so it's March -- I think it was in my  
11 testimony, Mr. Lein.

12 Q. Oh, okay. I missed it.

13 A. But, yes, we'll come here this spring. We  
14 will perform an eagle nest survey.

15 MR. LEIN: Okay. I think that's all I  
16 had. Thanks.

17 JUDGE SEAWORTH: Thank you. Chairman  
18 Kalk.

19 COMMISSIONER KALK: Thank you, Your Honor,  
20 and thank you, Cris.

21 **EXAMINATION**

22 **BY COMMISSIONER KALK:**

23 Q. I always like to give out full disclosure.  
24 Cris and I grew up together back in Bottineau, so I  
25 always like to ask a hundred questions of Cris;

1 right?

2 The -- Cris, the -- I'm trying to get a  
3 feel for -- you said the health -- or the air  
4 quality permit has already been issued, 2013?

5 A. That's correct.

6 Q. So is there one permit for all three  
7 stacks, if you will?

8 A. Yes. What they did -- we -- we  
9 certainly -- we needed a permit for the first unit  
10 and that was issued at the start of our  
11 construction. And then we applied for the  
12 follow-up for Units 2 and 3. And in doing so, that  
13 actually affected the first unit's pollution  
14 control equipment. By adding that second and third  
15 unit there, it basically required us to go back and  
16 put an SCR on that first unit. So all units were  
17 very similar and all three of them will have SCRs  
18 as well. But it will be one permit for all three  
19 units. That is correct.

20 Q. So is there a -- when they did -- and this  
21 is -- you know, I understand that the health  
22 department and others do the permitting, but we  
23 have the orderly development clause in our  
24 jurisdiction. And I'm trying to get a feel for  
25 where the feds and the state are going on how they

1 measure these air discharge permits. Is it so much  
2 per day, so much per week, so much per month? Do  
3 you have caps that you can't exceed? How is the  
4 permit written?

5 A. Actually, there are longer-term and  
6 shorter-term emission rates, so I believe it's a  
7 one-hour block is the shortest duration. And the  
8 highest -- you know, any -- any unit that emits, it  
9 is -- I'll call it the unstable. When you first  
10 turn it on, you have to have certain conditions on  
11 your operations for that NO<sub>x</sub> to operate, so you have  
12 to bring it up to temperature.

13 So when you first start up, you do have  
14 higher emission rates. So there are some  
15 short-term limits that are in place and you have to  
16 account for all your startup and shutdown and  
17 malfunction times. So there's a monitor,  
18 continuous emission monitor on all the stacks. All  
19 the emissions are reported.

20 Q. So was -- was NO<sub>x</sub> the most challenging to  
21 meet or the one that changed the most since what  
22 you're used to working?

23 A. With the combustion turbines, NO<sub>x</sub> has  
24 always been the pollutant that requires the  
25 largest, I'll call it, piece of equipment, and

1     it's -- but it's also a -- the control technology  
2     for NO<sub>x</sub> control is a very robust one and mature one  
3     as well. So SCRs are known and are proven  
4     technology. What is at issue, though, is how low  
5     can you go. And when you start -- I believe our  
6     permit level is like five parts per million for NO<sub>x</sub>.  
7     Once you start getting down to those lower numbers,  
8     you know, just your monitoring system and  
9     everything else comes into play. And one little  
10    burp, one little -- that monitor having a little  
11    drift, you can get some numbers that could put you  
12    out of compliance.

13             So it puts a big burden on the operator  
14    itself, then, to run a good shop and be very  
15    diligent on monitoring that equipment.

16             Q.    The -- so that basically drove you to do  
17    some of the procedures you had to do with the  
18    anhydrous ammonia?

19             A.    That's correct.

20             Q.    I'm still trying to understand that a  
21    little bit. So you mix them together at some point  
22    in time to lock up the nitrogen so it doesn't go  
23    into the air and then discharge in the water waste?

24             A.    No. What actually occurs is the --  
25    there's a catalyst bed that's in -- that's in the

1 flue gas or flue duct. Ammonia is injected and  
2 then it helps convert the oxides and nitrogen, and  
3 through that chemical process it actually just  
4 reduces it down to nitrogen oxide, NO -- or I  
5 should nitrogen monoxide, so then that's a stable  
6 form of nitric oxide and it's not reactive. So  
7 it's stable and doesn't cause the plume blight and  
8 the other detrimental effects. It doesn't remove  
9 it. It just converts it to a compound that is more  
10 environmentally friendly.

11 Q. So does it still get discharged into the  
12 atmosphere?

13 A. Yes. It just -- the nitrogen and oxygen,  
14 so it separates them.

15 Q. Okay. Fair enough.

16 A. So there's no -- the ammonia, what you  
17 want to do is there's a -- you know, the sciences  
18 get that catalyst bed designed correctly, and you  
19 don't want to emit too much -- or inject too much  
20 anhydrous ammonia because then you get ammonia slip  
21 and that ammonia slip will cause plume blight and  
22 cause, you know, visibility type of issues as well.  
23 So there's a balance of how much you inject versus  
24 that bed versus your actual NO<sub>x</sub> levels itself.

25 Q. Perfect. Thank you.

1           And then the last question, Cris, is  
2 the -- the storm water permit, that's a state  
3 permit; correct?

4           A.     Correct.

5           Q.     Was there any county permits for water  
6 discharge, local water boards or anything?

7           A.     No.

8           Q.     And that's unique probably to McKenzie  
9 County?

10          A.     The -- a lot of time in discharge permits  
11 otherwise, you will have a notification process  
12 through the county, but unless you're discharging  
13 some -- where you would have a large discharge and  
14 you could affect downstream landowners for their  
15 normal crop production or farming practices go,  
16 normally there's not a local discharge permit  
17 required, but there is a notification process and  
18 everybody can provide input.

19          Q.     So when the time -- if the time comes to  
20 discharge out of this storm water pond, whose  
21 property does it go onto in that flow?

22          A.     What the -- this area is kind of the  
23 headwaters of Lonesome Creek, because we're on a  
24 branch and that's where our name derived from, but  
25 the discharge pond is to the northwest of our plant

1 site. We can go back to an exhibit, but the  
2 natural flow will flow back to the west and south  
3 and there's a little creek down here. So it will  
4 end up flowing to the south and west.

5 One of the things that our discharge --  
6 one, it's not a very large area. We have the  
7 facility designed for a 25-year -- 24-hour rainfall  
8 event, which is pretty significant, but it also has  
9 a process where you can control the rate of  
10 discharge. So if we were up to a point where we  
11 did require discharge, you can control that so you  
12 do not cause, you know, great flooding of  
13 downstream lands or that stuff.

14 Q. As long as the pond is big enough.

15 A. That's correct.

16 Q. Is that your property all the way between  
17 the plant and the river?

18 A. I think we should probably go to  
19 another -- another map. That might help us out  
20 here. So it would be --

21 Q. I'm just driving at, if it's not your  
22 property, have you talked to the landowners, is  
23 about what it comes down to?

24 A. The discharge permit hasn't been issued  
25 yet so that public notice process hasn't occurred.

1 Have we contacted the landowners downstream? No,  
2 we have not.

3 COMMISSIONER KALK: I'd just put that out  
4 there as a not-a-bad-idea category, because we're  
5 dealing with that up in the Pioneer area and the  
6 ONEOK Stateline plant now for -- the water's been  
7 discharged and there are some landowners that --  
8 they had the opportunity, but they didn't realize  
9 what was happening until it happened. So it might  
10 not be a bad idea.

11 THE WITNESS: Okay.

12 COMMISSIONER KALK: Thank you, sir.

13 JUDGE SEAWORTH: Commissioner Christmann.

14 **EXAMINATION**

15 **BY COMMISSIONER CHRISTMANN:**

16 Q. Going back to the other map, just to make  
17 sure I have my perspective correct, the north  
18 boundary of the existing plant site over to Highway  
19 85 is a half mile; right?

20 A. That's correct.

21 Q. And then the farther west bar coming down  
22 on -- to indicate the workforce housing --

23 A. Okay. So north is the arrow up here. So  
24 this road here, 140th runs north and south.

25 Q. Right. And then look at the workforce

1 housing and there's a couple of bars going down the  
2 west end of it.

3 A. Mm-hmm.

4 Q. That's a half mile then from there over to  
5 140th Avenue?

6 A. You're referring to this line here,  
7 Commissioner?

8 Q. No. Come up on workforce housing, the bar  
9 closest -- the farthest to the west one. That one.

10 A. Okay.

11 Q. Okay. That line over to 140th, that must  
12 be a half mile.

13 A. That's correct.

14 Q. Okay. So would you care to characterize  
15 any discussions you've had with the farmer or  
16 rancher that lives over there to the east  
17 three-quarters of a mile or do we just read into  
18 what we will the fact that he or she is not here or  
19 what?

20 A. What -- if I can back up a little bit to  
21 earlier testimony, we talked about boiler permits  
22 were required and what notifications were done on a  
23 local basis. The McKenzie County conditional use  
24 permit process, there is a public notification  
25 process as well. We submitted the names of the

1 landowners surrounding our project. So when --  
2 when our application went through the local process  
3 here, those landowners were contacted through that  
4 mailing and there was a planning and zoning  
5 meeting. That would have been January 16. And  
6 then the County Commission meeting was on the 22nd  
7 and there was no -- no public input provided.

8 The landowner -- I guess having gone down  
9 here, it -- I don't have a hundred percent surety,  
10 but it appears to me that that farmstead's been  
11 rented out for some local -- you know, the current  
12 work horse areas. There's a lot of other pieces of  
13 equipment that probably wouldn't be used from a  
14 normal farming operation.

15 COMMISSIONER CHRISTMANN: Okay. I have no  
16 other questions. Thank you.

17 JUDGE SEAWORTH: Thank you.

18 Commissioner Fedorchak.

19 COMMISSIONER FEDORCHAK: Thank you, Cris.

20 **EXAMINATION**

21 **BY COMMISSIONER FEDORCHAK:**

22 Q. A couple questions on the emissions, back  
23 to that topic. Can you talk about how this plant  
24 does now or will conform to the New Source  
25 Performance Standards. And if you have to conform

1 to the standards that are set for new plants or if  
2 you're already far enough along on this project  
3 where you won't have to do those. And then if  
4 those end up being the standards for existing  
5 sources, how this plant complies with those in  
6 terms of carbon emissions, please.

7 A. Okay. The -- it -- well, like all rules,  
8 it all depends on when those get enacted and if  
9 you're an existing facility. Our permit for Phase  
10 II was issued in September of 2013. And in doing  
11 so then, that was prior to the New Source  
12 Performance Standards for CO<sub>2</sub>, so we were in  
13 compliance.

14 Now, our plant -- or PSC application, we  
15 had greenhouse gas BACT determination, so we have  
16 addressed the greenhouse gas issues as the rules  
17 required them to be when we went through our  
18 application process. But --

19 Q. So what are your levels? Can you tell us  
20 what level your emissions are for carbon dioxide  
21 with this facility?

22 A. Yes, I can. I guess I know -- I believe  
23 we -- that was stated in our application, just if  
24 my memory serves me well. It might take me a  
25 second to find that. We actually have the number

1 of tons that were emitted from the greenhouse gas,  
2 so I'll just have to find that.

3 Yeah. I'll refer to page 4-14 of the  
4 application. So for the whole year of operation  
5 for all three units it would be calculated out that  
6 we'd have just over 660,000 tons per year of  
7 greenhouse gas from the Lonesome Creek Station.

8 Q. Okay. Can you convert that to what it  
9 emits per -- what is it, the 1,100, is that per  
10 hour, per day?

11 COMMISSIONER KALK: Per pound.

12 Q. (COMMISSIONER FEDORCHAK CONTINUING) Per  
13 pound, yeah. Pounds per -- no, it's pounds per --

14 COMMISSIONER KALK: Megawatt.

15 THE WITNESS: Pound per megawatt on the  
16 standard. I do not have that number, but I do know  
17 that we are -- at the efficiencies of these units  
18 that we would be under, we would meet that  
19 standard.

20 Q. (COMMISSIONER FEDORCHAK CONTINUING) You  
21 would.

22 A. Yeah. And Mr. Steckler can certainly  
23 answer that more directly.

24 Q. He passed it to you. I asked him that,  
25 but maybe he didn't know what I was asking.

1 A. Yeah.

2 MR. STECKLER: No. I can answer that  
3 later on if you want.

4 COMMISSIONER FEDORCHAK: Okay. I think  
5 that's -- that's what I was looking for, if you  
6 guys meet that -- could meet that standard if  
7 that's where it's set.

8 Q. (COMMISSIONER FEDORCHAK CONTINUING) And  
9 then this might be a question for him, too, and  
10 this more just my own curiosity, but since --  
11 since -- so these are like jet engines?

12 A. (Nods head.)

13 Q. Do you know -- and you have to have the NO<sub>x</sub>  
14 emissions on -- on these emission control -- on  
15 these facilities. Do you know if they have to do  
16 that on jet engines or how is that regulated? I'm  
17 just curious if there are standards for that or if  
18 we're just holding generators to --

19 A. I'll let Mr. Steckler respond to that.

20 Q. Okay. And that can be off the record too.  
21 I can just visit with you about that.

22 The nearest residence to this facility is  
23 how far?

24 A. Approximately three-quarters of a mile,  
25 so --

1 Q. That's this one up here --

2 A. Yeah. It's back here.

3 Q. -- that you said is rented?

4 A. Yep, back to the east here.

5 COMMISSIONER FEDORCHAK: Okay. All right.

6 I think that's all my questions.

7 JUDGE SEAWORTH: Thank you.

8 Ms. Jacobson, any redirect?

9 MS. JACOBSON: No, Your Honor.

10 JUDGE SEAWORTH: Okay. Mr. Schmidt, any  
11 further questions?

12 MR. SCHMIDT: No, Your Honor.

13 JUDGE SEAWORTH: Mr. Lein?

14 MR. LEIN: No, Your Honor.

15 JUDGE SEAWORTH: Anyone else from the  
16 Commission?

17 COMMISSIONER KALK: No, Your Honor.

18 JUDGE SEAWORTH: All right. Thank you  
19 very much for your testimony.

20 Any further witnesses, Ms. Jacobson?

21 MS. JACOBSON: No, Your Honor.

22 JUDGE SEAWORTH: Mr. Schmidt, any  
23 witnesses for the PSC?

24 MR. SCHMIDT: No, Your Honor.

25 JUDGE SEAWORTH: All right. This is the

1 point in the hearing when we can have public  
2 testimony. I have a sign-up sheet here and several  
3 people have indicated that they would like to  
4 testify. Would you raise your hands if you'd like  
5 to testify today. Two individuals.

6 All right. Does it matter to you which  
7 one goes first?

8 MR. SKURUPEY: He can go.

9 JUDGE SEAWORTH: All right. Please come  
10 up to the witness chair.

11 Would you state your name for the record,  
12 please.

13 MR. MAHOWALD: Jerry Mahowald.

14 JUDGE SEAWORTH: Mr. Mahowald, were you in  
15 the room when I admonished the witnesses about the  
16 penalties for perjury for North Dakota?

17 MR. MAHOWALD: Yes.

18 (Witness sworn.)

19 JUDGE SEAWORTH: Can you tell us where you  
20 live?

21 THE WITNESS: Sidney, Montana.

22 JUDGE SEAWORTH: And who are you  
23 representing today?

24 MR. MAHOWALD: Upper Missouri G&T Electric  
25 Cooperative.



1 production are all rapidly increasing the demand  
2 for electricity in northwestern North Dakota and  
3 northeastern Montana. And with it, we also project  
4 continued and significant electric growth. This  
5 growth can also be attributed to the wide range of  
6 ancillary services from oil-related activity as  
7 well as the growth of all types of businesses and  
8 industry and community development resulting from  
9 the influx of people to the area.

10 Accelerated growth requires timely and  
11 coordinated development of our system  
12 infrastructure to increase generation and  
13 transmission capacities in this region so the  
14 demands are met without compromising reliability or  
15 public safety. The addition of Phase II of the  
16 Lonesome Creek Station and the construction of the  
17 two new 45 megawatt natural gas turbines are an  
18 important piece of Basin's commitment to  
19 reliability in this region.

20 It is important infrastructure additions  
21 and improvements are made for the timely  
22 development of schools, housing and industry as  
23 well as maintaining continued reliability to the  
24 residents, ranchers and all the industry already  
25 developed in this -- in our region.



1 Q. Is your area growing as much as the co-ops  
2 in North Dakota? I mean that's hard to quantify,  
3 but --

4 A. Our area does include the five co-ops in  
5 North Dakota, including McKenzie Electric here in  
6 Watford City. And the five co-ops here on the  
7 North Dakota side are probably growing a little  
8 faster than the ones on the Montana side.

9 Q. But you are seeing growth in the western  
10 part of your service area?

11 A. Yeah. Particularly with Sheridan Electric  
12 and Lower Yellowstone on the Montana side.

13 Q. Okay. And just a personal question, a  
14 Bobcat or a Grizzly?

15 A. Bison.

16 COMMISSIONER KALK: Good answer.

17 JUDGE SEAWORTH: Commissioner Christmann.

18 COMMISSIONER CHRISTMANN: I don't have any  
19 questions, Your Honor. Thank you for being here.

20 JUDGE SEAWORTH: Thank you.

21 Commissioner Fedorchak.

22 **EXAMINATION**

23 **BY COMMISSIONER FEDORCHAK:**

24 Q. My only question is do you think -- based  
25 on what you're seeing in your area on the growth

1 and demand, do you think this is enough? Is  
2 this --

3 A. I believe what Becky said, this is just  
4 part of an ongoing plan, just part of the piece of  
5 the generation needed to keep up with the demand.  
6 No, I don't think this will be the entire answer as  
7 this region continues to grow, but it's --

8 Q. But it will --

9 A. -- going to be a big help. Yes.

10 Q. -- keep you reliable for what you need  
11 now?

12 A. Mm-hmm.

13 COMMISSIONER FEDORCHAK: Okay. That's  
14 all. Thanks, Jeremy.

15 JUDGE SEAWORTH: All right. Thank you for  
16 your testimony.

17 Would you please state your name.

18 MR. SKURUPEY: John Skurupey,  
19 S-k-u-r-u-p-e-y.

20 JUDGE SEAWORTH: Were you in the room when  
21 I admonished the witnesses about the penalties for  
22 perjury in North Dakota?

23 MR. SKURUPEY: Yes, I was.

24 (Witness sworn.)

25 JUDGE SEAWORTH: Can you tell us where you

1 live.

2 MR. SKURUPEY: Watford City, North Dakota.

3 JUDGE SEAWORTH: And who are you  
4 representing today?

5 MR. SKURUPEY: McKenzie Electric  
6 Cooperative.

7 JUDGE SEAWORTH: All right. Please go  
8 ahead.

9 **JOHN SKURUPEY,**  
10 having been first duly sworn, was examined and  
11 testified as follows:

12 **STATEMENT**

13 **BY MR. SKURUPEY:**

14 MR. SKURUPEY: Well, thank you,  
15 Commissioners and Your Honor, for the opportunity  
16 to speak on this important topic.

17 I'd like you all to imagine you're in  
18 Watford City, North Dakota, maybe that you live  
19 here -- and, no, it's not that bad. And assume you  
20 want to go out and wash your car in your front  
21 driveway. And so you grab the hose and you've got  
22 plenty of water, plenty of volume and plenty of  
23 pressure to wash your car. But now imagine that  
24 you're standing in front of that same car with the  
25 hose that extends all the way to Bowman. You know

1 you're not going to have a lot of water pressure,  
2 you're not going to have a lot of volume coming out  
3 of that hose.

4 That's what we're facing here in western  
5 North Dakota. Our hose is too far away from the  
6 source and we need more sources, not only in  
7 generation, but we also need it in transmission.

8 We're -- McKenzie Electric is growing, and  
9 as we grow we continue to struggle with the ability  
10 to continue to serve our membership reliably. The  
11 voltage that we have on our transmission system is,  
12 I don't know -- to characterize it correctly,  
13 it's -- it's on a downward trend.

14 What that means is our -- we have a 115 kV  
15 system, which Basin is generating into, but as we  
16 get further and further away from the sources, that  
17 115 kV voltage drops, so it will get down around,  
18 you know, 112,000 volts, maybe even lower. And  
19 we're to the point in McKenzie County where our  
20 substations are all tapped up. In other words, in  
21 each substation we have the ability to change our  
22 taps on our transformers plus or minus 5 percent.  
23 All of those are tapped to the plus side. In other  
24 words, what that does is if the voltage is low  
25 coming in, it tries to maintain the proper

1 distribution voltage coming out. Those are all  
2 tapped up, plus our regulators within our  
3 substations are all running hot. In other words,  
4 they're trying to boost the voltage as much as they  
5 can.

6           So the need for additional capacity,  
7 whether that be generation or transmission or both,  
8 it's direly -- it's a dire need that we're  
9 realizing here.

10           Our system has grown to the point where  
11 we're losing our operational flexibility to do  
12 maintenance on items. For instance, we were -- we  
13 have two main feeds. One of them is Watford City,  
14 another one is in Killdeer. We needed to bring a  
15 new substation online. Well, the only way we could  
16 get that substation online without having mass  
17 outages was to wait for Basin to get Lonesome Creek  
18 1 up and operating. And as luck would have it, the  
19 temperatures moderated one day and Basin was in a  
20 testing phase on Lonesome Creek, it wasn't even  
21 commercial yet, and we got the go-ahead and we  
22 refeed our system and luckily it all held. But  
23 without Lonesome Creek 1, we wouldn't have been  
24 able to do that. That's how tight we're getting.

25           And every day that changes. And that's

1 not an exaggeration. Our loads increase every  
2 single day. Okay.

3 So a few tidbits on our growth as we  
4 talked at lunchtime. Since 2006, we've grown  
5 310 percent. In 1969 we grew -- or '69 -- in  
6 1912 -- or 2012, excuse me -- excuse me.

7 In 2012 we grew 69 percent. In 2013 we're  
8 sitting at 33 percent. 2014, in addition to the  
9 two gas plants that are coming on at ONEOK  
10 northeast of town, which is about 30  
11 more megawatts, we've got several other compression  
12 loads, oil pumping loads coming on, our load  
13 forecast for the two thousand -- the Basin 2014  
14 load forecast, we're looking in that 40 to  
15 45 percent growth rate for 2014. So things are  
16 still on the uptick.

17 2015 we've got the huge ONEOK plant that  
18 was announced that's a double -- it's twice the  
19 size of their usual ones. So those are the types  
20 of things that limit flaring. We get those things  
21 up and running -- and they want to run on station  
22 power. They don't like using gas generation,  
23 self-generation because it's not as reliable as the  
24 grid is. By the way, their large gas plant is  
25 called Lonesome Creek, so it's in close proximity

1 to this generation.

2 And to top it off, 92 -- as of today -- I  
3 looked this morning -- as of today, 92 of 192 rigs  
4 currently operating in western North Dakota are on  
5 our system. That's 48 percent.

6 So to kind of finish the analogy, if --  
7 if -- if we don't add some additional pumps and  
8 more wells to that hose that's being -- we're using  
9 from Bowman, the well's going to run dry for sure,  
10 and we are literally at that point. It's  
11 imperative that we get not only the Lonesome Creek  
12 generation up and running, but it's also imperative  
13 that we get the 345 line through here because  
14 without that, our own -- and I don't mean to mix  
15 projects here, but -- but literally both are dire  
16 to our existence here. If we don't get those  
17 additional services up here, we're going to start  
18 turning away consumers, and that means all  
19 consumers because we have to treat everybody the  
20 same way.

21 So I beg you to help us keep the lights  
22 on. That's all I have.

23 JUDGE SEAWORTH: Thank you.

24 Any questions, Ms. Jacobson?

25 MS. JACOBSON: No, Your Honor.

1 JUDGE SEAWORTH: Mr. Schmidt?

2 MR. SCHMIDT: No, Your Honor.

3 JUDGE SEAWORTH: Mr. Lein?

4 MR. LEIN: No, Your Honor.

5 JUDGE SEAWORTH: Chairman Kalk.

6 COMMISSIONER KALK: Thank you, Your Honor.

7 **EXAMINATION**

8 **BY COMMISSIONER KALK:**

9 Q. Thank you, John, for your testimony. You  
10 and I have visited a lot over the years, and the --  
11 do we have a service area agreement between  
12 McKenzie and MDU in Watford City?

13 A. Technically, in a manner of speaking, yes.  
14 It's not been approved by the Public Service  
15 Commission or the City of Watford City at this  
16 point in time. We're waiting on the franchise  
17 agreements to get finalized with the city.

18 Q. I'll look forward to whenever that works  
19 its way, because obviously you're figuring out  
20 who's serving who in the city area. That's good to  
21 hear.

22 The cost for your customers -- just some  
23 more -- these are all background just for me, I  
24 guess.

25 A. Sure.

1           Q.     How is your cost holding with these huge  
2 amounts of growth per kilowatt customer rates?

3           A.     We have a very smart board of directors  
4 and a very diligent management staff. We -- and  
5 oil companies are -- and gas companies are  
6 well-versed to plays such as this such that they  
7 understand the economics coming in. They can't  
8 expect our farmers and ranchers to step up to the  
9 plate and foot the bill long-term for their  
10 expansion.

11                     So from a financial standpoint, we ask  
12 that these entities come in and wherever there's  
13 some upfront capacity installation, whether that be  
14 transmission or substation, we ask that they step  
15 up to the plate and help foot the bill for that.

16                     And all distribution, whether you're a  
17 residential or a commercial entity, we have line  
18 extension costs so that you're effectively buying  
19 into the equity of the company.

20           Q.     Perfect. That's a lesson MDU, I think, is  
21 trying to learn now as well.

22                     So last question. The electric heating  
23 load, I know MDU works gas in the town of Watford  
24 City, but do you have a big heating load or does  
25 the gas get out in the rural areas through propane

1 or what do they use, most of your members?

2 A. There's a mixture. We have a lot of --  
3 and by a lot, I'm guessing it's between -- I had  
4 this number last year when I was in front of you  
5 guys. I think it's around 12 to 15 hundred  
6 electric heat meters, so there's that many  
7 consumers out there that have electric heat for a  
8 primary heating source.

9 COMMISSIONER KALK: All right. Thank you,  
10 John.

11 JUDGE SEAWORTH: Commissioner Christmann.

12 **EXAMINATION**

13 **BY COMMISSIONER CHRISTMANN:**

14 Q. What is your peak time? In the summer or  
15 in the winter or is your growth so fast it's just  
16 whichever one was last?

17 A. That's -- that's -- I just had this exact  
18 conversation in the back of the room. Our --  
19 historically, we've been a winter-peaking entity,  
20 but over the past two, maybe three years, our  
21 summer peak following the past winter peak has  
22 eclipsed the winter peak so -- then the next winter  
23 peak, so we're just chasing our tail.

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

1 JUDGE SEAWORTH: Commissioner Fedorchak.

2 EXAMINATION

3 BY COMMISSIONER FEDORCHAK:

4 Q. You talked some about the voltage issues,  
5 and we had a symposium last week and heard some of  
6 the challenges with voltage related to renewables.  
7 So I wanted to ask you a question about the new  
8 wind project -- I believe it's Basin's down by  
9 Hettinger -- and if you in this area see any  
10 benefit to that in terms of serving your load and  
11 if it has any impact and helps at all in the  
12 voltage issue.

13 A. Boy, you're --

14 Q. It's not in service yet, so maybe you  
15 don't --

16 A. Well, I would imagine -- and I'm guessing,  
17 okay, to some extent. I do understand the grid,  
18 but I don't know the intimate details of the grid,  
19 you know, as we sit here. But I do know that there  
20 are -- there was a coal generation created -- or  
21 constructed by Basin in northeast Wyoming that is  
22 actually helping to serve load in the Bakken.

23 So I would imagine something a little  
24 closer might -- if that's connected to the grid,  
25 might help in some way, shape or form.

1                   COMMISSIONER FEDORCHAK: Okay. All right.  
2 That's all my questions. Thank you.

3                   JUDGE SEAWORTH: Thank you very much for  
4 your testimony.

5                   Unless there's someone else, then that  
6 would conclude the public testimony portion of the  
7 hearing.

8                   Is there any other matter that anyone  
9 needs to bring to the attention of myself or the  
10 Commission?

11                  MR. SCHMIDT: Your Honor, I believe  
12 Mr. Mahowald left a letter up at the table. I  
13 guess how do we want to handle that as far as  
14 entering that?

15                  JUDGE SEAWORTH: Well, if -- is -- are you  
16 still here?

17                  MR. MAHOWALD: Yes.

18                  JUDGE SEAWORTH: Yes. Would it be all  
19 right if we entered that into the record?

20                  MR. MAHOWALD: Yes.

21                  JUDGE SEAWORTH: Counsel, I would suggest  
22 we just mark it as Exhibit 9. Does that work,  
23 Ms. Jacobson?

24                  MS. JACOBSON: Yes, Your Honor.

25                  JUDGE SEAWORTH: Mr. Schmidt?

1 MR. SCHMIDT: Yes, Your Honor.

2 JUDGE SEAWORTH: All right. We'll make  
3 sure the court reporter marks that before we leave.

4 All right. Anything else? Ms. Jacobson?

5 MS. JACOBSON: I don't think so, Your  
6 Honor.

7 JUDGE SEAWORTH: Okay. And Mr. Schmidt?

8 MR. SCHMIDT: Nothing further, Your Honor.

9 JUDGE SEAWORTH: All right. I assume that  
10 closing arguments are waived; is that correct?

11 MS. JACOBSON: Yes, Your Honor.

12 MR. SCHMIDT: Yes, Your Honor.

13 JUDGE SEAWORTH: Okay. And there's no  
14 need for briefs; is that also correct?

15 MS. JACOBSON: Yes, Your Honor.

16 JUDGE SEAWORTH: Okay. Just to make sure.

17 I understand, Ms. Jacobson, that you will  
18 be providing some proposed findings of fact,  
19 conclusions of law and a recommended order; is that  
20 correct?

21 MS. JACOBSON: Yes. That's correct.

22 JUDGE SEAWORTH: Okay. And any closing  
23 comments from the commissioners? Chairman Kalk.

24 COMMISSIONER KALK: Thank you, Your Honor.  
25 Thank you, Basin, for your testimony today and your

1 work setting this up, for Jerry and Brian as well,  
2 and for people from the public that stopped by  
3 today to say your piece.

4 I would just urge Basin to get their  
5 paperwork in as quick as possible so we can make a  
6 decision as quick as possible.

7 The -- we need generation in the state and  
8 we need to get some certainty out there. Like John  
9 was talking, what's going on up here, it's very  
10 critical that we get a decision on this 345 kV line  
11 in as soon as possible, and I think all these  
12 projects we just have to keep moving. But it makes  
13 it a lot easier for me particularly, I think all of  
14 us, that when you do a really good setup, it's  
15 easier to come in, we always learn from the  
16 questions that we ask, and today I couldn't think  
17 of anything except for the decommissioning, but  
18 we'll come to that next time.

19 So thank you all.

20 JUDGE SEAWORTH: Thank you.

21 Commissioner Christmann.

22 COMMISSIONER CHRISTMANN: Well, Your  
23 Honor, sometimes I've been sort of critical of some  
24 people that have come before us in hearings for --  
25 you know, where we have to kind of wedge

1 information out of them.

2 And I just give kudos to Basin on the way  
3 they present information and the people they bring  
4 before us to testify. Did a good job of having  
5 most of it laid out in the application and going  
6 through it today in the hearing and didn't leave a  
7 lot of questions to be asked. But I think they did  
8 a nice job of setting this up for us.

9 JUDGE SEAWORTH: Thank you.

10 Commissioner Fedorchak.

11 COMMISSIONER FEDORCHAK: I would echo that  
12 and just say an extra thanks to John and Jeremy for  
13 taking time to be here today. The real impact from  
14 the people on the ground who are affected the most  
15 has the greatest impact for me personally and it's  
16 really helpful to always be hearing what you guys  
17 are experiencing and being able to have those facts  
18 and figures to share with the folks that talk to us  
19 about these things as well. Really appreciate your  
20 time here today.

21 And thank you.

22 JUDGE SEAWORTH: And thank you, too,  
23 everyone.

24 And I'd just remind counsel that the  
25 record is open for the receipt of Exhibit 8.

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And with that, the hearing is closed.  
It's just about 1:35. Thanks very much.  
(Concluded at 1:34 p.m., the same day.)

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CERTIFICATE OF COURT REPORTER

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

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

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

Dated at Bismarck, North Dakota, this 12th day of February, 2014.

-----  
Stephanie A. Smith  
Registered Professional Reporter

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